S. 1254

To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2011

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Department of Defense
5 Authorization Act for Fiscal Year 2012”.
6 SEC. 2. TABLE OF CONTENTS.
7 The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Scoring of budgetary effects.

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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.

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 2012 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—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH–60R/S HELICOPTERS.

(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 2012 program year, for the procurement of mission avionics and common cockpits for MH–60R/S 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 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Air Force Programs

SEC. 131. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) Contract Authority.—

(1) In general.—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract for such procurement.
(2) Cost reduction.—The Secretary may include in a contract entered into under paragraph (1) the following:

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

(B) Cost reduction initiatives.

(3) Use of incremental funding.—The Secretary 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 advanced extremely high frequency satellites authorized by subsection (a) may not exceed $3,100,000,000.

(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.

(e) **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 the Secretary submits to the congressional defense committees written notification of the increase made to that limitation.

(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, 2011.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) An increase in the cost of an advanced extremely high frequency 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 2012, 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 Gov-
ernment to the requirements of the contract, in-
cluding 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 Sec-
retary shall submit to the congressional defense com-
mittees a plan for using the cost savings described
in paragraph (1)(A) to improve the capability of
military satellite communications that includes a de-
scription 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.

(c) 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 2012 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 obso-
lete parts for advanced extremely high frequency satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite 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 advanced extremely high frequency 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. 132. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO THE B–2 BOMBER AIRCRAFT.

Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B–2 bomber aircraft aircraft modifications, post-production support, and other charges, $20,000,000 shall be available for fiscal year 2012 for research, development, test, and evaluation with respect to a conventional mixed load capability for the B–2 bomber aircraft.
SEC. 133. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO SUPPORT ALTERNATIVE OPTIONS FOR EXTREMELY HIGH FREQUENCY TERMINAL INCREMENT 1 PROGRAM OF RECORD.

(a) In General.—Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B–2 bomber aircraft modifications, post-production support, and other charges, $15,000,000 shall be available to support alternative options for the extremely high frequency terminal Increment 1 program of record.

(b) Plan to Secure Protected Communications.—Not later than February 1, 2012, the Secretary of the Air Force shall submit to the congressional defense committees a plan to provide an extremely high frequency terminal for secure protected communications for the B–2 bomber aircraft and other aircraft.

SEC. 134. LIMITATIONS ON USE OF FUNDS TO RETIRE B–1 BOMBER AIRCRAFT.

(a) In General.—None of the funds authorized to be appropriated by this Act for fiscal year 2012 for the Department of Defense may be obligated or expended—

(1) on or before the date on which the Secretary of the Air Force submits to the congressional defense committees the plan described in subsection (b), to retire any B–1 bomber aircraft; or
(2) after that date, to retire more than six B–1 bomber aircraft.

(b) PLAN DESCRIBED.—The plan described in this subsection is a plan for retiring B–1 bomber aircraft that includes the following:

(1) An identification of each B–1 bomber aircraft that will be retired and the disposition plan for such aircraft.

(2) An estimate of the savings that will result from the proposed retirement of six B–1 bomber aircraft in each calendar year through calendar year 2022.

(3) An estimate of the amount of the savings described in paragraph (2) that will be reinvested in the modernization of B–1 bomber aircraft still in service in each calendar year through calendar year 2022.

(4) A modernization plan for sustaining the remaining B–1 bomber aircraft through at least calendar year 2022.

(5) An estimate of the amount of funding required to fully fund the modernization plan described in paragraph (4) for each calendar year through calendar year 2022.
(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) an amount that is not less than 60 percent of the savings achieved in each calendar year through calendar year 2022 resulting from the retirement of B–1 bomber aircraft should be reinvested in modernizing and sustaining bomber aircraft; and

(2) an amount that is not less than 35 percent of the amount described in paragraph (1) should be reinvested in modernizing and sustaining the remaining B–1 bomber aircraft through at least calendar year 2022.

**SEC. 135. LIMITATION ON RETIREMENT OF U–2 AIRCRAFT.**

(a) **LIMITATION.**—The Secretary of the Air Force may take no action that would prevent the Air Force from maintaining the U–2 aircraft fleet in its current configuration and capability beyond fiscal year 2016 until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the appropriate committees of Congress that the operating and sustainment (O&S) costs for the Global Hawk unmanned aerial vehicle (UAV) are less than the operating and sustainment costs for the U–2 aircraft on a comparable flight-hour cost basis.
(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

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

Subtitle D—Joint and Multiservice Matters

SEC. 151. INCLUSION OF INFORMATION ON APPROVED COMBAT MISSION REQUIREMENTS IN QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENT FUNDS.

Section 123(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4159; 10 U.S.C. 167 note) is amended by adding at the end the following new paragraphs:

“(6) A table setting forth the Combat Mission Requirements approved during the fiscal year in which such report is submitted and the two preceding fiscal years, including for each such Requirement—
“(A) the title of such Requirement;

“(B) the date of approval of such Requirement; and

“(C) the amount of funding approved for such Requirement, and the source of such approved funds.

“(7) A statement of the amount of any unspent Combat Mission Requirements funds from the fiscal year in which such report is submitted and the two preceding fiscal years.”.

SEC. 152. F–35 JOINT STRIKE FIGHTER AIRCRAFT.

In entering into a contract for the procurement of aircraft for the fifth low-rate initial production contract lot (LRIP-5) for the F–35 Lightning II Joint Strike Fighter aircraft, the Secretary of Defense shall ensure each of the following:

(1) That the contract is a fixed price contract.

(2) That the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.
SEC. 153. REPORT ON PLAN TO IMPLEMENT WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009 MEASURES WITHIN THE JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

At the same time the budget of the President for fiscal year 2013 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Department of Defense to implement the requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23), and the amendments made by that Act, within the Joint Strike Fighter (JSF) aircraft program. The report shall set forth the following:

(1) Specific goals for implementing the requirements of the Weapon Systems Acquisition Reform Act of 2009, and the amendments made by that Act, within the Joint Strike Fighter aircraft program.

(2) A schedule for achieving each goal set forth under paragraph (1) for the Joint Strike Fighter aircraft program.
SEC. 154. MULTIYEAR PROCUREMENT AUTHORITY FOR AIR-FRAMES FOR ARMY UH–60M/HH–60M HELICOPTERS AND NAVY MH–60R/MH–60S HELICOPTERS.

(a) Authority for Multiyear Procurement.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of airframes for UH–60M/HH–60M helicopters and, acting as the executive agent for the Department of the Navy, for the procurement of airframes for MH–60R/MH–60S helicopters.

(b) Condition for Out-Year 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 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 155. DESIGNATION OF UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) Designation.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate the undersea mobility acquisition program of the United
States Special Operations Command as a major defense acquisition program (MDAP).

(b) ELEMENTS.—The major defense acquisition program designated under subsection (a) shall consist of the elements as follows:

(1) The Dry Combat Submersible-Light program.

(2) The Dry Combat Submersible-Medium program.

(3) The Shallow Water Combat Submersible program.

(4) The Next-Generation Submarine Shelter program.

SEC. 156. TRANSFER OF AIR FORCE C–12 LIBERTY INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT TO THE ARMY.

(a) PLAN FOR TRANSFER.—The Secretary of Defense shall develop and carry out a plan for the orderly transfer of the Air Force C–12 Liberty Intelligence, Surveillance, and Reconnaissance (ISR) aircraft to the Army to avoid the need for the Army to procure additional C–12 aircraft for the replacement of the Guardrail aircraft fleet under the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) program.
(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) take into account the ability of Army personnel now operating the Guardrail aircraft to take over operation of C–12 Liberty aircraft as Guardrail aircraft are retired, freeing up Air Force personnel for reallocation to meet the expanding orbit requirements for Unmanned Aerial Systems;

(2) take into account the need to sustain intelligence, surveillance, and reconnaissance support for forces deployed to Afghanistan and elsewhere; and

(3) provide for the modification of the Liberty C–12 aircraft transferred under the plan to meet the long-term needs of the Army for the Enhanced Medium Altitude Reconnaissance and Surveillance System configuration to replace the Guardrail system.

(c) REPORT.—Not later than the date on which the budget for fiscal year 2013 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense and intelligence committees a report on the plan required by subsection (a). The report shall include a description of the plan and an estimate of the costs to be avoided through cancellation of aircraft procurement under the Enhanced Medium Altitude Reconnaissance and Surveil-
lance System program by reason of the transfer of aircraft under the plan.

SEC. 157. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT RE-ENGINING PROGRAM.

(a) REPORT ON AUDIT OF FUNDS FOR PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Air Force Audit Agency shall submit to the congressional defense committees the results of a financial audit of the funds previously authorized and appropriated for the Joint Surveillance Target Attack Radar System (JSTARS) aircraft re-engining program.

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

(A) A description of how the funds described in that paragraph were expended, including—

(i) an assessment of the existence, completeness, and cost of the assets acquired with such funds; and

(ii) an assessment of the costs that were capitalized as military equipment and inventory and the cost characterized as operating expenses (including payroll, freight...
and shipment, inspection, and other oper-
ating costs).

(B) A statement of the amount of such
funds that remain available for obligation and
expenditure, and in which accounts.

(b) USE OF REMAINING FUNDS.—The Secretary of
the Air Force shall take appropriate actions to ensure that
any funds described by subsection (a)(2)(B) are obligated
and expended for the purpose for which originally author-
ized and appropriated, including, but not limited to, the
installation of two engine shipsets on two operational
Joint Surveillance Target Attack Radar System aircraft
and the purchase of two spare engines.

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
fiscal year 2012 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. PROHIBITIONS RELATING TO USE OF FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON THE F136 ENGINE.

(a) Prohibition on Use of Funds for RDT&E.—None of the amounts authorized to be appropriated by this Act may be obligated or expended for research, development, test, or evaluation on the F136 engine.

(b) Prohibition on Treatment of Certain Expenditures as Allowable Charges.—No research, development, test, or evaluation on the F136 engine that is conducted and funded by the contractor may be considered an allowable charge on any future government contract, whether as a direct or indirect cost.

SEC. 212. LIMITATION ON USE OF FUNDS FOR INCREMENT 2 OF B–2 BOMBER AIRCRAFT EXTREMELY HIGH FREQUENCY SATELLITE COMMUNICATIONS PROGRAM.

None of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201 and available for Increment 2 of the B–2 bomber aircraft extremely high frequency satellite communica-
tions program may be obligated or expended until the date
that is 15 days after the date on which the Secretary of
the Air Force submits to the congressional defense com-
mittees the following:

(1) The certification of the Secretary that—

(A) the United States Government will
own the data rights to any extremely high fre-
quency active electronically steered array an-
tenna developed for use as part of a system to
support extremely high frequency protected sat-
ellite communications for the B–2 bomber air-
craft; and

(B) the use of an extremely high frequency
active electronically steered array antenna is
the most cost effective and lowest risk option
available to support extremely high frequency
satellite communications for the B–2 bomber
aircraft.

(2) A detailed plan setting forth the projected
cost and schedule for research, development, and
testing on the extremely high frequency active elec-
tronically steered array antenna.
SEC. 213. UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE.

Of the amounts authorized to be appropriated for fiscal year 2012 for the Navy for research, development, test, and evaluation and available for purposes of the Unmanned Carrier Launched Airborne Surveillance and Strike (UCLASS) program (PE 64404N) as specified in the funding table in section 4201, not more than 50 percent may be obligated or expended for such purposes until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the Under Secretary has approved an acquisition plan for that program at Milestone A approval that requires implementation of open architecture standards for that program.

SEC. 214. MARINE CORPS GROUND COMBAT VEHICLES.

(a) LIMITATION ON MILESTONE B APPROVAL FOR MARINE PERSONNEL CARRIER PENDING ANALYSIS OF ALTERNATIVES FOR AMPHIBIOUS COMBAT VEHICLE.—

(1) LIMITATION.—Milestone B approval may not be granted for the Marine Personnel Carrier (MPC) until 30 days after the date of the submittal to the congressional defense committees of an Analysis of Alternatives (AoA) for the Amphibious Combat Vehicle (ACV).
(2) REQUIREMENTS FOR ANALYSIS OF ALTERNATIVES.—The Analysis of Alternatives for the Amphibious Combat Vehicle required by paragraph (1) shall include each of the following:

(A) An assessment of the ability of the Navy to defend its vessels against attacks at distances from shore ranging from 10-to-30 nautical miles during amphibious assault operations in multiple potential future conflict scenarios, based on existing and planned and budgeted defense capabilities. The assessment shall identify the key issues and variables that determine survivability in each of the scenarios assessed.

(B) An assessment of the amount of time Marines can be expected to ride in a non-planing amphibious assault vehicle without suffering a significant degradation in combat effectiveness. The Marine Corps shall conduct tests to support such assessment using existing Amphibious Assault Vehicles and Expeditionary Fighting Vehicle SDD–2 prototypes.

(C) An assessment of the armor protection levels the Amphibious Combat Vehicle would require to satisfy the requirements for the Marine
Personnel Carrier program, and an assessment whether a non-planing Amphibious Combat Vehicle could practically achieve that armor protection level while meeting other objectives for mobility and cost.

(D) An assessment of whether an Amphibious Combat Vehicle system could perform the range of amphibious assault and land warfare missions for the Marine Corps at a life-cycle cost approximately equal to or less than the combined cost of the Amphibious Combat Vehicle and Marine Personnel Carrier programs, and an assessment of the extent to which a ground combat vehicle fleet composed entirely of Amphibious Combat Vehicles would enhance the amphibious assault capabilities of the Marine Corps when compared with a fleet composed of a mixture of Amphibious Combat Vehicles and Marine Personnel Carriers.

(3) Support of Analysis of Alternatives.—The Marine Corps may conduct such technology development and demonstration, and such other pre-acquisition activities, tests, exercises, and modeling, as the Marine Corps considers necessary to support the Analysis of Alternatives re-
required by paragraph (1) and the establishment of re-
quirements for the Amphibious Combat Vehicle.

(b) LIMITATION ON MILESTONE B APPROVAL FOR
VARIOUS VEHICLES PENDING LIFE-CYCLE COST ASSESS-
MENT.—

(1) LIMITATION.—Milestone B approval may
not be granted for any Marine Corps ground combat
vehicle specified in paragraph (2) until 30 days after
the date of the submittal to the congressional de-
fense committees of a life-cycle cost assessment of
the portfolio of Marine Corps ground vehicles per-
formed by the Director of Cost Assessment and Pro-
gram Evaluation of the Department of Defense.

(2) COVERED VEHICLES.—The Marine Corps
ground combat vehicles specified in this paragraph
are the following:

(A) The Marine Personnel Carrier.

(B) The Amphibious Combat Vehicle.

(C) The Joint Light Tactical Vehicle
(JLTV).

(D) Any other ground combat vehicle of
the Marine Corps under development as of the
date of the enactment of this Act for which
Milestone B approval has not been granted as
of that date.
(c) **Availability of Funds.**—Of the amounts authorized to be appropriated for fiscal year 2012 by section 201 and available for research, development, test, and evaluation for the Navy as specified in the funding tables in section 4201 for Program Elements 0603611M and 0206623M for the Amphibious Combat Vehicle, the Assault Amphibious Vehicle 7A1, and the Marine Personnel Carrier, $30,000,000 is available for pre-acquisition activities in support of the Analysis of Alternatives and requirements definition for the Amphibious Combat Vehicle.

(d) **Milestone B Approval Defined.**—In this section, the term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

**Subtitle C—Missile Defense Matters**

**SEC. 231. ENHANCED OVERSIGHT OF MISSILE DEFENSE ACQUISITION PROGRAMS.**


(1) in subsection (d), by striking “each report” and inserting “each of the first three reports”; and
(2) by adding at the end the following new subsection:

“(e) COMPTROLLER GENERAL ASSESSMENT.—(1) At the end of each of fiscal years 2012 through 2015, the Comptroller General of the United States shall review the annual reports on acquisition baselines and variances required under subsection (c) and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.

“(2) Not later than February 15, 2013, and each year thereafter through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year. Each report shall include any findings and recommendations on missile defense acquisition programs and accountability therefore that the Comptroller General considers appropriate.”.

(b) REPEAL OF SUPERSEDED REPORTING AUTHORITY.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsection (g).

SEC. 232. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:
(1) The Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System was deployed initially in 2004 as a contingency capability to provide initial protection of the United States homeland against potential limited long-range missile attacks by nations such as North Korea and Iran.

(2) As the Director of Operational Test and Evaluation has reported, prior to the decision in December 2002 to deploy the system, an operationally representative variant of the Ground-Based Interceptor had not been flight-tested.

(3) As the Department of Defense and the Government Accountability Office have acknowledged, the Ground-based Midcourse Defense system experienced high levels of concurrency in development and deployment, which led to a number of problems. In April 2011, the Missile Defense Agency acknowledged that the system “is still evolving and has not attained a stable configuration between missiles. It is still an ‘operational prototype’ system”.

(4) The Director of Operational Test and Evaluation reported in December 2010 that there have not been enough flight tests of the Ground-based Midcourse Defense system to permit an objective as-
essment of its operational effectiveness, suitability data remain insufficient, evaluation of survivability remains limited, and a “full end-to end performance assessment is still a minimum of 6 years away”.

(5) As is to be expected from a developmental system, the Ground-based Midcourse Defense system has experienced a number of technical problems in flight tests. Many of these problems have been resolved with further development, as demonstrated in successful flight tests. The system has been under continuous improvement since it was first deployed, but has not yet obtained desired levels of effectiveness, suitability, or reliability.

(6) In 2009, the Secretary of Defense announced that the Department of Defense would refocus efforts on improving the operational capability, reliability, and availability of the Ground-based Midcourse Defense system in order to maintain its ability to stay ahead of projected threats from North Korea and Iran for the foreseeable future.

(7) In February 2010 the Ballistic Missile Defense Review stated the United States is currently protected against limited intercontinental ballistic missile attacks as a result of investments made over
the past decade in the Ground-based Midcourse Defense system and reiterated the commitment to improving the operational capability, reliability, and availability of the Ground-based Midcourse Defense System.

(8) The two most recent flight tests of the Ground-based Midcourse Defense system, using the newest Capability Enhancement-2 Exo-atmospheric Kill Vehicle (EKV) design, each failed to achieve the intended interception of a target.

(9) The two most recent flight tests are not indicative of the functionality of the Capability Enhancement-1 Exo-atmospheric Kill Vehicle design, which continues to provide the United States protection against a limited intercontinental ballistic missile attack.

(10) The Missile Defense Agency established a Failure Review Board to determine the root cause of the December 2010 flight-test failure of the Ground-based Midcourse Defense system. Its analysis will inform the proposed correction of the problem causing the flight-test failure.

(11) The Missile Defense Agency plans to design a correction of the problem causing the December 2010 flight-test failure and to verify the correc-
tion through extensive modeling and simulation, ground testing, and two flight tests, the first of which will not be an interception test.

(12) Until completing the verification of its corrective action, the Missile Defense Agency has suspended further production of Exo-atmospheric Kill Vehicles to ensure that potential flaws are not incorporated into them, and to permit any corrective action that may be needed to Exo-atmospheric Kill Vehicles at minimal cost and schedule risk.

(13) The Director of the Missile Defense Agency has testified that the Missile Defense Agency has sufficient funding available and planned for fiscal years 2011 and 2012, respectively, to implement the planned correction of the problem causing the December 2010 flight-test failure.

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

(1) it is essential for the Ground-based Mid-course Defense element of the Ballistic Missile 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, throughout its
operational service life, against limited future missile
attacks from nations such as North Korea and Iran;

(2) the Missile Defense Agency should, as its
highest priority, determine the root cause of the De-
cember 2010 flight-test failure of the Ground-based
Midcourse Defense system, design a correction of
the problem causing the flight-test failure, and verify
through extensive testing that such correction is ef-
fective and will allow the Ground-based Midcourse
Defense system to reach levels described in para-
graph (1);

(3) before verifying the success of the correction
of the problem causing the December 2010 flight-
test failure, the Missile Defense Agency should sus-
pend further production of Exo-atmospheric Kill Ve-
hicles to ensure that they will not be deployed with
any component or design flaws that may have
caused the flight-test failure;

(4) after the Missile Defense Agency has
verified the correction of the problem causing the
December 2010 flight-test failure, including through
the two previously unplanned verification flight tests,
the Agency should assess the need for any additional
Ground-Based Interceptors and any additional steps
needed for the Ground-based Midcourse Defense
testing and sustainment program; and

(5) the Department of Defense should plan for
and budget sufficient future funds for the Ground-
based Midcourse Defense program to ensure the
ability to complete and verify an effective correction
of the problem causing the December 2010 flight-
test failure, and to mitigate the effects of corrective
actions on previously planned program work that is
deferred as a result of such corrective actions.

(c) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 120
days after the date of the enactment of this Act, and
one year thereafter, the Secretary of Defense shall
submit to the congressional defense committees a re-
port describing the plan of the Department of De-
fense to correct the problem causing the December
2010 flight-test failure of the Ground-based Mid-
course Defense system, and any progress toward the
achievement of that plan.

(2) ELEMENTS.—Each report required by para-
graph (1) shall include the following:

(A) A detailed discussion of the plan to
correct the problem described in that para-
graph, including plans for diagnostic, design, testing, and manufacturing actions.

(B) A detailed discussion of any results obtained from the plan described in subparagraph (A) as of the date of such report, including diagnostic, design, testing, or manufacturing results.

(C) A description of any cost or schedule impact of the plan on the Ground-based Midcourse Defense program, including on testing, production, refurbishment, or deferred work.

(D) A description of any planned adjustments to the Ground-based Midcourse Defense program as a result of the implementation of the plan, including future programmatic, schedule, testing, or funding adjustments.

(E) A description of any enhancements to the capability of the Ground-based Midcourse Defense system achieved or planned since the submittal of the budget for fiscal year 2010 pursuant to section 1105 of title 31, United States Code.

(3) Form.—Each report required by paragraph (1) shall be 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 cooperation in responding to the challenge of ballistic missile proliferation. . . We have instructed our experts to work together to analyze the ballistic missile challenges of the 21st century and to prepare appropriate 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 inter-
est of the United States and, with regard to coopera-
tion 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 “invite Russia to explore jointly the po-
tential 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 defence with
Russia”, that “NATO-Russia cooperation is of stra-
tegic 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 Assistant 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 coop-
erative efforts.” Further, Dr. Roberts stated that
the United States would not provide any classified
information to Russia without first conducting a Na-
tional Disclosure Policy review. He also stated that
the United States is not considering sharing “hit-to-
kill” technology with Russia.

(11) The United States and Russia already en-
gage 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.

(12) The United States currently has shared
early warning agreements and programs of coopera-
tion with eight nations in addition to the North At-
tlantic 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 in-
formation.
(13) Russia and the United States each have
missile launch early warning and detection and
tracking sensors that could contribute to and en-
hance each others’ ability to detect, track, and defend
against ballistic missile threats from Iran.

(14) 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 Con-
gress 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 se-
curity 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 bi-
lateral 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 acknowl-
edged in the December 18, 2010, letter from Presi-
dent Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature; and

(4) 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.

(e) Report.—
(1) Report required.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the status of efforts to reach agreement with Russia on missile defense cooperation.

(2) Elements.—The report required under paragraph (1) shall include the following:

(A) A summary of the status of discussions between the United States and Russia, and between the North Atlantic Treaty Organization and Russia, on efforts to agree on missile defense cooperation.

(B) A description of any agreements reached pursuant to such discussions, and any specific cooperative measures agreed, implemented, or planned.

(C) A discussion of the manner in which such cooperative measures would enhance the security of the United States, and the manner in which such cooperative measures fit within the larger context of United States-Russian cooperation on international security.
(D) A description of the status of efforts to conclude a bilateral Defense Technology Co-
operation Agreement with Russia.

(E) A description of the status of any Na-
tional Disclosure Policy Review relative to the possible sharing of classified information with Russia concerning missile defense cooperation.

(F) A discussion of the actions that are being taken or are planned to be taken to safe-
guard United States classified information in any agreement or discussions with Russia con-
cerning missile defense cooperation.

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

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “approp-
riate committees of Congress” means—

(A) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(B) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.
Subtitle D—Reports

SEC. 251. EXTENSION OF REQUIREMENTS FOR BIENNIAL ROADMAP AND ANNUAL REVIEW AND CERTIFICATION ON FUNDING FOR DEVELOPMENT OF HYPersonics.


Subtitle E—Other Matters

SEC. 261. CONTRACTOR COST-SHARING IN PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.


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

(2) by inserting after subsection (a) the following new subsection (b):

“(b) COST-SHARING.—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system either (1) for the develop-
ment of program protection strategies for the system, or
(2) for the design and incorporation of exportability fea-
tures into the system shall include a cost-sharing provision
that requires the contractor to bear at least one half of
the cost of such activities.”.

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 2012 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. MODIFICATION OF ENERGY PERFORMANCE
GOALS.
(a) MODIFICATION OF GOALS.—Section 2911(e) of
title 10, United States Code, is amended—
(1) in the subsection heading, by striking
“GOAL” and inserting “GOALS”; and
(2) in paragraph (1)—
(A) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively; and

(B) by inserting before subparagraph (D), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

“(A) to produce or procure not less than 12 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2015 through 2017 from renewable energy sources;

“(B) to produce or procure not less than 16 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2018 through 2020 from renewable energy sources;

“(C) to produce or procure not less than 20 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2021 through 2024 from renewable energy sources;”.

(b) Inclusion of Direct Solar as Energy Efficient Product.—Section 2915(e)(2)(A) of such title is amended by inserting “direct solar,” after “Roof-top solar thermal,”.
SEC. 312. STREAMLINED ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS.

(a) In General.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2711. Annual report on defense environmental programs

“(a) Report Required.—The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on defense environmental programs. Each report shall include:

“(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, the following elements:

“(A) Information on the Installation Restoration Program, including the following:

“(i) The total number of sites in the IRP.

“(ii) The number of sites in the IRP that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding calendar year.
“(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the environmental restoration program during the fiscal year for which the budget is submitted.

“(iv) The Secretary’s assessment of the overall progress of the IRP.

“(B) Information on the Military Munitions Restoration Program (MMRP), including the following:

“(i) The total number of sites in the MMRP.

“(ii) The number of sites that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding calendar year.

“(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the MMRP during the fiscal year for which the budget is submitted.

“(iv) The Secretary’s assessment of the overall progress of the MMRP.
“(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

“(A) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted; and

“(B) an explanation for any significant change in such amounts during the period covered.

“(3) With respect to the environmental technology program of the Department of Defense—

“(A) a report on the progress made by in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years; and

“(B) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the
fiscal year in which the report is submitted, the
fiscal year for which the budget is submitted,
and the fiscal year following the fiscal year for
which the budget is submitted.

“(b) DEFINITIONS.—For purposes of this section—

“(1) the term ‘environmental quality program’
means a program of activities relating to environ-
mental compliance, conservation, pollution preven-
tion, and other activities relating to environmental
quality as the Secretary may designate; and

“(2) the term ‘major activities’ with respect to
an environmental program means—

“(A) environmental compliance activities;
“(B) conservation activities; and
“(C) pollution prevention activities.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 2710 the following new
item:

“2711. Annual report on defense environmental programs.”.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION
AGENCY OF STIPULATED PENALTIES IN CON-
NECTION WITH JACKSON PARK HOUSING
COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—
(1) **Transfer Amount.**—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than $45,000 to the Hazardous Substance Superfund Jackson Park Housing Complex, Washington, special account.

(2) **Purpose of Transfer.**—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 7, 2009, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to submit a draft Final Remedial Investigation/Feasibility Study for the Jackson Park Housing Complex Operable Unit (OU-3T-JPHC) in accordance with the requirements of the Interagency Agreement (Administrative Docket No. CERCLA-10-2005-0023).

(b) **Source of Funds.**—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301 for operation and maintenance for Environmental Restoration, Navy.

(c) **Use of Funds.**—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.
SEC. 314. REQUIREMENTS RELATING TO AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to make a final decision on or final adjudication of any claim filed regarding water contamination at Marine Corps Base Camp Lejeune unless the Agency for Toxic Substances and Disease Registry completes all epidemiological and water modeling studies relevant to such contamination that are ongoing as of June 1, 2011, and certifies the completion of all such studies in writing to the Committees on Armed Services for the Senate and the House of Representatives. This provision does not prevent the use of funds for routine administrative tasks required to maintain such claims nor does it prohibit the use of funds for matters pending in Federal court.

(b) RESOLUTION OF CERTAIN DISPUTES.—The Secretary of the Navy shall make every effort to resolve any dispute arising between the Department of the Navy and the Agency for Toxic Substances and Disease Registry that is covered by the Interagency Agreement between the Department of Health and Human Services Agency for Toxic Substances and Disease Registry and the Depart-
ment of the Navy or any successor memorandum of understand and signed agreements not later than 60 days after the date on which the dispute first arises. In the event the Secretary is unable to resolve such a dispute within 60 days, the Secretary shall submit to the congressional defense committees a report on the reasons why an agreement has not yet been reached, the actions that the Secretary plans to take to reach agreement, and the schedule for taking such actions.

(c) COORDINATION PRIOR TO RELEASING INFORMATION TO THE PUBLIC.—The Secretary of the Navy shall make every effort to coordinate with the Agency for Toxic Substances and Disease Registry on all issues pertaining to water contamination at Marine Corps Base Camp Lejeune, and other exposed pathways before releasing anything to the public.

SEC. 315. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.

(a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE ARMED FORCES.—Subsection (b) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is amended to read as follows:

“(b)(1) Except as provided in paragraph (3), this Act shall not apply to—
“(A) a ship of the Armed Forces described in paragraph (2); or

“(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

“(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

“(A) has unique military design, construction, manning, or operating requirements; and

“(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

“(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

“(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

“(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic
products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

“(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

“(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

“(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

“(III) With regard to a submersible, non-plastic garbage that has been compacted and weighted to ensure negative buoyancy.

“(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

“(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

“(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.
“(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

“(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

“(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

“(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship’s personnel, or saving life at sea.

“(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.”.

(b) CONFORMING AMENDMENTS.—Section 3(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(f)) is amended—

(1) in paragraph (1), by striking “Annex V to the Convention on or before the dates referred to in
sections (b)(2)(A) and (c)(1)” and inserting “subsection (b)”); and
(2) in paragraph (2), by inserting “and sub-
section (b)(3)(B)(i) of this section” after “Annex V
to the Convention”.

Subtitle C—Workplace and Depot
Issues

SEC. 321. MINIMUM CAPITAL INVESTMENT FOR CERTAIN
depots.

Section 2476 of title 10, United States Code, is
amended—
(1) in subsection (a), by striking “Each fiscal
year, the Secretary of a military department shall
invest” and inserting “Each fiscal year, it shall be
the objective of the Secretary of a military depart-
ment to invest”;
(2) in subsection (b)—
(A) by striking “includes investment funds
spent on depot infrastructure, equipment, and
process improvement in direct support” and in-
serting “includes investment funds spent to
modernize or improve the efficiency of depot fa-
cilities, equipment, work environment, or proc-
esses in direct support”; and
(B) by adding at the end the following: “It does not include funds spent for any other repair or activity to maintain or sustain existing facilities, infrastructure, or equipment.”;

(3) in subsection (d)—

(A) by striking “(1) Not later than” and inserting “Not later than”; 

(B) by striking “summarizing the level of capital investment for each military department” and inserting “summarizing the level of capital investment in the military departments”;

and

(C) by striking paragraph (2); and

(4) in subsection (e)(1), by adding at the end the following new subparagraphs:

“(I) Crane Ammunition Activity, Indiana.
“(J) McAlester Ammunition Plant, Oklahoma.
“(K) Radford Ammunition Plant, Virginia.
“(L) Lake City Ammunition Plant, Missouri.
“(M) Holsten Ammunition Plant, Tennessee.
“(N) Scranton Ammunition Plant, Pennsylvania.
“(O) Iowa Ammunition Plant, Iowa.
“(Q) Joint System Manufacturing Center, Lima Ohio.”.

SEC. 322. LIMITATION ON REVISING THE DEFINITION OF DEPOT-LEVEL MAINTENANCE.

(a) LIMITATION.—The Secretary of Defense or any of the Secretaries of the military departments may not issue guidance, regulations, policy, or revisions to any Department of Defense or service instructions containing a revision to the definition of depot-level maintenance unless the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) is a report prepared by the Defense Business Board regarding the advisability of establishing a single definition of depot-level maintenance, taking into consideration—

(1) the total industrial capacity, both in the private sector industry and in the depots;

(2) the importance of establishing requirements and allocating workload on the basis of sound business case analyses; and

(3) establishing transparency and accountability in the development of the core workload require-
ments and in the allocation of workload under the requirements in section 2466 of title 10, United States Code.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting “and may designate any military industrial facility” after “shall designate each depot-level activity”.

SEC. 324. REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congres-sional defense committees a report on the status of the DLA Joint Logistics Operations Center’s Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:
(1) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(2) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(3) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(4) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(c) **Flexible and Efficient Turn-key Rapid Production Systems Defined.**—For the purposes of this section, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:
(1) **VIRTUAL AND FLEXIBLE.**—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(2) **SPEED TO MARKET.**—Systems that provide for flexibility that allows rapid introduction of sub-assemblies for new parts and weapons systems to the warfighter.

(3) **RISK MANAGEMENT.**—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

**Subtitle D—Reports**

**SEC. 331. STUDY ON AIR FORCE TEST AND TRAINING RANGE INFRASTRUCTURE.**

(a) **Study.**—

(1) **IN GENERAL.**—The Secretary of the Air Force shall conduct a study on the ability of the major air test and training range infrastructure, including major military operating area airspace and special use airspace, to support the full spectrum of Air Force operations. The Secretary shall incor-
porate the results of the study into a master plan for requirements and proposed investments to meet Air Force training and test needs through 2025. The study and the master plan shall be known as the “2025 Air Test and Training Range Enhancement Plan”.

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required under paragraph (1), consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges. The Secretary shall also consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges.

(3) CONTINUATION OF RANGE INFRASTRUCTURE IMPROVEMENTS.—The Secretary of the Air Force may proceed with all ongoing and scheduled
range infrastructure improvements while conducting
the study required under paragraph (1).

(b) Reports.—

(1) In general.—The Secretary of the Air
Force shall submit to the congressional defense com-
mittees an interim report and a final report on the
plan to meet the requirements under subsection (a)
not later than one year and two years, respectively,
after the date of the enactment of this Act.

(2) Content.—The plan submitted under
paragraph (1) shall—

(A) document the current condition and
adequacy of the major Air Force test and train-
ing range infrastructure in the United States to
meet test and training requirements;

(B) identify potential areas of concern for
maintaining the physical safety, security, and
current operating environment of such infra-
structure;

(C) identify potential issues and threats re-
lated to the sustainability of the test and train-
ing infrastructure, including electromagnetic
spectrum encroachment, overall bandwidth
availability, and protection of classified infor-
mation;
(D) assess coordination among ranges and local, state, regional, and Federal entities involved in land use planning, and develop recommendations on how to improve communication and coordination of such entities;

(E) propose remedies and actions to manage economic development on private lands on or surrounding the test and training infrastructure to preserve current capabilities;

(F) identify critical parcels of land not currently under the control of the Air Force for acquisition of deed or restrictive easements in order to protect current operations, access and egress corridors, and range boundaries, or to expand the capability of the air test and training ranges;

(G) identify which parcels identified pursuant to subparagraph (F) could, through the acquisition of conservation easements, serve military interests while also preserving recreational access to public and private lands, protecting wildlife habitat, or preserving opportunities for energy development and energy transmission;

(H) prioritize improvements and modernization of the facilities, equipment, and tech-
nology supporting the infrastructure in order to
provide a test and training environment that
accurately simulates and or portrays the full
spectrum of threats and targets of likely United
States adversaries in 2025;

   (I) incorporate emerging requirements gen-
erated by requirements for virtual training and
new weapon systems, including the F–22, the
F–35, space and cyber systems, and Remotely
Piloted Aircraft;

   (J) assess the value of State and local leg-
islative initiatives to protect Air Force test and
training range infrastructure;

   (K) identify parcels with no value to future
military operations; and

   (L) propose a list of prioritized projects,
casements, acquisitions, or other actions, in-
cluding estimated costs required to upgrade the
test and training range infrastructure, taking
into consideration the criteria set forth in this
paragraph.

(3) FORM.—Each report required under this
subsection shall be submitted in unclassified form,
but may include a classified annex as necessary.
(4) **Rule of construction.**—The reports submitted under this section shall not be construed as meeting the requirements of section 2815(d) of the Military Construction Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

**SEC. 332. STUDY ON TRAINING RANGE INFRASTRUCTURE FOR SPECIAL OPERATIONS FORCES.**

(a) **Study.**—

(1) **In general.**—The Commander of the United States Special Operations Command shall conduct a study on the ability of existing training ranges used by special operations forces, including military operating area airspace and special use airspace, to support the full spectrum of missions and operations assigned to special operations forces.

(2) **Consultation.**—The Commander shall, in conducting the study required under paragraph (1), consult with the Secretaries of the military departments, the Office of the Secretary of Defense, and the Joint Staff on—

(A) procedures and priorities for joint use and training on ranges operated by the military services, and to assess the requirements needed to support combined arms training on the ranges; and
(B) requirements and proposed investments to meet special operations training requirements through 2025.

(b) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan to meet the requirements under subsection (a).

(2) CONTENT.—The study submitted under paragraph (1) shall—

(A) assess the current condition and adequacy of, and access to, all existing training ranges in the United States used by special operations forces;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of ranges used by special operations forces;

(C) identify issues and challenges related to the availability and sustainability of the existing training ranges used by special operations forces, including support of a full spectrum of operations and protection of classified missions and tactics;
(D) assess coordination among ranges and local, State, regional, and Federal entities involved in land use planning and the protection of ranges from encroachment;

(E) propose remedies and actions to ensure consistent and prioritized access to existing ranges;

(F) prioritize improvements and modernization of the facilities, equipment, and technology supporting the ranges in order to adequately simulate the full spectrum of threats and contingencies for special operations forces; and

(G) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade training range infrastructure.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.
SEC. 333. GUIDANCE TO ESTABLISH NON-TACTICAL WHEELED VEHICLE AND EQUIPMENT SERVICE LIFE EXTENSION PROGRAMS TO ACHIEVE COST SAVINGS.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a survey of the quantity and condition of each class of non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments and report to the congressional defense committees on the advisability of establishing service life extension programs for such classes of vehicles.

SEC. 334. MODIFIED DEADLINE FOR ANNUAL REPORT ON BUDGET SHORTFALLS FOR IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

Section 138c(e)(4) of title 10, United States Code, as transferred and redesignated by section 901(b)(7) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4320), is amended—

(1) by striking “10 days after the date on which the budget for a fiscal year is submitted pursuant to section 1105 of title 31” and inserting “March 31 each year, beginning March 31, 2012”;
(2) by striking “for that fiscal year” and insert-
ing “for the fiscal year beginning in that calendar
year”.

Subtitle E—Other Matters

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUS-
TRIAL FACILITIES TO ENTER INTO COOPERA-
TIVE AGREEMENTS WITH NON-ARMY ENTI-
TIES.

(a) Extension of Authority.—Section 4544 of
title 10, United States Code, is amended—

(1) in subsection (a), by striking “enter into
not more than eight contracts or cooperative agree-
ments” and all that follows through the period at
the end and inserting “enter into not more than 15
contracts or cooperative agreements in any fiscal
year.”; and

(2) in subsection (k), by striking “September
30, 2014” and inserting “September 30, 2025”.

(b) Approval Authority.—Subsection (f) of such
section is amended by striking “exercised at the level of
the commander of the major subordinate command” and
all that follows through “The commander may approve”
and inserting “exercised at the level of the Commander
of Army Materiel Command. The Commander may ap-
prove”.

S 1254 RS
SEC. 342. WORKING-CAPITAL FUND ACCOUNTING.

Section 2208(k) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) All capital assets financed by a working-capital fund and subject to paragraph (2) shall be capitalized and depreciated for budgeting, rate setting, and financial accounting purposes. Procurements not subject to paragraph (2) shall be immediately expensed and shall not be capitalized or depreciated in financial accounting records or reported on financial statements as an asset.”.

SEC. 343. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

Section 346 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4191; 10 U.S.C. 2576 note) is amended to read as follows:

“SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

“(a) Commercial Sale of Small Arms Ammunition, Small Ammunition Components, and Fired Cartridge Cases.—Small arms ammunition and small
ammunition components which are in excess of military requirements, and intact fired small arms cartridge cases shall be made available for commercial sale. Such small arms ammunition, small arms ammunition components, and intact fired cartridge cases shall not be demilitarized, destroyed, or disposed of, unless in excess of commercial demands or certified by the Secretary of Defense as unserviceable or unsafe. This provision shall not apply to ammunition, ammunition components, or fired cartridge cases stored or expended outside the continental United States (OCONUS).

“(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

“(c) PREFERENCE.—No small arms ammunition or small arms ammunition components in excess of military requirements, or fired small arms cartridge cases may be made available for commercial sale under this section before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to
another Federal department or agency or for sale to State
and local law enforcement, firefighting, homeland security,
and emergency management agencies pursuant to section
2576 of title 10, United States Code, as amended by this
Act.

“(d) SALES CONTROLS.—All small arms ammunition
and small arms ammunition components, and fired small
arms cartridge cases made available for commercial sale
under this section shall be subject to all explosives safety
and trade security controls in effect at the time of sale.

“(e) DEFINITIONS.—In this section:

“(1) SMALL ARMS AMMUNITION.—The term
‘small arms ammunition’ means ammunition or ord-
nance for firearms up to and including .50 caliber
and for shotguns.

“(2) SMALL ARMS AMMUNITION COMPO-
MENTS.—The term ‘small arms ammunition compo-
ents’ means components, parts, accessories, and at-
tachments associated with small arms ammunition.

“(3) FIRED CARTRIDGE CASES.—The term
‘fired cartridge cases’ means expended small arms
cartridge cases (ESACC).”.

S 1254 RS
SEC. 344. AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS TO STUDY OPTIONS FOR MITIGATING ADVERSE EFFECTS OF PROPOSED OBSTRUCTIONS ON MILITARY INSTALLATIONS.

Section 358(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 10 U.S.C. 44718 note) is amended by amending the second sentence to read as follows: “Amounts so accepted shall be and will remain available until expended for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such project on military operations and readiness and the cost of studying options for mitigating such adverse impacts.”.

SEC. 345. UTILITY DISRUPTIONS TO MILITARY INSTALLATIONS.

(a) POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance for commanders of military installations inside the United States on planning measures to minimize the effects in the event of a disruption of services by a utility that sells natural gas, water, or electric energy to a military installation in the United States.

(b) INSTALLATION PLANS.—The guidance developed pursuant to subsection (a) shall require that, subject to such exceptions as the Secretary may determine to be ap-
propriate, commanders of military installations inside the United States develop appropriate action plans to minimize the effects of events described in subsection (a).

(c) COMPTROLLER GENERAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall review the actions taken pursuant to this section and submit to Congress a report on the guidance developed pursuant to subsection (a), the plans developed pursuant to subsection (b), and any additional measures that may be needed to minimize the effects of an unplanned disruption of services by utilities as described in subsection (a).

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, 2012, as follows:

(1) The Army, 562,000.

(2) The Navy, 325,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,800.
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, 2012, as follows:

1. The Army National Guard of the United States, 358,200.
2. The Army Reserve, 205,000.
4. The Marine Corps Reserve, 39,600.
5. The Air National Guard of the United States, 106,700.
7. The Coast Guard Reserve, 10,000.

(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, 2012, 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, 16,261.
3. The Navy Reserve, 10,688.
4. The Marine Corps Reserve, 2,261.
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 2012 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, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,720.
(4) For the Air National Guard of the United States, 22,394.

SEC. 414. FISCAL YEAR 2012 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, 2012, 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, 2012, 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, 2012, 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 2012, 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.—There is hereby authorized to be appropriated for military personnel for fiscal year 2012 a total of $142,448,228,000.

(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 2012.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel

Policy Generally

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY.

Section 523(a)(1) of title 10, United States Code, is amended by striking those parts of the table pertaining to the Marine Corps and inserting the following:
$Marine Corps: ...............................
10,000 ......................................... 2,802 1,615 633
12,500 ......................................... 3,247 1,768 658
15,000 ......................................... 3,691 1,922 684
17,500 ......................................... 4,135 2,076 710
20,000 ......................................... 4,579 2,230 736
22,500 ......................................... 5,024 2,383 762
25,000 ......................................... 5,468 2,537 787$.

SEC. 502. VOLUNTARY RETIREMENT INCENTIVE.

(a) In General.—Chapter 36 of title 10, United States Code, is amended by inserting after section 638a the following new section:

§638b. Voluntary retirement incentive

"(a) Incentive for Voluntary Retirement for Certain Officers.—The Secretary of Defense may authorize the Secretary of a military department to provide a voluntary retirement incentive payment in accordance with this section to an officer of the armed forces under that Secretary’s jurisdiction who is specified in subsection (b) as being eligible for such a payment. Any such authority provided the Secretary of a military department under the preceding sentence shall expire as specified by the Secretary of Defense, but not later than December 31, 2018."

"(b) Eligible Officers.—(1) Except as provided in paragraph (2), an officer of the armed forces is eligible for a voluntary retirement incentive payment under this section if the officer—"
“(A) has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;

“(B) meets the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer in accordance with section 3911, 6323, or 8911 of this title, as applicable to that officer;

“(C) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement years of active service for the member’s grade as specified in section 633 or 634 of this title;

“(D) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement age under any other provision of law; and

“(E) meets any additional requirements for such eligibility as is specified by the Secretary concerned, including any requirement relating to years of service, skill rating, military specialty or competitive category, grade, any remaining period of obligated service, or any combination thereof.

“(2) The following officers are not eligible for a voluntary retirement incentive payment under this section:
“(A) An officer being evaluated for disability under chapter 61 of this title.

“(B) An officer projected to be retired under section 1201 or 1204 of this title.

“(C) An officer projected to be discharged with disability severance pay under section 1212 of this title.

“(D) A member transferred to the temporary disability retired list under section 1202 or 1205 of this title.

“(E) An officer subject to pending disciplinary action or subject to administrative separation or mandatory discharge under any other provision of law or regulation.

“(c) AMOUNT OF PAYMENT.—The amount of the voluntary retirement incentive payment paid an officer under this section shall be an amount determined by the Secretary concerned, but not to exceed an amount equal to 12 times the amount of the officer’s monthly basic pay at the time of the officer’s retirement. The amount may be paid in a lump sum at the time of retirement.

“(d) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraph (2), a member of the armed forces who, after having received all or part of a voluntary retirement incentive under this
section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary retirement incentive received.

“(2) Members who are involuntarily recalled to active duty or full-time National Guard duty under any provision of law shall not be subject to this subsection.

“(3) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States. The authority in this paragraph may be delegated only to the Under Secretary of Defense for Personnel and Readiness and the Principal Deputy Under Secretary of Defense of Personnel and Readiness.”.

(b) Clerical Amendment.—The table of sections at the beginning of subchapter IV of chapter 36 of such title is amended by inserting after the item relating to section 638a the following new item:

“638b. Voluntary retirement incentive.”.

SEC. 503. NATIONAL DEFENSE UNIVERSITY OUTPLACEMENT WAIVER.

(a) Waiver Authority for Officers Not Designated as Joint Qualified Officers.—Subsection
(b) of section 663 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after “to a joint duty assignment” the following: “(or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment)”; and

(2) in paragraph (2)—

(A) by striking “the joint duty assignment” and inserting “the assignment”; and

(B) by striking “a joint duty assignment” and inserting “such an assignment”.

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

“(d) EXCEPTION FOR OFFICERS GRADUATING FROM OTHER-TAN-IN-RESIDENCE PROGRAMS.—(1) Subsection (a) does not apply to an officer graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.

“(2) Subsection (b) does not apply with respect to any group of officers graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.”.
SEC. 504. 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”.

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR ORDER TO ACTIVE DUTY OF MEMBERS OF THE SELECTED RESERVE AND CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR PREPLANNED MISIONS.

(a) Authority.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12304 the following new section:

“§ 12304a. Selected Reserve and certain Individual Ready Reserve members: order to active duty for preplanned missions

“(a) Authority.—When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission, the Secretary may, subject to subsection (b), order any unit, and any member
not assigned to a unit organized to serve as a unit, of
the Selected Reserve (as defined in section 10143(a) of
this title), or any member in the Individual Ready Reserve
mobilization category and designated as essential under
regulations prescribed by the Secretary, under the juris-
diction of the Secretary, without the consent of the mem-
ers, to active duty for not more than 365 consecutive
days.

“(b) LIMITATIONS.—(1) Units or members may be
ordered to active duty under this section only if—

“(A) the manpower and associated costs of such
active duty are specifically included and identified in
the defense budget materials for the fiscal year or
years in which such units or members are antici-
pated to be ordered to active duty; and

“(B) the budget information on such costs in-
cludes a description of the mission for which such
units or members are anticipated to be ordered to
active duty and the anticipated length of time of the
order of such units or members to active duty on an
involuntary basis.

“(2) Not more than 60,000 members of the reserve
components of the armed forces may be on active duty
under this section at any one time.
“(c) Exclusion from strength limitations.—Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.

“(d) Notice to Congress.—Whenever the Secretary of a military department orders any unit or member of the Selected Reserve or Individual Ready Reserve to active duty under subsection (a), such Secretary shall submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of such units or members.

“(e) Termination of duty.—Whenever any unit of the Selected Reserve or any member of the Selected Reserve not assigned to a unit organized to serve as a unit, or any member of the Individual Ready Reserve, is ordered to active duty under subsection (a), the service of all units or members so ordered to active duty may be terminated by—

“(1) order of the Secretary of the military department concerned, or

“(2) law.

“(f) Relationship to war powers resolution.—Nothing contained in this section shall be con-
strued as amending or limiting the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(g) CONSIDERATIONS FOR IN VOLUNTARY ORDER TO ACTIVE DUTY.—In determining which members of the Selected Reserve and the Individual Ready Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

“(1) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

“(2) the frequency of assignments during service career;

“(3) family responsibilities; and

“(4) employment necessary to maintain the national health, safety, or interest.

“(h) POLICIES AND PROCEDURES.—The Secretaries of the military departments shall prescribe policies and procedures to carry out this section, including on determinations of orders to active duty under subsection (g). Such policies and procedures shall not go into effect until approved by the Secretary of Defense.

“(i) DEFINITIONS.—In this section:
“(1) The term ‘defense budget materials’ has the meaning given that term in section 231(d)(2) of this title.

“(2) The term ‘Individual Ready Reserve mobilization category’ means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by inserting after the item relating to section 12304 the following new item:

“12304a. Selected Reserve and certain Individual Ready Reserve members: order to active duty for preplanned missions.”.

(b) CLARIFYING AMENDMENTS RELATING TO AUTHORITY TO ORDER ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(a) of such title is amended—

(1) by inserting “named” before “operational mission”; and

(2) by striking “365 days” and inserting “365 consecutive days”.

SEC. 512. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR CERTAIN RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) CERTAIN RESERVE OFFICERS.—A reserve officer who is employed as military technician (dual status) under section 10216 of this title, and who has been retained beyond the mandatory removal date for years of service under section 10216(f) or 14702(a)(2) of this title, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.”.

SEC. 513. MODIFICATION OF TIME IN WHICH PRESEPARATION COUNSELING MUST BE PROVIDED TO RESERVE COMPONENT MEMBERS BEING DEMOBILIZED.

Section 1142(a)(3)(B) of title 10, United States Code, is amended by inserting “or in the event a member of a reserve component is being demobilized under circumstances in which (as determined by the Secretary concerned) operational requirements make the 90-day requirement under subparagraph (A) unfeasible,” after “or separation date,”.
SEC. 514. REPORT ON TERMINATION OF MILITARY TECHNICIAN AS A DISTINCT PERSONNEL MANAGEMENT CATEGORY.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall conduct an independent study of the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Secretary shall—

(1) identify various options for deploying units of the Selected Reserve of the Ready Reserve that otherwise use military technicians through use of a combination of active duty personnel, reserve component personnel, State civilian employees, and Federal civilian employees in a manner that meets mission requirements without harming unit readiness;

(2) identify various means for the management by the Department of the transition of military technicians to a system that relies on traditional personnel categories of active duty personnel, reserve component personnel, and civilian personnel, and for the management of any effects of that transition on the pay and benefits of current military technicians (including means for mitigating or avoiding such effects in the course of such transition);
(3) determine whether military technicians who are employed at the commencement of the transition described in paragraph (2) should remain as technicians, whether with or without a military status, until separation or retirement, rather than transitioned to such a traditional personnel category;

(4) identify and take into account the unique needs of the National Guard in the management and use of military technicians;

(5) determine potential cost savings, if any, to be achieved as a result of the transition described in paragraph (2), including savings in long-term mandatory entitlement costs associated with military and civil service retirement obligations;

(6) develop a recommendation on the feasibility and advisability of terminating the military technician as a distinct personnel management category, and, if the termination is determined to be feasible and advisable, develop recommendations for appropriate legislative and administrative action to implement the termination; and

(7) address any other matter relating to the management and long-term viability of the military technician as a distinct personnel management cat-
egory that the Secretary shall specify for purposes of the study.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study 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 recommendations on the results of the study as the Secretary considers appropriate.

Subtitle C—General Service Authorities

SEC. 521. REPEAL OF MANDATORY HIGH-DEPLOYMENT ALLOWANCE.

(a) REPEAL.—Section 436 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.
SEC. 522. PROHIBITION ON DENIAL OF REENLISTMENT OF MEMBERS FOR UNSUITABILITY BASED ON THE SAME MEDICAL CONDITION FOR WHICH THEY WERE DETERMINED TO BE FIT FOR DUTY.

(a) Prohibition.—Subsection (a) of section 1214a of title 10, United States Code, is amended by inserting “or deny reenlistment of the member,” after “a member described in subsection (b)”.

(b) Conforming Amendment.—Subsection (c)(3) of such section is amended by inserting “or denial of reenlistment” after “to warrant administrative separation”.

(c) Clerical Amendments.—

(1) Heading Amendment.—The heading of such section is amended to read as follows:

“§1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation”.

(2) Table of Sections.—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1214a and inserting the following new item:
“1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation.”

SEC. 523. EXPANSION OF REGULAR ENLISTED MEMBERS COVERED BY EARLY DISCHARGE AUTHORITY.

Section 1171 of title 10, United States Code, is amended by striking “within three months” and inserting “within one year”.

SEC. 524. EXTENSION OF VOLUNTARY SEPARATION PAY AND BENEFITS.

Section 1175a(k)(1) of title 10, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2018”.

SEC. 525. EMPLOYMENT SKILLS TRAINING FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE TRANSITIONING TO CIVILIAN LIFE.

Section 1143 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) Employment Skills Training.—(1) The Secretary of a military department may carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training to help prepare such members for employment in the civilian sector.
“(2) A member of the armed forces is an eligible
member for purposes of a program under this subsection
if the member—

“(A) has completed at least 180 days on active
duty in the armed forces; and

“(B) is expected to be discharged or released
from active duty in the armed forces within 180
days of the date of commencement of participation
in such a program.

“(3) Any program under this subsection shall be car-
rried out in accordance with regulations prescribed by the
Secretary of Defense.”.

SEC. 526. POLICY ON MILITARY RECRUITMENT AND EN-
LISTMENT OF GRADUATES OF SECONDARY
SCHOOLS.

(a) EQUAL TREATMENT FOR SECONDARY SCHOOL
GRADUATES.—

(1) EQUAL TREATMENT.—For the purposes of
recruitment and enlistment in the Armed Forces, the
Secretary of a military department shall treat a
graduate described in paragraph (2) in the same
manner as a graduate of a secondary school (as de-
defined in section 9101(38) of the Elementary and
Secondary Education Act of 1965 (20 U.S.C.
7801(38))).
(2) Covered Graduates.—Paragraph (1) applies with respect to a person who—

(A) receives a diploma from a secondary school that is legally operating; or

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) Policy on Recruitment and Enlistment.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:

(1) Means for identifying persons described in subsection (a)(2) who are qualified for recruitment and enlistment in the Armed Forces, which may include the use of a noncognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.
(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) Recruitment Plan.—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) Communication Plan.—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy and recruitment plan are understood by military recruiters.

Subtitle D—Education and Training

SEC. 541. ENHANCEMENT OF AUTHORITIES ON JOINT PROFESSIONAL MILITARY EDUCATION.

(a) Authority To Credit Military Graduates of the National Defense Intelligence College With Completion of Joint Professional Military Education Phase I.—

(1) Joint professional military education phase I.—Section 2154(a)(1) of title 10, United States Code, is amended by inserting “or at a joint
intermediate level school” before the period at the end.

(2) **Joint Intermediate Level School Defined.**—Section 2151(b) of such title is amended by adding at the end the following new paragraph:

“(3) The term ‘joint intermediate level school’ includes the National Defense Intelligence College.”.

(b) **Authority for Other-than-in Residence Program Taught Through Joint Forces Staff College.**—

(1) In General.—Section 2154(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking “in residence at”;

(B) in subparagraph (A), by inserting “by” after “(A)”;

(C) in subparagraph (B), by inserting “in residence at” after “(B)”.

(2) **Conforming Amendment.**—Section 2156(b) of such title is amended by inserting “in residence” after “course of instruction offered”.

**SEC. 542. 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. 543. RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.

(a) Reserve Component Mental Health Student Stipend.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

“(f) Mental Health Professionals in Critical Wartime Specialties.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) is eligible to be appointed as an officer in a reserve component;

“(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

“(C) signs an agreement that, unless sooner separated, the person will—

“(i) complete the educational phase of the program;

“(ii) accept a reappointment or redesignation within the person’s reserve component, if
tendered, based upon the person’s health profession, following satisfactory completion of the educational and intern programs; and

“(iii) participate in a residency program if required for clinical licensure; and

“(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill that has been designated by the Secretary as a critically needed wartime skill.

“(2) Under the agreement—

“(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

“(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in the
agreement and to active duty in time of war or na-
tional emergency as provided by law for members of
the Ready Reserve; and

“(D) the participant shall agree to serve, upon
successful completion of the program, one year in
the Ready Reserve for each six months, or part
thereof, for which the stipend is provided, to be
served in the Selected Reserve or in the Individual
Ready Reserve as specified in the agreement.”

(b) CONFORMING AMENDMENTS.—Such section is
further amended—

(1) in subsections (b)(2)(A), (c)(2)(A), and
(d)(2)(A), by striking “subsection (f)” and inserting
“subsection (g)”; and

(2) in subsection (g), as redesignated by sub-
section (a)(1) of this section, by striking “subsection
(b) or (c)” and inserting “subsection (b), (c), or
(f)”.

SEC. 544. ENROLLMENT OF CERTAIN SERIOUSLY WOUNDED, ILL, OR INJURED FORMER OR RETIRED ENLISTED MEMBERS OF THE ARMED FORCES IN ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE IN ORDER TO COMPLETE DEGREE PROGRAM.

(a) In General.—Section 9315 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

“(c) SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.—(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a former or retired enlisted member of the armed forces who at the time of the person’s separation from active duty—

“(A) had commenced but had not completed a program of higher education under subsection (a)(1); and

“(B) is categorized by the Secretary concerned as seriously wounded, ill, or injured.

“(2) A person may not be authorized under paragraph (1) to participate in a program of higher education
after the end of the 10-year period beginning on the date
of the person’s separation from active duty.”.

(b) CONFORMING AMENDMENTS.—Subsection (d) of
such section, as redesignated by subsection (a)(1), is
amended by striking “enlisted member” both places it ap-
ppears and inserting “person”.

(c) EFFECTIVE DATE.—Subsection (c) of section
9315 of title 10, United States Code (as added by sub-
section (a)(2)), shall apply to persons covered by para-
graph (1) of such subsection who are categorized by the
Secretary concerned as seriously wounded, ill, or injured
after September 11, 2001. With respect to any such per-
son who is separated from active duty during the period
beginning on September 12, 2001, and ending on the date
of the enactment of this Act, the 10-year period specified
in paragraph (2) of such subsection shall be deemed to
commence on the date of the enactment of this Act.

SEC. 545. CONSOLIDATION OF MILITARY DEPARTMENT AU-
THORITY TO ISSUE ARMS, TENTAGE, AND
EQUIPMENT TO EDUCATIONAL INSTITUTIONS

NOT MAINTAINING UNITS OF JUNIOR ROTC.

(a) CONSOLIDATION.—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 R.O.T.C.

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

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

“(2) has a student body of at least 100 physically fit students over 14 years of age.”.

(b) Conforming Repeals.—Sections 4651, 7911, and 9651 of such title are repealed.

(e) 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 R.O.T.C.”.

(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. 546. TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE MILITARY SERVICE ACADEMIES.

(a) Waiver for Certain Enlisted Members.—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the member—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) was or is prevented from being admitted to a military service academy before the member reached the maximum age specified in such sections as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

(b) Maximum Age for Receipt of Waiver.—A waiver may not be granted under this section if the can-
didate would pass the candidate’s twenty-sixth birthday by
July 1 of the year in which the candidate would enter the
military service academy pursuant to the waiver.

(c) LIMITATION ON NUMBER ADMITTED USING
WAIVER.—Not more than five candidates may be admitted
to each of the military service academies for an academic
year pursuant to a waiver granted under this section.

(d) RECORD KEEPING REQUIREMENT.—The Sec-
retary of each military department shall maintain records
on the number of graduates of the military service acad-
emy under the jurisdiction of the Secretary who are admit-
ted pursuant to a waiver granted under this section and
who remain in the Armed Forces beyond the active duty
service obligation assumed upon graduation. The Sec-
retary shall compare their retention rate to the retention
rate of graduates of that academy generally.

(e) REPORTS.—Not later than April 1, 2016, the Sec-
retary of each military department shall submit to the
Committees on Armed Services of the Senate and the
House of Representatives a report specifying—

(1) the number of applications for waivers re-
ceived by the Secretary under this section;

(2) the number of waivers granted by the Sec-
retary under this section;
(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(f) Duration of Waiver Authority.—The authority to grant a waiver under this section expires on September 30, 2016.

Subtitle E—Military Justice and Legal Matters Generally

SEC. 551. REFORM OF OFFENSES RELATING TO RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) Rape and Sexual Assault Generally.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended as follows:
(1) Revised offense of rape.—Subsection (a) is amended to read as follows:

“(a) RAPE.—Any person subject to this chapter who commits a sexual act upon another person by—

“(1) using unlawful force against that other person;

“(2) using force causing or likely to cause death or grievous bodily harm to any person;

“(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

“(4) first rendering that other person unconscious; or

“(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;

is guilty of rape and shall be punished as a court-martial may direct.”.

(2) Repeal of provisions relating to offenses replaced by new article 120b.—Subsections (b), (d), (f), (g), (i), (j), and (o) are repealed.
(3) Revised offense of sexual assault.—

Subsection (c) is redesignated as subsection (b) and
is amended to read as follows:

“(b) Sexual assault.—Any person subject to this
chapter who—

“(1) commits a sexual act upon another person
by—

“(A) threatening or placing that other per-
son in fear;

“(B) causing bodily harm to that other
person;

“(C) making a fraudulent representation
that the sexual act serves a professional pur-
pose; or

“(D) inducing a belief by any artifice, pre-
tense, or concealment that the person is another
person;

“(2) commits a sexual act upon another person
when the person knows or reasonably should know
that the other person is asleep, unconscious, or oth-
erwise unaware that the sexual act is occurring; or

“(3) commits a sexual act upon another person
when the other person is incapable of consenting to
the sexual act due to—
“(A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

“(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person; is guilty of sexual assault and shall be punished as a court-martial may direct.”.

(4) **AGGRAVATED SEXUAL CONTACT.**—Subsection (e) is redesignated as subsection (c) and is amended—

(A) by striking “engages in” and inserting “commits”; and

(B) by striking “with” and inserting “upon”.

(5) **ABUSIVE SEXUAL CONTACT.**—Subsection (h) is redesignated as subsection (d) and is amended—

(A) by striking “engages in” and inserting “commits”;

(B) by striking “with” and inserting “upon”; and
(C) by striking “subsection (c) (aggravated sexual assault)” and inserting “subsection (b) (sexual assault)”.

(6) **Repeal of provisions relating to offenses replaced by new article 120c.**—Subsections (k), (l), (m), and (n) are repealed.

(7) **Proof of threat.**—Subsection (p) is redesignated as subsection (e) and is amended—

(A) by striking “the accused made” and inserting “a person made”;

(B) by striking “the accused actually” and inserting “the person actually”; and

(C) by inserting before the period at the end the following: “or had the ability to carry out the threat”.

(8) **Defenses.**—Subsection (q) is redesignated as subsection (f) and is amended to read as follows:

“(f) **Defenses.**—An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.”.

(9) **Provisions relating to affirmative defenses.**—Subsections (r) and (s) are repealed.

(10) **Definitions.**—Subsection (t) is redesignated as subsection (g) and is amended—
(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “or anus or mouth” after “vulva”; and

(ii) in subparagraph (B)—

(I) by striking “genital opening” and inserting “vulva or anus or mouth,”; and

(II) by striking “a hand or fin-
ger” and inserting “any part of the body”;

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

“(2) SEXUAL CONTACT.—The term ‘sexual con-
tact’ means—

“(A) touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or

“(B) any touching, or causing another per-
son to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.
Touching may be accomplished by any part of the body.

(C) by striking paragraph (4) and redesignating paragraph (3) as paragraph (4);

(D) by redesignating paragraph (8) as paragraph (3), transferring that paragraph so as to appear after paragraph (2), and amending that paragraph by inserting before the period at the end the following: “, including any nonconsensual sexual act or nonconsensual sexual contact”;

(E) in paragraph (4), as redesignated by subparagraph (C), by striking the last sentence;

(F) by striking paragraphs (5) and (7);

(G) by redesignating paragraph (6) as paragraph (7);

(H) by inserting after paragraph (4), as redesignated by subparagraph (C), the following new paragraphs (5) and (6):

“(5) Force.—The term ‘force’ means—

“(A) the use of a weapon;

“(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or
“(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

“(6) UNLAWFUL FORCE.—The term ‘unlawful force’ means an act of force done without legal justification or excuse.”;

(I) in paragraph (7), as redesignated by subparagraph (G)—

(i) by striking “under paragraph (3)” and all that follows through “contact),”;

and

(ii) by striking “death, grievous bodily harm, or kidnapping” and inserting “the wrongful action contemplated by the communication or action.”;

(J) by striking paragraphs (9) through (13);

(K) by redesignating paragraph (14) as paragraph (8) and in that paragraph—

(i) by inserting “(A)” before “The term”;

(ii) by striking “words or overt acts indicating” and “sexual” in the first sentence;

(iii) by striking “accused’s” in the third sentence;
(iv) by inserting “or social or sexual” before “relationship” in the fourth sentence;

(v) by striking “sexual” before “conduct” in the fourth sentence;

(vi) by striking “A person cannot consent” and all that follows through the period; and

(vii) by adding at the end the following new subparagraphs:

“(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (C) or (D) of subsection (b)(1).

“(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person’s actions.”; and
(L) by striking paragraphs (15) and (16).

(11) **Section heading.**—The heading of such section (article) is amended to read as follows:

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“§ 920. Art. 120. Rape and sexual assault generally”.
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(b) **Rape and Sexual Assault of a Child.**—Chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after section 920a (article 120a), as amended by subsection (a), the following new section (article):

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“§ 920b. Art. 120b. Rape and sexual assault of a child

“(a) **Rape of a Child.**—Any person subject to this chapter who—

“(1) commits a sexual act upon a child who has not attained the age of 12 years; or

“(2) commits a sexual act upon a child who has attained the age of 12 years by—

“(A) using force against any person;

“(B) threatening or placing that child in fear;

“(C) rendering that child unconscious; or

“(D) administering to that child a drug, intoxicant, or other similar substance;

is guilty of rape of a child and shall be punished as a court-martial may direct.
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“(b) Sexual Assault of a Child.—Any person subject to this chapter who commits a sexual act upon a child who has attained the age of 12 years is guilty of sexual assault of a child and shall be punished as a court-martial may direct.

“(c) Sexual Abuse of a Child.—Any person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

“(d) Age of Child.—

“(1) Under 12 Years.—In a prosecution under this section, it need not be proven that the accused knew the age of the other person engaging in the sexual act or lewd act. It is not a defense that the accused reasonably believed that the child had attained the age of 12 years.

“(2) Under 16 Years.—In a prosecution under this section, it need not be proven that the accused knew that the other person engaging in the sexual act or lewd act had not attained the age of 16 years, but it is a defense in a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), which the accused must prove by a preponderance of the evidence, that the accused reasonably believed that the child had attained the
age of 16 years, if the child had in fact attained at
least the age of 12 years.

“(e) Proof of Threat.—In a prosecution under
this section, in proving that a person made a threat, it
need not be proven that the person actually intended to
carry out the threat or had the ability to carry out the
threat.

“(f) Marriage.—In a prosecution under subsection
(b) (sexual assault of a child) or subsection (e) (sexual
abuse of a child), it is a defense, which the accused must
prove by a preponderance of the evidence, that the persons
engaging in the sexual act or lewd act were at that time
married to each other, except where the accused commits
a sexual act upon the person when the accused knows or
reasonably should know that the other person is asleep,
unconscious, or otherwise unaware that the sexual act is
occurring or when the other person is incapable of con-
senting to the sexual act due to impairment by any drug,
intoxicant, or other similar substance, and that condition
was known or reasonably should have been known by the
accused.

“(g) Consent.—Lack of consent is not an element
and need not be proven in any prosecution under this sec-
tion. A child not legally married to the person committing
the sexual act, lewd act, or use of force cannot consent
to any sexual act, lewd act, or use of force.

“(h) DEFINITIONS.—In this section:

“(1) SEXUAL ACT AND SEXUAL CONTACT.—The
terms ‘sexual act’ and ‘sexual contact’ have the
meanings given those terms in section 920(g) of this
title (article 120(g)).

“(2) FORCE.—The term ‘force’ means—

“(A) the use of a weapon;

“(B) the use of such physical strength or
violence as is sufficient to overcome, restrain, or
injure a child; or

“(C) inflicting physical harm.

In the case of a parent-child or similar relationship,
the use or abuse of parental or similar authority is
sufficient to constitute the use of force.

“(3) THREATENING OR PLACING THAT CHILD
IN FEAR.—The term ‘threatening or placing that
child in fear’ means a communication or action that
is of sufficient consequence to cause the child to fear
that non-compliance will result in the child or an-
other person being subjected to the action con-
templated by the communication or action.

“(4) CHILD.—The term ‘child’ means any per-
son who has not attained the age of 16 years.
“(5) LEWD ACT.—The term ‘lewd act’ means—

“(A) any sexual contact with a child;

“(B) intentionally exposing one’s genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;

“(C) intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

“(D) any indecent conduct, intentionally done with or in the presence of a child, including via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.”.

(c) OTHER SEXUAL MISCONDUCT.—Such chapter (the Uniform Code of Military Justice) is further amended
by inserting after section 920b (article 120b), as added by subsection (b), the following new section:

“§ 920c. Art. 120c. Other sexual misconduct

“(a) INDECENT VIEWING, VISUAL RECORDING, OR BROADCASTING.—Any person subject to this chapter who, without legal justification or lawful authorization—

“(1) knowingly and wrongfully views the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy;

“(2) knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy; or

“(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2); is guilty of an offense under this section and shall be punished as a court-martial may direct.

“(b) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with any person is guilty of forcible
pandering and shall be punished as a court-martial may
direct.

“(c) INDECENT EXPOSURE.—Any person subject to
this chapter who intentionally exposes, in an indecent
manner, the genitalia, anus, buttocks, or female areola or
nipple is guilty of indecent exposure and shall by punished
as a court-martial may direct.

“(d) DEFINITIONS.—In this section:

“(1) ACT OF PROSTITUTION.—The term ‘act of
prostitution’ means a sexual act or sexual contact
(as defined in section 920(g) of this title (article
120(g))) on account of which anything of value is
given to, or received by, any person.

“(2) PRIVATE AREA.—The term ‘private area’
means the naked or underwear-clad genitalia, anus,
buttocks, or female areola or nipple.

“(3) REASONABLE EXPECTATION OF PRI-
VACY.—The term ‘under circumstances in which
that other person has a reasonable expectation of
privacy’ means—

“(A) circumstances in which a reasonable
person would believe that he or she could dis-
robe in privacy, without being concerned that
an image of a private area of the person was
being captured; or
“(B) circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.

“(4) BROADCAST.—The term ‘broadcast’ means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

“(5) DISTRIBUTE.—The term ‘distribute’ means delivering to the actual or constructive possession of another, including transmission by electronic means.

“(6) INDECENT MANNER.—The term ‘indecent manner’ means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.”.

(d) REPEAL OF SODOMY ARTICLE.—Section 925 of such title (article 125 of the Uniform Code of Military Justice) is repealed.

(e) CONFORMING AMENDMENTS.—Chapter 47 of such title (the Uniform Code of Military Justice) is further amended as follows:

(1) STATUTE OF LIMITATIONS.—Subparagraph (B) of section 843(b)(2) (article 43(b)(2)) is amended—
(A) in clause (i), by striking “section 920 of this title (article 120)” and inserting “section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)”;

(B) by striking clause (iii); and

(C) in clause (v)—

(i) by striking “indecent assault”;

(ii) by striking “rape, or sodomy,” and inserting “or rape,”; and

(iii) by striking “or liberties with a child”.

(2) MURDER.—Paragraph (4) of section 918 (article 118) is amended—

(A) by striking “sodomy,”; and

(B) by striking “aggravated sexual assault,” and all that follows through “with a child,” and inserting “sexual assault, sexual assault of a child, aggravated sexual contact, sexual abuse of a child,”.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter X of such chapter (the Uniform Code of Military Justice) is amended—

(1) by striking the items relating to sections 920 and 920a (articles 120 and 120a) and inserting the following new items:

“920. 120. Rape and sexual assault generally.
“920a. 120a. Stalking.
“920b. 120b. Rape and sexual assault of a child.
“920c. 120c. Other sexual misconduct.”;

and

(2) by striking the item relating to section 925 (article 125).

(g) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to offenses committed on or after such date.

SEC. 552. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY EVIDENCE.

(a) Subpoena Ducas Tecum.—Section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking “board;” and inserting “board, or has been duly issued a subpoena duces tecum for an investigation, including an investigation pursuant to section 832(b) of this title (article 32(b)); and”; and

(2) in subsection (e), by striking “or board” and inserting “board, trial counsel, or convening authority”.

(b) Repeal of Obsolete Provisions Relating to Fees and Mileage Payable to Witnesses.—Such section is further amended—

(1) in subsection (a)—
(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2); and

(2) by striking subsection (d).

(c) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by striking “subpenaed” in paragraphs (1) and (2), as redesignated by subsection (b)(1)(B), and inserting “subpoenaed”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to subpoenas issued after the date of the enactment of this Act.

SEC. 553. PROCEDURES FOR JUDICIAL REVIEW OF CERTAIN MILITARY PERSONNEL DECISIONS.

(a) PROHIBITED PERSONNEL ACTIONS.—Section 1034 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

“(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the member or former member’s record, the member or former member shall be provided a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.”;

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(2) in subsection (g)—

(A) by inserting “(1)” before “Upon the completion of all”; and

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

“(2) A submittal to the Secretary of Defense under paragraph (1) must be made within 90 days of the receipt of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the member or former member’s record, the member or former member shall be provided a concise written statement of the basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.”;

(3) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(4) by inserting after subsection (g) the following new subsection (h):

“(h) JUDICIAL REVIEW.—A decision of the Secretary of Defense under subsection (g) or, in a case in which review by the Secretary of Defense under subsection (g) was not sought or in a case arising out of the Coast Guard when the Coast Guard is not operating as a service in the
Navy, a decision of the Secretary of a military department or the Secretary of Homeland Security under subsection (f) shall be subject to judicial review only as provided in section 1560 of this title.”.

(b) CORRECTION OF MILITARY RECORDS.—Section 1552 of such title is amended—

(1) by redesignating subsection (g) as subsection (j); and

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

“(g) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction, the claimant shall be provided a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.

“(h) If an application for correction of military records involves a historically significant military event (as defined by the Secretary concerned), or would, if the application is approved, substantially modify the results of any disciplinary action or promotion decision regarding a general or flag officer which includes in the remedy a promotion by and with the advice and consent of the Senate, the Secretary concerned shall ensure that an advisory
opinion is included in the record of the decision that includes a detailed chronology of the events in question and, at a minimum, considers the following information:

“(1) A thorough compilation of the information available in the historical record, including testimony, contemporary written statements, and all available records which formed the basis for the military records in question.

“(2) The testimony or written views of contemporary decision makers, if available, regarding the matters raised in the application for relief regarding the military records in question.

“(3) A summary of the available evidence for and against the position taken by the applicant.

“(i) A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1560 of this title.”.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Chapter 79 of such title is amended by adding at the end the following new section:

“§1560. Judicial review of decisions

“(a) After a final decision is issued pursuant to section 1552 of this title, or is issued by the Secretary of a military department or the Secretary of Homeland Secu-
rity pursuant to section 1034(f) of this title or the Sec-
retary of Defense pursuant to section 1034(g) of this title,
any person aggrieved by the decision may obtain judicial
review.

“(b) In exercising its authority under this section, the
reviewing court shall review the record and may hold un-
lawful and set aside any decision demonstrated by the pe-
titioner in the record to be—

“(1) arbitrary or capricious;
“(2) not based on substantial evidence;
“(3) a result of material error of fact or mate-
rial administrative error, but only if the petitioner
identified to the correction board how the failure to
follow procedures substantially prejudiced the peti-
tioner’s right to relief, and shows to the reviewing
court by a preponderance of the evidence that the
error was harmful; or
“(4) otherwise contrary to law.

“(c) Upon review under this section, the reviewing
court shall affirm, modify, vacate, or reverse the decision,
or remand the matter, as appropriate.

“(d) No judicial review may be made under this sec-
tion unless the petitioner shall first have requested a cor-
rection under section 1552 of this title, and the Secretary
concerned shall have rendered a final decision denying
that correction in whole or in part. In a case in which
the final decision of the Secretary concerned is subject to
review by the Secretary of Defense under section 1034(g)
of this title, the petitioner is not required to seek such
review by the Secretary of Defense before obtaining judi-
cial review under this section. If the petitioner seeks re-
view by the Secretary of Defense under section 1034(g)
of this title, no judicial review may be made until the Sec-
etary of Defense shall have rendered a final decision de-
nying that request in whole or in part.

“(e) In the case of a final decision described in sub-
section (a) made on or after the date of the enactment
of the National Defense Authorization Act for Fiscal Year
2012, a petition for judicial review under this section must
be filed within three years of the date on which the final
decision was actually received by the petitioner.

“(f) Notwithstanding subsections (a), (b), and (c), a
reviewing court does not have jurisdiction to entertain any
matter or issue raised in a petition of review under this
section that is not justiciable.

“(g)(1) In the case of a cause of action arising after
the date of the enactment of the National Defense Author-
ization Act for Fiscal Year 2012, no court shall have juris-
diction to entertain any request for correction of records
cognizable under section 1552 of this title, except as pro-
vided in this section.

“(2) In the case of a cause of action arising after
the date of the enactment of the National Defense Author-
ization Act for Fiscal Year 2012, except as provided by
chapter 153 of title 28 and this chapter, no court shall
have jurisdiction over any civil action or claim seeking, in
whole or in part, to challenge any decision for which ad-
ministrative review is available under section 1552 of this
title.”.

(2) Clerical Amendment.—The table of sec-
tions at the beginning of chapter 79 of such title is
amended by adding at the end the following new
item:

“1560. Judicial review of decisions.”.

(d) Effective Date.—The amendments made by
this section shall take effect one year after the date of
the enactment of this Act. Such amendments shall apply
to all final decisions of the Secretary of Defense under
section 1034(g) of title 10, United States Code, and of
the Secretary of a military department or the Secretary
of Homeland Security under section 1034(f) or 1552 of
title 10, United States Code, whether rendered before or
after the date of the enactment of this Act. During the
period between the date of the enactment of this Act and
the date on which the amendments made by this section
take effect, in any case in which the final decision of the
Secretary of Defense under section 1034 of title 10,
United States Code, or the Secretary concerned under sec-
tion 1552 of title 10, United States Code, results in denial,
in whole or in part, of any requested correction of a record
of a member, former member, or claimant, the individual
shall be informed in writing of the time for obtaining re-
view of the decision pursuant to section 1560 of title 10,
United States Code, as provided therein.

(e) IMPLEMENTATION.—The Secretaries concerned
may prescribe appropriate regulations, and interim guid-
ance before prescribing such regulations, to implement the
amendments made by this section. In the case of the Sec-
retary of a military department, such regulations may not
take effect until approved by the Secretary of Defense.

(f) CONSTRUCTION.—This section does not affect the
authority of any court to exercise jurisdiction over any
case which was properly before it before the effective date
specified in subsection (d).

(g) SECRETARY CONCERNED DEFINED.—In this sec-
tion, the term “Secretary concerned” has the meaning
given that term in section 101(a)(9) of title 10, United
States Code.
SEC. 554. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL REPRESENTATION FOR MEMBERS OF THE ARMED FORCES.

(a) Support Authorized.—The Secretary of Defense may provide support to one or more public or private programs designed to facilitate representation by attorneys who provide pro bono legal assistance of members of the Armed Forces who are in need of such representation.

(b) Financial Support.—

(1) In general.—The support provided a program under subsection (a) may include financial support of the program.

(2) Limitation on amount.—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed $500,000.

(3) Determination.—The Secretary may not provide financial support under subsection (a) unless the Secretary determines that services available at no cost to the Department of Defense or individual members of the Armed Forces that facilitate representation by attorneys who provide pro bono legal assistance to members of the Armed Forces who are in need of such assistance are not available.
(4) FUNDING.—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

Subtitle F—Sexual Assault Prevention and Response

SEC. 561. DIRECTOR OF THE SEXUAL Assault PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4431; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: “, who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position”.

SEC. 562. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) GUIDANCE REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the appropriate recommendations of the Report of the Defense Task Force on Sexual Assault in the Military Services (December 2009). Such guidance shall—
(1) require the Secretary of each military department to determine (which determination shall be based on the unique mission, military population, and force structure of the applicable Armed Force) the appropriate number of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates to be assigned to deployed and non-deployed military units under the jurisdiction of such Secretary;

(2) require that each installation or similar organizational level have at least one Sexual Assault Response Coordinator;

(3) establish, or require the Secretary of each military department to establish, credentialing programs for Sexual Assault Response Coordinators and for Sexual Assault Victim Advocates; and

(4) ensure that, after October 1, 2013, only members of the Armed Forces on active duty or full-time civilian employees of the Department of Defense who have obtained the appropriate credentials under a program under paragraph (3) may be assigned to duty as a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate.

(b) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit Congress a report on the status
of the implementation of the recommendations of the De-
fense Task Force on Sexual Assault in the Military Serv-
ices. The report shall set forth the anticipated date of the
completion of the implementation by each military depart-
ment of the guidance issued under subsection (a).

SEC. 563. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL
ASSISTANCE AND SERVICES OF SEXUAL AS-
SAULT RESPONSE COORDINATORS AND SEX-
UAL ASSAULT VICTIM ADVOCATES.

(a) LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL AS-
SAULT.—Not later than 60 days after the date of the en-
actment of this Act, the Secretaries of the military depart-
ments shall prescribe regulations on the provision of legal
assistance to victims of sexual assault. Such regulations
shall require that legal assistance be provided by military
or civilian legal assistance counsel pursuant to section
1044 of title 10, United States Code.

(b) ASSISTANCE AND REPORTING.—
(1) IN GENERAL.—Chapter 80 of title 10,
United States Code, is amended by inserting after
section 1565a the following new section:
§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

(a) Availability of Legal Assistance and Victim Advocate Services.—(1) A member of the armed forces who is the victim of a sexual assault may be provided the following:

(A) Legal assistance provided by military or civilian legal assistance counsel pursuant to section 1044 of this title.

(B) Assistance provided by a Sexual Assault Response Coordinator.

(C) Assistance provided by a Sexual Assault Victim Advocate.

(2) A member of the armed forces who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.
“(3) Legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates under paragraph (1) shall be available to a member regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

“(b) RESTRICTED REPORTING.—(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces who is the victim of a sexual assault may elect to confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance under section 1044 of this title, or counseling, without initiating an official investigation of the allegations.

“(2) The individuals specified in this paragraph are the following:

“(A) A military legal assistance counsel.

“(B) A Sexual Assault Response Coordinator.

“(C) A Sexual Assault Victim Advocate.

“(D) Healthcare personnel specifically identified in the regulations required by paragraph (1).

“(E) A chaplain.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is
amended by inserting after the item relating to section 1565a the following new item:

“1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.”.

SEC. 564. REQUIREMENT FOR PRIVILEGE IN CASES ARISING UNDER UNIFORM CODE OF MILITARY JUSTICE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE COORDINATORS, SEXUAL ASSAULT VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.

Not later than 60 days after the date of the enactment of this Act, the President shall establish in the Manual for Courts-Martial an evidentiary privilege against disclosure of certain communications by victims of sexual assault with Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, and such other persons as the President shall specify for purposes of the privilege.

SEC. 565. EXPEDITED CONSIDERATION AND DECISION-MAKING ON REQUESTS FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER OF VICTIMS OF SEXUAL ASSAULT.

(a) Expedited Consideration and Priority for Decisionmaking.—The Secretaries of the military departments shall provide guidance on expedited consideration and decision-making, to the maximum extent prac-
ticable, on requests for a permanent change of station or
unit transfer submitted by a member of the Armed Forces
serving on active duty who was a victim of a sexual as-
sault.

(b) REGULATIONS.—The Secretaries of the military
departments shall prescribe regulations to carry out this
section.

SEC. 566. DEPARTMENT OF DEFENSE POLICY AND PROCE-
DURES ON RETENTION AND ACCESS TO EVID-
ENCE AND RECORDS RELATING TO SEXUAL
ASSAULTS INVOLVING MEMBERS OF THE
ARMED FORCES.

(a) COMPREHENSIVE POLICY ON RETENTION AND
ACCESS TO RECORDS.—Not later than February 1, 2013,
the Secretary of Defense shall, in consultation with the
Secretary of Veterans Affairs, develop a comprehensive
policy for the Department of Defense on the retention of
and access to evidence and records relating to sexual as-
saults involving members of the Armed Forces.

(b) OBJECTIVES.—The comprehensive policy required
by subsection (a) shall include policies and procedures (in-
cluding systems of records) necessary to ensure preserva-
tion of records and evidence for periods of time that en-
sure that members of the Armed Forces and veterans of
military service who were the victims of sexual assault dur-
ing military service are able to substantiate claims for veterans benefits, to support criminal or civil prosecutions by military or civil authorities, and for such purposes relating to the documentation of the incidence of sexual assault in the Armed Forces as the Secretary of Defense considers appropriate.

(c) ELEMENTS.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall consider, at a minimum, the following matters:

(1) Identification of records, including non-Department of Defense records, relating to an incident of sexual assault, that must be retained.

(2) Criteria for collection and retention of records.

(3) Identification of physical evidence and non-documentary forms of evidence relating to sexual assaults that must be retained.

(4) Length of time records and evidence must be retained, except that the length of time documentary evidence, physical evidence and forensic evidence must be retained shall be not less than five years.

(5) Locations where records must be stored.
(6) Media which may be used to preserve records and assure access, including an electronic systems of records.

(7) Protection of privacy of individuals named in records and status of records under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act’’), section 552a of title 5, United States Code (commonly referred to as the “Privacy Act’’), and laws related to privilege.

(8) Access to records by victims of sexual assault, the Department of Veterans Affairs, and others, including alleged assailants and law enforcement authorities.

(9) Responsibilities for record retention by the military departments.

(10) Education and training on record retention requirements.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(d) Uniform Application to Military Departments.—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.
Subtitle G—Defense Dependents’ Education

SEC. 571. 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 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) 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. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2012 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. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF AUTHORITIES ON TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

(a) ADDITIONAL AUTHORITIES.—Paragraph (2)(B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended—

(1) by inserting “grant assistance” after “To provide”; and

(2) by striking “including—“ and all that follows and inserting “including programs on the following:

“(i) Access to virtual and distance learning capabilities and related applications.

“(ii) Training for teachers.
“(iii) Academic strategies to increase academic achievement.

“(iv) Curriculum development.

“(v) Support for practices that minimize the impact of transition and deployment.

“(vi) Other appropriate services to improve the academic achievement of such students.”.

(b) Three-Year Extension.—Paragraph (3) of such section is amended by striking “September 30, 2013” and inserting “September 30, 2016”.

Subtitle H—Military Family Readiness

SEC. 576. MODIFICATION OF MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Subsection (b) of section 1781a of title 10, United States Code, is amended to read as follows:

“(b) Members.—(1) The Council shall consist of the following members:

“(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary’s absence.

“(B) The following, who shall be appointed or designated by the Secretary of Defense:
“(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom may be a member of the armed force to be represented, the spouse of such a member, or the parent of such a member, and may represent either the regular component or a reserve component of that armed force.

“(ii) One representative of the Army National Guard or Air National Guard, who may be a member of the National Guard, the spouse of such a member, or the parent of such a member.

“(iii) One spouse of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse of a regular component member and two of whom shall be the spouse of a reserve component member.

“(iv) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

“(v) The senior enlisted advisor, or the spouse of a senior enlisted member, from each
of the Army, Navy, Marine Corps, and Air Force.

“(C) The Director of the Office of Community Support for Military Families with Special Needs.

“(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of paragraph (1)(B) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that paragraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

“(B) The term on the Council of the members appointed under clause (iv) of paragraph (1)(B) shall be three years.”.

### Subtitle I—Other Matters

#### SEC. 581. COLD WAR SERVICE MEDAL.

(a) MEDAL AUTHORIZED.—The Secretary of Defense may authorize the issuance by the Secretaries concerned of a service medal, to be known as the “Cold War Service Medal”, to persons eligible to receive the medal under the regulations under subsection (b).

(b) REGULATIONS.—

(1) IN GENERAL.—The issuance of a Cold War Service Medal under this section shall be subject to regulations prescribed by Secretary of Defense.
(2) ELEMENTS.—The regulations shall—

(A) provide for an appropriate design for

the Cold War Service Medal; and

(B) specify the persons eligible to receive

the medal.

c) SECRETARIES CONCERNED DEFINED.—In this

section, the term “Secretaries concerned” has the meaning

given that term in section 101(a)(9) of title 10, United

States Code.

SEC. 582. ENHANCEMENT AND IMPROVEMENT OF YELLOW

RIBBON REINTEGRATION PROGRAM.

(a) INCLUSION OF PROGRAMS OF OUTREACH IN PROGRAM.—Subsection (b) of section 582 of the National De-

defense Authorization Act for Fiscal Year 2008 (10 U.S.C.

10101 note) is amended by inserting “(including programs

of outreach)” after “informational events and activities”.

(b) RESTATEMENT OF FUNCTIONS OF CENTER FOR

EXCELLENCE IN REINTEGRATION AND INCLUSION IN

FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN

PROGRAMS OF OUTREACH.—Subsection (d)(2) of such

section is amended by striking the second, third, and

fourth sentences and inserting the following: “The Center

shall have the following functions:

“(A) To collect and analyze ‘lessons

learned’ and suggestions from State National
Guard and Reserve organizations with existing or developing reintegration programs.

“(B) To assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

“(C) To develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).

“(D) To develop and implement a process for identifying best practices in the delivery of information and services in programs of outreach as described in subsection (j).”.

(c) STATE-LED PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

“(j) STATE-LED PROGRAMS OF OUTREACH.—The Office for Reintegration Programs may work with the States, whether acting through or in coordination with their National Guard and Reserve organizations, to assist the States and such organizations in developing and carrying out programs of outreach for members of the Armed
Forces and their families to inform and educate them on the assistance and services available to them under the Yellow Ribbon Reintegration Program, including the assistance and services described in subsection (h).”.

(d) Scope of Activities Under Programs of Outreach.—Such section is further amended by adding at the end the following new subsection:

“(k) Scope of Activities Under Programs of Outreach.—For purposes of this section, the activities and services provided under programs of outreach may include personalized and substantive care coordination services targeted specifically to individual members of the Armed Forces and their families.”.

SEC. 583. REPORT ON PROCESS FOR EXPEDITED DETERMINATION OF DISABILITY OF MEMBERS OF THE ARMED FORCES WITH CERTAIN DISABLING CONDITIONS.

(a) In General.—Not later than September 1, 2012, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect members of the Armed Forces, including regular members and members of the reserve components, who suffer from certain disabling diseases or condi-
tions. If the establishment of such a process is considered feasible and advisable, the report shall set forth such recom-
mandations for legislative and administrative action as the Secretary consider appropriate for the establishment of such process.

(b) Requirements for Study for Report.—

(1) Evaluation of Appropriate Elements of Similar Federal Programs.—In conducting the study required for purposes of the preparation of the report required by subsection (a), the Secretary of Defense shall evaluate elements of programs for expedited determinations of disability that are currently carried out by other departments and agencies of the Federal Government, including the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration.

(2) Consultation.—The Secretary of Defense shall conduct the study in consultation with the Secretary of Veterans Affairs.

SEC. 584. REPORT ON THE ACHIEVEMENT OF DIVERSITY GOALS FOR THE LEADERSHIP OF THE ARMED FORCES.

(a) Report Required.—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 on the achievement of diversity goals for the leadership of the Armed Forces.

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

(1) An assessment by each Secretary of a military department of progress towards the achievement of diversity goals for the leadership within each Armed Force under the jurisdiction of such Secretary, including the reserve components of such Armed Force.

(2) A discussion of the findings and recommendations included in the final report of the Military Leadership Diversity Commission entitled “From Representation to Inclusion: Diversity Leadership for the 21st Century Military”, and in other relevant policies, studies, reports, evaluations, and assessments.

SEC. 585. SPECIFICATION OF PERIOD IN WHICH APPLICATION FOR VOTER REGISTRATION OR ABSENTEE BALLOT FROM AN OVERSEAS VOTER IS VALID.

Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—
(1) by inserting “or overseas voter” after “absent uniformed services voter”; and

(2) by striking “members of the uniformed services” and inserting “uniformed services voters or overseas voters”.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) Authorities Relating to Reserve Forces.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(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.

(b) Title 10 Authorities Relating to Health Care Professionals.—The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(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.

(c) Title 37 Authorities Relating to Health Care Professionals.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.
(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(9) Section 335(k), relating to bonus and incentive pay authorities for officers in health professions.

(d) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:
(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.

(4) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(e) Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 351(h), relating to hazardous duty pay.

(5) Section 352(g), relating to assignment pay or special duty pay.
(6) Section 353(i), relating to skill incentive pay or proficiency bonus.

(7) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(f) OTHER TITLE 37 BONUS AND SPECIAL PAY AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(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 the Armed Forces.
(8) Section 330(f), relating to accession bonus for officer candidates.

(g) INCREASED BAH FOR AREAS EXPERIENCING DISASTERS OR SUDDEN INCREASES IN PERSONNEL.—Section 403(b)(7)(E) of title 37, United States Code, is amended by inserting before the period at the end the following: “, except that such an increase may be prescribed for the period beginning on January 1, 2012, and ending on December 31, 2012”.

SEC. 612. MODIFICATION OF QUALIFYING PERIOD FOR PAYMENT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND HAZARDOUS DUTY SPECIAL PAY.

(a) HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a), by striking “for any month or portion of a month” and inserting “for any day or portion of a day”;

(2) by striking subsection (b) and inserting the following new subsection (b):

“(b) SPECIAL PAY AMOUNT.—The amount of special pay authorized by subsection (a) for a day or portion of a day may not exceed an amount equal to $225 divided by the number of days of the month in which such day falls.”;
(3) in subsection (c)(1), by inserting “for any day (or portion of a day) of” before “not more than three additional months”; and

(4) in subsection (d)(2), by striking “any month” and inserting “any day”.

(b) HAZARDOUS DUTY PAY.—Section 351(c)(2) of such title is amended by striking “receipt of hazardous duty pay,” and all that follows and inserting “receipt of hazardous duty pay—

“(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned shall prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month; and

“(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011, and shall apply with respect to duty performed on or after that date.
Subtitle B—Consolidation and Reform of Travel and Transportation Authorities

SEC. 621. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.

(a) PURPOSE.—This section establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.

(b) CONSOLIDATED AUTHORITIES.—Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

"
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“452. Allowable travel and transportation: general authorities.
“454. Travel and transportation: pilot programs.
“455. Appropriations for travel: may not be used for attendance at certain meetings.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

“461. Relationship to other travel and transportation authorities.
“462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.
“463. Program of compliance; electronic processing of travel claims.
“464. Regulations.

“SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

“471. Travel authorities transition expiration date.
“474. Travel and transportation allowances: general.
“474a. Travel and transportation allowances: temporary lodging expenses.
“474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
“475. Travel and transportation allowances: per diem while on duty outside the continental United States.
“475a. Travel and transportation allowances: departure allowances.
“476. Travel and transportation allowances: dependents; baggage and household effects.
“476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
“476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
“476c. Travel and transportation allowances: members assigned to a vessel under construction.
“477. Travel and transportation allowances: dislocation allowance.
“478. Travel and transportation allowances: travel within limits of duty station.
“478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
“479. Travel and transportation allowances: house trailers and mobile homes.
“480. Travel and transportation allowances: miscellaneous categories.
“481. Travel and transportation allowances: administrative provisions.
“481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
“481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
“481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
“481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
“481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
“481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies.
“481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.

“481i. Travel and transportation allowances: parking expenses.

“481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.

“481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.

“481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.

“484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.

“488. Allowance for recruiting expenses.

“489. Travel and transportation allowances: minor dependent schooling.

“490. Travel and transportation: dependent children of members stationed overseas.


“492. Travel and transportation: members escorting certain dependents.

“494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.

“495. Funeral honors duty: allowance.

``SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

§ 451. Definitions

“(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

“(1) The term ‘administering Secretary’ or ‘administering Secretaries’ means the following:

“(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

“(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.
“(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

“(2) The term ‘authorized traveler’ means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

“(A) A member of the uniformed services.

“(B) A family member of a member of the uniformed services.

“(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

“(D) A person who participates in a military funeral honors detail.

“(E) A Senior Reserve Officers’ Training Corps cadet or midshipman.

“(F) An applicant or rejected applicant for enlistment.
“(G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.

“(H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of a particular travel incident.

“(3) The term ‘family member’, with respect to a member of the uniformed services, means the following:

“(A) A dependent.

“(B) A child, as defined in section 401(b)(1) of this title.

“(C) A parent, as defined in section 401(b)(2) of this title.

“(D) A sibling of the member.

“(E) A former spouse of the member.

“(F) Any person not covered by subparagraphs (A) through (E) who is in a category specified in regulations prescribed under section 464 of this title as having an association, con-
nection, or affiliation with a member or the family of a member, including any person specifically designated by a member to receive travel benefits for a particular purpose.

“(4) The term ‘dependent’, with respect to a member of the uniformed services, has the meaning given that term in section 401(a) of this title.

“(b) Definitions Relating to Travel and Transportation Allowances.—In this subchapter and subchapter II:

“(1) The term ‘official travel’ means the following:

“(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

“(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

“(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

“(D) Local travel in or around the temporary duty or permanent duty station.
“(E) Other travel as authorized or ordered by the administering Secretary.

“(2) The term ‘actual and necessary expenses’ means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

“(3) The term ‘travel allowances’ means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

“(4) The term ‘transportation allowances’ means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

“(5) The term ‘transportation-, lodging-, or meals-in-kind’ means transportation, lodging, or meals provided by the Government without cost to an authorized traveler.

“(6) The term ‘miscellaneous expenses’ means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

“(7) The term ‘personal property’, with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately
owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

“(8) The term ‘relocation allowances’ means the costs associated with relocating a member of the uniformed services and the member’s dependents between an old and new temporary or permanent duty assignment location or other authorized location.

“(9) The term ‘dislocation allowances’ means the costs associated with relocation of the household of a member of the uniformed services and the member’s dependents in relation to a change in the member’s permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

§452. Allowable travel and transportation: general authorities

“(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.
“(b) **Specific Circumstances.**—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

“(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

“(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

“(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

“(4) Recruiting duties for the armed forces.

“(5) Assignment or detail to another Government department or agency.

“(6) Rest and recuperative leave.

“(7) Convalescent leave.

“(8) Reenlistment leave.

“(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member’s permanent residence.
“(10) Ready Reserve muster duty.

“(11) Unusual, extraordinary, hardship, or emergency circumstances.

“(12) Presence of family members at a military medical facility incident to the illness or injury of members.

“(13) Presence of family members at the repatriation of members held captive.

“(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

“(15) Attendance at Yellow Ribbon Reintegration Program events.

“(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

“(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

“(c) Matters Included.—Travel and transportation allowances which may be provided under subsection (a) include the following:

“(1) Allowances for transportation, lodging, and meals.
“(2) Dislocation or relocation allowances paid in connection with a change in a member’s temporary or permanent duty assignment location.

“(3) Other related miscellaneous expenses.

“(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

“(1) as an actual expense;

“(2) as an authorized allowance;

“(3) in-kind; or

“(4) using a combination of the authorities under paragraphs (1), (2), and (3).

“(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization before such order or authorization is cancelled, revoked, or modified.

“(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.
“(g) Responsibility for Unauthorized Expenses.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

“(h) Relationship to Other Authorities.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

“§ 453. Allowable travel and transportation: specific authorities

“(a) In General.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

“(b) Authorized Absence from Temporary Duty Location.—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

“(c) Movement of Personal Property.—(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property
and household goods, including such expenses when associated with a self-move.

“(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

“(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

“(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

“(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.
“(d) **UNUSUAL OR EMERGENCY CIRCUMSTANCES.**—

An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

“(e) **PARTICULAR SEPARATION PROVISIONS.**—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

“(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

“(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

“(3) A member who is discharged under section 1173 of title 10.

“(f) **ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.**—A family member or member of the uniformed services who attends a deceased member’s repatri-
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§ 454. Travel and transportation: pilot programs

(a) Pilot Programs.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be conducted so as to evaluate one or more of the following:

(1) Alternative methods for performing and reimbursing travel.

(2) Means for limiting the need for travel.

(3) Means for reducing the environmental impact of travel.

(b) Limitations.—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

(2) The duration of a pilot program may not exceed four years.

(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.
“(c) Reports.—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

“(A) The purpose of the pilot program.

“(B) The duration of the pilot program.

“(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

“(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

“(A) A description of results of the pilot program.

“(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

“(d) Congressional Defense Committees Defined.—In this section, the term ‘congressional defense
committees’ has the meaning given that term in section 101(a)(16) of title 10.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

§ 461. Relationship to other travel and transportation authorities

“An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

§ 462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

“(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.
“(b) EXCEPTION.—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

“(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

§ 463. Programs of compliance; electronic processing of travel claims

“(a) PROGRAMS OF COMPLIANCE.—The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

“(b) ELEMENTS.—The programs of compliance under subsection (a) shall—

“(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other means as the administering
Secretaries may establish for purposes of the programs of compliance; and

“(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

“(e) ELECTRONIC PROCESSING OF TRAVEL CLAIMS.—(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

“(2) The administering Secretary, or the Secretary’s designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

“(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

“§ 464. Regulations

“This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with
the other administering Secretaries for members of the
uniformed services. Such regulations shall be uniform for
the Department of Defense and shall apply as uniformly
as practicable to the uniformed services under the jurisdic-
tion of the other administering Secretaries.

“SUBCHAPTER III—TRAVEL AND
TRANSPORTATION AUTHORITIES—OLD LAW

“§471. Travel authorities transition expiration date

“In this subchapter, the term ‘travel authorities tran-
sition expiration date’ means the last day of the 10-year
period beginning on the first day of the first month begin-
ing after the date of the enactment of the National De-

“§472. Definitions and other incorporated provisions
of chapter 7

“(a) DEFINITIONS.—The provisions of section 401 of
this title apply to this subchapter.

“(b) OTHER PROVISIONS.—The provisions of sections
421 and 423 of this title apply to this subchapter.”.

(e) REPEAL OF OBSOLETE AUTHORITY.—Section
411g of title 37, United States Code, is repealed.

(d) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412
of title 37, United States Code, is transferred to
chapter 8 of such title, as added by subsection (b),
inserted after section 454, and redesignated as section 455.

(2) Transfer of Current Chapter 7 Authorities to Subchapter III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a, 409, 410, 411, 411a through 411f, 411h through 411l, 428 through 432, 434, and 435 of such title are transferred (in that order) to chapter 8 of such title, as added by subsection (b), inserted after section 472, and redesignated as follows:

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(3) Transfer of section 554.—Section 554 of such title is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 4811 (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

(e) Sunset of Old-Law Authorities.—Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by paragraphs (2) and (3) of subsection (c), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

“(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(2) Section 474a is amended by adding at the end the following new subsection:

“(f) Termination.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.”.

(3) Section 474b is amended by adding at the end the following new subsection:

“(e) Termination.—No payment or reimbursement may be provided under this section with respect to an au-
authorized absence that begins after the travel authorities transition expiration date.”.

(4) Section 475 is amended by adding at the end the following new subsection:

“(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.”.

(5) Section 475a is amended by adding at the end the following new subsection:

“(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.”.

(6) Section 476 is amended by adding at the end the following new subsection:

“(n) No transportation, reimbursement, allowance, or per diem may be provided under this section—

“(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

“(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.”.

(7) Section 476a is amended—
(A) by inserting “(a) AUTHORITY.—” before “Under uniform regulations”; and

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

“(b) TERMINATION.—No transportation or travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(8) Section 476b is amended by adding at the end the following new subsection:

“(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(9) Section 476e is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(10) Section 477 is amended by adding at the end the following new subsection:

“(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.”.

(11) Section 478 is amended by adding at the end the following new subsection:
“(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(12) Section 478a(e) is amended by striking “December 31, 2011” and inserting “the travel authorities transition expiration date”.

(13) Section 479 is amended by adding at the end the following new subsection:

“(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.”.

(14) Section 480 is amended by adding at the end the following new subsection:

“(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(15) Section 481 is amended by adding at the end the following new subsection:

“(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.”.
(16) Section 481a is amended by adding at the end the following new subsection:

“(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(17) Section 481b is amended by adding at the end the following new subsection:

“(d) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(18) Section 481c is amended by adding at the end the following new subsection:

“(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.”.

(19) Section 481d is amended by adding at the end the following new subsection:

“(d) No transportation may be provided under this section after the travel authorities transition expiration date.”.

(20) Section 481e is amended by adding at the end the following new subsection:
“(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(21) Section 481f is amended by adding at the end the following new subsection:

“(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(22) Section 481h is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(23) Section 481i is amended by adding at the end the following new subsection:

“(c) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(24) Section 481j is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this
section for travel that begins after the travel authorities
transition expiration date.”.

(25) Section 481k is amended by adding at the
end the following new subsection:
“(e) TERMINATION.—No transportation, allowance,
reimbursement, or per diem may be provided under this
section for travel that begins after the travel authorities
transition expiration date.”.

(26) Section 481l is amended by adding at the
end the following new subsection:
“(e) TERMINATION.—No transportation, allowance,
reimbursement, or per diem may be provided under this
section for travel that begins after the travel authorities
transition expiration date.”.

(27) Section 484 is amended by adding at the
end the following new subsection:
“(k) No transportation, allowance, or reimbursement
may be provided under this section for a move that begins
after the travel authorities transition expiration date.”.

(28) Section 488 is amended—
(A) by inserting “(a) AUTHORITY.—” be-
fore “In addition”; and
(B) by adding at the end the following new
subsection:
“(b) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(29) Section 489 is amended—

(A) by inserting “(a) AUTHORITY.—” before “In addition”; and

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

“(b) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(30) Section 490 is amended by adding at the end the following new subsection:

“(g) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(31) Section 492 is amended by adding at the end the following new subsection:

“(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(32) Section 494 is amended by adding at the end the following new subsection:
“(d) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(33) Section 495 is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No allowance may be paid under this section for any day after the travel authorities transition expiration date.”.

(f) **TECHNICAL AND CLERICAL AMENDMENTS.**—

(1) **CHAPTER HEADING.**—The heading of chapter 7 of such title is amended to read as follows:

“**CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES**”.

(2) **TABLE OF CHAPTERS.**—The table of chapter preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following:

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7. Allowances Other Than Travel and Transportation Allowances ....... 401
8. Travel and Transportation Allowances ............................................... 451```

(3) **TABLES OF SECTIONS.**—

(A) The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.
(B) The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 554.

(4) CROSS-REFERENCES.—

(A) Any section of title 10 or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by subsection (c) is amended so as to conform the reference to the section number of the section as so redesignated.

(B) Any reference in a provision of law other than a section of title 10 or 37, United States Code, to a section of title 37 that is transferred and redesignated by subsection (c) is deemed to refer to the section as so redesignated.

SEC. 622. TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 621(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.
(b) Authority for Modifications to Old-Law Authorities During Transition Period.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) Coordination.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) Program of Compliance.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance re-
quired by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act.

(e) Transition Period.—In this section, the term “transition period” means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle C—Disability, Retired Pay, and Survivor Benefits

SEC. 631. 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. 632. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT ON PROVISION OF SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH INJURY OR ILLNESS REQUIRING ASSISTANCE IN EVERY-DAY LIVING.

(a) LIMITATION ON FUNDS FOR TRAVEL OF USD(PR).—Of the amount authorized to be appropriated for fiscal year 2012 for the Department of Defense for operation and maintenance for defense-wide activities as specified in the funding table in section 4301 and available for purposes of travel of the Office of the Under Secretary of Defense for Personnel and Readiness, not more than 50 percent of such amount may be obligated or expended for such purposes until the Under Secretary of Defense for Personnel and Readiness submits to the congressional defense committees a report on the implementation by the Department of Defense of the authorities in section 439 of title 37, United States Code, for payment of special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.
(b) Elements.—The report described in subsection (a) shall include a detailed description of the implementation by the Department of the authorities in section 439 of title 37, United States Code, including the following:

(1) A description of the criteria established pursuant to such section for the payment of special compensation under that section.

(2) An assessment of the training needs of caregivers of members paid special compensation under that section, including—

(A) a description of the types of training currently provided;

(B) a description of additional types of training that could be provided; and

(C) an assessment whether current Department programs are adequate to meet such training needs.

SEC. 633. REPEAL OF SENSE OF CONGRESS ON AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

TITLE VII—HEALTH CARE

PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. ANNUAL COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEES IN TRICARE PRIME.

(a) IN GENERAL.—Section 1097a of title 10, United States Code, is amended—

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

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

“(c) COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.—(1) Whenever after September 30, 2012, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subsection, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title. The increase in such fee shall

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be effective as of January 1 following the date of the increase in such retired pay.

“(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.”.

(b) Conforming and Clerical Amendments.—

(1) Heading Amendment.—The heading of such section is amended to read as follows:

“§ 1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment options”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1097a and inserting the following new item:

“1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment options.”.

SEC. 702. MAINTENANCE OF THE ADEQUACY OF PROVIDER NETWORKS UNDER THE TRICARE PROGRAM.

Section 1097b(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall to the extent practicable
maintain adequate networks of providers, including institutional, professional, and pharmacy. Network providers under such provider network agreements are not considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.”.

SEC. 703. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 1073 note) is amended—

(1) by striking “If a covered beneficiary” and inserting “(1) Except as provided in paragraph (2), if a covered beneficiary”; and

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

“(2) After September 30, 2011, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2011.”.
SEC. 704. MODIFICATION OF AUTHORITIES ON SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.


(b) Frequency of Submittal of GAO Reviews.—Subsection (b)(2) of such section is amended by striking “biannual basis” and inserting “biennial basis”.

Subtitle B—Other Health Care Benefits

SEC. 711. TRAVEL FOR ANESTHESIA SERVICES FOR CHILD-BIRTH FOR COMMAND-SPONSORED DEPENDENTS OF MEMBERS ASSIGNED TO REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

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

“(2)(A) For purposes of paragraph (1), required medical attention of a dependent includes, in the case of a dependent authorized to accompany a member at a loca-
tion described in that paragraph, obstetrical anesthesia
services for childbirth equivalent to the obstetrical anes-
thesia services for childbirth available in a military treat-
ment facility in the United States.

“(B) In the case of a dependent at a remote location
outside the continental United States who elects services
described in subparagraph (A) and for whom air transpor-
tation would be needed to travel under paragraph (1) to
the nearest appropriate medical facility in which adequate
medical care is available, the Secretary may authorize the
dependent to receive transportation under that paragraph
to the continental United States and be treated at the
military treatment facility that can provide appropriate
obstetrical services that is nearest to the closest port of
entry into the continental United States from such remote
location.

“(C) The second through sixth sentences of para-
graph (1) shall apply to a dependent provided transpor-
tation by reason of this paragraph.

“(D) The total cost incurred by the United States
for the provision of transportation and expenses (including
per diem) with respect to a dependent by reason of this
paragraph may not exceed the cost the United States
would otherwise incur for the provision of transportation
and expenses with respect to that dependent under para-
graph (1) if the transportation and expenses were provided to that dependent without regard to this paragraph.

“(E) The authority under this paragraph shall expire on September 30, 2016.”.

SEC. 712. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS WITH EXTENSION OF ACTIVE DUTY FOLLOWING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C), or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.”.

SEC. 713. CODIFICATION AND IMPROVEMENT OF PROCEDURES FOR MENTAL HEALTH EVALUATIONS FOR MEMBERS OF THE ARMED FORCES.

(a) Codification and Improvement of Procedures.—

(1) In general.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090 the following new section:
§ 1090a. Commanding officer and supervisor referrals of members for mental health evaluations

(a) REGULATIONS.—The Secretary of Defense shall prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations. The regulations shall incorporate the requirements set forth in subsections (b), (c), and (d) and such other matters as the Secretary considers appropriate.

(b) REDUCTION OF PERCEIVED STIGMA.—The regulations required by subsection (a) shall, to the greatest extent possible—

(1) seek to eliminate perceived stigma associated with seeking and receiving mental health services, promoting the use of mental health services on a basis comparable to the use of other medical and health services; and

(2) clarify the appropriate action to be taken by commanders or supervisory personnel who, in good faith, believe that a subordinate may require a mental health evaluation.

(c) PROCEDURES FOR INPATIENT EVALUATIONS.—The regulations required by subsection (a) shall provide that, when a commander or supervise determines that it
is necessary to refer a member of the armed forces for a mental health evaluation—

“(1) the mental health evaluation shall only be conducted on an inpatient basis if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

“(2) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit the member pursuant to the referral for a mental health evaluation to be conducted on an inpatient basis.

“(d) Prohibition on Use of Referrals for Mental Health Evaluations To Retaliate Against Whistleblowers.—(1) The regulations required by subsection (a) shall provide that no person may refer a member of the armed forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of this title, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

“(2) Such regulations shall provide that a referral for a mental health evaluation by a commander or supervisor,
when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of this title (article 92 of the Uniform Code of Military Justice). Persons not subject to chapter 47 of this title (the Uniform Code of Military Justice) who fail to comply with the provisions of this section are subject to adverse administrative action.

“(3)(A) No person may restrict a member of the armed forces in communicating with an Inspector General, attorney, member of Congress, or others about the referral of a member of the armed forces for a mental health evaluation.

“(B) Subparagraph (A) does not apply to a communication that is unlawful.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘Inspector General’ means the following:


“(B) An officer of the armed forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the armed forces.
“(2) The term ‘mental health professional’ means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric clinical nurse specialist.

“(3) The term ‘mental health evaluation’ means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the state of mental health of a member of the armed forces.

“(4) The term ‘least restrictive alternative principle’ means a principle under which a member of the armed forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting—

“(A) that is no more restrictive than is conducive to the most effective form of treatment; and

“(B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.”.

(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 1090 the following new item:

“1090a. Commanding officer and supervisor referrals of members for mental health evaluations.”.

(b) CONFORMING REPEAL.—Section 546 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2416; 10 U.S.C. 1074 note) is repealed.

Subtitle C—Health Care Administration

SEC. 721. EXPANSION OF STATE LICENSURE EXCEPTIONS FOR CERTAIN MENTAL HEALTH-CARE PROFESSIONALS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

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

“(B) Notwithstanding any law regarding the licensure of health care providers, a health-care professional described in paragraph (4) may perform the duties relating to mental health care specified in the regulations under subparagraph (B) of that paragraph at any location in any State, the District of Columbia, or a Commonwealth, territory or possession of the United States, re-
Regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties specified in that subparagraph.”;

(2) in paragraphs (2) and (3), by striking “paragraph (1)” and inserting “paragraph (1)(A)”;

and

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

“(4) A health-care professional referred to in paragraph (1)(B) is a member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for purposes of that paragraph who—

“(A) has a current license to practice medicine, osteopathic medicine, or another health profession;

and

“(B) is performing such authorized duties relating to mental health care for the Department of Defense as the Secretary shall prescribe in regulations for purposes of this paragraph.”.
SEC. 722. CLARIFICATION ON CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) In General.—Section 1102(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “any activity carried out” and inserting “any peer review activity carried out”; and

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

“(4) The term ‘peer review’ means an assessment of professional performance by professionally-equivalent health care providers.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 2012.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. WAIVER OF REQUIREMENTS RELATING TO NEW MILESTONE APPROVAL FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The requirements of subparagraphs (B) and (C) of paragraph (1) shall not apply to a program or subprogram if—

“(i) the Milestone Decision Authority determines in writing, on the basis of a cost assessment and root cause analysis conducted pursuant to subsection (a), that—

“(I) but for a change in the quantity of items to be purchased under the program or subprogram, the program acquisition unit cost
or procurement unit cost for the program or
subprogram would not have increased by a per-
centage equal to or greater than the cost
growth thresholds for the program or subpro-
gram set forth in subparagraph (B); and

“(II) the change in quantity of items de-
scribed in subclause (I) was not made as a re-
sult of an increase in program cost, a delay in
the program, or a problem meeting program re-
quirements;

“(ii) the Secretary determines in writing that
the cost to the Department of Defense of complying
with such requirements is likely to exceed the bene-
fits to the Department of complying with such re-
quirements; and

“(iii) the Secretary submits to Congress, before
the end of the 60-day period beginning on the day
the Selected Acquisition Report containing the infor-
mation described in section 2433(g) of this title is
required to be submitted under section 2432(f) of
this title—

“(I) a copy of the written determination
under clause (i) and an explanation of the basis
for the determination; and
“(II) a copy of the written determination under clause (ii) and an explanation of the basis for the determination.

“(B) The cost growth thresholds specified in this sub-
paragraph are as follows:

“(i) In the case of a major defense acquisition program or designated major defense subprogram, a percentage increase in the program acquisition unit cost for the program or subprogram of—

“(I) 5 percent over the program acquisition unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

“(II) 10 percent over the program acquisition unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.

“(ii) In the case of a major defense acquisition program or designated major defense subprogram that is a procurement program, a percentage increase in the procurement unit cost for the program or subprogram of—

“(I) 5 percent over the procurement unit cost for the program or subprogram as shown
in the current Baseline Estimate for the pro-
gram or subprogram; and

“(II) 10 percent over the procurement unit
cost for the program or subprogram as shown
in the original Baseline Estimate for the pro-
gram or subprogram.”.

SEC. 802. MODIFICATION OF CERTAIN REQUIREMENTS OF
THE WEAPON SYSTEMS ACQUISITION RE-
FORM ACT OF 2009.

(a) Repeal of Certification of Compliance of
Certain Major Defense Acquisition Programs
With Actions on Treatment of Systemic Problems
Before Milestone Approval.—Subsection (c) of sec-
tion 204 of the Weapon Systems Acquisition Reform Act
2366a note) is repealed.

(b) Waiver of Requirement to Review Pro-
grams Receiving Waiver or Certain Certification
Requirements.—Section 2366b(d) of title 10, United
States Code, is amended by adding the following new
paragraph:

“(3) The requirement in paragraph (2)(B) shall not
apply to a program for which a certification was required
pursuant to section 2433a(c) of this title if the milestone
decision authority—
“(A) determines in writing that—

“(i) the program has reached a stage in
the acquisition process at which it would not be
practicable to meet the certification component
that was waived; and

“(ii) the milestone decision authority has
taken appropriate alternative actions to address
the underlying purposes of such certification
component; and

“(B) submits the written determination, and an
explanation of the basis for the determination, to the
congressional defense committees.”.

SEC. 803. ASSESSMENT, MANAGEMENT, AND CONTROL OF
OPERATING AND SUPPORT COSTS FOR
MAJOR WEAPON SYSTEMS.

(a) GUIDANCE REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, the Secretary
of Defense shall issue guidance on actions to be taken to
assess, manage, and control Department of Defense costs
for the operation and support of major weapon systems.

(b) ELEMENTS.—The guidance required by sub-
section (a) shall, at a minimum—

(1) require the military departments to retain
each estimate of operating and support costs that is
developed at any time during the life cycle of a
major weapon system, together with supporting doc-
umentation used to develop the estimate;

(2) require the military departments to update
estimates of operating and support costs periodically
throughout the life cycle of a major weapon system,
to determine whether preliminary information and
assumptions remain relevant and accurate, and iden-
tify and record reasons for variances;

(3) establish standard requirements for the col-
lection of data on operating and support costs for
major weapon systems and require the military de-
partments to revise their Visibility and Management
of Operating and Support Costs (VAMOSC) systems
to ensure that they collect complete and accurate
data in compliance with such requirements and
make such data available in a timely manner;

(4) establish standard requirements for the col-
lection and reporting of data on operating and sup-
port costs for major weapon systems by contractors
performing weapon system sustainment functions in
an appropriate format, and develop contract clauses
to ensure that contractors comply with such require-
ments;

(5) require the military departments—
(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

(6) require the military departments to ensure that sustainment factors are fully considered at key life cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

(7) require the military departments to conduct an independent logistics assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

(8) include—
(A) reliability metrics for major weapon systems; and

(B) requirements on the use of metrics under subparagraph (A) as triggers—

(i) to conduct further investigation and analysis into drivers of those metrics; and

(ii) to develop strategies for improving reliability, availability, and maintainability of such systems at an affordable cost; and

(9) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.
(2) SUPPORT.—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

(C) with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, may direct the military departments to collect and retain information necessary to support the database.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term “major weapon system” has the meaning given that term in section 2379(f) of title 10, United States Code.
SEC. 804. CLARIFICATION OF RESPONSIBILITY FOR COST ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.

Section 2334(e) of title 10, United States Code, is amended—

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

(2) in paragraph (1)—

(A) by striking “shall provide that—” and all that follows through “cost estimates” and inserting “shall provide that cost estimates”;

and

(B) by striking “; and” and inserting a period;

(3) by redesignating subparagraph (B) as paragraph (2) and indenting such paragraph two ems from the left margin;

(4) in paragraph (2) as redesignated by paragraph (3) of this section, by striking “cost analyses and targets” and inserting “The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Director of Cost Assessment and Program Evaluation, develop policies, procedures, and guidance to ensure that cost analyses and targets”;
(5) in paragraph (3), as redesignated by paragraph (1) of this section, by striking “issued by the Director of Cost Assessment and Program Evaluation” and inserting “issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)”;

(6) in paragraph (5), as redesignated by paragraph (1) of this section, by striking “paragraph (3)” and inserting “paragraph (4)”.

SEC. 805. MODIFICATION OF REQUIREMENTS FOR GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.


(1) by striking “manufacturing readiness levels” each place it appears and inserting “manufacturing readiness levels or other manufacturing readiness standards”;

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

(3) by inserting after paragraph (3) the following new paragraph (4):
“(4) provide for the tailoring of manufacturing readiness levels or other manufacturing readiness standards to address the unique characteristics of specific industry sectors or weapon system portfolios;”.

SEC. 806. MANAGEMENT OF DEVELOPMENTAL TEST AND EVALUATION FOR MAJOR DEFENSE ACQUISITION PROGRAMS.


(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6) Chief developmental tester.”.

(b) Responsibilities of Chief Developmental Tester and Lead Developmental Test and Evaluation Organization.—Section 139b of title 10, United States Code, is amended—

(1) by redesignating subsections (e), (d), and (e) as subsections (d), (e), and (f), respectively; and
(2) by inserting after subsection (b) the following new subsection (c):

“(c) Support of Mdaps by Chief Developmental Tester and Lead Developmental Test and Evaluation Organization.—

“(1) Support.—The Secretary of Defense shall require that each major defense acquisition program be supported by—

“(A) a chief developmental tester; and

“(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

“(2) Responsibilities of Chief Developmental Tester.—The chief developmental tester for a major defense acquisition program shall be responsible for—

“(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

“(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and
“(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

“(3) RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—
The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

“(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

“(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

“(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.”.
SEC. 807. ASSESSMENT OF RISK ASSOCIATED WITH DEVELOPMENT OF MAJOR WEAPON SYSTEMS TO BE PROCURED UNDER COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.

(a) Assessment of Risk Required.—

(1) In General.—Not later than two days after the President transmits a certification to Congress pursuant to section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)) regarding a proposed cooperative project agreement that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system, the Secretary of Defense shall submit to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a risk assessment of the proposed cooperative project.

(2) Preparation.—The Secretary shall prepare each report required by paragraph (1) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering, and the Director of Cost Assessment and Program Evaluation of the Department of Defense.
(b) ELEMENTS.—The risk assessment on a cooperative project under subsection (a) shall include the following:

(1) An assessment of the design, technical, manufacturing, and integration risks associated with developing and procuring the weapon system to be procured under the cooperative project.

(2) A statement identifying any termination liability that would be incurred under the development contract to be entered into under subsection (a)(1), and a statement of the extent to which such termination liability would not be fully funded by appropriations available or sought in the fiscal year in which the agreement for the cooperative project is signed on behalf of the United States.

(3) An assessment of the advisability of incurring any unfunded termination liability identified under paragraph (2) given the risks identified in the assessment under paragraph (1).

(4) A listing of which, if any, requirements associated with the oversight and management of a major defense acquisition program (as prescribed under Department of Defense Instruction 5000.02 or related authorities) will be waived, or in any way modified, in carrying out the development contract.
to be entered into under (a)(1), and a full expla-
nation why such requirements need to be waived or
modified.

(c) DEFINITIONS.—In this section:

(1) The term “engineering and manufacturing
development” has the meaning given that term in
Department of Defense Instruction 5000.02.

(2) The term “major weapon system” has the
meaning given that term in section 2379(f) of title
10, United States Code.

Subtitle B—Acquisition Policy and
Management

SEC. 821. INCLUSION OF DATA ON CONTRACTOR PERFORM-
ANCE IN PAST PERFORMANCE DATABASES
FOR SOURCE SELECTION DECISIONS.

(a) Strategy on Inclusion Required.—Not later
than 180 days after the date of the enactment of this Act,
the Under Secretary of Defense for Acquisition, Tech-
nology, and Logistics shall develop a strategy for ensuring
that timely, accurate, and complete information on con-
tractor performance is included in past performance data-
bases used for making source selection decisions.

(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 Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to require the following:

(1) That agency evaluations of contractor past performance are included in the relevant past performance database as soon as such evaluations are completed.

(2) That affected contractors are notified in a timely manner when such agency evaluations are entered into such database.

(3) That such contractors are afforded a reasonable opportunity to submit comments, rebutting statements, or additional information pertaining to
such agency evaluations for inclusion in such database.

(d) 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 congressional defense committees a report on the actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to this section, including an assessment of the extent to which such actions have achieved the objectives of this section.

SEC. 822. IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON SERVICE CONTRACTING.

(a) PLAN FOR IMPLEMENTATION.—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, acting pursuant to the Under Secretary’s responsibility under section 2330 of title 10, United States Code, develop a plan for implementing the recommendations of the Defense Science Board Task Force on Improvements to Service Contracting.

(b) ELEMENTS.—The plan developed pursuant to subsection (a) shall include, to the extent determined app-
propriate by the Under Secretary for Acquisition, Technology, and Logistics, the following:

(1) A meaningful taxonomy to track services, which can be built into the inventory of contract services required by section 2330a(c) of title 10, United States Code.

(2) Standards, definitions, and performance measures for each portfolio of contract services which can be used for the purposes of performance assessments conducted pursuant to section 2548 of title 10, United States Code, and independent management reviews conducted pursuant to section 808 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 215; 10 U.S.C. 2330 note).

(3) Meaningful incentives to service contractors for high performance at low cost, consistent with the objectives of the Better Buying Power Initiative established by the Under Secretary.

(4) Improved means of communication between the Government and the services contracting industry in the process of developing requirements for services contracts.
(5) Clear guidance for defense acquisition personnel on the use of appropriate contract types for particular categories of services contracts.

(6) Formal certification and training requirements for services acquisition personnel, consistent with the requirements of sections 1723 and 1724 of title 10, United States Code.

(7) Appropriate emphasis on the recruiting and training of services acquisition personnel, consistent with the strategic workforce plan developed pursuant to section 115b of title 10, United States Code, and the funds available through the Department of Defense Acquisition Workforce Development Fund established pursuant to section 1705 of title 10, United States Code.

(8) Policies and guidance on career development for services acquisition personnel, consistent with the requirements of sections 1722a and 1722b of title 10, United States Code.

(9) Actions to ensure that the military departments dedicate portfolio-specific commodity managers to coordinate the procurement of key categories of contract services, as required by section 2330(b)(3)(C) of title 10, United States Code.
(10) Actions to ensure that the Department of Defense conducts realistic exercises and training that account for services contracting during contingency operations, as required by section 2333(e) of title 10, United States Code.

(c) 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 congressional defense committees a report on the following:

(1) The actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics to carry out the requirements of this section.

(2) The actions taken by the Under Secretary to carry out the requirements of section 2330 of title 10, United States Code.

(3) The actions taken by the military departments to carry out the requirements of section 2330 of title 10, United States Code.

(4) The extent to which the actions described in paragraphs (1), (2), and (3) have resulted in the improved acquisition and management of contract services.
SEC. 823. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2012 or 2013 may not exceed the total amount requested for the Department for contract services in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105(b) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) EXCEPTION.—Notwithstanding the limitation in subsection (a), the total amount obligated by the Department for contract services in fiscal year 2012 or 2013 may exceed the amount otherwise provided pursuant to subsection (a) by an amount elected by the Secretary that is not greater than the cost of any increase in such fiscal year in the number of civilian billets at the Department that has been approved by the Secretary over the number of such billets at the Department in fiscal year 2010.

(c) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance to the military departments and the Defense Agencies on implementation of this section during fiscal
years 2012 and 2013. The guidance shall, at a minimum—

(1) establish a negotiation objective that labor rates and overhead rates in any contract or task order for contract services with an estimated value in excess of $10,000,000 awarded to a contractor in fiscal year 2012 or 2013 shall not exceed labor rates and overhead rates paid to the contractor for contract services in fiscal year 2010;

(2) require the Secretaries of the military departments and the heads of the Defense Agencies to approve in writing any contract or task order for contract services with an estimated value in excess of $10,000,000 awarded to a contractor in fiscal year 2012 or 2013 that provides for continuing services at an annual cost that exceeds the annual cost paid by the military department or Defense Agency concerned for the same or similar services in fiscal year 2010;

(3) require the Secretaries of the military departments and the heads of the Defense Agencies to eliminate any contractor positions identified by the military department or Defense Agency concerned as being responsible for the performance of inherently governmental functions;
(4) require the Secretaries of the military departments and the heads of the Defense Agencies to reduce by 10 percent per fiscal year in each of fiscal years 2012 and 2013 the funding of the military department or Defense Agency concerned for—

(A) staff augmentation contracts; and

(B) contracts for the performance of functions closely associated with inherently governmental functions; and

(5) assign responsibility to the management officials designated pursuant to section 2330 of title 10, United States Code, and section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3378; 10 U.S.C. 2330 note) to provide oversight and ensure the implementation of the requirements of this section during fiscal years 2012 and 2013.

(d) DEFINITIONS.—In this section:

(1) The term “contract services” has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) The term “function closely associated with inherently governmental functions” has the meaning...
given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term “staff augmentation contracts” means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including, but not limited to, contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(4) The term “transfers from funding for overseas contingency operations” means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2012 or 2013.

SEC. 824. ANNUAL REPORT ON SINGLE-AWARD TASK AND DELIVERY ORDER CONTRACTS.

(a) Annual Report.—

(1) In general.—Paragraph (2) of section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2611; 10 U.S.C. 2306a note) is amended—

(A) in subparagraph (A), by striking “and” at the end;
(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

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

“(C) with respect to any determination pursuant to section 2304a(d)(3)(D) of title 10, United States Code, that because of exceptional circumstances it is necessary in the public interest to award a task or delivery order contract with an estimated value in excess of $100,000,000 to a single source, an explanation of the basis for the determination.”.

(2) CONFORMING AMENDMENT.—The heading of such section is amended by striking “WITH PRICE OR VALUE GREATER THAN $15,000,000”.

(b) REPEAL OF CASE-BY-CASE REPORTING REQUIREMENT.—Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) by striking subparagraph (B);

(2) by striking “(A)”;

(3) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively, of paragraph (1); and
(4) in subparagraph (B), as redesignated by paragraph (3), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

**SEC. 825. INCORPORATION OF CORROSION PREVENTION AND CONTROL INTO REQUIREMENTS APPLICABLE TO DEVELOPMENT AND ACQUISITION OF WEAPON SYSTEMS.**

(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, in consultation with the Director of Corrosion Policy and Oversight, shall, for purposes of ensuring that corrosion prevention and control are addressed early in the development and acquisition of weapon systems—

(1) identify and disseminate throughout the Department of Defense recommendations from the 2010 Corrosion Evaluation of the F–22 Raptor and F–35 Lightning II Joint Strike Fighter that are applicable Department-wide;

(2) commence implementation of any modifications of policies and practices that the Under Secretary considers appropriate in light of such recommendations to improve corrosion prevention and control in new weapon systems; and
(3) establish a process for monitoring and assessing the effectiveness of the actions taken by the Department pursuant to paragraph (2) to improve corrosion prevention and control in new weapon systems.

(b) PLAN.—In carrying out subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan to achieve, to the extent and in a manner the Under Secretary determines to be feasible and appropriate, the following:

(1) Investment in research and development that increases the understanding of corrosion on materials and processes for weapon systems.

(2) Development and dissemination of expertise on corrosion in the acquisition programs for weapon systems and in the processes for developing requirements for weapon systems.

(3) Reestablishment of appropriate military specifications and standards regarding corrosion resistance in weapon systems.

(4) Establishment of new test protocols and methodologies with respect to corrosion in new materials and processes for weapon systems.

(5) Development of contract language, metrics, and incentives to improve the emphasis on corrosion
prevention and control and the effects of corrosion on life cycle costs in weapon systems.

(6) Development of a corrosion-focused design decision methodology to support acquisition programs for weapon systems when required to evaluate alternative designs and help quantify future operation and sustainment costs.

(c) CORROSION CONTROL IN CERTAIN FIGHTER AIRCRAFT PROGRAMS.—

(1) 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—

(A) identify in the Corrosion Evaluation referred to in subsection (a) specific recommendations on corrosion prevention and control that are applicable to the F–22 Raptor aircraft and to the F–35 Lightning II Joint Strike Fighter aircraft;

(B) commence implementation of appropriate actions to put the recommendations described in subparagraph (A) into effect; and

(C) establish and implement processes for monitoring and assessing the effectiveness of
the actions put into effect under subparagraph
(B).

(2) ACTIONS ON F–22 RAPTOR AIRCRAFT.—The
actions implemented under paragraph (1) with re-
spect to the F–22 Raptor aircraft shall include a
plan and actions to manage cumulative corrosion
damage to F–22 Raptor aircraft in order to mitigate
long-term structural risk to such aircraft.

(3) ACTIONS ON F–35 LIGHTNING II JOINT
STRIKE FIGHTER AIRCRAFT.—The actions imple-
mented under paragraph (1) with respect to the F–
35 Lightning II Joint Strike Fighter aircraft shall
include actions as follows:

(A) The updating of the F–35 Corrosion
Prevention and Control Plan with lessons
learned from corrosion prevention and control
for the F–22 Raptor aircraft, guidelines for
conducting trade studies, and appropriate test
and verification methods.

(B) Planning for a full climatic test earlier
in the acquisition schedule, and ensuring that—

(i) such test robustly addresses the ef-
fects of severe wet weather, temperature
extremes, and high humidity; and
(ii) enclosed areas of the aircraft are
opened and inspected for water or moisture
intrusion.

(C) Developing an appropriate corrosion
risk mitigation follow-on plan, including the
management of the corrosion risk of parts
qualified by similarity.

(D) Expanding the involvement of the
Naval Air Systems Command (NAVAIR) corro-
sion testing capability and the Air Force Re-
serve Laboratory (AFRL) low observable test-
ing capability as a means to independently test
and assess materials and components.

(E) Reconsidering the selection of mate-
rials and coating for corrosion risks.

(F) Specifying responsibility for manage-
ment of the Autonomic Logistics Information
System (ALIS) link with the Aircraft Struc-
tural Integrity Program (ASIP).

(G) Ensuring that the officials covered by
subparagraph (F) are involved in the develop-
ment of the Autonomic Logistics Information
System and are capable of receiving and ana-
lyzing the information to support the Aircraft
Structural Integrity Program sustainment activity.

(d) CORROSION CERTIFICATION AND ASSESSMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.02 to ensure that the Milestone Decision Authority for a major defense acquisition program is required to consider issues of corrosion and materials degradation for the purpose of any certification under sections 2366a and 2366b of title 10, United States Code.

(2) TEST AND EVALUATION.—In carrying out section 2399 of title 10, United States Code, the Director of Operational Test and Evaluation shall—

(A) consider corrosion, environmental severity, and duration in the adequacy of operational test and evaluation plans;

(B) include in the annual report under subsection (g) of that section an assessment of the adequacy of the consideration of material degradation and corrosion in each major defense acquisition program.
SEC. 826. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS.

No amounts authorized to be appropriated by this Act may be obligated or expended to implement or carry out any program that creates a price evaluation adjustment as described in section 2323(e)(3) of title 10, United States Code, or any other authority, that is inconsistent with the holdings in the following:


Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 841. TREATMENT FOR TECHNICAL DATA PURPOSES OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS.

(a) Treatment.—Section 2320(a) of title 10, United States Code, is amended—

(1) in paragraph (2)(E), by striking “the respective rights” and inserting “the Government may use, modify, release, reproduce, perform, display, or disclose the data pertaining to such item or process within the Government without restriction, but may
release or disclose the data outside the Government only for Government purposes. The respective rights’;

(2) in paragraph (3), by striking “and shall specify that amounts spent for independent research and development and bid and proposal costs shall not be considered to be Federal funds for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)”; and

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

“(4)(A) Except as provided in subparagraph (B), amounts spent for independent research and development and bid and proposal costs shall not be treated as Federal funds for the purposes of this section.

“(B) An item or process that is developed in whole or in part with amounts described in subparagraph (A) shall be treated as having been developed in part with Federal funds and in part at private expense in the following circumstances:

“(i) In the case of an item or process for which the total amount of costs referred to in subparagraph (A) allocable to contracts other than Federal contracts and any other contractor funds expended
is less than 10 percent of the total funds provided for the development of such item or process (including all sources of Federal funding).

“(ii) In the case an item or process that is integrated into a major system for which the rights in technical data are otherwise described under paragraph (2)(A) or (2)(E) and for which—

“(I) the total amount of such costs allocable to contracts other than Federal contracts and any other contractor funds expended is less than 50 percent of the total funds provided for the development of such item or process (including all sources of Federal funding); or

“(II) such item or process cannot be segregated from other elements of the major system in a practicable manner in order to allow the system to be procured using competition.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 7, 2011, immediately after the enactment of section 824(b)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4269), to which such amendments relate.
SEC. 842. EXTENSION TO ALL MANAGEMENT EMPLOYEES
OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST LIMITATIONS UNDER GOVERNMENT CONTRACTS.

(a) COVERED EXECUTIVES.—

(1) COSTS NOT ALLOWABLE.—Subsection (e)(1)(P) of section 2324 of title 10, United States Code, is amended by striking “senior executives” and inserting “executives”.

(2) COVERED EXECUTIVES.—Subsection (l)(5) of such section is amended—

(A) by striking “The term ‘senior executives’” and inserting “The term ‘executives’”; and

(B) by striking “the five most highly compensated employees” and inserting “all employees serving”.

(b) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be implemented in the Federal Acquisition Regulation not later than 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to costs of compensation incurred on or after January 1, 2012, under contracts covered by section 2324 of title 10,
United States Code, that are entered into before, on, or after the date of the enactment of this Act.

SEC. 843. COVERED CONTRACTS FOR PURPOSES OF REQUIREMENTS ON CONTRACTOR BUSINESS SYSTEMS.

Paragraph (3) of section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note) is amended to read as follows:

“(3) The term ‘covered contract’ means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.”.

SEC. 844. COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS FOR PURPOSES OF INTERNAL CONTROLS OF NON-DEFENSE AGENCIES FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by striking “with the requirements” and all that follows and inserting “with the following:
“(1) The Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies.

“(2) Laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made by the Department of Defense through other Federal agencies.”.

SEC. 845. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

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

“§ 2335. Prohibition on collection of political information

“(a) Prohibition on requiring submission of political information.—The head of an agency may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

“(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with
the award of a contract for procurement of property
or services;

“(2) during the course of contract performance
as part of the process associated with modifying a
contract or exercising a contract option; or

“(3) any time prior to contract completion and
final contract closeout.

“(b) SCOPE.—The prohibition under this section ap-
plies to the procurement of commercial items, the procure-
ment of commercial-off-the-shelf-items, and the non-com-
mercial procurement of supplies, property, services, and
manufactured items, irrespective of contract vehicle, in-
cluding contracts, purchase orders, task or deliver orders
under indefinite delivery/indefinite quantity contracts,
blanket purchase agreements, and basic ordering agree-
ments.

“(c) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed as—

“(1) waiving, superseding, restricting, or lim-
iting the application of the Federal Election Cam-
paign Act of 1971 (2 U.S.C. 431 et seq.) or pre-
venting Federal regulatory or law enforcement agen-
cies from collecting or receiving information author-
ized by law; or
“(2) precluding the Defense Contract Audit Agency from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to section 2324 of this title.

“(d) DEFINITIONS.—In this section:

“(1) CONTRACTOR.—The term ‘contractor’ includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

“(2) POLITICAL INFORMATION.—The term ‘political information’ means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communica-

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2334 the following new item:

“2335. Prohibition on collection of political information.”.

SEC. 846. WAIVER OF “BUY AMERICAN” REQUIREMENT FOR PROCUREMENT OF COMPONENTS OTHER-WISE PRODUCIBLE OVERSEAS WITH SPECIALTY METAL NOT PRODUCED IN THE UNITED STATES.

Section 2533b of title 10, United States Code, is amended—

(1) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and

(2) by inserting after subsection (k) the following new subsection (l):

“(l) ADDITIONAL WAIVER AUTHORITY.—(1) The Secretary of Defense may waive the requirement of sub-

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section (a) with regard to the procurement of a component containing specialty metal if the Secretary determines that, in the absence of the waiver, the component will be produced overseas and will contain specialty metal not melted or produced in the United States.

“(2) The Secretary shall establish a process to review petitions for waivers under this subsection by interested persons. The process shall include an opportunity for comment by persons engaged in melting or producing specialty metals in the United States.

“(3) The authority to grant a waiver under paragraph (1) may be delegated to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.”.

SEC. 847. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON NONCOMPETITIVE AND ONE-OFFER CONTRACTS AWARDED BY THE DEPARTMENT OF DEFENSE.

(a) Reports Required.—Not later than March 31 of each of 2013, 2014, and 2015, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review and assessment by the Comptroller General of the noncompetitive contracts...
and one-offer contracts awarded by the Department of De-
fense during the preceding fiscal year.

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

(1) The number of noncompetitive contracts awarded by the Department of Defense during the fiscal year covered by such report, and the percent-
age of such number to the total number of contracts awarded by the Department during such fiscal year.

(2) A description of the competition exceptions that served as the basis for the award of such non-
competitive contracts.

(3) An assessment of the adequacy of the jus-
tification and approvals issued under section 2304(f) of title 10, United States Code, in support of such noncompetitive contracts.

(4) The number of one-offer contracts awarded by the Department during the fiscal year covered by such report, and the percentage of such number to the total number of contracts awarded by the De-
partment during such fiscal year.

(5) An assessment of the extent to which such one-offer contracts were awarded in compliance with applicable Department guidance on one-offer con-
tracts.
(6) An assessment whether the contracting practices of the Department during the fiscal year covered by such report were in keeping with the objective of promoting full and open competition in the award of contracts in excess of the simplified acquisition threshold.

(e) DEFINITIONS.—In this section:

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

(2) The term “noncompetitive contract” means a contract awarded through other than competitive procedures.

(3) The term “one-offer contract” means a contract awarded after receiving a bid from only one qualified vendor.

Subtitle D—Provisions Relating to Wartime Contracting

SEC. 861. PROHIBITION ON CONTRACTING WITH THE ENEMY IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) Prohibition.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense
Supplement to the Federal Acquisition Regulation to authorize the head of a contracting activity, pursuant to a request from the Commander of the United States Central Command under subsection (c)(2)—

(A) to restrict the award of Department of Defense contracts, grants, or cooperative agreements that the head of the contracting activity determines in writing would provide funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations;

(B) to terminate for default any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contractor, or the recipient of the grant or cooperative agreement, has failed to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or oth-
otherwise actively opposing United States or coalition forces in a contingency operation in the
United States Central Command theater of operations; or

(C) to void in whole or in part any Department contract, grant, or cooperative agreement
upon a written determination by the head of the contracting activity that the contract, grant, or
cooperative agreement provides funding directly or indirectly to a person or entity that has been
identified by the Commander of the United States Central Command as actively supporting
an insurgency or otherwise actively opposing United States or coalition forces in a contin-
gency operation in the United States Central Command theater of operations.

(2) **TREATMENT AS VOID.**—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a
segregable task or effort under the contract, grant, or cooperative agreement.

(b) Contract Clause.—

(1) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) Clause Described.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds received under the contract, grant, or co-
operative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation; and

(B) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (a).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT.—In this subsection, the term ‘‘covered contract, grant, or cooperative agreement’’ means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations.

(c) IDENTIFICATION OF CONTRACTS WITH SUPPORTERS OF THE ENEMY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, acting through the Commander of the United States Central Command, shall establish a program to use available intelligence to review persons and entities
who receive United States funds through contracts, grants, and cooperative agreements performed in the United States Central Command theater of operations and identify any such persons and entities who are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(2) NOTICE TO CONTRACTING ACTIVITIES.—If the Commander of the United States Central Command, acting pursuant to the program required by paragraph (1), identifies a person or entity as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation, the Commander may notify the head of a contracting activity in writing of such identification and request that the head of the contracting activity exercise the authority provided in subsection (a) with regard to any contracts, grants, or cooperative agreements that provide funding directly or indirectly to the person or entity.

(3) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon by the Commander of the United States Central Command to make an identification in accordance with this subsection may not be disclosed to a contractor or
a recipient of a grant or cooperative agreement with
respect to which an action is taken pursuant to the
authority provided in subsection (a), or to their rep-
resentatives, in the absence of a protective order
issued by a court of competent jurisdiction estab-
lished under Article III of the Constitution of the
United States that specifically addresses the condi-
tions upon which such classified information may be
so disclosed.

(d) NONDELEGATION OF RESPONSIBILITIES.—

(1) CONTRACT ACTIONS.—The authority pro-
vided by subsection (a) to restrict, terminate, or void
contracts, grants, and cooperative agreements may
not be delegated below the level of the head of a con-
tracting activity.

(2) IDENTIFICATION OF SUPPORT OF ENEMY.—
The authority to make an identification under sub-
section (c)(1) may not be delegated below the level
of the Commander of the United States Central
Command.

(e) CONTRACTS, GRANTS, AND COOPERATIVE
AGREEMENTS OF OTHER FEDERAL AGENCIES.—This sec-
tion shall not be construed to preclude the issuance of a
government-wide regulation—
(1) extending the authority in subsection (a) to
the heads of contracting agencies outside the De-
partment; or

(2) requiring the insertion of a contract clause
similar to the clause described by subsection (b)(2)
into contracts, grants, and cooperative agreements
awarded by Federal agencies other than the Depart-
ment.

(f) REPORTS.—Not later than March 1 of each of
2013, 2014, and 2015, the Secretary shall submit to the
congressional defense committees a report on the use of
the authority provided by this section in the preceding cal-
endar year. Each report shall identify, for the calendar
year covered by such report, each instance in which the
Department of Defense exercised the authority to restrict,
terminate, or void contracts, grants, and cooperative
agreements pursuant to subsection (a) and explain the
basis for the action taken. Any report under this sub-
section may be submitted in classified form.

(g) OTHER DEFINITION.—In this section, the term
“contingency operation” has the meaning given that term
in section 101(a)(13) of title 10, United States Code.

(h) SUNSET.—The authority to restrict, terminate, or
void contracts, grants, and cooperative agreements pursu-
ant to subsection (a) shall cease to be effective on the date
that is three years after the date of the enactment of this Act.

SEC. 862. ADDITIONAL ACCESS TO CONTRACTOR AND SUB-
CONTRACTOR RECORDS IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) Department of Defense Contracts, Grants, and Cooperative Agreements.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department of Defense that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).
(2) Clause.—The clause described in this paragraph is a clause authorizing the Secretary, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds available under the contract, grant, or cooperative agreement—

(A) are not subject to extortion or corruption; and

(B) are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(3) Written Determination.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the Commander of the United States Central Command, that there is reason to believe that funds available under the contract, grant, or cooperative agreement con-
cerned may have been subject to extortion or corrup-
tion or may have been provided directly or indirectly
to persons or entities that are actively supporting an
insurgency or otherwise actively opposing United
States or coalition forces in a contingency operation.

(4) Flowdown.—A clause described in para-
graph (2) shall also be required in any subcontract
or subgrant under a covered contract, grant, or co-
operative agreement if the subcontract or subgrant
has an estimated value in excess of $100,000.

(b) Contracts, Grants, and Cooperative
Agreements of Other Federal Agencies.—This sec-
tion shall not be construed to preclude the issuance of a
government-wide regulation requiring the insertion of a
clause similar to the clause described by subsection (a)(2)
into contracts, grants, and cooperative agreements award-
ed by Federal agencies other than the Department of De-
fense.

(c) Reports.—Not later than March 1 of each of
2013, 2014, and 2015, the Secretary shall submit to the
congressional defense committees a report on the use of
the authority provided by this section in the preceding cal-
endar year. Each report shall identify, for the calendar
year covered by such report, each instance in which the
Department of Defense exercised the authority provided
under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken. Any report under this subsection may be submitted in classified form.

(d) 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 “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations in support of a contingency operation.

(e) SUNSET.—

(1) IN GENERAL.—The clause described by subsection (a)(2) shall not be required in any contract, grant, or cooperative agreement that is awarded after the date that is three years after the date of the enactment of this Act.

(2) CONTINUING EFFECT OF CLAUSES INCLUDED BEFORE SUNSET.—Any clause described by subsection (a)(2) that is included in a contract, grant, or cooperative agreement pursuant this sec-
tion before the date specified in paragraph (1) shall remain in effect in accordance with its terms.

SEC. 863. JOINT URGENT OPERATIONAL NEEDS FUND TO RAPIDLY MEET URGENT OPERATIONAL NEEDS.

(a) Establishement of Fund.—

(1) In general.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2216 the following new section:

“§ 2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund

“(a) Establishment.—There is established in the Treasury an account to be known as the ‘Joint Urgent Operational Needs Fund’ (in this section referred to as the ‘Fund’).

“(b) Elements.—The Fund shall consist of the following:

“(1) Amounts appropriated to the Fund.

“(2) Amounts transferred to the Fund.

“(3) Any other amounts made available to the Fund by law.

“(c) Use of Funds.—(1) Amounts in the Fund shall be available to the Secretary of Defense for capabilities that are determined by the Secretary, pursuant to the review process required by section 804(b) of the Ike Skelton...

“(2) The Secretary shall establish a merit-based process for identifying equipment, supplies, services, training, and facilities suitable for funding through the Fund.

“(3) Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section pursuant to a congressional earmark, as defined in clause 9 of Rule XXI of the Rules of the House of Representatives, or a congressionally directed spending item, as defined in paragraph 5 of Rule XLIV of the Standing Rules of the Senate.

“(d) TRANSFER AUTHORITY.—(1) Amounts in the Fund may be transferred by the Secretary of Defense from the Fund to any of the following accounts of the Department of Defense to accomplish the purpose stated in subsection (c):

“(A) Operation and maintenance accounts.

“(B) Procurement accounts.

“(C) Research, development, test, and evaluation accounts.

“(2) Upon determination by the Secretary that all or part of the amounts transferred from the Fund under
paragraph (1) are not necessary for the purpose for which transferred, such amounts may be transferred back to the Fund.

“(3) The transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount so transferred.

“(4) The transfer authority provided by paragraphs (1) and (2) is in addition to any other transfer authority available to the Department of Defense by law.

“(e) SUNSET.—The authority to make expenditures or transfers from the Fund shall expire on the last day of the third fiscal year that begins after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2216 the following new item:

“2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.”.

(b) LIMITATION ON COMMENCEMENT OF EXPENDITURES FROM FUND.—No expenditure may be made from the Joint Urgent Operational Needs Fund established by section 2216a of title 10, United States Code (as added by subsection (a)), until the Secretary of Defense certifies to the congressional defense committees that the Secretary

SEC. 864. INCLUSION OF ASSOCIATED SUPPORT SERVICES IN RAPID ACQUISITION AND DEPLOYMENT PROCEDURES FOR SUPPLIES.

(a) Inclusion.—Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking “supplies” each place it appears (other than subsections (a)(1)(B) and (f)) and inserting “supplies and associated support services”.

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

“(g) Associated Support Services Defined.—In this section, the term ‘associated support services’ means training, operation, maintenance, and support services needed in connection with the deployment of supplies to be acquired pursuant to the authority of this section. The term does not include functions that are inherently governmental or otherwise exempted from private sector performance.”.

(c) Limitation on Availability of Authority.—The authority to acquire associated support services pur-
suant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, shall not take effect until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 865. REACH-BACK CONTRACTING AUTHORITY FOR OPERATION ENDURING FREEDOM AND OPERATION NEW DAWN.

(a) Authority To Designate Lead Contracting Activity.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may designate a single contracting activity inside the United States to act as the lead contracting activity with authority for use of domestic capabilities in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn. The contracting activity so designated shall be known as the “lead reach-back contracting authority” for such operations.

(b) Limited Authority for Use of Outside-the-United-States-thresholds.—The head of the contracting authority designated pursuant to subsection (a)
may, when awarding a contract inside the United States for performance in the theater of operations for Operation Enduring Freedom or Operation New Dawn, use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner and to the same extent as if the contract were to be awarded and performed outside the United States.

(c) DEFINITIONS.—In this section:

(1) The term “overseas increased micro-purchase threshold” means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(2) The term “overseas increased simplified acquisition threshold” means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

SEC. 866. INCLUSION OF CONTRACTOR SUPPORT REQUIREMENTS IN DEPARTMENT OF DEFENSE PLANNING DOCUMENTS.

(a) ELEMENTS IN QDR REPORTS TO CONGRESS.—Section 118(d) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking “and” at the end;
(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

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

“(F) the roles and responsibilities that would be discharged by contractors.”;

(2) in paragraph (6), by striking “manpower and sustainment” and inserting “manpower, sustainment, and contractor support”; and

(3) in paragraph (8), by inserting “, and the scope of contractor support,” after “Defense Agencies”.

(b) CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESSMENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.—

(1) ASSESSMENTS UNDER CONTINGENCY PLANNING.—Paragraph (3) of subsection (a) of section 153 of such title is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Identifying the support functions that are likely to require contractor performance under those
contingency plans, and the risks associated with the assignment of such functions to contractors.”.

(2) ASSESSMENTS UNDER ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—Paragraph (4)(E) of such subsection is amended by inserting “and contractor support” after “area of manpower”.

(3) ASSESSMENTS FOR BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—Subsection (d) of such section is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

“(I) Assessment of the requirements for contractor support of the armed forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.”; and

(B) in paragraph (3)(B), by striking “and the levels of support from allies and other friendly nations” and inserting “the levels of support from allies and other friendly nations, and the levels of contractor support”.
Subtitle E—Other Matters

SEC. 881. EXTENSION OF AVAILABILITY OF FUNDS IN THE
DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) EXTENSION OF AVAILABILITY.—Section 1705(e)(6) of title 10, United States Code, is amended by striking “under subsection (d)(2)” and inserting “(whether by credit in accordance with subsection (d)(2), by transfer pursuant to subsection (d)(3), by direct appropriation, or by deposit)”.

(b) PROSPECTIVE APPLICABILITY.—The amendment made by subsection (a) shall not apply to funds appropriated before the date of the enactment of this Act.

(c) NATURE OF AVAILABILITY.—Such section is further amended by striking “expenditure” and inserting “obligation”.

SEC. 882. MODIFICATION OF DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS ON ENTRY INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO AND OTHER FRIENDLY ORGANIZATIONS AND COUNTRIES.

Section 2350a(b)(2) of title 10, United States Code, is amended by striking “and to one other official of the Department of Defense” and inserting “, the Under Secretary of Defense for Acquisition, Technology, and Logis-
ties, and the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”.

SEC. 883. RATE OF PAYMENT FOR AIRLIFT SERVICES UNDER THE CIVIL RESERVE AIR FLEET PROGRAM.

(a) Rate of Payment.—

(1) In general.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

“§9511a. Civil Reserve Air Fleet contracts: payment rate

“(a) Authority.—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program. Such rate of payment shall be determined in accordance with—

“(1) the methodology and ratemaking procedures in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012; and

“(2) such other procedures as the Secretary may prescribe by regulation.

“(b) Regulations.—The Secretary shall prescribe regulations for purposes of subsection (a). Such regula-
1. Tions shall include a process for modifying the ratemaking methodology referred to in paragraph (1) of that sub-section. The Secretary may exclude from the applicability of such regulations any airlift services contract made through the use of competitive procedures.

2. “(c) COMMITMENT OF AIRCRAFT AS BUSINESS FACTOR.—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

3. “(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.”.

4. (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by inserting after the item relating to section 9511 the following new item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”.

5. (b) INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United
States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

SEC. 884. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDAN VEHICLES AND ADJUSTMENT OF THRESHOLD FOR INFLATION.

(a) Clarification of Authority.—Section 2253(a)(2) of title 10, United States Code, is amended by striking “at a cost of not more than $30,000 each” and inserting “, but at a cost of not more than $40,000 each for passenger sedans”.

(b) Adjustment for Inflation.—The Department of Defense representative to the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall ensure that the threshold established in section 2253 of title 10, United States Code, for the acquisition of right-hand drive passenger sedans is included on the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of section 1908 of title 41, United States Code, and is adjusted pursuant to such provision, as appropriate.
SEC. 885. EXTENSION AND EXPANSION OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) Extension of SBIR Program.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)) is amended by striking “September 30, 2010” and inserting “September 30, 2018”.


(c) Extension and Expansion of Commercialization Pilot Program.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraphs (1), (2), and (4), by inserting “and the Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(2) in paragraph (6), by striking “2010” and inserting “2018”.

SEC. 886. THREE-YEAR EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

amended by striking “September 30, 2011” and inserting “September 30, 2014”.

(b) ADDITIONAL REPORT.—Subsection (f) of such section is amended by inserting “and March 1, 2012,” after “March 1, 1994,”.

SEC. 887. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking “September 30, 2010” and inserting “September 30, 2015”; and

(2) in paragraph (2), by striking “September 30, 2013” and inserting “September 30, 2018”.

SEC. 888. REPORT ON ALTERNATIVES FOR THE PROCUREMENT OF FIRE-RESISTANT AND FIRE-RETARDANT FIBER AND MATERIALS FOR THE PRODUCTION OF MILITARY PRODUCTS.

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

(1) Vehicle and aircraft fires remain a significant force protection and safety threat for the members of the Armed Forces, whether deployed in support of ongoing military operations or while training for future deployment.
(2) Since 2003, the United States Army Institute of Surgical Research, the sole burn center within the Department of Defense, has admitted and treated more than 800 combat casualties with burn injuries. The probability of this type of injury remains extremely high with continued operations in Iraq and the surge of forces into Afghanistan and the associated increase in combat operations.

(3) Advanced fiber products currently in use to protect first responders such as fire fighters and factory and refinery personnel in the United States steel and fuel refinery industries may provide greater protection against burn injuries to members of the Armed Forces.

(b) REPORT.—Not later than February 28, 2012, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on fire-resistant and fire-retardant fibers and materials for the production of military products. The report shall include the following:

(1) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) currently used for the production of military products that re-
quire such properties or capabilities (including include uniforms, protective equipment, firefighting equipment, lifesaving equipment, and life support equipment), and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

(2) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) otherwise available in the United States that are suitable for use in the production of military products that require such properties or capabilities, and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

Subtitle A—Department of Defense Management

**SEC. 901. QUALIFICATIONS FOR APPOINTMENTS TO THE POSITION OF DEPUTY SECRETARY OF DEFENSE.**

Section 132(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The Deputy Secretary shall be appointed
from among persons most highly qualified for the position
by reason of background and experience, including persons
with appropriate management experience.”.

SEC. 902. DESIGNATION OF DEPARTMENT OF DEFENSE
SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.

SEC. 903. MEMORANDA OF AGREEMENT ON SYNCHRONIZATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES WITH THE REQUIREMENTS OF SPECIAL OPERATIONS FORCES.

By not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command establishing procedures by which the availability of the enabling capabilities of the general purpose forces of the Armed Forces under the jurisdiction of such
Secretary will be synchronized with the training and deployment cycle of special operations forces under the United States Special Operations Command.

SEC. 904. ENHANCEMENT OF ADMINISTRATION OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) In General.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

“§ 9314b. United States Air Force Institute of Technology: administration

“(a) COMMANDANT.—

“(1) SELECTION.—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

“(2) ELIGIBILITY.—The Commandant shall be one of the following:

“(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

“(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in
a grade not below brigadier general, who has
the qualifications appropriate for the position of
Commandant and is selected by the Secretary
as the best qualified from among candidates for
the position in accordance with a process and
criteria determined by the Secretary.

“(3) Term for Civilian Commandant.—An
individual selected for the position of Commandant
under paragraph (2)(B) shall serve in that position
for a term of not more than five years and may be
continued in that position for an additional term of
up to five years.

“(b) Provost and Academic Dean.—

“(1) In General.—There is established at the
United States Air Force Institute of Technology the
civilian position of Provost and Academic Dean who
shall be appointed by the Secretary.

“(2) Term.—An individual appointed to the po-
sition of Provost and Academic Dean shall serve in
that position for a term of five years.

“(3) Compensation.—The individual serving
as Provost and Academic Dean is entitled to such
compensation for such service as the Secretary shall
prescribe for purposes of this section, but not more
than the rate of compensation authorized for level IV of the Executive Schedule.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 901 of such title is amended by inserting after the item relating to section 9314a the following new item:

“9314b. United States Air Force Institute of Technology: administration.”.

SEC. 905. DEFENSE LABORATORY MATTERS.


(c) Repeal of Sunset on Authority for Unspecified Minor Military Construction for Laboratory Revitalization.—Section 2805(d) of title 10, United States Code, is amended by striking paragraph (5).

(d) Assessment of Military Construction Required for Laboratory Revitalization and Recapitalization.—
(1) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the current requirements of the defense laboratories for the revitalization and recapitalization of their infrastructure in order to identity required military construction.

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) identify the military construction requirements of the defense laboratories described in paragraph (1) that cannot be met by current authorities for unspecified minor military construction; and

(B) establish for each Armed Force a prioritized list of military construction projects to meet the requirements described in subparagraph (A), and identify among the projects so listed each project previously submitted to a military construction review panel and the length of time such project has remained unaddressed.

(3) REPORTS.—

(A) STATUS 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 describing
the current status of the assessment required by paragraph (1).

(B) **Final Report.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(i) The results of the assessment.

(ii) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

(4) **Defense Laboratory Defined.**—In this subsection, the term “defense laboratory” means a laboratory (as that term is defined in section 2805(d)(4) of title 10, United States Code) that is owned by the United States and under the jurisdiction of the Secretary of a military department.
mechanisms to permit the Department of Defense to em-
ploy non-United States citizens with critical scientific and
technical skills that are vital to the national security inter-
est of the United States.

(b) ELEMENTS.—The assessment required by sub-
section (a) shall include the following:

(1) An identification of the critical scientific
and technical skills that are vital to the national se-
curity interests of the United States and are antici-
pated to be in short supply over the next 10 years,
and an identification of the military positions and ci-
vilian positions of the Department of Defense that
require such skills.

(2) An identification of mechanisms and incen-
tives for attracting persons who are non-United
States citizens with such skills to such positions, in-
cluding the expedited extension of United States citi-
zension.

(3) An identification and assessment of any
concerns associated with the provision of security
clearances to such persons.

(4) An identification and assessment of any
concerns associated with the employment of such
persons in civilian positions in the United States de-
fense industrial base, including in positions in which
United States citizenship, a security clearance, or both are a condition of employment.

(c) Reports.—

(1) STATUS 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 describing the current status of the assessment required by subsection (a).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(A) The results of the assessment.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

Subtitle B—Space Activities

SEC. 911. 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 responsibilities set forth in titles 49 and 51 with respect to private sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure, take such actions as the Secretary considers to be in the best interests of the Federal Government to do the following:

(1) Maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States.

(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense.

(3) Reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities.

(4) Encourage commercial space activities by enabling investment in the space transportation infrastructure of the Department of Defense by covered entities.

(5) Foster cooperation between the Department of Defense and covered entities.
“(b) Authority for Contracts and Other Agreements Relating to Space Transportation Infrastructure.—The Secretary of Defense—

“(1) may enter into 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 of Defense if—

“(A) the Secretary determines that the inclusion of such support and services in such requirements—

“(i) is in the best interests of the Federal Government;

“(ii) does not interfere with the requirements of the Department of Defense; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and
“(B) any commercial requirement included in a contract or other agreement entered into under this subsection has full non-Federal funding before the execution of the contract or other agreement.

“(c) Contributions.—

“(1) In general.—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) Use of contributions.—Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the 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) Requirements with respect to agreements.—A contract or other agreement entered into under this subsection shall address terms
of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement.

“(d) **Defense Cooperation Space Launch Account.**—

“(1) **Establishment.**—There is established in the Treasury of the United States a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) **Crediting of Funds.**—Funds received by the Secretary of Defense under subsection (e) shall be credited to the Defense Cooperation Space Launch Account and shall be available until expended without further authorization or appropriation only for the objectives specified in this section.

“(e) **Annual Report.**—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the previous fiscal year.

“(f) **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 such chapter is amended by adding at the end the following new item:

“2275. Commercial space launch cooperation.”.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the activities of the Department of Defense under section 2275 of title 10, United States Code, as added by subsection (a).
SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF SPACE VEHICLES AS MAJOR SUB-PROGRAMS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.

Section 2430a(a)(1) of title 10, United States Code, is amended—

(1) by inserting ``(A)'' before ``If the Secretary of Defense determines''; and

(2) by adding at the end the following new sub-
paragraph:

``(B) If the Secretary of Defense determines that a major defense acquisition program to purchase space vehicles requires the delivery of space vehicles in two or more increments or blocks, the Secretary may designate each such increment or block as a major subprogram for the purposes of acquisition reporting under this chapter.’’.

SEC. 913. REVIEW TO IDENTIFY INTERFERENCE WITH NATIONAL SECURITY GLOBAL POSITIONING SYSTEM RECEIVERS BY COMMERCIAL COMMUNICATIONS SERVICES.

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

(1) the reliable provision of precision navigation and timing signals by Global Positioning System satellites owned and operated by the Department of Defense is critical to the economy, public health and
safety, and the national security of the United States;

(2) any interference with the signals of the Global Positioning System satellites or the various receivers that use those signals would be extraordinarily disruptive; and

(3) the Federal Communications Commission should ensure that the signals of Global Positioning System satellites can be received without interruption or interference.

(b) REVIEW.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the termination date described in subsection (d), the Secretary of Defense shall conduct a review—

(1) to assess the ability of national security Global Positioning System receivers to receive the signals of Global Positioning System satellites without interruption or interference; and

(2) to determine if commercial communications services are causing or will cause widespread or harmful interference with national security Global Positioning System receivers.

(e) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—If the Secretary determines under subsection (b)(2) that commercial communica-
tions services are causing or will cause widespread or harmful interference with national security Global Positioning System receivers, the Secretary shall promptly submit to the congressional defense committees a report notifying those committees of the interference.

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

(A) A list and description of the national security Global Positioning System receivers that are being or are expected to be interfered with by commercial communications services.

(B) A description of the source of, and the entity causing or expected to cause, the interference with those receivers.

(C) A description of the manner in which that source or entity is causing or is expected to cause the interference.

(D) A description of the magnitude of harm caused or expected to be caused by the interference.

(E) A description of the duration of and the conditions and circumstances under which the interference is occurring or is expected to occur.
(F) A description of the impact of the interference on the national security interests of the United States.

(G) A description of the plans of the Secretary to address, alleviate, or mitigate the interference or the harm caused or expected to be caused by the interference.

(d) TERMINATION DATE DESCRIBED.—The requirement that the Secretary conduct the review under subsection (b) and submit the report under subsection (c) shall terminate on the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) the date on which the Secretary—

(A) determines that there is no widespread or harmful interference with national security Global Positioning System receivers by commercial communication services; and

(B) notifies the congressional defense committees of that determination.
Subtitle C—Intelligence Matters

SEC. 921. EXPANSION OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.

(a) Broadening of Authority.—Section 454 of title 10, United States Code, is amended—

(1) by inserting ``(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.—'' before ``The Secretary of Defense''; and

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

``(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies, and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.''.

(b) Conforming Amendments.—

(1) Section heading.—The heading of such section is amended to read as follows:
“§ 454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 22 of such title is amended by striking the item relating to section 454 and inserting the following new item:

“454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.”.

SEC. 922. FACILITIES FOR INTELLIGENCE COLLECTION OR SPECIAL OPERATIONS ACTIVITIES ABROAD.

Section 2682 of title 10, United States Code, is amended—

(1) by inserting “(a) MAINTENANCE AND REPAIR.—” before “The maintenance and repair”;

(2) by designating the second sentence as subsection (b), realigning such subsection so as to be indented two ems from the left margin, and inserting “JURISDICTION.—” before “A real property facility”; and

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

“(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary of Defense may maintain and repair, and may exercise ju-
risdiction over, a real property facility if necessary to pro-
vide security for authorized intelligence collection or spe-
cial operations activities abroad undertaken by the De-
partment of Defense.”.

SEC. 923. OZONE WIDGET FRAMEWORK.

(a) MECHANISM FOR INTERNET PUBLICATION OF IN-
FORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS
AND APPLICATIONS.—The Director of the Defense Infor-
mation Systems Agency shall implement a mechanism to
publish and maintain on the public Internet the Application Programming Interface specifications, a developer’s
toolkit, source code, and such other information on, and
resources for, the Ozone Widget Framework (OWF) as the
Director considers necessary to permit individuals and
companies to develop, integrate, and test analysis tools
and applications for use by the Department of Defense
and the elements of the intelligence community.

(b) PROCESS FOR VOLUNTARY CONTRIBUTION OF
IMPROVEMENTS BY PRIVATE SECTOR.—In addition to the
requirement under subsection (a), the Director shall also
establish a process by which private individuals and com-
panies may voluntarily contribute the following:

(1) Improvements to the source code and docu-
(2) Alternative or compatible implementations of the published Application Programming Interface specifications for the Framework.

(e) ENCOURAGEMENT OF USE AND DEVELOPMENT.—The Director shall, whenever practicable, encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework by the computer industry and commercial information technology vendors, including the development of tools that are compatible with the Framework.

SEC. 924. PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (D2IE).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized
databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprisewide query and correlation capability required pursuant to paragraph (1).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

(2) PURPOSE.—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.
(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

(C) To operate across multiple levels of security with data guards.

(D) To operate effectively on both unstructured data and structured data.

(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

(F) To control access to data by means of on-line electronic user credentials, profiles, and authentication.

(e) REPORT.—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

(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 Appropriations, and the Select Committee on Intelligence of the Senate; and

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

**Subtitle D—Cybersecurity Matters**

**SEC. 931. STRATEGY TO ACQUIRE CAPABILITIES TO DETECT PREVIOUSLY UNKNOWN CYBER ATTACKS.**

(a) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan to augment the cybersecurity strategy of the Department of Defense through the acquisition of advanced capabilities to discover and isolate penetrations and attacks that were previously unknown and for which signatures have not been developed for incorporation into computer intrusion detection and prevention systems and anti-virus software systems.

(b) **CAPABILITIES.**—

(1) **NATURE OF CAPABILITIES.**—The capabilities to be acquired under the plan required by subsection (a) shall—

(A) be adequate to enable well-trained analysts to discover the sophisticated attacks con-
ducted by nation-state adversaries that are categorized as “advanced persistent threats”;

(B) be appropriate for—

(i) endpoints or hosts;

(ii) network-level gateways operated by the Defense Information Systems Agency where the Department of Defense network connects to the public Internet; and

(iii) global networks owned and operated by private sector Tier 1 Internet Service Providers;

(C) at the endpoints or hosts, add new discovery capabilities to the Host-Based Security System of the Department, including capabilities such as—

(i) automatic blocking of unauthorized software programs and accepting approved and vetted programs;

(ii) constant monitoring of all key computer attributes, settings, and operations (such as registry keys, operations running in memory, security settings, memory tables, event logs, and files); and
(iii) automatic baselining and remediation of altered computer settings and files;

(D) at the network-level gateways and internal network peering points, include the sustainment and enhancement of a system that is based on full-packet capture, session reconstruction, extended storage, and advanced analytic tools, by—

(i) increasing the number and skill level of the analysts assigned to query stored data, whether by contracting for security services, hiring and training Government personnel, or both; and

(ii) increasing the capacity of the system to handle the rates for data flow through the gateways and the storage requirements specified by the United States Cyber Command; and

(E) include the behavior-based threat detection capabilities of Tier 1 Internet Service Providers and other companies that operate on the global Internet.

(2) SOURCE OF CAPABILITIES.—The capabilities to be acquired shall, to the maximum extent
practicable, be acquired from commercial sources. In making decisions on the procurement of such capabilities from among competing commercial and Government providers, the Secretary shall take into consideration the needs of other departments and agencies of the Federal Government, State and local governments, and critical infrastructure owned and operated by the private sector for unclassified, affordable, and sustainable commercial solutions.

(c) Integration and Management of Discovery Capabilities.—The plan required by subsection (a) shall include mechanisms for improving the standardization, organization, and management of the security information and event management systems that are widely deployed across the Department of Defense to improve the ability of United States Cyber Command to understand and control the status and condition of Department networks, including mechanisms to ensure that the security information and event management systems of the Department receive and correlate data collected and analyses conducted at the host or endpoint, at the network gateways, and by Internet Service Providers in order to discover new attacks reliably and rapidly.

(d) Provision for Capability Demonstrations.—The plan required by subsection (a) shall provide
for the conduct of demonstrations, pilot projects, and other tests on cyber test ranges and operational networks in order to determine and verify that the capabilities to be acquired pursuant to the plan are effective, practical, and affordable.

(e) REPORT.—Not later than April 1, 2012, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (a). The report shall set forth the plan and include a comprehensive description of the actions being undertaken by the Department to implement the plan.

SEC. 932. PROGRAM IN SUPPORT OF DEPARTMENT OF DEFENSE POLICY ON SUSTAINING AND EXPANDING INFORMATION SHARING.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to support the policy of the Department of Defense on sustaining and expanding information sharing which program shall provide for the adoption and improvement of technical and procedural capabilities to detect and prevent personnel without authorization from acquiring and exporting information from classified networks.

(b) CAPABILITIES.—Options for the technical and procedural capabilities to be adopted and improved under
the program required by subsection (a) shall include, but
not be limited to, capabilities for the following:

(1) Disabling the removable media ports of
computers, whether physically or electronically.

(2) In the case of computers authorized to write
to removable media, requiring systems administrator
approval for transfers of data.

(3) Electronic monitoring and reporting of com-
pliance with policies on downloading of information
to removable media, and of attempts to circumvent
such policies.

(4) Using public-key infrastructure-based iden-
tity authentication and user profiles to control infor-
mation access and use.

(5) Electronic auditing and reporting of user
activities to deter and detect unauthorized activities.

(6) Using data-loss-prevention and data-rights
management technology to prevent the unauthorized
export of information from a network or to render
the information unusable in the event of unauthor-
ized export.

(7) Appropriately implementing and integrating
such capabilities to enable efficient management and
operations, and effective protection of information,
without impairing the work of analysts and users of networks.

(c) Program Within Broader Approach to Cybersecurity Challenges.—In developing the program required by subsection (a), the Secretary—

(1) shall take into account that the prevention of security breaches from personnel operating from inside Department networks substantially overlaps with the prevention of cyber attacks (including prevention of theft of information and intellectual property and the destruction of information and network functionality); and

(2) should make decisions about the utility and affordability of capabilities under subsection (b) for purposes of the program in full contemplation of the broad range of cybersecurity challenges facing the Department.

(d) Budget Matters.—The budget justification documents for the budget of the President for each fiscal year after fiscal year 2012, as submitted to Congress pursuant to section 1105 of title 31, United States Code, shall set forth information on the program required by subsection (a), including the following:

(1) The amount requested for such fiscal year for the program.
(2) A description of the objectives and scope of the program for such fiscal year, including management objectives and program milestones and performance metrics for such fiscal year.

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 2012 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 authoriza-
sions 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 Con-
gress.

(c) Effect on Authorization Amounts.—A
transfer made from one account to another under the au-
thority 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 trans-
ferred.

(d) Notice to Congress.—The Secretary shall
promptly notify Congress of each transfer made under
subsection (a).

SEC. 1002. DEFENSE BUSINESS SYSTEMS.

(a) Availability of Funds for Defense Busi-
ness System Programs.—

(1) Conditions for obligation.—Subsection
(a) of section 2222 of title 10, United States Code,
is amended to read as follows:
“(a) Conditions for Obligation of Funds for Covered Defense Business System Programs.—Appropriated and nonappropriated funds available to the Department of Defense may not be obligated for a covered defense business system program unless—

“(1) the appropriate chief management officer for the defense business system program has—

“(A) determined that—

“(i) the defense business system program is in compliance with the enterprise architecture developed under subsection (c); and

“(ii) appropriate business process re-engineering efforts have been undertaken to ensure that—

“(I) the business process to be supported by the defense business system program will be as streamlined and efficient as practicable; and

“(II) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable; or
“(B) waived the requirement in subpara-
paragraph (A) on the basis of a determination by
the chief management officer that—

“(i) the defense business system pro-
gram is necessary to achieve a critical na-
tional security capability or address a crit-
ical requirement in an area such as safety
or security; or

“(ii) the defense business system pro-
gram is necessary to prevent a significant
adverse effect on a project that is needed
to achieve an essential capability, taking
into consideration the alternative solutions
for preventing such adverse effect;

“(2) the determination or waiver of the chief
management officer under paragraph (1) has been
reviewed, approved, and certified by an appropriate
investment review board established under sub-
section (g); and

“(3) the certification by the investment review
board under paragraph (2) has been approved by the
Defense Business Systems Management Com-
mittee.”.

(2) TREATMENT OF CERTAIN OBLIGATIONS OF
FUNDS.—Subsection (b) of such section is amended
by striking “business system” and all that follows through “such subsection” and inserting “covered defense business system program that has not been certified or approved in accordance with subsection (a)”.

(b) Enterprise Architecture.—

(1) IN GENERAL.—Subsection (c) of such section is amended—

(A) in paragraph (1), by inserting “, known as the defense business enterprise architecture,” after “an enterprise architecture”; and

(B) in paragraph (2), by striking “the enterprise architecture for defense business systems” and inserting “the defense business enterprise architecture”.

(2) COMPOSITION.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “all” and inserting “applicable law, including”; and

(ii) in subparagraph (B), by inserting “business and” before “financial information”;

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(B) in paragraph (2), by inserting “performance measures,” after “data standards,”; and

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

“(3) A target systems environment, aligned to the business enterprise architecture, for each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.”.

(3) Transition Plan.—Subsection (e) of such section is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “The acquisition strategy for” and inserting “A listing of the”; and

(ii) in subparagraph (B)—

(I) by striking “defense business systems as of December 2, 2002” and inserting “existing defense business systems”; and

(II) by striking the comma before “that will”; and

(B) in paragraph (2), by striking “Each of the strategies under paragraph (1)” and insert-
ing “For each system listed under paragraph (1), the transition plan”.

(c) RESPONSIBLE SENIOR OFFICIALS AND CHIEF MANAGEMENT OFFICERS.—Subsection (f) of such section is amended—

(1) by striking all the matter preceding sub-
paragraph (A) of paragraph (1) and inserting the following:

“(f) DESIGNATION OF SENIOR OFFICIALS AND CHIEF MANAGEMENT OFFICERS.—(1) For purposes of subsection (g), the appropriate senior Department of De-
fense official for the functions and activities supported by a covered defense business system is as follows:”;

(2) in such paragraph (1), as so amended—

(A) by striking “shall be responsible and
accountable for” each place it appears and in-
serting “, in the case of”;

(B) in subparagraph (D), by striking “As-
Assistant Secretary of Defense for Networks and
Information Integration and the”; and

(C) in subparagraph (E), by striking
“Deputy Secretary of Defense” and all that fol-

ows through “responsible for” and inserting
“Deputy Chief Management Officer of the De-
partment of Defense, in the case of”; and
(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “subsection (a)” and inserting “subsections (a) and (g)”; and

(ii) by striking “modernization” and inserting “program”;

(B) in subparagraph (D), by inserting “the Director of such Defense Agency, unless otherwise approved by” before “the Deputy Chief Management Officer”; and

(C) in subparagraph (E), by inserting “the designee of” before “the Deputy Chief Management Officer”.

(d) INVESTMENT REVIEW.—Subsection (g) of such section is amended—

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

“(1) The Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall establish, by not later than March 15, 2012, an investment review board and investment management process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project
cost benefits and risks of covered defense business system programs. The investment review process so established shall specifically address the requirements of subsection (a).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “systems” and inserting “system programs”;

(B) in subparagraph (A), by striking “defense business system” and all that follows through “as an investment” and inserting “covered defense business system program, in accordance with the requirements of subsection (a),”;

(C) in subparagraph (B), by striking “every defense business system” and all that follows and inserting “covered defense business system programs, grouped in portfolios of defense business systems;”; and

(D) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) Representation on each investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and
the Defense Agencies, including representatives of each of the following:

“(i) The appropriate chief management officer for the defense business system under review.

“(ii) The appropriate senior Department of Defense official for the functions and activities supported by the defense business system under review.

“(iii) The Chief Information Officer of the Department of Defense.”; and

(E) in subparagraph (D), by striking “investments” and inserting “programs”.

(e) BUDGET INFORMATION.—Subsection (h) of such section is amended—

(1) in paragraph (1), by inserting “program” after “defense business system”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “such system” and inserting “such program”; and

(B) in subparagraph (A), by striking “the system” and inserting “the system covered by such program”;
(3) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) For each such program, an identification of the appropriate chief management officer and senior Department of Defense official designated under subsection (f).”; and

(4) in paragraph (4), by striking “such system” both places it appears and inserting “such program”.

(f) REPORTS TO CONGRESS.—Subsection (i) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “2005 through 2013” and inserting “2012 through 2016”; 

(B) by striking the second sentence; and 

(C) by striking “Subsequent reports” and inserting “Each report”; 

(2) by striking “modernizations” each place it appears in paragraphs (1) and (2) and inserting “programs”; 

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

“(3) identify any covered defense business system program for which a waiver was granted under subsection (a)(1)(B) during the preceding fiscal
year, and set forth the reasons for each such waiver; and

(4) in paragraph (4), by striking “modernization efforts” and inserting “programs”.

(g) DEFINITIONS.—Subsection (j) of such section is amended—

(1) by striking paragraphs (1) and (3);

(2) by redesignating paragraphs (2), (4), (5), and (6) as paragraphs (1), (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1), as redesignated by paragraph (2) of this subsection, the following new paragraph (2):

“(2) The term ‘covered defense business system program’ means any program as follows:

“(A) A program for the acquisition or development of a new defense business system with a total cost in excess of $1,000,000.

“(B) A program for any significant modification or enhancement of an existing defense business system with a total cost in excess of $1,000,000.

“(C) A program for the operation and maintenance of an existing defense business system, if the estimated cost of operation and
maintenance of such system exceeds $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.”.

SEC. 1003. MODIFICATION OF AUTHORITIES ON CERTIFICATION AND CREDENTIAL STANDARDS FOR FINANCIAL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) In General.—Section 1599d of title 10, United States Code, is amended to read as follows:

“§ 1599d. Financial management positions: authority to prescribe professional certification and credential standards

“(a) Authority To Prescribe Professional Certification and Credential Standards.—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.
“(b) Waiver.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

“(c) Applicability.—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary’s discretion—

“(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

“(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

“(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

“(d) Discharge of Authority.—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

“(e) Reports.—Not later than one year after the effective date of any regulations prescribed under subsection
(a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

“(f) F INANCIAL M ANAGEMENT P OSITION D EFINED.—In this section, the term ‘financial management position’ means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost or budgetary nature, or that require the performance of financial management related work.”.

(b) C LERICAL A MENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599d and inserting the following new item:

“1599d. Financial management positions: authority to prescribe professional certification and credential standards.”.
SEC. 1004. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.

(a) In General.—Section 5(b) of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d(b)), is amended to read as follows:

“(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.”.

(b) Applicability.—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.
Subtitle B—Counter-Drug Activities

SEC. 1011. FIVE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENT AGENCIES.


(b) Coverage of Tribal Law Enforcement Agencies.—

(1) In General.—Such section is further amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “tribal,” after “local,”;

(ii) in paragraph (2), by striking “State or local” both places it appears and insert “State, local, or tribal”; and

(B) in subsection (b)—
(i) in paragraph (1), by striking “State or local” and inserting “State, local, or tribal”; 
(ii) in paragraph (4), by striking “State, or local” and inserting “State, local, or tribal”; and 
(iii) in paragraph (5), by striking “State and local” and inserting “State, local, and tribal”. 

(2) TRIBAL GOVERNMENT DEFINED.—Such section is further amended by adding at the end the following new subsection:

“(i) DEFINITIONS RELATING TO TRIBAL GOVERNMENTS.—In this section:

“(1) The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) The term ‘tribal government’ means the governing body of an Indian tribe.”.
SEC. 1012. FIVE-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.


(b) Maximum Amount of Support.—Section (e)(2) of such section, as so amended, is further amended—

(1) by striking “$75,000,000” and inserting “$100,000,000”; and

(2) by striking “2012” and inserting “2017”.

(e) Additional Governments Eligible To Receive Support.—Subsection (b) of such section, as most recently amended by section 1024(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by adding at the end the following new paragraphs:

“(23) Government of Benin.
“(24) Government of Cape Verde.
“(28) Government of Ivory Coast.
“(29) Government of Jamaica.
“(30) Government of Liberia.
“(31) Government of Mauritania.
“(32) Government of Nicaragua.
“(33) Government of Nigeria.
“(34) Government of Sierra Leone.
“(35) Government of Togo.”.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.


(b) Limitation on Exercise of Authority.—The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004, as amended by subsection (a), may not be exercised after September 30, 2011, unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346).

SEC. 1015. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

111–383; 124 Stat. 4346), is further amended by striking “2011” and inserting “2012”.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. LIMITATION ON AVAILABILITY OF FUNDS FOR PLACING MARITIME PREPOSITIONING SHIP SQUADRONS ON REDUCED OPERATING STATUS.

No amounts authorized to be appropriated by this Act may be obligated or expended to place a Maritime Prepositioning Ship squadron, or any component thereof, on reduced operating status until the later of the following:

(1) The date on which the Commandant of the Marine Corps submits to the congressional defense committees a report setting forth an assessment of the impact on military readiness of the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status.

(2) The date on which the Chief of Naval Operations submits to the congressional defense committees a report that—

(A) describes the plans of the Navy for placing such Maritime Prepositioning Ship...
squadron, or component thereof, on reduced operating status; and

(B) sets forth comments of the Chief of Naval Operations on the assessment described in paragraph (1).

(3) The date on which the Secretary of Defense certifies to the congressional defense committees that the risks to readiness of placing such Maritime Prepositioning squadron, or component thereof, on reduced operating status are acceptable.

SEC. 1022. MODIFICATION OF CONDITIONS ON STATUS OF RETIRED AIRCRAFT CARRIER EX-JOHN F. KENNEDY.

Section 1011(c)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2374) is amended by striking “shall require” and all that follows and inserting “may, notwithstanding paragraph (1), demilitarize the vessel in preparation for the transfer.”.

SEC. 1023. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.

(a) AUTHORITY.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:
“CHAPTER 669—MARITIME SAFETY OF FORCES

Sec. 7921. Safety and effectiveness information; hydrographic information.

§ 7921. Safety and effectiveness information; hydrographic information

“(a) SAFETY AND EFFECTIVENESS INFORMATION.—

(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

“(A) marine data collection;

“(B) numerical weather and ocean prediction; and

“(C) forecasting of hazardous weather and ocean conditions.

“(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

“(b) HYDROGRAPHIC INFORMATION.—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such title,
are each amended by inserting after the item relating to chapter 667 the following new item:

“669. Maritime Safety of Forces ................................. 7921”.

Subtitle D—Detainee Matters

SEC. 1031. AUTHORITY TO DETAIN UNPRIVILEGED ENEMY BELLIGERENTS CAPTURED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—The Armed Forces of the United States are authorized to detain covered persons captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107–40) as unprivileged enemy belligerents pending disposition under the law of war.

(b) COVERED PERSONS.—A covered person under this section is any person, including but not limited to persons for whom detention is required under section 1032, as follows:

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person
who has committed a belligerent act or has directly
supported such hostilities in aid of such enemy
forces.

(c) DISPOSITION UNDER LAW OF WAR.—The dis-
position of a person under the law of war as described
in subsection (a) may include the following:

(1) Long-term detention under the law of war
without trial until the end of hostilities against the
nations, organizations, and persons subject to the
Authorization for Use of Military Force.

(2) Trial under chapter 47A of title 10, United
States Code (as amended by the Military Commis-
sions Act of 2009 (title XVIII of Public Law 111–
84)).

(3) Transfer for trial by an alternative court or
competent tribunal having lawful jurisdiction.

(4) Transfer to the custody or control of the
person’s country of origin, any other foreign coun-
try, or any other foreign entity.

(d) CONSTITUTIONAL LIMITATION ON APPLICA-
BILITY TO UNITED STATES PERSONS.—The authority to
detain a person under this section does not extend to the
detention of citizens or lawful resident aliens of the United
States on the basis of conduct taking place within the
United States except to the extent permitted by the Constitution of the United States.

**SEC. 1032. REQUIRED MILITARY CUSTODY FOR MEMBERS OF AL-QAEDA AND AFFILIATED ENTITIES.**

(a) **CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person described in paragraph (2) in military custody as an unprivileged enemy belligerent pending disposition under the law of war.

(2) **APPLICABILITY TO AL-QAEDA AND AFFILIATED ENTITIES.**—The requirement in paragraph (1) shall apply to any covered person under section 1031(b) who is determined to be—

(A) a member of, or part of, al-Qaeda or an affiliated entity; and

(B) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) **DISPOSITION UNDER LAW OF WAR.**—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1031(c), except that no transfer otherwise
described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1033.

(4) WAIVER FOR NATIONAL SECURITY.—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive the requirement of paragraph (1) if the Secretary submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

(b) REQUIREMENT INAPPLICABLE TO UNITED STATES CITIZENS.—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after that date.
SEC. 1033. PERMANENT REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEEs AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) Certification Required Prior to Transfer.—

(1) In general.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Exception.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having law-
ful jurisdiction (which the Secretary shall notify
Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a mili-
tary commission case prior to the date of the
enactment of this Act.

(b) CERTIFICATION.—A certification described in this
subsection is a written certification made by the Secretary
of Defense, with the concurrence of the Secretary of State
and in consultation with the Director of National Intel-
ligence, that the government of the foreign country or the
recognized leadership of the foreign entity to which the
individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of ter-
rorism or a designated foreign terrorist organization;

(2) maintains control over each detention facil-
ity in which the individual is to be detained if the
individual is to be housed in a detention facility;

(3) is not, as of the date of the certification,
facing a threat that is likely to substantially affect
its ability to exercise control over the individual;

(4) has taken or agreed to take effective actions
to ensure that the individual cannot take action to
threaten the United States, its citizens, or its allies
in the future;
(5) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or re-

engage in any terrorist activity; and

(6) has agreed to share with the United States any information that—

(A) is related to the individual or any asso-
ciates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED

RECIDIVISM.—

(1) PROHIBITION.—Except as provided in para-

graph (2) and subsection (d), the Secretary of De-
fense may not use any amounts authorized to be ap-

propriated or otherwise made available to the De-
partment of Defense to transfer any individual de-
tained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a con-
firmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.
(2) Exception.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d) National Security Waiver.—

(1) In general.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in paragraph (4) or (5) of subsection (b) or the prohibition in subsection (c) if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of paragraph (4) or (5) of subsection (b), it is not possible
to certify that the risks addressed in the para-
graph to be waived have been completely elimi-
nated, but the actions to be taken under sub-
paragraph (A) will substantially mitigate such
risks with regard to the individual to be trans-
ferred;

(C) in the case of a waiver of subsection
(c), the Secretary has considered any confirmed
case in which an individual who was transferred
to the country subsequently engaged in terrorist
activity, and the actions to be taken under sub-
paragraph (A) will substantially mitigate the
risk of recidivism with regard to the individual
to be transferred; and

(D) the transfer is in the national security
interests of the United States.

(2) REPORTS.—Whenever the Secretary makes
a determination under paragraph (1), the Secretary
shall submit to the congressional defense commit-
tees, not later than 30 days before the transfer of
the individual concerned the following:

(A) A copy of the determination and the
waiver concerned.

(B) A statement of the basis for the deter-
mination, including—
(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of paragraph (4) or (5) of subsection (b), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(e) DEFINITIONS.—In this section:

(1) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or
(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).


SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) In General.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.
(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1033(e)(1).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 1034 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4353) is amended by striking subsections (a) and (b).

SEC. 1035. PROCEDURES FOR ANNUAL DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROCEDURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures for implementing the periodic review process required by Executive Order No. 13567 for individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40).
(b) COVERED MATTERS.—The procedures submitted under subsection (a) shall, at a minimum—

(1) clarify that the purpose of the periodic review process is not to determine the legality of any detainee’s law of war detention, but to make discretionary determinations whether or not a detainee represents a continuing threat to the security of the United States;

(2) clarify that the Secretary of Defense is responsible for any final decision to release or transfer an individual detained in military custody at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Executive Order referred to in subsection (a), and that in making such a final decision, the Secretary shall consider the recommendation of a periodic review board or review committee established pursuant to such Executive Order, but shall not be bound by any such recommendation; and

(3) ensure that appropriate consideration is given to factors addressing the need for continued detention of the detainee, including—

(A) the likelihood the detainee will resume terrorist activity if transferred or released;

(B) the likelihood the detainee will reestablish ties with al-Qaeda, the Taliban, or associ-
ated forces that are engaged in hostilities
against the United States or its coalition part-
ners if transferred or released;

(C) the likelihood of family, tribal, or gov-
ernment rehabilitation or support for the de-
tainee if transferred or released;

(D) the likelihood the detainee may be sub-
ject to trial by military commission; and

(E) any law enforcement interest in the de-
tainee.

(c) Appropriate Committees of Congress De-

finEd.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Armed Services and the
Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the
Permanent Select Committee on Intelligence of the
House of Representatives.

SEC. 1036. PROCEDURES FOR STATUS DETERMINATION OF
UNPRIVILEGED ENEMY BELLIGERENTS.

(a) In General.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the appropriate committees of Congress
a report setting forth the procedures for determining the
status of persons captured in the course of hostilities au-
authorized by the Authorization for Use of Military Force (Public Law 107–40) for purposes of section 1031.

(b) ELEMENTS OF PROCEDURES.—The procedures required by this section shall provide for the following in the case of any unprivileged enemy belligerent who will be held in long-term detention under the law of war pursuant to the Authorization for Use of Military Force:

(1) A military judge shall preside at proceedings for the determination of status of an unprivileged enemy belligerent.

(2) An unprivileged enemy belligerent may, at the election of the belligerent, be represented by military counsel at proceedings for the determination of status of the belligerent.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on any modification of the procedures submitted under this section. The report on any such modification shall be so submitted not later than 60 days before the date on which such modification goes into effect.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services and the
Select Committee on Intelligence of the Senate; and
(2) the Committee on Armed Services and the
Permanent Select Committee on Intelligence of the
House of Representatives.

SEC. 1037. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN
TRIAL OF CAPITAL OFFENSE BY MILITARY
COMMISSION.

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2)
of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the
semicolon the following: “, or a guilty plea was ac-
cepted and not withdrawn prior to announcement of
the sentence in accordance with section 949i(b) of
this title”; and

(2) in subparagraph (D), by inserting “on the
sentence” after “vote was taken”.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such
title is amended by adding at the end the following new
subsection:

“(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty
made by the accused that is accepted by a military judge
under subsection (b) and not withdrawn prior to an-
nouncement of the sentence may form the basis for an
agreement reducing the maximum sentence approved by
the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

“(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the votes of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.”.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. MANAGEMENT OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) Secretary of Defense Authority.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

“§ 2672. Protection of property

“(a) In General.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

“(b) Officers and Agents.—
“(1) DESIGNATION.—(A) The Secretary may designate military or civilian personnel of the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

“(B) A designation under subparagraph (A) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

“(C) In making a designation under subparagraph (A) with respect to any category of personnel, the Secretary shall specify each of the following:

“(i) The personnel or positions to be included in the category.

“(ii) Which authorities provided for in paragraph (2) may be exercised by personnel in that category.

“(iii) In the case of civilian personnel in that category—

“(I) which authorities provided for in paragraph (2), if any, are authorized to be
exercised outside the property specified in subsection (a); and

“(II) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

“(D) The Secretary may make a designation under subparagraph (A) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

“(i) the exercise of each specific authority provided for in paragraph (2) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

“(ii) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

“(2) POWERS.—Subject to subsection (h) and to the extent specifically authorized by the Sec-
retary, while engaged in the performance of official
duties pursuant to this section, an officer or agent
designated under this subsection may—

“(A) enforce Federal laws and regulations
for the protection of persons and property;
“(B) carry firearms;
“(C) make arrests—
“(i) without a warrant for any offense
against the United States committed in the
presence of the officer or agent; or
“(ii) for any felony cognizable under
the laws of the United States if the officer
or agent has reasonable grounds to believe
that the person to be arrested has com-
mitted or is committing a felony;
“(D) serve warrants and subpoenas issued
under the authority of the United States; and
“(E) conduct investigations, on and off the
property in question, of offenses that may have
been committed against property under the ju-
risdiction, custody, or control of the Depart-
ment of Defense or persons on such property.
“(c) REGULATIONS.—
“(1) IN GENERAL.—The Secretary may pre-
scribe regulations, including traffic regulations, nec-
necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

“(2) Penalties.—A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

“(d) Limitation on Delegation of Authority.—The authority of the Secretary of Defense under subsections (b) and (c) may be exercised only by the Secretary or Deputy Secretary of Defense.

“(e) Disposition of Persons Arrested.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

“(f) Facilities and Services of Other Agencies.—In implementing this section, when the Secretary determines it to be economical and in the public interest,
the Secretary may utilize the facilities and services of Federal, State, tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services.

“(g) Authority Outside Federal Property.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary may enter into agreements with Federal agencies and with State, tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, tribal, and local laws concurrently with other Federal law enforcement officers and with State, tribal, and local law enforcement officers.

“(h) Attorney General Approval.—The powers granted pursuant to subsection (b)(2) to officers and agents designated under subsection (b)(1) shall be exercised in accordance with guidelines approved by the Attorney General.

“(i) Limitation on Statutory Construction.—Nothing in this section shall be construed—

“(1) to preclude or limit the authority of any Federal law enforcement agency;

“(2) to restrict the authority of the Secretary of Homeland Security or of the Administrator of Gen-
eral Services to promulgate regulations affecting
property under the custody and control of that Sec-
retary or the Administrator, respectively;
“(3) to expand or limit section 21 of the Internal
Security Act of 1950 (50 U.S.C. 797);
“(4) to affect chapter 47 of this title; or
“(5) to restrict any other authority of the Sec-
retary of Defense or the Secretary of a military de-
partment.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 2671 the following new
item:
“2672. Protection of property.”.

SEC. 1042. AMENDMENTS RELATING TO THE MILITARY
COMMISSIONS ACT OF 2009.

(a) Reference to How Charges Are Made.—
Section 949a(b)(2)(C) of title 10, United States Code, is
amended by striking “preferred” in clauses (i) and (ii) and
inserting “sworn”.

(b) Judges of United States Court of Mil-
tary Commission Review.—Section 949b(b) of such
title is amended—
(1) in paragraph (1)(A), by striking “a military
appellate judge or other duly appointed judge under
this chapter on” and inserting “a judge on”;

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(2) in paragraph (2), by striking “a military appellate judge on” and inserting “a judge on”; and

(3) in paragraph (3)(B), by striking “an appellate military judge or a duly appointed appellate judge on” and inserting “a judge on”.

(c) Panels of United States Court of Military Commission Review.—Section 950f(a) of such title is amended by striking “appellate military judges” in the second sentence and inserting “judges on the Court”.

(d) Review of Final Judgments by United States Court of Appeals for the D.C. Circuit.—

(1) Clarification of matter subject to review.—Subsection (a) of section 950g of such title is amended by inserting “as affirmed or set aside as incorrect in law by” after “where applicable,”.

(2) Clarification on time for seeking review.—Subsection (e) of such section is amended—

(A) in the matter preceding paragraph (1), by striking “by the accused” and all that follows through “which—” and inserting “in the Court of Appeals—”;

(B) in paragraph (1)—
(i) by inserting “not later than 20 days after the date on which” after “(1)”; and

(ii) by striking “on the accused or on defense counsel” and inserting “on the parties”; and

(C) in paragraph (2)—

(i) by inserting “if” after “(2)”; and

(ii) by inserting before the period the following: “, not later than 20 days after the date on which such notice is submitted”.

SEC. 1043. DEPARTMENT OF DEFENSE AUTHORITY TO CARRY OUT PERSONNEL RECOVERY RE-INTEGRATION AND POST-ISOLATION SUPPORT ACTIVITIES.

(a) In General.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1056 the following new section:

“§1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel

“(a) REINTEGRATION AND SUPPORT AUTHORIZED.— The Secretary of Defense may carry out the following:
“(1) Reintegration activities for recovered persons who are Department of Defense personnel.

“(2) Post-isolation support activities for or on behalf of other recovered persons who are officers or employees of the United States Government, military or civilian officers or employees of an allied or coalition partner of the United States, or other United States or foreign nationals.

“(b) Activities Authorized.—(1) The activities authorized by subsection (a) for or on behalf of a recovered person may include the following:

“(A) The provision of food, clothing, necessary medical support, and essential sundry items for the recovered person.

“(B) In accordance with regulations prescribed by the Secretary of Defense, travel and transportation allowances for not more than three family members, or other designated individuals, determined by the commander or head of a military medical treatment facility to be beneficial for the reintegration of the recovered person and whose presence may contribute to improving the physical and mental health of the recovered person.

“(C) Transportation or reimbursement for transportation in connection with the attendance of
the recovered person at events or functions determined by the commander or head of a military medical treatment facility to contribute to the physical and mental health of the recovered person.

“(2) Medical support may be provided under paragraph (1)(A) to a recovered person who is not a member of the armed forces for not more than 20 days.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘post-isolation support’, in the case of a recovered person, means—

“(A) the debriefing of the recovered person following a separation as described in paragraph (2);

“(B) activities to promote or support the physical and mental health of the recovered person following such a separation; and

“(C) other activities to facilitate return of the recovered person to military or civilian life as expeditiously as possible following such a separation.

“(2) The term ‘recovered person’ means an individual who is returned alive from separation (whether as an individual or a group) while participating in or in association with a United States-sponsored military activity or mission in which the
individual was detained in isolation or held in captivity by a hostile entity.

“(3) The term ‘reintegration’, in the case of a recovered person, means—

“(A) the debriefing of the recovered person following a separation as described in paragraph (2);

“(B) activities to promote or support for the physical and mental health of the recovered person following such a separation; and

“(C) other activities to facilitate return of the recovered person to military duty or employment with the Department of Defense as expeditiously as possible following such a separation.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1056 the following new item:

“1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.”.

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) Critical Infrastructure Information.—The Secretary of Defense may exempt Department of De-
fense critical infrastructure information from disclosure
under section 552 of title 5, United States Code, upon
a written determination that the disclosure of such infor-
mation would reveal vulnerabilities in such infrastructure
that, if exploited, could result in the disruption, degrada-
tion, or destruction of Department of Defense operations,
property, or facilities. Critical infrastructure information
covered by a written determination under this subsection
that is provided to a State or local government to assist
first responders in the event that emergency assistance
should be required shall be deemed to remain under the
control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSUR-
ANCE SYSTEM.—The Secretary of Defense may exempt in-
formation contained in any data file of the Military Flight
Operations Quality Assurance system of a military depart-
ment from disclosure under section 552 of title 5, United
States Code, upon a written determination that the disclo-
sure of such information in the aggregate (or when com-
bined with other information already in the public domain
or subject to public release pursuant to such section 552)
would reveal sensitive information regarding the tactics,
techniques, procedures, processes, or operational and
maintenance capabilities of military combat aircraft, units,
or aircrews. Information covered by a written determina-

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tion under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY REQUIREMENT.—Each determination under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term “Department of Defense critical infrastructure information” means sensitive but unclassified information related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (in-
cluding storage and handling), and other site-specific information on or relating to installation security.

(2) The term “data file” means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

SEC. 1045. CLARIFICATION OF AIRLIFT SERVICE DEFINITIONS RELATING TO THE CIVIL RESERVE AIR FLEET.

(a) CLARIFICATION.—Section 41106 of title 49, United States Code, is amended—

(1) by striking “transport category aircraft” in subsections (a)(1), (b), and (c) and inserting “CRAF-eligible aircraft”; and

(2) in subsection (c), by striking “that has aircraft in the civil reserve air fleet” and inserting “referred to in subsection (a)”.

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(b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such section is further amended by adding at the end the following new subsection:

“(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this section, the term ‘CRAF-eligible aircraft’ means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the Civil Reserve Air Fleet.”.

SEC. 1046. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND INTERNATIONAL PEACE AND SECURITY ORGANIZATIONS.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries and international peace and security organizations in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry or organization to which assigned in support of stabilization or post-conflict activities; or
(2) assist such ministry or organization in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority of the Secretary of Defense to assign civilian employees under the program under subsection (a) terminates at the close of September 30, 2014.

(2) CONTINUATION OF ASSIGNMENTS.—Any assignment of a civilian employee under subsection (a) before the date specified in paragraph (1) may continue after that date, but only using funds available for fiscal year 2012, 2013, or 2014.

(c) ANNUAL REPORT.—Not later than December 30 each year through 2014, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on activities under the program under subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A list of the defense ministries and international peace and security organizations to which civilian employees were assigned under the program.
(2) A statement of the number of such employees so assigned.

(3) A statement of the duration of the various assignments of such employees.

(4) A brief description of the activities carried out such by such employees pursuant to such assignments.

(5) A statement of the cost of each such assignment.

(d) COMPTROLLER GENERAL REPORT.—Not later than December 30, 2013, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report setting forth an assessment of the effectiveness of the advisory services provided by civilian employees assigned under the program under subsection (a) as of the date of the report in meeting the purposes of the program.

SEC. 1047. NET ASSESSMENT OF NUCLEAR FORCE LEVELS REQUIRED WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

(a) IN GENERAL.—If, on or after the date of the enactment of this Act, the President makes a proposal described in subsection (b), the President shall—
(1) conduct a net assessment of the current and
proposed nuclear forces of the United States and of
other countries that possess nuclear weapons to de-
determine whether the nuclear forces of the United
States are anticipated to be capable of meeting the
objectives of the United States with respect to nu-
clear deterrence, extended deterrence, assurance of
allies, and defense; and

(2) as soon as practicable after the date on
which the President makes such a proposal, submit
that assessment to the congressional defense com-
mittees.

(b) PROPOSAL DESCRIBED.—

(1) IN GENERAL.—A proposal described in this
subsection is a proposal—

(A) to reduce the number of deployed nu-
clear weapons of the United States to a level
that is lower than the level described in the
Treaty between the United States of America
and the Russian Federation on Measures for
the Further Reduction and Limitation of Stra-
tegic Offensive Arms, signed at Prague April 8,
2010; or

(B) except as provided in paragraph (2), to
reduce, in a calendar year before 2022, the
number of non-deployed nuclear weapons held by the United States as a hedge.

(2) **Exception for Routine Stockpile Stewardship Activities.**—The requirement to conduct the net assessment under subsection (a) does not apply with respect to a proposal described in paragraph (1)(B) to reduce the number of non-deployed nuclear weapons held by the United States if that reduction is associated with routine stockpile stewardship activities.

(3) **Hedge Defined.**—For purposes of paragraph (1)(B), the term “hedge” means the retention of non-deployed nuclear weapons in both the active and inactive nuclear weapons stockpiles to respond to a technical failure in the stockpile or a change in the geopolitical environment.

**SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION AND REPORT ON THE TROOPS-TO-TEACHERS PROGRAM.**

(a) **Fiscal Year 2012 Administration.**—Notwithstanding section 2302(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(e)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense
by this Act shall be available to the Secretary of Defense for that purpose.

(b) REPORT.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(1) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(2) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(3) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.
(4) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(5) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(6) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(7) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and Labor of the House of Representatives.

(2) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program authorized by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

Subtitle F—Repeal and Modification of Reporting Requirements

PART I—REPEAL OF REPORTING REQUIREMENTS

SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 127a(a) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 184 is amended by striking subsection (h).

(3)(A) Section 427 is repealed.
(B) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking the item relating to section 427.

(4) Section 437 is amended by striking sub-section (c).

(5)(A) Section 483 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 483.

(6)(A) Section 484 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 484.

(7)(A) Section 485 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 485.

(8)(A) Section 486 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 486.

(9)(A) Section 487 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 487.
(10) Section 983(e)(1) is amended—
   (A) by striking the comma after “Secretary of Education” and inserting “and”; and
   (B) by striking “, and to Congress”.

(11) Section 1781b is amended by striking subsection (d).

(12) Section 2010 is amended—
   (A) by striking subsection (b); and
   (B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(13) Section 2244a(c) is amended by striking the second sentence.

(14)(A) Section 2282 is repealed.
   (B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(15) Section 2350a(g) is amended by striking paragraph (3).

(16) Section 2410m is amended by striking subsection (c).

(17) Section 2485(a) is amended—
   (A) by striking “(1)”; and
   (B) by striking paragraph (2).
(18) Section 2493 is amended by striking subsection (g).

(19) Section 2515 is amended by striking subsection (d).

(20)(A) Section 2582 is repealed.

(B) the table of sections at the beginning of chapter 153 is amended by striking the item relating to section 2582.

(21) Section 2583 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(22) Section 2688 is amended—

(A) in subsection (a)—

(i) by striking “(1)” before “The Secretary of a military department”; and

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

(B) in subsection (d)(2), by striking the second sentence;

(C) by striking subsection (f); and

(D) in subsection (h), by striking the last sentence.

(23)(A) Section 2706 is repealed.
(B) The table of sections at the beginning of chapter 160 is amended by striking the item relating to section 2706.

(24)(A) Section 2815 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 169 is amended by striking the item relating to section 2815.

(25) Section 2825(c)(1) is amended—

(A) by inserting “and” at the end of subparagraph (A);

(B) by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraphs (C) and (D).

(26) Section 2826 is amended—

(A) by striking “(a) LOCAL COM-
PARABILITY.—”; and

(B) by striking subsection (b).

(27) Section 2827 is amended—

(A) by striking “(a) Subject to subsection (b), the Secretary” and inserting “The Sec-
retary”; and

(B) by striking subsection (b).

(28) Section 2836 is amended—

(A) in subsection (b)—
(i) by striking “(1)” before “The Sec-
retary of a military department”; and

(ii) by striking paragraph (2);

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as sub-
section (f).

(29) Section 2837(c) is amended—

(A) by striking “(1)” after “OPPORTUNI-
ties.—”; and

(B) by striking paragraph (2).

(30) Section 2854a is amended by striking sub-
section (c).

(31) Section 2861 is amended by striking sub-
section (d).

(32)(A) Section 7296 is repealed.

(B) The table of sections at the beginning of
chapter 633 is amended by striking the item relating
to section 7296.

(33)(A) Section 10504 is repealed.

(B) The table of sections at the beginning of
chapter 1011 is amended by striking the item relating
to section 10504.

(34) Section 12302(b) is amended by striking
the last sentence.

(35)(A) Section 16137 is repealed.
SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) Fiscal Year 2010.—The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 219 (123 Stat. 2228) is amended by striking subsection (c).

(2) Section 1113(e)(1) (123 Stat. 2502) is amended by striking “, which information shall be” and all that follows through “semiannual basis”.

(3) Section 1245 (123 Stat. 2542) is repealed.

(b) Fiscal Year 2009.—Section 1504 of The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) Fiscal Year 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 885 (10 U.S.C. 2304 note) is amended—

(A) in subsection (a), by striking the last sentence of paragraph (2); and
(B) in subsection (b), by striking “the date of the enactment of this Act” both places it appears and inserting “January 28, 2008”.

(2) Section 2864 (10 U.S.C. 2911 note) is repealed.

(d) FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 347 (10 U.S.C. 221 note) is repealed.

(2) Section 731 (10 U.S.C. 1095e note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) Section 732 (10 U.S.C. 1073 note) is amended by striking subsection (d).

(4) Section 1231 (22 U.S.C. 2776a) is repealed.

(5) Section 1402 (10 U.S.C. 113 note) is repealed

(e) FISCAL YEAR 2006.—Section 716 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 1073 note) is amended—

(1) by striking subsection (b); and
(2) by redesignating subsection (c) as subsection (b).

(f) Fiscal Year 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 731 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 1041 (10 U.S.C. 229 note) is repealed.

(g) Fiscal Year 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Section 586 (117 Stat. 1493) is repealed.

(2) Section 812 (117 Stat. 1542) is amended by striking subsection (c).

(3) Section 1601(d) (10 U.S.C. 2358 note) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.


(i) Fiscal Year 2002.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10
U.S.C. 2431 note) is amended by striking subsections (c) and (d).

(j) Fiscal Year 2001.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 374 (10 U.S.C. 2851 note) is repealed.

(2) Section 1212 (114 Stat. 1654A–326) is amended by striking subsections (c) and (d).

(3) Section 1213 (114 Stat. 1654A–327) is repealed.

(k) Fiscal Year 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 723 (10 U.S.C. 1071 note) is amended—

(A) in subsection (d)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) by striking subsection (e).

(2) Section 1025 (10 U.S.C. 113 note) is repealed.


(m) Fiscal Year 1998.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 234 (50 U.S.C. 2367) is repealed.

(2) Section 349 (10 U.S.C. 2702 note) is amended by striking subsection (e).

(3) Section 743 (111 Stat. 1817) is amended by striking subsection (f).

(n) Fiscal Year 1997.—Section 218 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2455) is repealed.


(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) Title 37.—Section 402a of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) Title 38.—Section 3020 of title 38, United States Code, is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

(c) National and Community Service Act of 1990.—Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended by striking subsection (e).
PART II—MODIFICATION OF EXISTING REPORTING REQUIREMENTS

SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 113(j) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by inserting after subparagraph (A), as redesignated by clause (ii), the following new subparagraph (B):

“(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.”;

(B) by striking paragraph (2); and

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

(2)(A) Section 115b is amended—

(i) in subsection (a)—

(I) in the subsection caption, by striking “ANNUAL” and inserting “BIENNIAL”; and
(II) by striking “on an annual basis” and inserting “in every even-numbered year”; and  
(ii) in subsection (b)(1)(A), by striking “during the seven-year period following the year in which the plan is submitted” and inserting “during the five-year period corresponding to the current future-years defense plan under section 221 of this title”.

(B)(i) The heading of such section is amended to read as follows:

“§ 115b. Biennial strategic workforce plan”.

(ii) The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 115b and inserting the following new item:

“115b. Biennial strategic workforce plan.”.

(3) Section 116 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization re-
quest submitted pursuant to section 113a of this title in
the fiscal year concerned.”.

(4) Section 127b(f) is amended by striking
“December 1” and inserting “February 1”.

(5) Section 138c(e)(4) is amended—

(A) by striking “Not later than 10 days”
and all that follows through “title 31,” and in-
serting “Not later than March 31 in any year,”;
and

(B) by striking “that fiscal year” and in-
serting “the fiscal year beginning in the year in
which such report is submitted”.

(6)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking “QUARTERLY RE-
PORT.—” and inserting “BIANNUAL RE-
PORT.—”;

(II) by striking “a quarterly report”
and inserting “a biannual report”; and

(III) by striking “fiscal-year quarter”
and inserting “two fiscal-year quarters”; and

(ii) in subsection (e)—

(I) by striking “(1)”;
(II) by striking “a quarter of a fiscal year after the first quarter of that fiscal year” and inserting “the second two fiscal-year quarters of a fiscal year”;

(III) by striking “the first quarter of that fiscal year” and inserting “the first two fiscal-year quarters of that fiscal year”; and

(IV) by striking paragraph (2).

(B)(i) The heading of such section is amended to read as follows:

“§ 228. Biannual reports on allocation of funds within operation and maintenance budget sub-activities”.

(ii) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 228 and inserting the following new item:

“228. Biannual reports on allocation of funds within operation and maintenance budget subactivities.”.

(7) Subsection (f) of section 408 is amended to read as follows:

“(f) CONGRESSIONAL OVERSIGHT.—Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation
to which the assistance was provided and include a de-
scription of the type and amount of the assistance pro-
vided.”.

(8)(A) Section 488—

(i) in subsection (a), by striking “Every other year” and inserting “Every fourth year”;

(ii) in subsection (b), by striking “an even-numbered fiscal year” and inserting “every other even-numbered fiscal year beginning with fiscal year 2012”; and

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

“(e) BIENNIAL NOTICE ON CHANGES TO STRATEGIC PLAN.—If the Secretary modifies a strategic plan under subsection (a) during the two-year period beginning on the date of its submittal to Congress under subsection (b), the Secretary shall submit to Congress a written notice on the modifications at the end of such two-year period.”.

(B)(i) The heading of such section is amended to read as follows:

“§488. Management of electromagnetic spectrum: quadrennial strategic plan”.

(ii) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 488 and inserting the following new item:

“488. Management of electromagnetic spectrum; quadrennial strategic plan.”.
(9) Section 490(b)(1) is amended by inserting “through 2014” after “every even-numbered year”.

(10) Section 2401(h) is amended—

(A) by striking “only if—” and all that follows through “of the proposed” and inserting “only if the Secretary has notified the congressional defense committees of the proposed”; 

(B) by striking paragraph (2); 

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and realigning those paragraphs so as to be indented two ems from the left margin; and 

(D) by striking “; and” at the end of paragraph (3), as so redesignated, and inserting a period.

(11) Section 2482(d)(1) is amended by inserting “in the United States” after “commissary store”.

(12) Section 2608(e)(1) is amended—

(A) by striking “each quarter” and inserting “the second quarter and the fourth quarter”; and 

(B) by striking “the preceding quarter” and inserting “the preceding two quarters”.

S 1254 RS
(13) Section 2645(d) is amended by striking “$1,000,000” and inserting “$10,000,000”.

(14) Section 2803(b) is amended by striking “21-day period” and inserting “seven-day period”.

(15) Section 2811(d) is amended by striking “$7,500,000” and inserting “$10,000,000”.

(16) Section 9514(e) is amended by striking “$1,000,000” and inserting “$10,000,000”.

(17) Section 10541(a) is amended by striking “February 15” and inserting “April 15”.

(18) Section 10543(c)(3) is amended by striking “15 days” and inserting “90 days”.

SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER TITLES OF THE UNITED STATES CODE.

(a) Title 32.—Section 908(a) of title 32, United States Code, is amended by striking “After the end of each fiscal year,” and inserting “After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter,”.

(b) Title 37.—Section 316a(f) of title 37, United States Code, is amended by striking “January 1, 2010” and inserting “April 1, 2012”.

•S 1254 RS
SEC. 1068. MODIFICATION OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 121(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking paragraph (5).

(b) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 958 (122 Stat. 297) is amended—

(A) in subsection (a), by striking “240 days after the date of the enactment of this Act” and inserting “June 30, 2012”; and

(B) in subsection (d), by striking “December 31, 2013” and inserting “June 30, 2014”.

(2) Section 1107 (10 U.S.C. 2358 note) is amended—

(A) in subsection (d)—

(i) by striking “beginning with March 1, 2008,”; and

(ii) by inserting “a report containing” after “to Congress”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking “Not later than” and all that follows through
“the information” and inserting “The Sec-
retary shall include in each report under
subsection (d) the information”; and
(ii) in paragraph (2), by striking
“under this subsection” and inserting
“under subsection (d)”.
(3) Section 1674(e) (122 Stat. 483) is amend-
ed—
(A) by striking “After submission” and all
the follows through “that patients,” and insert-
ing “Patients,”; and
(B) by striking “have not been moved or
disestablished until” and inserting “may not be
moved or disestablished until the Secretary of
Defense has certified to the congressional de-
fense committees that”.
(c) FISCAL YEAR 2007.—Subsection (a) of section
1104 of the John Warner National Defense Authorization
Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is
amended to read as follows:
“(a) REPORTS ON DETAILS AND FELLOWSHIPS OF
LONG DURATION.—Whenever a member of the Armed
Forces or a civilian employee of the Department of De-
fense serves continuously in the Legislative Branch for
more than 12 consecutive months in one or a combination
of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.”.

(d) FISCAL YEAR 2001.—Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(e) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 1202(b)(11) (10 U.S.C. 113 note) is amended by adding at the end the following new subparagraph:

“(G) The Secretary’s certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).”.

(2) Section 1201 (10 U.S.C. 168 note) is amended by striking subsection (d).
SEC. 1069. MODIFICATION OF REPORTING REQUIREMENTS
UNDER OTHER LAWS.

(a) SMALL BUSINESS ACT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7), by inserting “and including an accounting of funds, initiatives, and outcomes under the Commercialization Pilot Program” after “and (o)(15),”; and

(2) in subsection (y), by striking paragraph (5).

(b) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—Section 105A(b) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is amended—

(1) in the subsection heading, by striking “ANNUAL REPORT” and inserting “BIENNIAL REPORT”;

(2) in the matter preceding paragraph (1)—

(A) by striking “March 31 of each year” and inserting “September 30 of each odd-numbered year”; and

(B) by striking “the following information” and inserting “the following information with respect to the Federal election held during the preceding calendar year”; and

(3) in paragraph (3), by striking “In the case of” and all that follows through “a description” and inserting “A description”.

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(c) Implementing Recommendations of the 9/11 Commission Act of 2007.—Section 1821(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the first sentence by striking “of each year” and inserting “of each even-numbered year”.

Subtitle G—Other Study and Report Matters

SEC. 1071. MODIFICATION OF DATES OF COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF EXECUTIVE AGREEMENT ON JOINT MEDICAL FACILITY DEMONSTRATION PROJECT, NORTH CHICAGO AND GREAT LAKES, ILLINOIS.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2568) is amended by striking “and annually thereafter” and inserting “not later than two years after the execution of the executive agreement, and not later than September 30, 2015”.

SEC. 1072. REPORT ON PLAN TO IMPLEMENT ORGANIZATIONAL GOALS RECOMMENDED IN THE NATIONAL SECURITY STRATEGY-2010.

(a) FINDINGS.—Congress makes the following findings:
(1) An urgent need exists to transform the United States national security system in order to employ all elements of national power effectively and efficiently to meet the challenges of the 21st century security environment.

(2) The Quadrennial Defense Review Independent Panel emphasized this need in its July 2010 report, writing that “the Panel notes with extreme concern that our current Federal Government structures—both executive and legislative, and in particular those related to security—were fashioned in the 1940s and, at best, they work imperfectly today... A new approach is needed”.

(3) The National Security Strategy—May 2010 calls for such a transformation of the United States national security system through its identification of organizational changes already underway, its recommendation of additional organizational changes to be undertaken, and its commitment to strengthening national capacity through a whole-of-government approach.

(4) The realization of these organizational goals can best be assured by the preparation of a report by the President on progress being made on organizational changes already underway and on an imple-
mentation plan for the organizational changes newly recommended in the National Security Strategy.

(b) Plan To Implement Recommendations Required.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth a plan to implement the organizational goals recommended in the National Security Strategy—May 2010.

(2) Elements.—The report required under this subsection shall include the following:

(A) A progress report identifying each organizational change identified by the National Security Strategy as already underway, including for each such change the following:

(i) The goal such organizational change seeks to achieve.

(ii) The actions required of the Executive Branch to achieve such goal.

(iii) The actions required of Congress to achieve such goal.

(iv) The preferred sequencing of the executive and legislative actions specified under clauses (ii) and (iii).
(v) The preferred timetable for such executive and legislative actions and for achievement of such goal.

(vi) The progress that has already been achieved toward such goal, and the obstacles that have been encountered.

(B) An implementation plan addressing each organizational change newly recommended by the National Security Strategy, including for each such change the following:

(i) The goal such organizational change seeks to achieve.

(ii) The actions required of the Executive Branch to achieve such goal.

(iii) The actions required of Congress to achieve such goal.

(iv) The preferred sequencing of the executive and legislative actions specified under clauses (ii) and (iii).

(v) The preferred timetable for such executive and legislative actions and for achievement of such goal.

(e) ANNUAL UPDATE.—Not later than December 1 in each year following the year in which the report required by subsection (b) is submitted, the President shall
submit to the appropriate committees of Congress an up-
date of the report setting forth a description of the fol-
lowing:

(1) The progress made in achieving each orga-
nizational goal covered by the report required by
subsection (b).

(2) The modifications necessary to the plan re-
quired by subsection (b) in light of the experience of
the Executive Branch in implementing the plan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Armed Services, Com-
mittee on Foreign Relations, Committee on Home-
land Security and Government Affairs, Committee
on the Budget, Committee on the Judiciary, Com-
mittee on Appropriations, and Select Committee on
Intelligence of the Senate; and

(2) the Committee on Armed Services, Com-
mittee on Foreign Affairs, Committee on Homeland
Security, Committee on the Budget, Committee on
the Judiciary, Committee on Oversight and Govern-
ment Reform, Committee on Appropriations, and
Permanent Select Committee on Intelligence of the
House of Representatives.
SEC. 1073. BIENNIAL ASSESSMENT OF AND REPORT ON DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—The Secretary of Defense shall, in each odd-numbered year beginning with calendar year 2013, conduct an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness of each type of platform for the delivery of nuclear weapons and of the nuclear command and control system of the United States.

(b) REPORT REQUIRED.—Not later than March 1 of each odd-numbered year beginning with calendar year 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the assessment conducted under subsection (a) that includes the following:

(1) The results of the assessment.

(2) An identification and assessment of any gaps or shortfalls in the capabilities of the platforms or the system described in subsection (a).

(3) An identification and assessment of any risks with respect to whether any of those platforms or that system will meet the mission or capability requirements of those platforms or that system, as the case may be.
(4) Recommendations of the Secretary of Defense with respect to measures to mitigate any gaps or shortfalls identified under paragraph (2) and any risks identified under paragraph (3).

(c) Consultations.—The Secretary of Defense shall consult with the Commander of the United States Strategic Command in conducting assessments under subsection (a) and preparing reports under subsection (b).

SEC. 1074. ANNUAL REPORT ON THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

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

(1) In response to a question for the record from a March 29, 2011, hearing of the Committee on Armed Services of the Senate, General C. Robert Kehler stated, “The stockpile under New START is appropriately sized to meet our deterrence requirements and manage risk associated with our aging systems and infrastructure. A recapitalized nuclear infrastructure could also support potential reductions in the future non-deployed stockpile.”.

(2) In response to an additional question for the record from that hearing, General Kehler stated, “Completion of critical stockpile sustainment activities and restoration of [the National Nuclear Secu-
rity Administration’s] production infrastructure could enable future reductions in the quantity of non-deployed warheads currently held to mitigate weapon and infrastructure risk.”.

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

(1) sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a reliable nuclear deterrent; and

(2) such investments could enable additional future reductions in the hedge stockpile.

(c) REPORT REQUIRED.—Not later than March 1, 2012, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the nuclear weapons stockpile of the United States that includes the following:

(1) An accounting of the weapons in the stockpile as of the end of the fiscal year preceding the submission of the report that includes deployed and non-deployed weapons, including each category of non-deployed weapon.

(2) The planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for the
fiscal year following the fiscal year in which the report is submitted.

SEC. 1075. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any future modification to the nuclear employment strategy of the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States.

(b) REPORTS ON MODIFICATION OF STRATEGY.—

(1) IN GENERAL.—Chapter 23 title 10, United States Code, is amended by adding at the end the following new section:

“§ 491. Nuclear employment strategy of the United States: reports on modification of strategy

“Not later than 30 days after the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:
“(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

“(2) An assessment of effects of such modification for the nuclear posture of the United States.”.

(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. Nuclear employment strategy of the United States: reports on modification of strategy.”.

SEC. 1076. STUDY ON THE RECRUITMENT, RETENTION, AND DEVELOPMENT OF CYBERSPACE EXPERTS.

(a) Study.—The Secretary of Defense shall conduct an independent study examining the availability of military and civilian personnel for Department of Defense defensive and offensive cyberspace operations, identifying any gaps in meeting personnel needs, and recommending available mechanisms to fill such gaps, including permanent and temporary positions.

(b) 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 containing the results of the study conducted under subsection (a).
(2) MATTERS TO BE COVERED.—The report required under paragraph (1) shall include the following elements:

(A) A statement of capabilities and number of cyberspace operations personnel required to meet the defensive and offensive cyberspace operation requirements of the Department of Defense.

(B) An assessment of the sufficiency of the numbers and types of personnel available for cyberspace operations, including an assessment of the balance of military personnel, Department of Defense civilian employees, and contractor positions, and the availability of personnel with expertise in matters related to cyberspace operations from outside of the Department of Defense.

(C) A description of the obstacles to adequate recruitment and retention of such personnel.

(D) An exploration of the various recruiting, training, and affiliation mechanisms, such as the reserve components, including the individual ready reserves, the civilian expeditionary workforce, corporate and university partn-
ships, the Reserve Officers’ Training Corps, and civilian auxiliaries to address challenges to recruitment, retention, and training.

(E) A description of incentives that enable and encourage individuals with cyber skills from outside the Department of Defense to affiliate with the Armed Forces and civilian employees of the Department of Defense through other types of service agreements, as well as obstacles that discourage cyberspace experts and the Department of Defense from implementing new organizational constructs.

(F) Identification of legal, policy, or administrative impediments to attracting and retaining cyberspace operations personnel.

(G) Recommendations for legislative or policy changes necessary to increase the availability of cyberspace operations personnel.

(3) Submission of comments.—The Secretary of Defense shall include with the report submitted under paragraph (1) comments on the findings and recommendations contained in the report, including comments from the Secretaries of each of the military departments.
(c) Cyberspace Operations Personnel Defined.—In this section, the term “cyberspace operations personnel” refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 1077. REPORTS ON RESOLUTION RESTRICTIONS ON THE COMMERCIAL SALE OR DISSEMINATION OF ELECTRO-OPTICAL IMAGERY COLLECTED BY SATELLITES.

(a) Secretary of Commerce Report.—

(1) Report Required.—Not later than April 15, 2012, the Secretary of Commerce shall submit to Congress a report setting forth the results of a comprehensive review of current restrictions on the resolution of electro-optical (EO) imagery collected from satellites that commercial companies may sell or disseminate. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the review.

(2) Considerations.—In conducting the review required for purposes of the report under para-
graph (1), the Secretary shall take into consider-
ation the following:

(A) Increases in sales of commercial sat-
ellite imagery that would result from a relax-
ation of resolution restrictions, and the ensuing
benefit to the United States Government, com-
merce, and academia from an expanding market
in satellite imagery.

(B) Current and anticipated deployments
of satellites built in foreign countries that can
or will be able to collect imagery at a resolution
greater than .5 meter resolution, and the sale
or dissemination of such imagery.

(C) The lead-time involved in securing fi-
nancing, designing, building, and launching the
new satellite imagery collection capabilities that
would be required to enable United States com-
mercial satellite companies to match current
and anticipated foreign satellite imagery collec-
tion capabilities.

(D) Inconsistencies between the current
resolution restrictions on the sale or dissemina-
tion of imagery collected by United States com-
mercial companies, the availability of higher
resolution imagery from foreign sources, and
the National Space Policy of the United States, released by the President on June 28, 2010.

(E) The lack of restrictions on the sale or dissemination of high-resolution imagery collected by aircraft.

(F) The utility that higher resolution imagery would bring to the United States Armed Forces, the production of military geo-spatial information, intelligence analysis, cooperation with allies, scientific research efforts, and domestic disaster monitoring and relief.

(b) INTELLIGENCE ASSESSMENT.—

(1) ASSESSMENT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate committees of Congress a report setting forth an assessment of the benefits and risks of relaxing current resolution restrictions on the electro-optical imagery from satellites that commercial United States companies may sell or disseminate, together with recommendations for means of protecting national security related information in the event of the relaxation of such resolution restrictions.
(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 Appropriations, and the Select Committee on Intelligence of the Senate; and

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

SEC. 1078. REPORT ON INTEGRATION OF UNMANNED AERIAL SYSTEMS INTO THE NATIONAL AIRSPACE SYSTEM.

(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 Administrator of the Federal Aviation Administration and on behalf of the UAS Executive Committee, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description and assessment of the rate of progress in integrating unmanned aircraft systems into the national airspace system.

(2) An assessment of the potential for one or more pilot program or programs on such integration
at certain test ranges to increase that rate of progress.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

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

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SEC. 1079. STUDY ON UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall commission an independent assessment of America’s security interests in East Asia and the Pacific region. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized cer-
dentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the designated private entity shall provide an unclassified report, with a classified annex, containing its findings to the Secretary of Defense. Not later than 90 days after the date of receipt of the
report, the Secretary of Defense shall transmit the report
to the congressional defense committees, together with
such comments on the report as the Secretary considers
appropriate.

(c) Authorization of Appropriations.—Of the
amounts authorized to be appropriated under section 301
for operation and maintenance for Defense-wide activities,
up to $1,000,000, shall be made available for the comple-
tion of the study required under this section.

Subtitle H—Other Matters

SEC. 1081. REDESIGNATION OF PSYCHOLOGICAL OPER-
ATIONS AS MILITARY INFORMATION SUP-
PORT OPERATIONS IN TITLE 10, UNITED
STATES CODE, TO CONFORM TO DEPART-
MENT OF DEFENSE USAGE.

Title 10, United States Code, is amended as follows:

(1) In section 167(j), by striking paragraph (6)
and inserting the following new paragraph:

“(6) Military information support operations.”.

(2) Section 2011(d)(1) is amended by striking
“psychological operations” and inserting “military
information support operations”. 
SEC. 1082. TERMINATION OF REQUIREMENT FOR APPOINTMENT OF CIVILIAN MEMBERS OF NATIONAL SECURITY EDUCATION BOARD BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(a) Termination.—Subsection (b)(7) of section 803 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903) is amended by striking “by and with the advice and consent of the Senate,”.

(b) Technical Amendment.—Subsection (c) of such section is amended by striking “subsection (b)(6)” and inserting “subsection (b)(7)”.

SEC. 1083. REDESIGNATION OF INDUSTRIAL COLLEGE OF THE ARMED FORCES AS THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) Redesignation.—The Industrial College of the Armed Forces is hereby renamed the “Dwight D. Eisenhower School for National Security and Resource Strategy”.

(b) Conforming Amendment.—Paragraph (2) of section 2165(b) of title 10, United States Code, is amended to read as follows:

“(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.”.

(c) References.—Any reference to the Industrial College of the Armed Forces in any law, regulation, map,
document, record, or other paper of the United States shall be deemed to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

SEC. 1084. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is hereby designated as a Fisher House for purposes of section 2493 of title 10, United States Code.

SEC. 1085. SENSE OF SENATE ON APPLICATION OF MORATORIUM ON EARMARKS TO THIS ACT.

It is the sense of the Senate that the moratorium on congressionally-directed spending items in the Senate, and on congressional earmarks in the House of Representatives, should be fully enforced in this Act.

SEC. 1086. TECHNICAL AMENDMENT RELATING TO RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY.

Section 139e(b)(12) of title 10, United States Code, is amended by striking “titles I and II” and inserting “titles I and III”.
SEC. 1087. TECHNICAL AMENDMENT.

Section 382 of title 10, United States Code, is amended by striking “biological or chemical” each place it appears in subsections (a) and (b).

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO EMPLOY UP TO 10 PERSONS WITHOUT PAY.

Section 1583 of title 10, United States Code, is amended in the first sentence—

(1) by inserting “and the Secretaries of the military departments” after “the Secretary of Defense”; and

(2) by inserting “each” after “may”.

SEC. 1102. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) Extension for Department of Defense.—

Subparagraph (B) of section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in clause (i), by striking “December 31, 2011” and inserting “October 1, 2015”; and

(2) in clause (ii)—
(A) by striking “February 1, 2012” and inserting “February 1, 2016”; and

(B) by striking “December 31, 2011” and inserting “the date specified in clause (i)”.

(b) TECHNICAL AMENDMENT TO DELETE OBSOLETE AUTHORITY APPLICABLE TO DEPARTMENT OF ENERGY.—Subparagraph (A) of such section is amended by striking “, or the Department of Energy due to a reduction in force resulting from the establishment of the National Nuclear Security Administration”.

SEC. 1103. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) AUTHORITY FOR WAIVER.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of that section in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense—
(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster during the period beginning on June 1, 2004, and ending on March 1, 2008; and

(3) with respect to whom the Secretary determines—

(A) that the employee or former employee, before accepting the reappointment referred to in paragraph (2), received a representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) that the employee or former employee reasonably relied on that representation when accepting reappointment.

(e) Required Determination.—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines
that recovery of the amount of the payment otherwise re-
quired would be against equity and good conscience be-
cause of the circumstances of that individual’s reemploy-
ment after receiving a voluntary separation incentive pay-
ment.

(d) TREATMENT OF PRIOR REPAYMENTS.—The Sec-
retary of Defense may, pursuant to a determination under
subsection (c) specific to an individual, provide for reim-
bursement to that individual for any amount the indi-
vidual has previously repaid to the United States for a
voluntary separation incentive payment covered by this
section. The reimbursement shall be paid either from the
appropriations into which the repayment was deposited,
if such appropriations remain available, or from appro-
priations currently available for the purposes of the appro-
priation into which the repayment was deposited.

(e) EXPIRATION OF AUTHORITY.—The authority to
grant a waiver under this section shall expire on December

SEC. 1104. PERMANENT EXTENSION AND EXPANSION OF EX-
PERIMENTAL PERSONNEL PROGRAM FOR
SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) PERMANENT EXTENSION.—Section 1101 of the
Strom Thurmond National Defense Authorization Act for
Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—
(1) in subsection (a), by striking “During the program period” and all that follows through “use of the” and inserting “The Secretary of Defense may carry out a program to use the”; and
(2) by striking subsections (e), (f), and (g).

(b) Expansion of Availability of Personnel Management Authority.—Subsection (b)(1) of such section is amended—
(1) in subparagraph (A), by striking “40” and inserting “50”;
(2) in subparagraph (C), by striking “and” at the end;
(3) in subparagraph (D), by adding “and” at the end; and
(4) by adding at the end the following new sub-
paragraph:
“(E) not more than a total of 10 scientific and engineering positions in the Office of the Director of Operational Test and Evaluation;”.
SEC. 1105. MODIFICATION OF BENEFICIARY DESIGNATION

AUTHORITIES FOR DEATH GRATUITY PAYABLE UPON DEATH OF A UNITED STATES GOVERNMENT EMPLOYEE IN SERVICE WITH THE ARMED FORCES.

(a) Authority to Designate More Than 50 Percent of Death Gratuity to Unrelated Persons.—

(1) In general.—Paragraph (4) of section 8102a(d) of title 5, United States Code, is amended—

(A) by striking the first sentence and inserting “A person covered by this section may designate another person to receive an amount payable under this section.”; and

(B) in the second sentence, by striking “up to the maximum of 50 percent”.

(2) Effective date.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply to the payment of a death gratuity based on any death occurring on or after that date.

(b) Notice to Spouse of Designation of Another Person to Receive Portion of Death Gratuity.—Such section is further amended by adding at the end the following new paragraph:
“(6) If a person covered by this section has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.”.

SEC. 1106. TWO-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


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SEC. 1107. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE 
ANNUAL LIMITATION ON PREMIUM PAY AND 
AGGREGATE LIMITATION ON PAY FOR FED-
ERAL CIVILIAN EMPLOYEES WORKING OVER-
SEAS.

Effective January 1, 2012, section 1101(a) of the 
Duncan Hunter National Defense Authorization Act for 
Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), 
as most recently amended by section 1103 of the Ike Skel-
ton National Defense Authorization Act for Fiscal Year 
2011 (Public Law 111–383; 124 Stat. 4382), is further 
amended by striking “through 2011” and inserting 
“through 2012”.

TITLE XII—MATTERS RELATING 
TO FOREIGN NATIONS
Subtitle A—Assistance and 
Training

SEC. 1201. EXPANSION OF SCOPE OF HUMANITARIAN 
DEMINING ASSISTANCE AUTHORITY TO IN-
CLUDE STOCKPILED CONVENTIONAL MUNI-
TIONS.

(a) EXPANSION.—Section 407 of title 10, United 
States Code, is amended—

(1) in subsection (a)—
(A) in paragraph (1), by inserting “and stockpiled conventional munitions assistance” after “humanitarian demining assistance”; 

(B) in paragraph (2), by inserting “and stockpiled conventional munitions assistance” after “Humanitarian demining assistance”; and 

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and 

(ii) in subparagraph (A), by inserting “, or stockpiled conventional munitions, as applicable,” after “explosive remnants of war”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “and stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and 

(B) in paragraph (2), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; 

(3) in subsection (c)—
(A) in paragraph (1), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(B) in paragraph (2)(B)—

(i) by inserting “or stockpiled conventional munitions activities” after “humanitarian demining activities”; and

(ii) by inserting “, or stockpiled conventional munitions, as applicable,” after “explosive remnants of war”; and

(4) in subsection (d), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance” each place it appears.

(b) definitions.—Subsection (e) of such section is amended to read as follows:

“(e) definitions.—In this section:

“(1) Humanitarian Demining Assistance.—The term ‘humanitarian demining assistance’, as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war.

“(2) Stockpiled Conventional Munitions Assistance.—The term ‘stockpiled conventional munitions assistance’, as it relates to support of hu-
manitarian assistance efforts, means training and
support in the disposal, demilitarization, physical se-
curity, and stockpile management of potentially dan-
gerous stockpiles of explosive ordnance.

“(3) INCLUDED ACTIVITIES.—The terms in
paragraphs (1) and (2) include activities related to
the furnishing of education, training, and technical
assistance with respect to explosive safety, the detec-
tion and clearance of landmines and other explosive
remnants of war, and the disposal, demilitarization,
physical security, and stockpile management of po-
tentially dangerous stockpiles of explosive ord-
ance.”.

(e) CLERICAL AMENDMENTS.—

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

“§ 407. Humanitarian demining assistance and stock-
piled conventional munitions assistance:
authority; limitations”.

(2) TABLE OF SECTIONS.—The table of sections
at the beginning of chapter 20 of such title is
amended by striking the item relating to section 407
and inserting the following new item:

“407. Humanitarian demining assistance and stockpiled conventional munitions
assistance: authority; limitations.”.
SEC. 1202. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITIES APPLICABLE TO COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) One-Year Extension of Authority.—


(A) in the subsection heading, by striking “FISCAL YEAR 2011” and inserting “FISCAL YEAR 2012”;

(B) by striking “fiscal year 2011, from” and inserting “fiscal year 2012”; and

(C) by striking “operation and maintenance” and all that follows and inserting “operation and maintenance, not to exceed $400,000,000 may be used by the Secretary of Defense to provide funds for the Commanders’ Emergency Response Program in Afghanistan.”.
(2) **Effective date.**—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) **Extension of Due Date for Quarterly Reports to Congress.**—Subsection (b)(1) of such section, as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), is further amended by striking “30 days” and inserting “45 days”.

(c) **Authority To Accept Contributions.**—Such section, as so amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) **Authority To Accept Contributions.**—The Secretary of Defense may accept cash contributions from any person, foreign government, or international organization for the purposes specified in subsection (a). Funds received by the Secretary may be credited to the operation and maintenance account from which funds are made available to carry out the authority in subsection (a), and
may be used for such purposes until expended in addition to the funds specified in that subsection.”

SEC. 1203. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.


SEC. 1204. CONDITIONAL EXTENSION AND MODIFICATION OF AUTHORITY TO BUILD THE CAPACITY OF COUNTER TERRORISM FORCES OF YEMEN.


(b) Assistance Through Minor Military Construction.—Subsection (b) of such section is amended—
(1) in paragraph (1), by inserting “and minor military construction” before the period at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—Minor military construction may be provided under subsection (a) only after September 30, 2011. The total amount that may be obligated and expended on such construction in any fiscal year may not exceed $10,000,000. Minor military construction may not be provided under subsection (a) in the city of Sana’a or in the Sana’a Governate, Yemen.”.

(c) FUNDING.—Subsection (c) of that section is amended by striking “by section 301” and all that follows through “for fiscal year 2011” and inserting “for the fiscal year concerned for operation and maintenance (other than operation and maintenance for overseas contingency operations)”.

(d) CONDITION ON USE OF AUTHORITIES.—

(1) NOTICE AND WAIT.—An authority specified in paragraph (2) may not be used until 60 days after the date on which the Secretary of Defense
and the Secretary of State jointly certify, in writing, to the appropriate committees of Congress that the use of such authority is important to the national security interests of the United States. The certification on an authority shall include the following:

(A) The reasons why the use of such authority is important to the national security interests of the United States.

(B) A justification for the provision of assistance pursuant to such authority.

(C) An acknowledgment by the Secretary of Defense and the Secretary of State that they have received assurance from the Government of Yemen that any assistance provided pursuant to such authority will be utilized in manner consistent with subsection (b)(2) of the applicable section.

(2) COVERED AUTHORITIES.—The authorities referred to in this paragraph are the following:


(B) The authority in section 1206 of the National Defense Authorization Act for Fiscal
(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means the committees of Congress specified in section 1205(d)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

**SEC. 1205. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**


(b) **CLARIFICATION OF LIMITATION ON FUNDING.**—Subsection (g) of such section, as amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended—

(1) by striking “each fiscal year” and inserting “any fiscal year”; and
(2) by striking “pursuant to title XV of this Act” and inserting “for that fiscal year”.

SEC. 1206. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.


SEC. 1207. GLOBAL SECURITY CONTINGENCY FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States an account to be known as the “Global Security Contingency Fund”.

(b) AUTHORITY.—Amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense, notwithstanding any other provision of law,
to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) Assistance under this section may be provided to enhance the capabilities of a foreign country’s national military forces, and other national security forces that conduct border and maritime security, internal security, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, and counterterrorism operations; and

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) Assistance may be provided for the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in those cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.
(c) Types of Assistance.—

(1) Authorized Elements.—A program to provide the assistance under subsection (b)(1) may include the provision of equipment, supplies, and training.

(2) Required Elements.—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within that country.

(d) Limitations.—

(1) Assistance Otherwise Prohibited by Law.—The Secretary of Defense and the Secretary of State may not use the authority provided under subsection (b) to provide any type of assistance that is otherwise prohibited by any provision of law.

(2) Limitation on Eligible Countries.—The Secretary of Defense and the Secretary of State may not use the authority provided under subsection (b) to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.
(c) FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.—

(1) SECURITY PROGRAMS.—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, prior to implementation.

(2) JUSTICE SECTOR AND STABILIZATION PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, prior to implementation.

(f) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be made available to the Secretary of State with respect to funds made available to carry out this section.

(g) TRANSFER AUTHORITY.—
(1) FOREIGN ASSISTANCE AND OTHER FUNDS.—Funds available to the Department of State for foreign assistance may be transferred to the Fund by the Secretary of State. Funds available to the Department of Defense may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) LIMITATION.—The total amount of funds appropriated and transferred to the Fund in any fiscal year shall not exceed $300,000,000. This limitation does not apply to amounts contributed to the Fund under subsection (h).

(3) TRANSFERS TO OTHER ACCOUNTS.—Funds made available to carry out assistance activities approved pursuant to subsection (c) may be transferred to accounts under the following authorities:

(A) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to pro-
gram to build the capacity of foreign military
forces).

(B) Section 23 of the Arms Export Control
Act (22 U.S.C. 2763; relating to foreign mili-
tary financing program).

(C) Section 481 of the Foreign Assistance
Act of 1961 (22 U.S.C. 2291; relating to inter-
national narcotics control and law enforcement).

(D) Chapter 5 of part II of the Foreign
Assistance Act of 1961 (22 U.S.C. 2347 et seq.;
relating to international military education and
training program).

(E) Chapter 8 of part II of the Foreign
Assistance Act of 1961 (22 U.S.C. 2349aa et
seq.; relating to antiterrorism assistance).

(F) Complex Crises Fund of the Foreign
Assistance Act of 1961 (title III of the Depart-
ment of State, Foreign Operations, and Related
Programs Appropriations Act, 2010 (division F
of Public Law 111–117; 123 Stat. 3327)).

(4) ADDITIONAL AUTHORITIES.—The transfer
authorities in paragraphs (1) and (3) are in addition
to any other transfer authority available to the De-
partment of State or the Department of Defense.
(5) Effect on Authorization Amounts.—A transfer of an amount to an account under the authority provided in paragraph (3) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(h) Authority To Accept Gifts.—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 635(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(i) Availability of Funds.—Amounts in the Fund shall remain available until September 30, 2015.

(j) Congressional Notification.—

(1) Security Programs.—Not less than 15 days before initiating activities under a program of assistance under subsection (b)(1), the Secretary of Defense, with the concurrence of the Secretary of State, shall notify the specified congressional committees of the program to be initiated.

(2) Justice Sector and Stabilization Programs.—Not less than 15 days before initiating activities under a program of assistance under subsection (b)(2), the Secretary of State, with the concurrence of the Secretary of Defense, shall notify the
specified congressional committees of the program to be initiated.

(3) **Exercise of Transfer Authority.**—Not less than 15 days before a transfer under the authority of subsection (g), the Secretary of State and the Secretary of Defense shall jointly notify the specified congressional committees of the transfer of funds into the Fund.

(k) **Reporting Requirement.**—The Secretary of State and the Secretary of Defense jointly shall provide a report quarterly to the specified congressional committees on obligations of funds or transfers into the Fund made during the preceding quarter.

(l) **Specified Congressional Committees.**—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(m) **Expiration.**—The authority provided under this section may not be exercised after September 30,
2014, except with respect to amounts appropriated or
transferred to the Fund prior to such date, which can con-
tinue to be obligated and expended as provided in sub-
section (i).

(n) ADMINISTRATIVE EXPENSES.—Amounts in the
Fund may be used for necessary administrative expenses.

SEC. 1208. AUTHORITY TO BUILD THE CAPACITY OF CER-
TAIN COUNTERTERRORISM FORCES OF EAST
AFRICAN COUNTRIES.

(a) AUTHORITY.—The Secretary of Defense may,
with the concurrence of the Secretary of State, provide
assistance during fiscal years 2012 and 2013 as follows:

(1) To enhance the capacity of the national
military forces, security agencies serving a similar
defense function, and border security forces of
Djibouti, Ethiopia, and Kenya to conduct counter-
terrorism operations against al Qaeda, al Qaeda af-
filiates, and al Shabaab.

(2) To enhance the capacity of national military
forces participating in the African Union Mission in
Somalia to conduct counterterrorism operations de-
scribed in paragraph (1).

(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 as-
sistance described in this subsection that is other-
wise prohibited by any provision of law.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to
be appropriated for each of fiscal years 2012 and
2103 for the Department of Defense for operation
and maintenance (other than operation and mainte-
nance for overseas contingency operations),
$75,000,000 may be utilized to provide assistance
under subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE
ACROSS FISCAL YEARS.—Amounts available under
this subsection for the authority in subsection (a)
for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) Notice to Congress.—

(1) In general.—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) Committees of Congress.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.
SEC. 1209. SUPPORT OF FORCES PARTICIPATING IN OPERATIONS TO DISARM THE LORD’S RESISTANCE ARMY.

(a) AUTHORITY.—Pursuant to the policy established by the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172; 124 Stat. 1209), the Secretary of Defense may, with the concurrence of Secretary of State, provide logistic support, supplies, and services and intelligence support for forces participating in operations to mitigate and eliminate the threat posed by the Lord’s Resistance Army as follows:

(1) The national military forces of Uganda.

(2) The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.

(b) PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor).
(c) FUNDING.—Of the amount authorized to be ap-
propriated for the Department of Defense for each of fis-
cal years 2012 and 2013 for operation and maintenance,
not more than $35,000,000 may be utilized in each such
fiscal year to provide support under subsection (a).

(d) LIMITATIONS.—

(1) IN GENERAL.—The Secretary of Defense
may not use the authority in subsection (a) to pro-
vide any type of support that is otherwise prohibited
by any provision of law.

(2) ELIGIBLE COUNTRIES.—The Secretary of
Defense may not use the authority in subsection (a)
to provide support to any foreign country that is
otherwise prohibited from receiving such type of sup-
port under any other provision of law.

(e) NOTICE TO CONGRESS ON ELIGIBLE COUN-
TRIES.—The Secretary of Defense may not provide sup-
port under subsection (a) for the national military forces
of a country determined to be eligible for such support
under that subsection until the Secretary notifies the ap-
propriate committees of Congress of the eligibility of the
country for such support.

(f) NOTICE TO CONGRESS ON SUPPORT TO BE PRO-
VIDED.—Not later than 5 days after the date on which
funds are obligated to provide support under subsection
(a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the following:

(1) The type of support to be provided.

(2) The national military forces to be supported.

(3) The objectives of such support.

(4) The estimated cost of such support.

(5) The intended duration of such support.

(g) QUARTERLY REPORTS TO CONGRESS.—The Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress on a quarterly basis a report on the obligation of funds under this section during the preceding quarter.

(h) DEFINITIONS.—In this section:

(1) 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) The term “logistic support, supplies, and services” has the meaning given that term in section 2350(1) of title 10, United States Code.

(i) Expiration.—The authority provided under this section may not be exercised after September 30, 2013.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1221. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.


(b) Amount of Funds Available.—Subsection (d) of such section is amended by striking “$400,000,000” and inserting “$450,000,000”.

(c) Additional Limitation on Availability of Funds.—Of the funds available for logistical support under such section during fiscal year 2012, not more than $200,000,000 may be obligated and expended until the

SEC. 1222. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.


(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section, as so amended, is further amended by striking “and every 90 days thereafter through March 31, 2012” and inserting “every 90 days thereafter through March 31, 2012, and at the end of each calendar quarter, if any, thereafter through March 31, 2013, in which the authority in subsection (a) is implemented”.

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SEC. 1223. ONE-YEAR EXTENSION OF AUTHORITIES APPLICABLE TO THE PAKISTAN COUNTERINSURGENCY FUND.


(b) CLARIFICATION OF SOURCE OF FUNDS FOR FUND.—Subsection (a)(1)(A) of such section is amended by striking “for fiscal year 2009”.

SEC. 1224. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.


(1) in subsection (a), by striking “fiscal year 2011” and inserting “in each of fiscal years 2011 and 2012”; and

(2) in subsection (e), by striking “December 31, 2011” and inserting “December 31, 2012”.

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SEC. 1225. MODIFICATION OF AUTHORITY ON PROGRAM TO
DEVELOP AND CARRY OUT INFRASTRUCTURE
PROJECTS IN AFGHANISTAN.

(a) FUNDING.—Subsection (f) of section 1217 of the
Year 2011 (Public Law 111–383; 124 Stat. 4393; 22
U.S.C. 7513 note) is amended—

(1) in paragraph (1), by inserting “or 2012”
after “fiscal year 2011”; and

(2) in paragraph (2), by striking “until Sep-
tember 30, 2012.” and inserting “as follows:
“(A) In the case of funds for fiscal year
“(B) In the case of funds for fiscal year
2012, until September 30, 2013.”.

(b) NOTICE TO CONGRESS.—Subsection (g) of such
section is amended by striking “30 days” and inserting
“15 days”.

SEC. 1226. ONE-YEAR EXTENSION OF AUTHORITY FOR RE-
IMBURSEMENT OF CERTAIN COALITION NA-
TIONS FOR SUPPORT PROVIDED TO UNITED
STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of
the National Defense Authorization Act for Fiscal Year
2008 (Public Law 110–181; 122 Stat. 393), as amended
by section 1223 of the National Defense Authorization Act

(b) Limitation on Amount Available.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking “fiscal year 2010 or 2011” and inserting “fiscal year 2012”; and

(2) by striking “$1,600,000,000” and inserting “$1,750,000,000”.

(c) Technical Amendment.—Subsection (c)(2) of such section, as so amended, is further amended by inserting a comma after “Budget”.

(d) Extension of Notice Requirement Relating to Reimbursement of Pakistan for Support Provided by Pakistan.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by
striking "September 30, 2012" and inserting "September 30, 2013".

SEC. 1227. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON AFGHANISTAN.


SEC. 1228. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) Authority.—The Secretary of Defense may support United States Government transition activities in Iraq by providing funds for the following:

(1) Operations and activities of the Office of Security Cooperation in Iraq.

(2) Operations and activities of security assistance teams in Iraq.

(b) Types of Support.—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support, transportation and personal security, and minor construction and renovation of facilities.

(c) Limitation on Amount.—The total amount of funds provided under the authority in subsection (a) in fiscal year 2012 may not exceed $524,000,000.

(d) Source of Funds.—Funds for purposes of subsection (a) for fiscal year 2012 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

(e) Coverage of Costs of OSCI in Connection With Sales of Defense Articles or Defense Services to Iraq.—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or de-
fense services issued after the date of the enactment of
this Act includes, consistent with the provisions of the
Arms Export Control Act (22 U.S.C. 2751 et seq.),
charges for administrative services sufficient to recover
the pro rata costs of operations and activities of the Office
of Security Cooperation in Iraq and associated security as-
assistance teams in Iraq in connection with such sale.

SEC. 1229. BENCHMARKS TO EVALUATE THE PROGRESS
BEING MADE TOWARD THE TRANSITION OF
SECURITY RESPONSIBILITIES FOR AFGHANI-
STAN TO THE GOVERNMENT OF AFGHANI-
STAN.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) October 7, 2011, will mark the 10-year an-
niversary of the start of Operation Enduring Free-
dom in Afghanistan.

(2) Military operations in Afghanistan have cost
United States taxpayers more than
$300,000,000,000 to date.

(3) As of June 6, 2011, 1,599 members of the
United States Armed Forces have lost their lives in
support of Operation Enduring Freedom in Afghan-
stan and more than 11,000 have been wounded.
(4) On December 1, 2009, at a speech at the United States Military Academy at West Point, New York, President Barack Obama stated that the United States would begin the transfer of United States Armed Forces out of Afghanistan in July 2011 with the pace of reductions to be based upon conditions on the ground.

(5) In the December 2010 Afghanistan-Pakistan Annual Review, President Obama reaffirmed that the core goal of the United States strategy in Afghanistan is to disrupt, dismantle, and defeat al Qaeda.

(6) In January 2010, participants at the London Conference pledged to develop a plan for phased transition to Afghan security lead. The North Atlantic Treaty Organization (NATO) and foreign ministers of the constituent elements of the International Security Assistance Force (ISAF) endorsed the Joint Framework for Transition in April 2010, and President Obama and President Karzai of Afghanistan committed to the process in a May 2010 joint statement.

(7) At the Kabul Conference in July 2010, the international community expressed its support for the objective of President Karzai that the Afghani-
stan National Security Forces (ANSF) should lead and conduct all military operations in all provinces in Afghanistan by the end of 2014, support that was later re-affirmed by North Atlantic Treaty Organization and International Security Assistance Force member nations at the Lisbon Summit in November 2010.

(8) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a “game changer” in a speech on May 6, 2011.

(b) BENCHMARKS REQUIRED.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (a) with each report on progress toward security and stability in Afghanistan that is sub-

Subtitle C—Reports and Other Matters

SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION IN OPERATIONALIZING THE AFRICAN STAND-BY FORCE.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the African Union in operationalizing the African Standby Force.

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

(1) An assessment of the existing personnel strengths and capabilities of each of the five regional brigades of the African Standby Force and their brigade-level headquarters.

(2) An assessment of the specific capacity-building needs of the African Standby Force, including with respect to supply management, information management, strategic planning, and other critical components.
(3) A description of the functionality of the supply depots of each brigade referred to in paragraph (1), and current information on existing stocks of each such brigade.

(4) An assessment of the capacity of the African Union to manage the African Standby Force.


(6) An assessment of the capacity of the African Union to absorb additional international assistance toward the development of a fully functional African Standby Force.

SEC. 1242. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) Report Required.—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the National Guard State Partnership Program.
(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A summary of the sources of funds for the State Partnership Program over the last five years.

(2) An analysis of the types and frequency of activities performed by participants in the State Partnership Program.

(3) A description of the objectives of the State Partnership Program and the manner in which objectives under the program are established and coordinated with the Office of the Secretary of Defense, the geographic combatant commands, United States Country Teams, and other departments and agencies of the United States Government.

(4) A description of the manner in which the Department of Defense selects and designates particular State and foreign country partnerships under the State Partnership Program.

(5) A description of the manner in which the Department measures the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

(6) An assessment by the Comptroller General of the United States of the effectiveness of the ac-
tivities under the State Partnership Program in meeting the objectives of the program.

**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 2012 Cooperative Threat Reduction Funds Defined.**—As used in this title, the term “fiscal year 2012 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 2012, 2013, and 2014.
SEC. 1302. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 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, $63,221,000.

(2) For chemical weapons destruction, $9,804,000.

(3) For global nuclear security, $121,143,000.

(4) For cooperative biological engagement, $259,470,000.

(5) For proliferation prevention, $28,080,000.

(6) For threat reduction engagement, $2,500,000.

(7) For other assessments/administrative support, $24,001,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will
be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 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 2012 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 notifi-
complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and
(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

**TITLE XIV—OTHER AUTHORIZATIONS**

**Subtitle A—Military Programs**

**SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 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 4401.

**SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4401.

**SEC. 1403. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4401.

**SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.—** Funds are hereby authorized to be appropriated for the Depart-
ment of Defense for fiscal year 2012 for expenses, not oth-
erwise provided for, for Chemical Agents and Munitions
 Destruction, Defense, as specified in the funding table in
 section 4401.

(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 AC-
TIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2012 for ex-
penses, not otherwise provided for, for Drug Interdiction
and Counter-Drug Activities, Defense-wide, as specified in
the funding table in section 4401.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2012 for ex-
penses, not otherwise provided for, for the Office of the
Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to $50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.
(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4412), is further amended by striking “$730,000,000 by the end of fiscal year 2013” in paragraph (5) and inserting “$830,000,000 by the end of fiscal year 2016”.

Subtitle C—Armed Forces Retirement Home

PART I—AUTHORIZATION OF APPROPRIATIONS

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of $67,700,000 for the operation of the Armed Forces Retirement Home.
PART II—ARMED FORCES RETIREMENT HOME

AUTHORITIES


Except as otherwise expressly provided, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 1423. ANNUAL VALIDATION OF MULTIYEAR ACCREDITATION.

(a) In general.—Section 1511(g) (24 U.S.C. 411(g)) is amended—

(1) by inserting “(1)” before “The Chief Operating Officer shall”; and

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

“(2)(A) If the Chief Operating Officer secures accreditation for a facility of the Retirement Home (or for any aspect of a facility of the Retirement Home) that is effective for a period of more than one year, for each year after the first year for which such accreditation is in effect, the Chief Operating Officer shall seek to obtain, from the organization that awarded the accreditation, a valida-
tion of the accreditation. The requirement in the preceding sentence shall not apply with respect to a facility of the Retirement Home for any year for which the Inspector General of the Department of Defense conducts an inspection of that facility under section 1518(b).

“(B) In carrying out subparagraph (A) with respect to validation of an accreditation, the Chief Operating Officer may substitute another nationally recognized civilian accrediting organization if the organization that awarded the accreditation is not available.”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by inserting “AND ANNUAL VALIDATION” after “ACCREDITATION”.

SEC. 1424. CLARIFICATION OF DUTIES OF SENIOR MEDICAL ADVISOR.

Section 1513A(c) (24 U.S.C. 413a(c)) is amended—

(1) in paragraph (3)—

(A) by striking “and inspect” after “Periodically visit”; and

(B) by inserting before the period the following: “and review medical reports, inspections, and records audits to make sure appropriate follow-up has been made”; and

(2) by striking paragraphs (4) and (5).
SEC. 1425. REPLACEMENT OF LOCAL BOARDS OF TRUSTEES

FOR EACH FACILITY WITH SINGLE ADVISORY COUNCIL.

(a) Establishment of AFRH Advisory Council.—Section 1516 (24 U.S.C. 416) is amended to read as follows:

"SEC. 1516. ADVISORY COUNCIL.

"(a) Establishment.—The Retirement Home shall have an Advisory Council, to be known as the ‘Armed Forces Retirement Home Advisory Council’. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

"(b) Composition; Terms of Service.—(1) The Advisory Council shall consist of at least 11 members, each of whom shall be a full or part-time Federal employee and at least one of whom shall be from the Department of Veterans Affairs. Members of the Advisory Council shall be designated by the Secretary of Defense, except that a member who is an employee of a department or agency outside of the Department of Defense shall be designated by the head of such department or agency in consultation with the Secretary of Defense.

"(2)(A) Except as provided in subparagraphs (B) and (C), the term of service of a member of the Advisory Council shall be two years. A member may be designated to serve one additional term.
“(B) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member’s term until a successor is designated.

“(C) The Secretary of Defense may terminate the appointment of a member of the Advisory Council before the expiration of the member’s term for any reason that the Secretary determines appropriate.

“(3) The Secretary of Defense shall designate one member of the Advisory Council to serve as the chair of the Advisory Council.

“(c) Duties.—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such observations, advice, and recommendations regarding the Retirement Home as the Advisory Council considers appropriate.

“(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

“(3) In carrying out its duties, the Advisory Council shall provide for participation in its activities by a rep-
resentative of the resident advisory committee of each fa-
cility of the Retirement Home.”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Paragraph (2) of section
1502 (24 U.S.C. 401) is amended to read as follows:
“(2) The term ‘Advisory Council’ means the
Armed Forces Retirement Home Advisory Council
established by section 1516.”.

(2) RESPONSIBILITIES AND DUTIES OF SENIOR
MEDICAL ADVISOR.—Section 1513A(b) (24 U.S.C.
413a(b)) is amended—

(A) in paragraph (1), by striking “and the
Chief Operating Officer” and inserting “, the
Chief Operating Officer, and the Advisory
Council”; and

(B) in paragraph (2), by striking “to the
Local Board” and all that follows and inserting
“to the Advisory Council regarding all medical
and medical administrative matters of each fa-
cility of the Retirement Home.”.

(3) RESPONSIBILITIES OF CHIEF OPERATING
OFFICER.—Section 1515(c)(2) (24 U.S.C. 415(c)(2))
is amended by striking “, including the Local
Boards of those facilities”.
(4) Inspection of retirement home.—Section 1518 (24 U.S.C. 418) is amended by striking “Local Board for the facility” each place it appears and inserting “Advisory Council”.

SEC. 1426. ADMINISTRATORS AND OMBUDSMEN OF FACILITIES.

(a) Leadership of facilities of the retirement home.—Section 1517 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking “a Director, a Deputy Director, and an Associate Director” and inserting “an Administrator and an Ombudsman”;

(2) in subsections (b) and (c), by striking “Director” each place it appears and inserting “Administrator”;

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated, by striking “Associate Director” each place it appears and inserting “Ombudsman”;

(5) in subsection (e), as so redesignated—

(A) by striking “Associate Director” and inserting “Ombudsman”;
(B) by striking “Director and Deputy Director” and inserting “Administrator”; and

(C) by striking “Director may” and inserting “Administrator may”;

(6) in subsection (f), as so redesignated, by striking “Director” each place it appears and inserting “Administrator”; and

(7) in subsection (g), as so redesignated—

(A) in paragraph (1), by striking “Directors” and inserting “Administrators”; and

(B) in paragraph (2), by striking “a Director” and inserting “an Administrator”.

(b) Clerical Amendments.—Such section is further amended—

(1) in the headings of subsections (b) and (c), by striking “DIRECTOR” and inserting “ADMINISTRATOR”;

(2) in the headings of subsection (d) and (e), as redesignated by subsection (a)(3), by striking “ASSOCIATE DIRECTOR” and inserting “OMBUDSMAN”; and

(3) in the heading of subsection (g), as so redesignated, by striking “DIRECTORS” and inserting “ADMINISTRATORS”.

(c) Conforming Amendments.—
(1) The following provisions are amended by striking “Director” each place it appears and inserting “Administrator”: sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) (24 U.S.C. 411(d)(2), 412(c), 414(a), 418(c), 418(d)(2), 420, 422, 423(b)).

(2) Sections 1514(b) and 1520(c) (24 U.S.C. 414(b), 420(c)) are amended by striking “Directors” and inserting “Administrators”.

SEC. 1427. INSPECTION REQUIREMENTS.

Section 1518 (24 U.S.C. 418) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,” and inserting “Not less often than every three years,”;

(ii) by striking “of that facility” and inserting “of each facility of the Retirement Home”;

(iii) by inserting “long-term care,” after “assisted living,”; and

(iv) by striking “or council”; and
(B) in paragraph (3), by striking “or council”;  

(2) in subsection (c)—  

(A) by striking paragraph (2);  

(B) by designating the second sentence as a new paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and  

(C) in such paragraph (2), as so designated—  

(i) by striking “45 days” and inserting “90 days”; and  

(ii) by adding at the end the following new sentence: “The report shall include the plan of the Chief Operating Officer to address the recommendations and other matters set forth in the report.”; and  

(3) in subsection (e)(1)—  

(A) by striking “45 days” and inserting “60 days”;  

(B) by striking “Director of the facility concerned” and inserting “Chief Operating Officer”; and  

(C) by striking “, the Chief Operating Officer,” after “Secretary of Defense”. 
SEC. 1428. REPEAL OF OBSOLETE PROVISIONS.

Part B, relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home, is repealed.

SEC. 1429. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) Correction of Obsolete References to Retirement Home Board.—

(1) Armed Forces Retirement Home Act.—
Section 1519(a)(2) (24 U.S.C. 419(a)(2)) is amended by striking “Retirement Home Board” and inserting “Chief Operating Officer”.

(2) Title 10, U.S.C.—Section 2772(b) of title 10, United States Code, is amended by striking “Armed Forces Retirement Home Board” and inserting “Chief Operating Officer of the Armed Forces Retirement Home”.

(b) Section Headings.—

(1) Section 1501.—The heading of section 1501 is amended to read as follows:

“SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.”.

(2) Section 1513.—The heading of section 1513 is amended to read as follows:
“SEC. 1513. SERVICES PROVIDED TO RESIDENTS.”.

(3) Section 1513A.—The heading of section 1513A is amended to read as follows:

“SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.”.

(4) Section 1517.—The heading of section 1517 is amended to read as follows:

“SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.”.

(5) Section 1518.—The heading of section 1518 is amended to read as follows:

“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS.”.

(6) Punctuation.—The headings of sections 1512 and 1520 are each amended by adding a period at the end.

(e) Part A Header.—The heading for part A is repealed.

(d) Table of Contents.—The table of contents in section 1501(b) is amended—

(1) by striking the item relating to the heading for part A;
(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

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"Sec. 1513. Services provided to residents.
"Sec. 1513A. Oversight of health care provided to residents.");
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(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following new items:

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"Sec. 1516. Advisory Council.
"Sec. 1517. Administrators, Ombudsmen, and staff of facilities.
"Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors."); and
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(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) Authority for Transfer of Funds.—Funds authorized to be appropriated by section 1403 and available for Defense Health Program for operation and maintenance as specified in the funding table in section 4401 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by
subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated for the Department of Defense specifically for such transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455).
TITLE XV—AUTHORIZATION OF
APPROPRIATIONS FOR OVER-
SEAS CONTINGENCY OPER-
ATIONS

Subtitle A—Authorization of
Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropri-
tions for the Department of Defense for fiscal year 2012
to provide additional funds for overseas contingency oper-
ations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for
fiscal year 2012 for procurement accounts for the Army,
the Navy and the Marine Corps, the Air Force, and De-
fense-wide activities, as specified in the funding table in
section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
TION.

Funds are hereby authorized to be appropriated for
fiscal year 2012 for the use of the Department of Defense
for research, development, test, and evaluation, as speci-
fied in the funding table in section 4202.
SEC. 1504. OPERATION AND MAINTENANCE.
Funds are hereby authorized to be appropriated for fiscal year 2012 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 2012 for the Department of Defense for military personnel in the amount of $11,228,566,000.

SEC. 1506. WORKING CAPITAL FUNDS.
Funds are hereby authorized to be appropriated for fiscal year 2012 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 4402.

SEC. 1507. DEFENSE HEALTH PROGRAM.
Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4402.

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 2012 for exp-
penses, not otherwise provided for, for Drug Interdiction
and Counter-Drug Activities, Defense-wide, as specified in
the funding table in section 4402.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2012 for ex-
penses, not otherwise provided for, for the Office of the
Inspector General of the Department of Defense, as speci-
fied in the funding table in section 4402.

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 De-
partment of Defense in this title for fiscal year 2012
between any such authorizations for that fiscal year
(or any subdivisions thereof). Amounts of authoriza-
tions 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 author-
izations 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 author-
ity provided by this section is in addition to the transfer
authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. ONE-YEAR EXTENSION AND MODIFICATION OF
AUTHORITY FOR TASK FORCE FOR BUSINESS
AND STABILITY OPERATIONS IN AFGHAN-
ISTAN.

(a) ENHANCEMENT OF AUTHORITY.—Subsection (a)
of section 1535 of the Ike Skelton National Defense Au-
thorization Act for Fiscal Year 2011 (Public Law 111–
383; 124 Stat. 4426) is amended—

(1) in paragraph (3), by striking “may include
projects” and all that follows and inserting “may in-
clude projects that facilitate private investment, min-
ing sector development, industrial development, and
other projects determined by the Secretary of De-
fense, with the concurrence of the Secretary of
State, as strengthening stability or providing stra-
tegic support to the counterinsurgency campaign in
Afghanistan.”;

(2) in paragraph (4), by striking “The” and in-
serting “During each of fiscal years 2011 and 2012,
the”;

(3) by redesignating paragraphs (5), (6), and
(7) as paragraphs (6), (7), and (8), respectively; and

(4) by inserting after paragraph (4) the fol-
lowing new paragraph (5):

“(5) Availability of funds for activities
across fiscal years.—Amounts available to carry
out the authority in paragraph (1) shall be available
for projects under that authority that begin in a fis-
cal year and end in the following fiscal year.”.

(b) One-year extension of authority.—Para-
graph (8) of such subsection, as redesignated by sub-
section (a)(3) of this section, is further amended to read
as follows:

“(8) Expiration of authority.—A project
may not be commenced under the authority in para-
graph (1) after September 30, 2012.”.
(c) Annual Reports.—Paragraph (7) of such subsection, as so redesignated, is further amended—

(1) in the matter preceding subparagraph (A), by striking “, 2011” and inserting “of each year following a fiscal year in which the authority in paragraph (1) is exercised”; and

(2) in subparagraph (A), by striking “during fiscal year 2011” and inserting “during that fiscal year”.

(d) Authority for Additional Representatives on Task Force.—Such section is further amended—

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

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

“(c) Additional Members.—The members of the Task Force for Business and Stability Operations in Afghanistan may include the following:

“(1) A representative of the Department of State, designated by the Secretary of State.

“(2) A representative of the United States Agency for International Development, designated by the Administrator of the United States Agency for International Development.”.
 SEC. 1532. MODIFICATION OF AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) LIMITATIONS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) AVAILABILITY FOR LITERACY INSTRUCTION AND TRAINING.—Assistance provided utilizing funds in the Afghanistan Security Forces Fund may include literacy instruction and training to build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the North Atlantic Treaty Organization Training Mission in Afghanistan.

 SEC. 1533. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANS REGIONAL WEB INITIATIVE.

None of the amounts authorized to be appropriated by this Act may be obligated or expended on any program under the Trans Regional Web Initiative of the Department of Defense, or any similar initiative, until the Sec-
retary of Defense certifies, in writing, to the Committees
on Armed Services of the Senate and the House of Rep-
resentatives that such program—

(1) appropriately defines its target audience;

(2) is determined to be the most effective meth-
od to reach such target audience;

(3) is the most cost-effective means of reaching
such target audience; and

(4) includes measurement mechanisms to en-
sure such target audience is being reached.

SEC. 1534. REPORT ON LESSONS LEARNED FROM DEPART-
MENT OF DEFENSE PARTICIPATION ON
INTERAGENCY TEAMS FOR COUNTERTER-
RORISM OPERATIONS IN AFGHANISTAN AND
IRAQ.

(a) Report Required.—Not later than one year
after the date of the enactment of this Act, the Secretary
of Defense shall submit to the congressional defense com-
mittees a report on the lessons learned from Department
of Defense participation on interagency teams for counter-
terrorism operations on Afghanistan and Iraq.

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

(1) An assessment of the value of interagency
teams in counterterrorism operations.
(2) A description of the best practices of such interagency teams.

(3) A description of efforts to codify the best practices of interagency teams described under paragraph (2) in military doctrine.

(4) An assessment whether the lessons learned through Department of Defense participation on such interagency teams is applicable to other interagency teams in which Department personnel participate.

(5) An assessment of the feasibility and advisability of adding a skill identifier to track Department civilian and military personnel who have successfully supported, participated on, or led an interagency team.

(6) A description of the additional authorities, if any, needed to permit Department personnel to more effectively support, participate on, or lead an interagency team.
A BILL

S. 1254

112TH CONGRESS 1ST SESSION

To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Read twice and placed on the calendar
JUNE 22, 2011