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

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2012

Mr. LEVIN (for himself and Mr. MCCAIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

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

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

thorization Act for Fiscal Year 2013”.

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

(a) DIVISIONS.—This act is organized into two divisions as follows:

(1) DIVISION A.—Department of Defense Authorizations.

(2) DIVISION B.—Military Construction Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of act into divisions; table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Joint Improvised Explosive Device Defeat Fund.
Sec. 106. Defense Production Act purchases.

Subtitle B—Specific Programs

Sec. 111. Multiyear procurement authority for Army CH–47F helicopters.
Sec. 112. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.
Sec. 113. Multiyear procurement authority for V–22 joint aircraft program.
Sec. 114. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.
Sec. 115. Multiyear procurement authority for Virginia class submarine program.
Sec. 117. Authority for reallocation of certain Aegis weapon system assets between and within the DDG–51 destroyer and Aegis Ashore programs in order to meet mission requirements.
Sec. 118. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.
Sec. 119. Quadrennial long-term plan for the procurement of aircraft for the Navy and the Air Force.
Sec. 120. Ford class aircraft carrier procurement.
TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.
Sec. 202. Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in United States territories and possessions.
Sec. 203. Transfer of administration of Ocean Research Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration.

TITLE III—OPERATION AND MAINTENANCE

Sec. 301. Operation and maintenance funding.
Sec. 302. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.
Sec. 303. Repeal of certain record keeping and reporting requirements applicable to commissary and exchange stores overseas.
Sec. 304. Authority to pay for contract fees and program costs of the Department of Defense Overseas Military Banking Program from operating and retained revenue of the program.
Sec. 305. Expansion of use of uniform funding authority to permanent change of station and temporary duty lodging programs operated through nonappropriated fund instrumentalities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces
Sec. 401. End strengths for active forces.

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

Subtitle C—Authorization of Appropriations
Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy
Sec. 501. Exception to 30-year retirement for Regular Navy warrant officers in the grade of Chief Warrant Officer, W–5.
Sec. 502. Standardization of grade for certain medical and dental branch chief positions.
Sec. 503. Revision to definition of joint duty assignment to include all instructor assignments for joint training and education.
Sec. 504. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
Sec. 505. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.

Sec. 506. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.

Sec. 507. Force management enhancements.

Subtitle B—Reserve Component Management

Sec. 511. Authority for persons who are lawful permanent residents to be appointed as officers of the National Guard.

Sec. 512. Placement of National Guard non-dual status technicians in the excepted service with all dual status National Guard technicians.

Sec. 513. Transfer of responsibility for Reserve Component Suicide Prevention and Resilience Program.

Sec. 514. Authority for service commitment for reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.

Sec. 515. Pilot program to allow establishment of active status and inactive status lists of members in the inactive National Guard.

Sec. 516. Reinstatement of temporary special retirement qualification authority for reserve component members of the Air National Guard of the United States with 15 years of qualifying service.

Subtitle C—Education and Training

Sec. 521. Inclusion of the School of Advanced Military Studies Senior Level Course as a Senior Level service school.

Sec. 522. Support of Naval Academy athletic programs.

Sec. 523. Modification of eligibility for associate degree programs under the Community College of the Air Force.

Sec. 524. Repeal of requirement that at least 50 percent of participants in Senior Reserve Officers’ Training Corps program be eligible for in-State tuition.

Sec. 525. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC.

Subtitle D—Defense Dependents Education

Sec. 531. Transfer of Troops-to-Teachers program from Department of Education to Department of Defense and enhancements to the program.

Sec. 532. Modification of authority to allow Department of Defense Domestic Dependent Elementary and Secondary schools to enroll certain students.

Sec. 533. Authority for acceptance of gifts and other private support for Marine Corps University.

Subtitle E—Other Matters

Sec. 541. Air Force Chief and Deputy Chief of Chaplains.

Sec. 542. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
Sec. 543. Modification of prohibition on refusal of voter registration applications and absentee ballot requests.

Sec. 544. Inclusion of Northern Mariana Islands as a “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.

Sec. 545. Clarification and enhancement of the role of the Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 546. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 547. Clarification of authorized Fisher House residents at the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.

Sec. 548. Repeal of alternative mechanism for required allotments from pay for child and spousal support owed by members of the uniformed services on active duty.

Sec. 549. Reduction in requirements for publication in Federal Register under Solomon Amendment.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Sec. 601. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.

Sec. 602. Transitional compensation for dependent children who were carried during pregnancy at the time of the dependent-abuse offense.

Sec. 603. Increase in amount of Officer Affiliation Bonus for officers in the Selected Reserve.

Sec. 604. Basic allowance for housing for two-member couples when one is on sea duty.

Sec. 605. Change to the definition of dependent for purposes of limiting the terms of consumer credit for certain members of the Armed Forces and their dependents.

Sec. 606. One-year extension of certain expiring bonus and special pay authorities.

Sec. 607. Revision to certain definitions relating to families of servicemembers for purposes of family and medical leave.

Sec. 608. Increase in maximum amount of incentive bonus for reserve component members who convert Military Occupational Specialty to ease personnel shortages.

Sec. 609. Modifications to Career Intermission Pilot Program.

Sec. 610. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Revisions to TRICARE cost sharing requirements.

Sec. 702. Requirement for Medicare participating physician or supplier to accept TRICARE and Veterans Affairs participating rates.

Sec. 703. Authority for automatic enrollment in TRICARE prime of dependents of members in pay grades above pay grade E-4.

Sec. 704. Exclusion from authorized medical care for dependents of maternity care for fee-basis surrogate pregnancies.
Sec. 705. Extension of TRICARE Standard coverage and TRICARE Dental Program for members of the Selected Reserve who are involuntarily separated.

Sec. 706. Clarification of applicability of Federal Tort Claims Act to subcontractors employed to provide health care services to the Department of Defense.

Sec. 707. Modifications to requirement for Secretary of Defense to conduct mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.

Sec. 708. Inclusion of certain over-the-counter drugs in TRICARE Uniform formulary.

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

Sec. 801. Reduction in requirements for submission of Selected Acquisition Reports for major defense acquisition programs.

Sec. 802. Authorization for entering into multiyear contracts with federally funded research and development centers.

Sec. 803. Authority for the Secretary of Defense to provide fee-for-service inspection and testing by the Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract.

Sec. 804. Elimination of continuous-days-of-session requirement for congressional notification of the lease of certain vessels by the Department of Defense.

Sec. 805. Disestablishment of Defense Materiel Readiness Board.

Sec. 806. Revision to definition of term "commercial item" for purposes of Federal procurement statutes providing procedures for procurement of commercial items.

Sec. 807. Treatment of reviews of programs experiencing critical cost growth when cost growth is primarily due to quantity changes.

Sec. 808. Change in authorities relating to scope of work variations.

Sec. 809. Treatment of procurements on behalf of the Department of Defense in accordance with the Department of Energy's Work for Others program.

Sec. 810. Enhancement of review of acquisition process for rapid fielding of capabilities in response to urgent operational needs.

Sec. 811. Repeal of application of requirement to review ongoing programs initiated prior to certification under section 2366b of title 10, United States Code.

Sec. 812. Permanent authority for use of simplified acquisition procedures for certain commercial items.

Sec. 813. Special emergency procurement authority for domestic emergency operations.

Sec. 814. Defense Coalition Repair Fund.

Sec. 815. Enhancement of Department of Defense capabilities to deter and respond to contractor fraud.

Sec. 816. Extension of authority for Task Force for Business and Stability Operations in Afghanistan.

Sec. 817. Timeliness rules for filing bid protests at the United States Court of Federal Claims.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT
Subtitle A—Intelligence-Related Matters

Sec. 901. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.

Sec. 902. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.

Sec. 903. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities and military operations abroad.

Subtitle B—Space Activities

Sec. 911. Revisions to policy on development and procurement of unmanned systems.

Sec. 912. Repeal of requirement for biennial report on Global Positioning System.

Sec. 913. Repeal of requirement for Operationally Responsive Space Program Office in Department of Defense.

Sec. 914. Commercial space launch cooperation.

TITLE X—GENERAL PROVISIONS

Sec. 1001. Technical amendments to repeal statutory references to United States Joint Forces Command.

Sec. 1002. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.

Sec. 1003. Congressional funeral support.

Sec. 1004. Military museums’ acceptance of private support.

Sec. 1005. Clarification of parties with whom Department of Defense may conduct exchanges of real property at military installations.

Sec. 1006. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.

Sec. 1007. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1008. Pueblo Chemical Depot and Blue Grass Army Depot chemical agent and munitions destruction technologies.

Sec. 1009. Streamlining of procedures for purchase and release of materials under Strategic and Critical Materials Stockpiling Act.

Sec. 1010. Requirement for certification once every three years rather than annually for authority to provide certain support for counter-drug activities to specified foreign countries.

Sec. 1011. Extension of authority to support unified counter-drug and counter-terrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.

Sec. 1012. Technical clarification of scope of procedures required for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

Sec. 1102. Authority for transportation of family household pets of civilian personnel during evacuation of non-essential personnel.

Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.
Sec. 1104. Authority to waive annual limitations on premium and aggregate pay for certain Federal civilian employees working overseas.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Sec. 1201. Improved administration of the American, British, Canadian, and Australian Armies’ Program.

Sec. 1202. Three-year extension of authority for non-reciprocal exchanges of Defense personnel between the United States and foreign countries.

Sec. 1203. Repeal of requirement for advance notification to Congress of transfer of certain excess defense articles.

Sec. 1204. Designation of additional “High Income” countries prohibited from receiving International Military Education and Training Grant Assistance under chapter 5 of the Foreign Assistance Act.

Sec. 1205. Authority to support operations and activities of the Office of Security Cooperation in Iraq.

Sec. 1206. United States participation in Headquarters Eurocorps.

Sec. 1207. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.

Sec. 1208. Extension of expiration date of transitional authorities to provide assistance to enhance the capacity of counterterrorism forces of certain East African countries and Yemen.

Sec. 1209. Three-year extension of authority to waive reimbursement of costs of activities of nongovernmental personnel at Department of Defense Regional Centers for Security Studies.

Sec. 1210. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.

Sec. 1211. Extension of Commanders’ Emergency Response Program in Afghanistan.

Sec. 1212. Extension of authorities relating to program to build the capacity of foreign military forces.

Sec. 1213. One-year extension of authority to use funds for reintegration activities in Afghanistan.

Sec. 1214. Authority for funds available in the Joint Improvised Explosive Device Defeat Fund to be used to support programs that mitigate threats to United States forces in Afghanistan.

Sec. 1215. One-year extension and modification of the authority to carry out infrastructure projects in Afghanistan.

Sec. 1216. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1301. Working capital funds.


Sec. 1303. Joint Urgent Operational Needs Fund.

Sec. 1304. Chemical Agents and Munitions Destruction, Defense.

Sec. 1305. Drug Interdiction and Counter-Drug Activities, Defense-wide.


Sec. 1307. Defense Health Program.
Subtitle B—Other Matters

Sec. 1311. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1312. 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.

TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR 2013

Sec. 1401. Purpose.
Sec. 1402. Army procurement.
Sec. 1403. Joint Improvised Explosive Device Defeat Fund.
Sec. 1404. Navy and Marine Corps procurement.
Sec. 1405. Air Force procurement.
Sec. 1406. Joint Urgent Operational Needs Fund.
Sec. 1407. Defense-wide activities procurement.
Sec. 1408. Research, development, test, and evaluation.
Sec. 1409. Operation and maintenance.
Sec. 1410. Military personnel.
Sec. 1411. Working Capital Funds.
Sec. 1412. Defense Health Program.
Sec. 1413. Drug Interdiction and Counter-Drug Activities, Defense-Wide.
Sec. 1415. Afghanistan Security Forces Fund.

TITLE XV—MILITARY RETIREMENT MODERNIZATION COMMISSION

Sec. 1501. Short title.
Sec. 1502. Purpose.
Sec. 1503. Definitions.
Sec. 1504. Establishment of Military Retirement Modernization Commission.
Sec. 1505. Commission hearings and meetings.
Sec. 1506. Principles and procedure for Commission recommendations.
Sec. 1507. Presidential and congressional consideration of Commission recommendations.
Sec. 1508. Authorization of appropriations and funding.
Sec. 1509. Pay for members of the Commission.
Sec. 1510. Executive Director.
Sec. 1511. Staff.
Sec. 1512. Contracting authority.
Sec. 1513. Judicial review precluded.
Sec. 1514. Termination.

TITLE XVI—BENEFITS FOR FEDERAL CIVILIAN EMPLOYEES IN ZONES OF ARMED CONFLICT

Sec. 1601. Short title.
Sec. 1602. Definition of designated zone of armed conflict.
Sec. 1603. Benefits for employees in designated zones of armed conflict.
Sec. 1604. Waiver of certain pay limitations.
Sec. 1605. Leave authorities.
Sec. 1606. Other benefits for deployed employees in a designated zone of armed conflict.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2105. Additional authority to carry out certain fiscal year 2013 projects.
Sec. 2106. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2010 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.
Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2207. Extension of authorizations of certain fiscal year 2010 projects.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized air force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2305. Additional authority to carry out certain fiscal year 2013 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2010 projects.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized defense agencies construction and land acquisition projects.
Sec. 2402. Authorized energy conservation projects.
Sec. 2404. Extension of authorization of certain fiscal year 2010 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2012 projects.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2412. Modification of authority to carry out certain fiscal year 1997 project.
TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2010 and 2011 projects.
Sec. 2612. Additional authority to carry out certain fiscal year 2013 Army projects.
Sec. 2613. Additional authority to carry out certain fiscal year 2013 Air Force projects.
Sec. 2614. Extension of authorization of certain fiscal year 2009 project.
Sec. 2615. Extension of authorization of certain fiscal year 2010 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Technical amendments to section 2702 of fiscal year 2012 act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Sec. 2801. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.
Sec. 2802. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2803. Authority for use of multiple appropriations for infrastructure projects at Arlington National Cemetery.
Sec. 2804. Revisions to minor military construction authorities.
Sec. 2805. Authority for acceptance of funds to cover administrative expenses associated with real property leases and easements.
Sec. 2806. Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army as follows:

(1) For aircraft, $5,853,729,000.

(2) For missiles, $1,302,689,000.

(3) For weapons and tracked combat vehicles, $1,501,706,000.

(4) For ammunition, $1,739,706,000.

(5) For other procurement, $6,326,245,000.

SEC. 102. NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Navy and Marine Corps as follows:

(1) For aircraft, $17,129,296,000.
• For weapons, including missiles and torpedoes, $3,117,578,000.

• For shipbuilding and conversion, $13,579,845,000.

• For other procurement, $6,169,378,000.

• For procurement, Marine Corps, $1,622,955,000.

• For ammunition procurement, Navy and Marine Corps, $759,539,000.

SEC. 103. AIR FORCE.

(a) FISCAL YEAR 2013.—Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Air Force as follows:

• For aircraft, $11,002,999,000.

• For ammunition, $599,194,000.

• For missiles, $5,491,846,000.

• For other procurement, $16,720,848,000.

(b) ADVANCE APPROPRIATIONS.—Funds, in the form of advance appropriations, are hereby authorized to be appropriated for procurement of missiles for the Air Force to fully fund the procurement of Advanced Extremely High Frequency communications satellites 5 and 6 and Space Based Infrared System missile warning satellites 5 and 6, as follows:

• For fiscal year 2014, $833,500,000.
(2) For fiscal year 2015, $763,900,000.
(3) For fiscal year 2016, $708,400,000.
(4) For fiscal year 2017, $1,107,200,000.
(5) For fiscal year 2018, $1,013,700,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.
Funds are hereby authorized to be appropriated for fiscal year 2013 for Defense-wide procurement in the amount of $4,187,935,000.

SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.
Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Improvised Explosive Device Defeat Fund in the amount of $227,414,000.

SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.
Funds are hereby authorized to be appropriated for fiscal year 2013 for purchases under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) in the amount of $89,189,000.

Subtitle B—Specific Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH–47F HELICOPTERS.
(a) Authority for Multiyear Procurement.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 pro-
(b) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

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

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

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

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

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

SEC. 114. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) Amount Authorized From SCN Account.—Of the amount appropriated or otherwise made available
1 for shipbuilding and conversion, Navy, for fiscal year
2 2013, $1,613,392,000 is authorized to be available for the
3 commencement of the nuclear refueling and complex over-
4 haul of the U.S.S. Abraham Lincoln (CVN–72) during fis-
5 cal year 2013. The amount authorized to be made avail-
6 able in the preceding sentence is the first increment in
7 the two-year sequence of incremental funding planned for
8 the nuclear refueling and complex overhaul of that vessel.
9
10 (b) CONTRACT AUTHORITY.—The Secretary of the
11 Navy is authorized to enter into a contract during fiscal
12 year 2013 for the nuclear refueling and complex overhaul
13 of the U.S.S. Abraham Lincoln.
14
15 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
16 MENTS.—A contract entered into under subsection (b)
17 shall provide that any obligation of the United States to
18 make a payment under the contract for a fiscal year after
19 fiscal year 2013 is subject to the availability of appropria-
20 tions for that purpose for that later fiscal year.

SEC. 115. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-
21 GINIA CLASS SUBMARINE PROGRAM.

22 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
23 The Secretary of the Navy may, in accordance with section
24 2306b of title 10, United States Code, enter into multiyear
25 contracts, beginning with the fiscal year 2014 program
26 year, for procurement of Virginia class submarines and
Government-furnished equipment associated with the Virginia class submarine program.

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

(e) 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 2014 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 116. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

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

“(f) Extension of Multiyear Authority.—With respect to a multiyear contract entered into under subsection (a), the Secretary of the Navy may, notwith-
standing any provision of section 2306b of title 10, United States Code, to the contrary, modify such contract to add a fifth production year to the contract.”.

SEC. 117. AUTHORITY FOR REALLOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG–51 DESTROYER AND AEGISASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Navy is authorized to provide Aegis Weapon System (AWS) equipment with Ballistic Missile Defense (BMD) capability to the Missile Defense Agency (MDA) for use in its Aegis Ashore System for installation in the country designated as Host Nation #1 (HN–1) by transferring to MDA such equipment procured with prior-year Shipbuilding and Conversion, Navy (SCN) appropriations for the DDG–51 Destroyer Program. The Secretary of the Navy is further authorized to make adjustments in equipment deliveries in accordance with subparagraph (a)(2) of this section as needed to support shipbuilding schedules for affected ships. The Secretary of the Navy is further authorized to install on an SCN-funded DDG–51 Class Destroyer, AWS equipment with BMD capability procured using appropriations for Research, Development, Test and Evaluation, Defense-
Wide (RDT&E,DW). The authority of the Secretary of the Navy under this section shall consist of the following specific authorizations:

(1) The Secretary of the Navy may transfer AWS equipment with BMD capability procured for the DDG–51 Destroyer Program in FY 2010 and FY 2011 to MDA for installation in a shore-based AWS in the country designated as HN–1.

(2) The Secretary of the Navy may obligate funds appropriated under the subdivision of appropriations “DDG–51 Destroyer” under the heading “Shipbuilding and Conversion, Navy” for FY 2012, or may use any AWS assets acquired with such funds, to deliver complete, mission-ready AWS with BMD capability to any DDG–51 Class Destroyer for which SCN funds were appropriated in FY 2011.

(3) The Director, MDA shall transfer AWS equipment with BMD capability procured for installation in a shore-based AWS to the Department of the Navy for the DDG–51 Destroyer Program to replace equipment transferred to MDA under the authority of subparagraph (a)(1). Notwithstanding the appropriation that funded the acquisition of such replacement equipment, the Secretary of the Navy
shall fund all work necessary to complete construction and outfitting of any recipient DDG–51 Class Destroyer in the same manner as if the replacement equipment had been acquired using SCN appropriations.

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

SEC. 118. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.

(a) REDUCTION IN INVENTORY REQUIREMENT.—Section 8062(g)(1) of title 10, United States Code, is amended—

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

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

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

SEC. 119. QUADRENNIAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) In general.—Section 231a of title 10, United States Code, is amended to read as follows:

“§ 231a. Long-range plan for procurement of aircraft for the Navy and Air Force

“(a) Quadrennial Aircraft Procurement Plan.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of Defense shall submit to the congressional defense committees a long-range plan for the procurement of covered aircraft for the Department of the Navy and the Department of the Air Force that supports the aviation force structure recommendations of the quadrennial defense review.

“(b) Matters Included.—Each aircraft procurement plan under subsection (a) shall include the following:

“(1) A detailed schedule for procurement of covered aircraft for the Department of the Navy and the Department of the Air Force for the 10-year pe-
period beginning on the date on which the plan is submitted.

“(2) A notional procurement schedule for the 20-year period beginning on the date that is 10 years after the date on which the plan is submitted.

“(3) For the procurement schedules under paragraph (1)—

“(A) the estimated levels of annual funding necessary to carry out such schedule;

“(B) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to carry out such schedules; and

“(C) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the commanders of the combatant commands.

“(c) Assessment When Aircraft Procurement Budget Is Insufficient.—If the budget for a fiscal year provides for funding of the procurement of covered aircraft for either the Department of the Navy or the Department of the Air Force at a level that is less than the level determined necessary by the Director of Cost Assess-
ment and Program Evaluation under subsection (b)(3)(B), the Secretary of Defense shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure of aircraft that may result from funding covered aircraft procurement at such level.

“(d) CBO Evaluation.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

“(e) Definitions.—In this section:

“(1) The term ‘covered aircraft’ means the following:

“(A) Fighter aircraft.

“(B) Attack aircraft.

“(C) Bomber aircraft.

“(D) Strategic lift aircraft.

“(E) Intratheater lift aircraft.
“(F) Intelligence, surveillance, and reconnaissance aircraft.

“(G) Tanker aircraft.

“(H) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

“(2) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(3) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

“(4) The term ‘quadrennial defense review’ means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231a and inserting the following new item:

“231a. Long-range plan for procurement of aircraft for the Navy and the Air Force.”.
SEC. 120. FORD CLASS AIRCRAFT CARRIER PROCUREMENT.

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

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

(c) Repeal of Superseded Provision.—Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is repealed.
TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $8,929,415,000.
(2) For the Navy, $16,882,877,000.
(3) For the Air Force, $25,428,046,000.
(4) For Defense-wide activities, $17,982,161,000.
(5) For the Director of Operational Test and Evaluation, $185,268,000.

SEC. 202. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATIONAL PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN UNITED STATES TERRITORIES AND POSSESSIONS.

(a) ELIGIBILITY.—Section 2194(a) of title 10, United States Code, is amended by inserting “, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any possession of the United States” after “institutions of the United States”.
(b) Technical Amendment.—Paragraph (2) of such section is amended by inserting “(20 U.S.C. 7801)” before the period.

SEC. 203. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH ADVISORY PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) Authority for Ocean Research and Resources Advisory Panel.—Subsection (a) of section 7903 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

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

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

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

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

(2) in paragraph (1), by striking “National Academy of Science” and inserting “National Academies”; and
(3) by striking paragraphs (2) and (3) and redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

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

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

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

(3) by striking paragraph (2) and inserting the following new paragraphs (2) and (3):

“(2) To advise the Council on the determination of scientific priorities and needs.

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

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

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

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

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

(2) Table of Sections.—The item relating to such section in the table of sections at the beginning of chapter 665 of such title is amended to read as follows:

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

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

TITLE III—OPERATION AND MAINTENANCE

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $36,608,592,000.

(2) For the Navy, $41,606,943,000.

(3) For the Marine Corps, $5,983,163,000.
(4) For the Air Force, $35,435,360,000.

(5) For Defense-wide activities, $31,993,013,000.

(6) For the Army Reserve, $3,162,008,000.

(7) For the Navy Reserve, $1,246,982,000.

(8) For the Marine Corps Reserve, $272,285,000.

(9) For the Air Force Reserve, $3,166,482,000.

(10) For the Army National Guard, $7,108,612,000.

(11) For the Air National Guard, $6,015,455,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,516,000.

(13) For the Department of Defense Acquisition Workforce Development Fund, $274,198,000.

(14) For Environmental Restoration, Army, $335,921,000.

(15) For Environmental Restoration, Navy, $310,594,000.

(16) For Environmental Restoration, Air Force, $529,263,000.

(17) For Environmental Restoration, Defense-wide, $11,133,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $237,543,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $108,759,000.

(20) For Cooperative Threat Reduction programs, $519,111,000.

SEC. 302. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.

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

(1) by striking “(a) IN GENERAL.—” before “The Secretary of Defense”; and

(2) by striking subsection (b).

SEC. 303. REPEAL OF CERTAIN RECORD KEEPING AND REPORTING REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE STORES OVERSEAS.

(a) REPEAL.—Section 2489 of title 10, United States Code, is amended by striking subsections (b) and (e).

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

(1) by striking “(1)” after “(a) GENERAL AUTHORITY.—”;

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(2) by redesignating paragraph (2) as sub-
section (b) and inserting “LIMITATIONS.—” before
“In establishing”; and
(3) by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 304. AUTHORITY TO PAY FOR CONTRACT FEES AND
PROGRAM COSTS OF THE DEPARTMENT OF
DEFENSE OVERSEAS MILITARY BANKING
PROGRAM FROM OPERATING AND RETAINED
REVENUE OF THE PROGRAM.

(a) USE OF GENERATED REVENUE.—The Secretary
of Defense, in carrying out the Overseas Military Banking
Program of the Department of Defense (in this section
referred to as the “Program”), may use the operating and
retained revenue generated by the Program to pay for the
following:

(1) Contract fees related to any contract en-
tered into for the purpose of carrying out the Pro-
gram.

(2) Costs incurred under the Program for pro-
viding (A) contract formation and administration
services relating to the Program contract, and (B)
financial services to the military services and mili-
tary personnel.

(b) COLLECTION OF AMOUNTS OWED.—
(1) Authority to collect amounts owed by deductions from pay.—Under regulations prescribed by the Secretary of Defense, at the request of the head of the Program, a disbursing official of the United States may, on behalf of the Program, collect by deduction from the amount of pay owed to a member or an employee any amount of funds the member or employee owes to the Program as a result of delinquencies or a default on loans or fees not disputed by the member or employee. The amount deducted from the pay owed to a member or an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the member or employee for that pay period, except that a greater percentage may be deducted with the written consent of the member or employee.

(2) Due process protections.—Collections under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.
SEC. 305. EXPANSION OF USE OF UNIFORM FUNDING AUTHORITY TO PERMANENT CHANGE OF STATION AND TEMPORARY DUTY LODGING PROGRAMS OPERATED THROUGH NON-APPROPRIATED FUND INSTRUMENTALITIES.

(a) INCLUSION OF ADDITIONAL PROGRAMS.—Subsection (a) of section 2491 of title 10, United States Code, is amended—

(1) by striking “Under regulations” and inserting “(1) Under regulations’’;

(2) by striking “morale, welfare, and recreation programs” the first place it appears and inserting “a program specified in paragraph (2)”;

(3) by striking “morale, welfare, and recreation programs” the second place it appears and inserting “such programs”; and

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

“(2) This section applies with respect to the following:

“(A) Morale, welfare, and recreation programs of the Department of Defense.

“(B) Permanent change of station and temporary duty lodging programs conducted as supplemental mission programs of the Department of Defense.”.
(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking “morale, welfare, and recreation program” and inserting “program specified in subsection (a)(2)”;

(2) in subsection (c)(1), by striking “morale, welfare, and recreation programs within the Department of Defense” and inserting “a program specified in subsection (a)(2)”.

(c) CLERICAL AMENDMENTS.—

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

“§2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2491 and inserting the following new item:

“2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs.”.
TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2013, as follows:
(1) The Army, 552,100.
(2) The Navy, 322,700.
(3) The Marine Corps, 197,300.

Subtitle B—Reserve Forces
SEC. 411. END STRENGTHS FOR SELECTED RESERVE.
(a) In General.—The Armed Forces are authorized
strengths for Selected Reserve personnel of the reserve
components as of September 30, 2013, as follows:
(1) The Army National Guard of the United
States, 358,200.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 62,500.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United
States, 101,600.
(6) The Air Force Reserve, 70,500.
(7) The Coast Guard Reserve, 9,000.
(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve for any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.
SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 32,060.
2. The Army Reserve, 16,277.
3. The Navy Reserve, 10,114.
4. The Marine Corps Reserve, 2,261.
5. The Air National Guard of the United States, 14,305.
6. The Air Force Reserve, 2,888.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

1. For the Army Reserve, 8,445.
(2) For the Army National Guard of the United States, 28,380.

(3) For the Air Force Reserve, 10,283.

(4) For the Air National Guard of the United States, 21,101.

SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.
(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

1. The Army National Guard of the United States, 17,000.
2. The Army Reserve, 13,000.
3. The Navy Reserve, 6,200.
4. The Marine Corps Reserve, 3,000.
5. The Air National Guard of the United States, 16,000.
6. The Air Force Reserve, 14,000.
Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated for military personnel for fiscal year 2013 a total of $128,430,025,000.

(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 2013.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy

SEC. 501. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

(a) Exception to 30-Year Statutory Retirement.—Paragraph (1) of section 1305(a) of title 10, United States Code, is amended—

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

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

(b) MODIFICATION OF STATUTORY RETIREMENT FROM 30 TO 33 YEARS FOR NAVY CHIEF WARRANT OFFICER, W–5.—Such section is further amended by adding at the end the following new paragraph:

“(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W–5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.”.

SEC. 502. STANDARDIZATION OF GRADE FOR CERTAIN MEDICAL AND DENTAL BRANCH CHIEF POSITIONS.

(a) ARMY.—

(1) CHIEF OF NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking “major general” in the second sentence and inserting “brigadier general”.

(2) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES.—Section 3039(b) of such title is amended by striking “major general” in the last sentence and inserting “brigadier general”.

(b) NAVY.—

(1) CHIEF OF DENTAL CORPS.—Section 5138(a) of such title is amended by striking “not below” and inserting “in”.

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(2) **Director of Nurse Corps.**—Section 5150(e) of such title is amended—

(A) in the first sentence, by striking “rear admiral” the first place it appears and all that follows through “Service Corps” and inserting “rear admiral (lower half)”; and

(B) by striking the last sentence.

(3) **Conforming Amendment.**—Section 526(a)(2) of such title is amended by striking “160” and inserting “161”.

(c) **Air Force.**—

(1) **Chief of Nurse Corps.**—Section 8069(b) of such title is amended by striking “major general” in the second sentence and inserting “brigadier general”.

(2) **Assistant Surgeon General for Dental Services.**—Section 8081 of such title is amended by striking “major general” in the second sentence and inserting “brigadier general”.

**SEC. 503. Revision to Definition of Joint Duty Assignment to Include All Instructor Assignments for Joint Training and Education.**

Section 668(b)(2) of title 10, United States Code, is amended by striking “assignments for joint” and all that
follows through “Phase II” and inserting “student assignments for joint training and education”.

SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

(d) TECHNICAL AMENDMENTS.—Each of the sections specified in subsections (a), (b), and (c) is further amended by striking “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “January 7, 2011,”.
SEC. 505. TEMPORARY INCREASE IN THE TIME-IN-GRADE RETIREMENT WAIVER LIMITATION FOR LIEU-
TENANT COLONELS AND COLONELS IN THE ARMY, AIR FORCE, AND MARINE CORPS AND
COMMANDERS AND CAPTAINS IN THE NAVY.
Section 1370(a)(2)(F) of title 10, United States Code, is amended—
(1) by striking “December 31, 2007” and inserting “September 30, 2018”; and
(2) by striking “Air Force” and inserting “Army, Air Force, and Marine Corps”.

SEC. 506. MODIFICATION TO LIMITATIONS ON NUMBER OF OFFICERS FOR WHOM SERVICE-IN-GRADE RE-
QUIREMENTS MAY BE REDUCED FOR RETIRE-
MENT IN GRADE UPON VOLUNTARY RETIRE-
MENT.
Section 1370(a)(2) of title 10, United States Code, is amended—
(1) in subparagraph (E), by inserting “, or two,
whichever is greater” before the period at the end; and
(2) by adding at the end the following new sub-
paragraph:
“(G) Notwithstanding subparagraph (E), during the period ending on September 30, 2017, the total number of brigadier generals and major generals of the Army, Air
Force, and Marine Corps, and the total number of rear admirals (lower half) and rear admirals of the Navy, for whom a reduction is made under this section during any fiscal year in the period of service-in-grade otherwise required under this paragraph—

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

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

SEC. 507. FORCE MANAGEMENT ENHANCEMENTS.

(a) Reinstatement of Authority for Enhanced Selective Early Retirement Boards and Early Discharges.—Section 638a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “, during the period beginning on October 1, 1990,” and all that follows through “December 31, 2012,”; and

(B) by inserting at the end the following new sentence: “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.”;

(2) in subsection (b), by striking paragraph (3);

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

“(4) In the case of an action authorized under sub-
section (b)(2), the Secretary of Defense may also author-
ize the Secretary of the military department concerned to
waive the five-year period specified in section 638(c) of
this title if the Secretary of Defense determines that it
is necessary for the Secretary of that military department
to have such authority in order to meet mission needs.”;

and

(4) in subsection (d)(2), by striking “except
that during the period beginning on October 1,
2006, and ending on December 31, 2012,” in sub-
paragraphs (A) and (B) and inserting “except that
through December 31, 2018,”.

(b) Authority To Reduce Years of Service For
Mandatory Retirement for Certain Officers in
Pay Grades O–5 and O–6.—

(1) Lieutenant Colonels and Navy Com-
manders.—Section 633 of such title is amended by
adding at the end the following new subsection:
“(c) Authority for Earlier Mandatory Retirement.—Under regulations prescribed by the Secretary of Defense, during the period beginning on January 1, 2013, and ending on December 31, 2018, the Secretary concerned may reduce the amount of service specified in subsection (a) from 28 years to a period (determined by the Secretary concerned) of not less than 25 years of active commissioned service. Any such reduction under this subsection may not become effective before the first day of the twelfth calendar month beginning after the month in which the Secretary concerned approves and announces the reduction.”.

(2) Colonels and Navy Captains.—Section 634 of such title is amended by adding at the end the following new subsection:

“(c) Authority for Earlier Mandatory Retirement.—Under regulations prescribed by the Secretary of Defense, during the period beginning on January 1, 2013, and ending on December 31, 2018, the Secretary concerned may reduce the amount of service specified in subsection (a) from 30 years to a period (determined by the Secretary concerned) of not less than 27 years of active commissioned service. Any such reduction under this subsection may not become effective before the first day of the twelfth calendar month beginning after the month in
which the Secretary concerned approves and announces
the reduction.”.

Subtitle B—Reserve Component
Management

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

Section 313(b)(1) of title 32, United States Code, is
amended by inserting “or have been lawfully admitted to
the United States for permanent residence under the Im-
migration and Nationality Act (8 U.S.C. 1101 et seq.)”
before the semicolon.

SEC. 512. PLACEMENT OF NATIONAL GUARD NON-DUAL
STATUS TECHNICIANS IN THE EXCEPTED
SERVICE WITH ALL DUAL STATUS NATIONAL
GUARD TECHNICIANS.

Section 709(e) of title 32, United States Code, is
amended in the second sentence—

(1) by striking “However, a position” and in-
serting “A position”; and

(2) by striking “if the” and all that follows and
inserting a period.
SEC. 513. TRANSFER OF RESPONSIBILITY FOR RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.

(a) Codification and Extension.—

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

“§10219. Suicide prevention and community healing and response program

“(a) Program Requirement.—The Secretary of Defense shall carry out a program to provide National Guard and Reserve members and their families with training in suicide prevention and community healing and response to suicide.

“(b) Suicide Prevention Training.—Under the program, the Secretary shall provide National Guard and Reserve members with training in suicide prevention. Such training may include—

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

“(2) examining the influence of military culture on risk and protective factors for suicide; and

“(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.”
“(c) Community Healing and Response Training (Postvention).—Under the program, the Secretary shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training may include—

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

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

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

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

“(d) Community Training Assistance.—The program shall include the provision of assistance with such training to the local communities of those members and families, to be provided in coordination with local community programs.
“(e) COLLABORATION.—The Secretary shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

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

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

“10219. Suicide prevention and community healing and response program.”.

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

SEC. 514. AUTHORITY FOR SERVICE COMMITMENT FOR RESERVISTS WHO ACCEPT FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS TO BE PERFORMED IN THE SELECTED RESERVE.

(a) IN GENERAL.—Section 2603(b) of title 10, United States Code, is amended by inserting “(or in the case of a member of the Selected Reserve, on active duty or in the Selected Reserve as specified in the agreement)” after “active duty”.

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

SEC. 515. PILOT PROGRAM TO ALLOW ESTABLISHMENT OF ACTIVE STATUS AND INACTIVE STATUS LISTS OF MEMBERS IN THE INACTIVE NATIONAL GUARD.

(a) Authority To Maintain Active and Inactive Status Lists in the Inactive National Guard.—Section 303 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Army and the Secretary of the Air Force may maintain an active status list and an inactive status list of members in the inactive Army National Guard and the inactive Air National Guard, respectively.

“(2) The total number of Army National Guard and Air National Guard members, combined, on the active status lists and the inactive status lists assigned to the inactive National Guard may not exceed 10,000 during any period.

“(3) The total number of Army National Guard and Air National Guard members, combined, on the active status lists of the inactive National Guard may not exceed 4,000 during any period.
“(4) The authority under this subsection expires at the close of December 31, 2015.”.

(b) TWO-WAY TRANSFERS OF MEMBERS FORMERLY ENLISTED IN INACTIVE NATIONAL GUARD.—Subsection (b) of such section is amended—

(1) by striking “Under such” at the beginning of the first sentence and inserting “(1) Except as provided in paragraph (2) and under such”;

(2) by striking “Under such” at the beginning of the second sentence and inserting “Except as provided in paragraph (2) and under such”; and

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

“(2) During the period beginning on the date of the enactment of this paragraph and ending on December 31, 2015, an enlisted member of the active Army National Guard may be transferred to the inactive Army National Guard without regard to whether the member was formerly enlisted in the inactive Army National Guard and an enlisted member of the active Air National Guard may be transferred to the inactive Air National Guard without regard to whether the member was formerly enlisted in the inactive Air National Guard.”.

(c) DEFINITION OF “ACTIVE STATUS”.—Section 101(d)(4) of title 10, United States Code, is amended by
adding at the end the following new sentence: “However, in the case of members of the Army National Guard of the United States during any period during which there is an inactive status list for the inactive Army National Guard under section 303(d) of title 32, such term means the status of such a member who is not assigned to the inactive status list of the inactive Army National Guard, on another inactive status list, or in the Retired Reserve, and in the case of members of the Air National Guard of the United States during any period during which there is an inactive status list for the inactive Air National Guard under section 303(d) of title 32, such term means the status of such a member who is not assigned to the inactive status list of the inactive Air National Guard, on another inactive status list, or in the Retired Reserve.”.

(d) Members in Inactive Status; Training Categories.—Section 10141 of such title is amended by adding at the end the following new subsection:

“(d)(1) During any period during which there is an inactive status list for the inactive Army National Guard under section 303(d) of title 32—

“(A) the first sentence of subsection (b) shall apply only with respect to Reserves assigned to the inactive Army National Guard who are assigned to the inactive status list; and
“(B) the exclusion of the Army National Guard of the United States under the first sentence of subsection (c) shall be inapplicable.

“(2) During any period during which there is an inactive status list for the inactive Air National Guard under section 303(d) of title 32—

“(A) the first sentence of subsection (b) shall apply only with respect to Reserves assigned to the inactive Air National Guard who are assigned to the inactive status list; and

“(B) the exclusion of the Air National Guard of the United States under the first sentence of subsection (c) shall be inapplicable.”.

(e) Computation of Years of Service for Entitlement to Retired Pay.—Paragraph (3) of section 12732(b) of such title is amended to read as follows:

“(3) Service in the inactive National Guard (for any period other than a period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32) and service while assigned to the inactive status list of the inactive National Guard (for any period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32).”.
(f) **Eligibility for Inactive-Duty Training Pay.**—Section 206(c) of title 37, United States Code, is amended by adding at the end the following new sentence: "However, with respect to any period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32, the limitation in the preceding sentence shall be applicable to persons assigned to the inactive status list of the inactive National Guard, rather than to persons enlisted in the inactive National Guard.”.

(g) **Reporting Required.**—

(1) **In General.**—For each fiscal year during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32, the Secretary of the Army and the Secretary of the Air Force, respectively, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing service in the active status of the inactive National Guard.

(2) **Matters Covered.**—Reports under this subsection shall cover the following:

(A) For each member transferred into the active status of the inactive National Guard, the member’s—

(i) rank;
(ii) years of service;

(iii) military occupational specialty;

(iv) date of transfer to the active status list of the inactive National Guard;

(v) date of entry, if applicable, into the Integrated Disability Evaluation System;

(vi) date of exit, if applicable, from the Integrated Disability Evaluation System;

(vii) date of separation from the National Guard, if applicable; and

(viii) number of retirement points earned.

(B) For each member enlisting in or transferring to the Selected Reserve to fill a National Guard vacancy created by another person’s transfer to the active status list of the inactive National Guard, the member’s—

(i) date of entry into the National Guard;

(ii) rank;

(iii) military occupational specialty;

(iv) prior service, if any, in the active component or the Selected Reserve;
(v) participation in training (as well as the length of the training), including any specialized or leadership training, to facilitate the transfer to the Selected Reserve;

(vi) monetary incentives, if any, and the period of any corresponding service obligation, received for enlisting in or transferring to the Selected Reserve;

(vii) first period of inactive duty training; and

(viii) first period of annual training.

SEC. 516. REINSTATEMENT OF TEMPORARY SPECIAL RETIREMENT QUALIFICATION AUTHORITY FOR RESERVE COMPONENT MEMBERS OF THE AIR NATIONAL GUARD OF THE UNITED STATES WITH 15 YEARS OF QUALIFYING SERVICE.

(a) Reinstatement of Authority.—Subsection (a)(1) of section 12731a of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “October 1, 1991,” and inserting “the first day of a period described in subsection (b) that is applicable to that member”; and
(2) in subparagraph (B), by striking “after that date and before the end of the period described in subsection (b)” and inserting “during a period described in subsection (b) that is applicable to that member”.

(b) Period of Authority.—Subsection (b) of such section is amended to read as follows:

“(b) Period of Authority.—A period referred to in subsection (a)(1) is any of the following:

“(1) With respect to any member of the Selected Reserve of a reserve component, the period beginning on October 23, 1992, and ending on December 31, 2001.

“(2) With respect to a member of the Selected Reserve of the Air National Guard of the United States, the period beginning on October 1, 2012, and ending on December 31, 2018.”.

Subtitle C—Education and Training

Sec. 521. Inclusion of the School of Advanced Military Studies Senior Level Course as a Senior Level Service School.

Section 2151(b)(1) of title 10, United States Code, is amended by adding at the end the following new sub-paragraph:
“(E) The United States Army Command and General Staff College’s School of Advanced Military Studies Senior Level Course.”.

SEC. 522. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.

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

“§ 6981. Support of athletic and physical fitness programs

“(a) Authority.—

“(1) In general.—The Secretary of the Navy may enter into agreements, including cooperative agreements (as described in section 6305 of title 31), with the association to manage any aspect of the athletic and physical fitness programs of the Naval Academy.

“(2) Association defined.—In this section, the term ‘association’ means the Naval Academy Athletic Association and its successors and assigns.

“(b) Authority to provide support to association.—

“(1) Authority to transfer funds to the association.—The Secretary may transfer funds to the association to pay expenses incurred by the asso-
ciation in managing the athletic and physical fitness programs of the Naval Academy.

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

“(c) Acceptance of gifts from the association.—The Secretary may accept from the association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy.

“(d) Receipt and retention of funds.—

“(1) Funds received from the association.—The Secretary may receive from the association funds generated by the athletic and physical fitness programs of the Naval Academy and any other activity of the association and to retain and use such funds to further the mission of the Naval Academy. Receipt and retention of such funds shall be subject to oversight by the Secretary of the Navy.

“(2) Funds received from NCAA.—The Secretary may accept, use, and retain funds from the National Collegiate Athletic Association and to
transfer all or part of those funds to the association for the support of the athletic and physical fitness programs of the Naval Academy.

“(3) User Fees.—The Secretary may charge user fees to the association for the association’s use of Naval Academy facilities for the conduct of summer athletic camps. Fees collected under this subsection may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

“(e) Licensing, Marketing, and Sponsorship Agreements.—The Secretary may enter into an agreement with the association authorizing the association to represent the Department of the Navy in connection with licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, to the extent authorized by the Chief of Naval Research and in accordance with sections 2260 and 5022 of this title. Notwithstanding section 2260(d) of this title, any funds generated by the licensing, marketing, and sponsorship under such agreement may be accepted, used, and be retained by the Secretary of the Navy or transferred by the Secretary to the association for the athletic and physical fitness programs of the Naval Academy.
“(f) Authorized Service on Board of Directors.—The Secretary may authorize members of the naval service and civilian personnel of the Department of the Navy to serve in accordance with sections 1033 and 1589 of this title as members of the governing board of the association.

“(g) Conditions.—The authority provided in this section with respect to the association is available only so long as the association continues to—

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

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

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

“6981. Support of athletic and physical fitness programs.”.
SEC. 523. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR FORCE.

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

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

SEC. 524. REPEAL OF REQUIREMENT THAT AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM BE ELIGIBLE FOR IN-STATE TUITION.

Section 2107 of title 10, United States Code, is amended by striking the third sentence of subsection (c)(1).

SEC. 525. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY 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 ROTC

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

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

“(2) has a student body of at least 50 students who are in a grade above the eighth grade.”.

(b) 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 ROTC.”.

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

**Subtitle D—Defense Dependents Education**

**SEC. 531. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE AND ENHANCEMENTS TO THE PROGRAM.**

(a) Transfer of Functions.—

(1) Transfer.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

(2) Effective date.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) Enactment of Program Authority in Title 10, United States Code.—
(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(2) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’ includes a former member of the armed forces.

“(3) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1)).

“(4) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

“(A) A public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Man-
agement and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

“(B) a Bureau-funded school as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)).

“(5) H IGH-NEED SCHOOL.—The term ‘high-need school’ means—

“(A) an elementary or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, the number of children eligible to receive medical
assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965.


“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (hereinafter in this section referred to as the ‘Secretary’) may carry out a program (to be known as the ‘Troops-to-Teachers Program’) —

“(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career or technical
teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of highly qualified science, mathematics, special education, foreign language, or career or technical teachers; and

“(B) in elementary schools or secondary schools, or as career or technical teachers.

“(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the criteria described in subsection (d), including meeting the edu-
cation qualification requirements under subsection (d)(3)(B).

“(d) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after four or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least six years of active duty service, six years of service computed under section 12732 of
this title, or six years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

“(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than three years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subpara-
graphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a career or technical teacher, the Secretary shall require the member—

“(I) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

“(II) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honor-
able, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

“(A) shall give priority to members who—

“(i) have educational or military experience in science, mathematics, special education, foreign language, or career or technical subjects; and

“(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

“(B) may give priority to members who agree to seek employment in a high-need school.

“(5) OTHER CONDITIONS ON SELECTION.—
“(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years.

“(e) Participation Agreement and Financial Assistance.—

“(1) Participation agreement.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—
“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career or technical teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school to begin the school year after obtaining that certification or licensing.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

“(2) Violation of participation agreement; exceptions.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—
“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a career or technical teacher for a single period not to exceed 27 months; or

“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant in the Program selected under this section a stipend to cover expenses
incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed $5,000 and may vary by participant.

“(B) Subject to subparagraph (C), the Secretary may pay a bonus of up to $10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in a high-need school. Such bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

“(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

“(iii) The combination of stipend and bonus for any one participant may not exceed $10,000.

“(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a
participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or career or technical teacher as required by the participation agreement under subsection (e)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career or technical teacher during the three years of required service in violation of the participation agreement.
“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11
shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(h) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants...
to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career or technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.”.

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

“1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.”.

(e) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—
(A) Chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to such chapter.

(2) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1)(A) shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under such chapter, or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the transfer under subsection (a).
SEC. 532. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amended by inserting at the end the following new subsections:

“(k) Tuition-Free Enrollment for Dependents of Domestic Dependent Elementary and Secondary Schools.—Tuition-free enrollment in the domestic dependent elementary and secondary schools is authorized for dependents who are currently enrolled in the defense dependents’ education school system pursuant to the Defense Dependents’ Education Act of 1978, as amended (20 U.S.C. 921 et seq.) if—

“(1) such dependents departed their overseas location due to an authorized departure or evacuation order;

“(2) the designated safe haven of such dependents is located within commuting distance of a school operated by the domestic dependent elementary and secondary schools; and

“(3) the school already possesses the capacity and resources for the student to attend the school.

“(l) Tuition-Paying Enrollment in the Department’s Virtual Elementary and Secondary
EDUCATION PROGRAM.—Under circumstances prescribed by the Secretary, tuition-paying enrollment in the department’s virtual elementary and secondary education program for dependents of active-duty members of the armed forces is authorized for dependents when such dependents—

“(1) transition from an overseas defense dependents’ education system school into a school operated by a local educational agency or another accredited educational program in the United States, and

“(2) are not otherwise eligible to enroll in a Department of Defense domestic dependent elementary or secondary school pursuant to subsection (a).”.

SEC. 533. AUTHORITY FOR ACCEPTANCE OF GIFTS AND OTHER PRIVATE SUPPORT FOR MARINE CORPS UNIVERSITY.

(a) In General.—Chapter 609 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7105. Marine Corps University: acceptance of gifts and support from nonprofit entities

“(a) Acceptance of Gifts.—The Secretary of the Navy may accept, hold, administer, and spend any gift, including a gift from an international organization and a
foreign gift or donation (as defined in section 2166(f)(4)
of this title), that is made on the condition that it be used
for the benefit of or in connection with the Marine Corps
University. The Secretary may pay all necessary expenses
in connection with the acceptance of a gift under this sub-
section. For the purposes of Federal income, estate, and
gift taxes, any property, money, or services accepted under
this section shall be considered as a gift to or for the use
of the United States. This authority is in addition to exist-
ing authority to accept gifts and services under this title,
and notwithstanding section 1342 of title 31.

“(b) Acceptance of Gifts of Funds.—A gift of
funds shall be accepted under this section in the same
manner as funds accepted under subsection (c) of section
2601 of this title.

“(c) Limitation on Use of Gifts of Funds.—A
gift of money, and the proceeds of the sale of all property,
received under subsection (a), for, the Marine Corps Uni-
versity shall be deposited into the Navy General Gift Fund
pursuant to section 2601 of this title and shall be available
for obligation and disbursement only for the benefit of or
in connection with the Marine Corps University or any of
its programs. Subject to the prohibitions set forth in sec-
tion 2601(d)(2) of this title, funds donated to the Marine
Corps University from nonprofit entities, and accepted by
the Secretary, are not otherwise subject to the limitations set forth in section 2601 and may be used for any purpose in furtherance of a Marine Corps University mission.

“(d) COOPERATIVE AGREEMENTS.—The Secretary may authorize cooperative agreements (as described in section 6305 of title 31) with nonprofit entities for purposes related to support of the Marine Corps University.

“(e) EMPLOYEE STATUS.—For purposes of this section, employees or personnel of a nonprofit entity may not be considered to be employees of the United States.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘gift’ includes any gift, devise, or bequeath of real property, personal property, money, or any gift of services from a nonprofit entity.

“(2) The term ‘funds’ refers to money.

“(3) The term ‘money’ means cash, checks, or other forms of negotiable instruments.

“(4) The term ‘Marine Corps University’ includes any school or other component of the Marine Corps University.

“(5) The term ‘nonprofit entity’ means any entity—

“(A) that qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986; and
“(B) that has as a primary purpose supporting a military university or museum program.

“(g) IMPLEMENTING REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.”.

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

“7105. Marine Corps University; acceptance of gifts and support from nonprofit entities.”.

Subtitle E—Other Matters

SEC. 541. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAPLAINS.

(a) IN GENERAL.—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8039. Chief and Deputy Chief of Chaplains: appointment; duties

“(a) CHIEF OF CHAPLAINS.—

“(1) There is a Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who are serving in the grade of colonel or above, are serving on active duty, and
have served on active duty as a chaplain for at least eight years.

“(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

“(3) The Chief of Chaplains shall be appointed in the regular grade of major general.

“(4) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

“(b) DEPUTY CHIEF OF CHAPLAINS.—

“(1) There is a Deputy Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains, who are serving in the grade of colonel, are serving on active duty, and have served on active duty as a chaplain for at least eight years.

“(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.
“(3) The Deputy Chief of Chaplains shall be appointed in the regular grade of brigadier general.

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

“(c) SELECTION BOARD.—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force in selecting an officer for recommendation to the President under subsection (a) for appointment as the Chief of Chaplains or under subsection (b) for appointment as the Deputy Chief of Chaplains, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to the selection boards convened under chapter 36 of this title.”.

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

“8039. Chief and Deputy Chief of Chaplains; appointment; duties.”.

SEC. 542. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “or psychiatrist” and inserting “psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”; and

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

SEC. 543. MODIFICATION OF PROHIBITION ON REFUSAL OF VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT REQUESTS.

Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) By inserting “(a) PROHIBITION ON REFUSAL OF APPLICATIONS SUBMITTED IN YEAR OF A FEDERAL ELECTION ON GROUNDS OF EARLY SUBMISSION.—” before “A State may not”;

(2) by inserting “or overseas voter” before “during a year on the grounds”;

(3) by inserting “or overseas voter” after “absentee voters who are not members of the uniformed services”; and

(4) by adding at the end the following new subsections:

“(b) PROHIBITION ON REFUSAL OF APPLICATIONS SUBMITTED IN A YEAR WHEN A FEDERAL ELECTION WILL BE HELD WITHIN 120 DAYS OF THE FOLLOWING
YEAR ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office to be held in the first 120 days of the following year, any otherwise valid voter registration application or absentee ballot application (including the post card form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications submitted by absentee voters who are not members of the uniformed services or an overseas voter.

“(c) REVISION OF OFFICIAL POST CARD FORM FOR ABSENTEE BALLOT REQUESTS.—The Presidential designee shall revise the official post card form prescribed under section 101 to enable a voter using the form to—

“(1) request an absentee ballot for each election for Federal office held in a State during a year and the first 120 days of the following year; or

“(2) request an absentee ballot for only the next scheduled election for Federal office held in a State.”.
SEC. 544. INCLUSION OF NORTHERN MARIANA ISLANDS AS A “STATE” FOR PURPOSES OF THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

SEC. 545. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—

Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking “detailed” and inserting “appointed by the President, by and with the advice and consent of the Senate,”; and

(2) in the second sentence—

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

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

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(b) Duties, Authority, and Accountability.—

Such section is further amended—

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

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

“(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

“(1) perform duties relating to legal matters arising in the Marine Corps as may be assigned to him;

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

“(3) perform such other duties as may be assigned to him.”.

(c) Composition of Headquarters, Marine Corps.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

(d) Supervision of Certain Legal Services.—

(1) Administration of Military Justice.—

Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended by inserting “, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps,” in the third sentence after “Judge Advocate General”.

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

SEC. 546. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) Family Briefings.—Paragraph (1) of section 1501(a) of title 10, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);
(2) by striking the period at the end of sub-
paragraph (C) and inserting ‘‘; and’’; and

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

‘‘(D) coordination of periodic briefing of fami-
lies of missing persons about the efforts of the De-
partment of Defense to account for those persons.’’.

(b) GIFT ACCEPTANCE.—Paragraph (6) of such sec-
tion is amended by adding at the end the following new
subparagraph:

‘‘(D) To facilitate accounting for missing persons, the
Secretary of Defense may accept voluntary or gratuitous
services provided by persons or entities outside of the
United States Government that further the purposes of
this chapter.’’.

SEC. 547. CLARIFICATION OF AUTHORIZED FISHER HOUSE
RESIDENTS AT THE FISHER HOUSE FOR THE
FAMILIES OF THE FALLEN AND MEDITATION
PAVILION AT DOVER AIR FORCE BASE, DELA-
WARE.

(a) TREATMENT OF FISHER HOUSE FOR THE FAMI-
LIES OF THE FALLEN AND MEDITATION PAVILION AT
DOVER AIR FORCE BASE.—Subsection (a) of section
2493 of title 10, United States Code, is amended—

(1) in paragraph (1)—
(A) by striking “by patients” in subparagraph (B) and all that follows through “such patients;” and inserting “by authorized Fisher House residents;”; and

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

“Such term includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.”; and

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

“(3) The term ‘authorized Fisher House residents’ means the following:

“(A) With respect to a facility described in the first sentence of paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

“(i) Patients of that health care facility.

“(ii) Members of the families of such patients.”
“(iii) Others providing the equivalent
of familial support for such patients.

“(B) With respect to the Fisher House for
Families of the Fallen and Meditation Pavilion
at Dover Air Force Base, Delaware, the fol-
lowing persons:

“(i) The primary next of kin of a
member of the armed forces who dies while
located or serving overseas.

“(ii) Other family members of the de-
ceased member who are eligible for trans-
portation under section 411f(e) of title 37.

“(iii) An escort of a family member
described in clause (i) or (ii).”.

(b) CONFORMING AMENDMENTS.—Subsections (b),
(e), (f), and (g) of such section are amended by striking
“health care” each place it appears.

(c) REPEAL OF FISCAL YEAR 2012 PROVISION.—
Section 643 of the National Defense Authorization Act for
Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466)
is repealed.
SEC. 548. REPEAL OF ALTERNATIVE MECHANISM FOR REQUIRED ALLOTMENTS FROM PAY FOR CHILD AND SPOUSAL SUPPORT OWED BY MEMBERS OF THE UNIFORMED SERVICES ON ACTIVE DUTY.

Section 465 of the Social Security Act (42 U.S.C. 665) is repealed.

SEC. 549. REDUCTION IN REQUIREMENTS FOR PUBLICATION IN FEDERAL REGISTER UNDER SOL-OMON AMENDMENT.

Section 983 of title 10, United States Code, is amended by striking subsection (f).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 601. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATING PAYMENT OF THE SURVIVOR BENEFIT PLAN ANNUITY.

(a) DEPOSITS NOT REQUIRED.—Section 1452(c) of title 10, United States Code, is amended—

(1) by inserting “AND FERS” in the subsection heading after “CSRS”;

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(2) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;

(3) by inserting “or 8416(j)” after “8339(j)”;

and

(4) by inserting “or 8442(a)” after “8341(b)”.

(b) CONFORMING AMENDMENT.—Section 1450(d) of such title is amended—

(1) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;

(2) by inserting “or 8146(a)” after “8339(j)”;

and

(3) by inserting “or 8442(a)” after “8341(b)”.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to any participant electing an annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

SEC. 602. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO WERE CARRIED DURING PREGNANCY AT THE TIME OF THE DEPEND-ENT-ABUSE OFFENSE.

(a) IN GENERAL.—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:
“(4) Payment to a child under this section shall not be paid for any period that the child was in utero.”; and

(2) in subsection (l), by striking “at the time of the dependent-abuse offense resulting in the separation of the former member” and inserting “or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse”.

(b) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

SEC. 603. INCREASE IN AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.

Section 308j(d) of title 37, United States Code, is amended by striking “$10,000” and inserting “$20,000”.

SEC. 604. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE IS ON SEA DUTY.

(a) IN GENERAL.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:
“(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E–6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2013.

SEC. 605. CHANGE TO THE DEFINITION OF DEPENDENT FOR PURPOSES OF LIMITING THE TERMS OF CONSUMER CREDIT FOR CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 987(i)(2) of title 10, United States Code, is amended to read as follows:

“(2) DEPENDENT.—The term ‘dependent’, with respect to a covered member, has the meaning given that term in subparagraphs (A), (D), (E), and (I) of section 1072(2) of this title.”.

SEC. 606. 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, 2012” and inserting “December 31, 2013”: 
(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:
(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) TITLE 37 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.
(8) Section 3021(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(d) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

(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, 2012” and inserting “December 31, 2013”:

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

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

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.
(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

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

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

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

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

(f) OTHER TITLE 37 BONUS AND SPECIAL PAY AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.
(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between the Armed Forces.

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

(9) Section 403(b)(7)(E), relating to basic allowance for housing.

SEC. 607. REVISION TO CERTAIN DEFINITIONS RELATING TO FAMILIES OF SERVICEMEMBERS FOR PURPOSES OF FAMILY AND MEDICAL LEAVE.

(a) Definitions Applicable Under Family and Medical Leave Act of 1993.—

(1) Definition of “covered active duty”.—Paragraph (14) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) by striking “to a foreign country” in subparagraphs (A) and (B); and

(B) by inserting “12301(d), or 12301(g)” after “section 101(a)(13)(B)” in subparagraph (B).
(2) Definition of “covered servicemember”.—Paragraph (15)(A) of such section is amended by inserting “inpatient or” before “outpatient status”.

(b) Definitions Applicable to Leave for Civil Service Employees.—

(1) Definition of “covered active duty”.—Paragraph (7) of section 6381 of title 5, United States Code, is amended—

(A) by striking “to a foreign country” in subparagraph (A) and (B); and

(B) by inserting “, 12301(d), or 12301(g)” after “section 101(a)(13)(B)” in subparagraph (B).

(2) Definition of “covered servicemember”.—Paragraph (8)(A) of such section is amended by inserting “inpatient or” before “outpatient status”.

(3) Technical Amendment.—Paragraph (7)(B) of such section is further amended by striking “, United States Code”.

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SEC. 608. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.

Section 326(c)(1) of title 37, United States Code, is amended by striking “, in the case of” the first place it appears and all that follows through “reserve component of the armed forces”.

SEC. 609. MODIFICATIONS TO CAREER INTERMISSION PILOT PROGRAM.

(a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4449; prec. 10 U.S.C. 701 note) is amended by inserting “and members on active Guard and Reserve duty” after “officers and enlisted members of the regular components”.

(b) AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) LEAVE.—A member who participates in a pilot program is entitled to carry forward the existing leave balance accumulated in accordance with
section 701 of title 10, United States Code, but not to exceed 60 days.”.

(c) Authority for Disability Processing.—Subsection (j) of such section is amended—

(1) by striking “for purposes of the entitlement” and inserting “for purposes of—

“(1) the entitlement’’;

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

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

“(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.”.

SEC. 610. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.

(a) Travel and Transportation Allowances Generally.—Section 474 of title 37, United States Code, as transferred and redesignated by section 631(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460), is amended—
(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

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

“(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence, if during the preceding three years the member was involuntarily separated under other than adverse conditions, as characterized by the Secretary concerned, while assigned to a unit of the Selective Reserve and if that separation was during the period beginning on October 1, 2012, and ending on December 31, 2018.”;

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

“(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

“(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid
under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.”; and

(3) in subsection (j), by striking “In this” and inserting “Other than in subsection (a)(6), in this”.

(b) TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section 476(a) of such title, as transferred and redesignated by section 631(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460), is amended—

(1) in paragraph (2)(B)—

(A) by striking “or” at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting “; or”; and

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

“(vi) who fills a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence, if during the preceding three years the member was involuntarily separated under other than adverse conditions, as characterized by the Secretary concerned, while assigned to a unit of the Selective Reserve and if that separation...
was during the period beginning on October 1, 2012,
and ending on December 31, 2018.”; and

(2) in paragraph (4), by striking “In this” and
inserting “Other than in paragraph (2)(B)(vi), in
this”.

**TITLE VII—HEALTH CARE**

**PROVISIONS**

**SEC. 701. REVISIONS TO TRICARE COST SHARING REQUIRE-
MENTS.**

(a) **Revision of Annual Enrollment Fees.**—

Section 1097(e)(2) of title 10, United States Code, is
amended to read as follows:

“(2)(A) Beginning October 1, 2012, the annual en-
rollment fees referred to in paragraph (1)—

“(i) may not be increased for a survivor of a
member of the uniformed services who dies while on
active duty, or a person retired under chapter 61 of
this title or the dependents of such person; and

“(ii) for an individual enrollment, shall be one-
half of the amount for a family enrollment.

“(B) Beginning October 1, 2012, such annual enroll-
ment fees shall have three Tiers, as follows:

“(i) Tier 1, which shall be applicable to former
members (or their survivors) with retired pay (or in
the case of survivors, annuity under the Survivor
Benefits Plan under chapter 73 of this title) in 2012 less than $22,590.

“(ii) Tier 2, which shall be applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 between $22,590 and $45,178 inclusive.

“(iii) Tier 3, which shall be applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 more than $45,178.

“(C) Each amount specified in subparagraph (B) shall be adjusted in subsequent years by the cost of living adjustment applied to retired pay. In subsequent years, tier placement will be based on retired pay or annuity during the calendar year in which the fiscal year starts. For purposes of applying subparagraph (B), the amount of retired pay or annuity determined to be received by any eligible beneficiary under this section and any other tier placement issues under this section shall be determined by the Secretary of Defense.

“(D) The annual family enrollment fee by fiscal year referred to in paragraph (1), based upon the Tiers determined under subparagraphs (B) and (C), is the following:
“(i) For 2013, $600 for Tier 1, $720 for Tier 2, and $820 for Tier 3.

“(ii) For 2014, $680 for Tier 1, $920 for Tier 2, and $1,120 for Tier 3.

“(iii) For 2015, $760 for Tier 1, $1,185 for Tier 2, and $1,535 for Tier 3.

“(iv) For 2016, $850 for Tier 1, $1,450 for Tier 2, and $1,950 for Tier 3.

“(v) For years after 2016, the amount for 2016, indexed by the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services.”.

(b) Establishment of Annual Enrollment Fee for Certain TRICARE Standard Beneficiaries.—Section 1086(b)(1) of such title is amended to read as follows:

“(1) Beginning October 1, 2012, an annual enrollment fee, which shall be a precondition to coverage under this section (including coverage that provides for discounts on cost-sharing for using TRICARE network providers) and section 1074g, except that such fee shall not apply to persons described in paragraph (5) or in subsection (d), or to those covered by an enrollment fee under section
1097. The amount of the enrollment fee by fiscal year shall be:

“(A) in 2013, $70 for an individual or $140 for a family group;

“(B) in 2014, $85 for an individual or $170 for a family group;

“(C) in 2015, $100 for an individual or $200 for a family group;

“(D) in 2016, $115 for an individual or $230 for a family group;

“(E) in 2017, $130 for an individual or $250 for a family group; and

“(F) after 2017, the amounts for 2017 adjusted based on the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services.”.

(c) Revision of Annual Deductible Amounts.—

(1) Section 1086(b)(2) of such title is amended to read as follows:

“(2) An annual deductible amount applicable to the charges for all types of care authorized by this section and received while in an outpatient status and 25 percent of the additional charges for such care during a year. The annual deductible amount,
except for persons described in paragraph (5), by fiscal year shall be:

“(A) in 2013, $160 for an individual or $320 for a family group;

“(B) in 2014, $200 for an individual or $400 for a family group;

“(C) in 2015, $230 for an individual or $460 for a family group;

“(D) in 2016, $260 for an individual or $520 for a family group;

“(E) in 2017, $290 for an individual or $580 for a family group; and

“(F) after 2017, the amounts for 2017 adjusted based on the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services.”.

(2) Such subsection is further amended by adding at the end the following new paragraph:

“(5) Paragraphs (1), (2), and (4)(B) shall not apply to a survivor of a member of the uniformed services who died while on active duty or to a person retired under chapter 61 of this title or the dependents of such person. For such individuals—

“(A) there is no annual enrollment fee;
“(B) the deductible amounts in effect in fiscal year 2012 shall remain in effect; and

“(C) the maximum payment amount referred to in paragraph (4)(A) shall remain in effect.”.

(d) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE FOR TRICARE FOR LIFE BENEFICIARIES.—Section 1086(d)(3) of such title is amended by adding at the end the following new subparagraph:

“(D) A person described in paragraph (2) (except a person described in clause (i) of this subparagraph), shall pay an annual fiscal year enrollment fee as an additional condition of eligibility for health care benefits under this section.

“(i) The annual enrollment fee shall not be charged to a survivor of a member of the uniformed services who died while on active duty, or to a person retired under chapter 61 of this title or the dependents of such person.

“(ii) The annual enrollment fee shall have three Tiers, with Tier 1 applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 less than $22,590, Tier 2 between
$22,590 and $45,178 (inclusive), and Tier 3 more than $45,178.

“(iii) Each of the amounts in clause (ii) shall be adjusted in subsequent years by the cost of living adjustment applied to retired pay.

“(iv) Tier placement in years after 2012 shall be based on retired pay or annuity during the calendar year in which the fiscal year starts.

“(v) For purposes of tier placement, the amount of retired pay or annuity determined to be received by any eligible beneficiary under this subparagraph, and any other tier placement issues under this section shall be determined by the Secretary of Defense.

“(vi) In 2013 the enrollment fee for an individual shall be $35 for Tier 1, $75 for Tier 2, and $115 for Tier 3.

“(vii) In 2014 the enrollment fee for an individual shall be $75 for Tier 1, $150 for Tier 2, and $225 for Tier 3.

“(viii) In 2015 the enrollment fee for an individual shall be $115 for Tier 1, $225 for Tier 2, and $335 for Tier 3.
“(ix) In 2016 the enrollment fee for an individual shall be $150 for Tier 1, $300 for Tier 2, and $450 for Tier 3.

“(x) In subsequent years, the enrollment fee for an individual shall be the amount in 2016, indexed by the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services.”.

(e) Revisions to Catastrophic Cap.—Section 1086(b)(4) of such title is amended—

(1) by inserting “(A)” after “(4)”; and

(2) by adding at the end the following new sub-paragraph:

“(B) Beginning October 1, 2012, the amount referred to in subparagraph (A) shall be adjusted based on the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services, and shall not include enrollment fees under this chapter.”.

(f) Revisions to TRICARE Pharmacy Program Requirements.—(1) Section 1074g(a)(5) of such title is amended by striking “at least one of the means described in paragraph (2)(E)” and inserting “the national mail order pharmacy program”.

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(2) Section 1074g(a)(6) of such title is amended by adding at the end the following new subparagraph:

“(C)(i) Notwithstanding any limitation in subparagraph (A) and subject to clause (iv), the generally applicable cost sharing amounts specified in the following table shall apply in the years 2013 through 2021.

<table>
<thead>
<tr>
<th>Year</th>
<th>Retail Generic</th>
<th>Retail Formulary</th>
<th>Mail Order Generic</th>
<th>Mail Order Formulary</th>
<th>Mail Order Non-Formulary</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>$5</td>
<td>$26</td>
<td>$0</td>
<td>$26</td>
<td>$51</td>
</tr>
<tr>
<td>2014</td>
<td>$6</td>
<td>$28</td>
<td>$0</td>
<td>$28</td>
<td>$54</td>
</tr>
<tr>
<td>2015</td>
<td>$7</td>
<td>$30</td>
<td>$0</td>
<td>$30</td>
<td>$58</td>
</tr>
<tr>
<td>2016</td>
<td>$8</td>
<td>$32</td>
<td>$0</td>
<td>$32</td>
<td>$62</td>
</tr>
<tr>
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<td>$34</td>
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<td>$66</td>
</tr>
<tr>
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<td>$10</td>
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<td>$80</td>
</tr>
<tr>
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<td>$13</td>
<td>$43</td>
<td>$13</td>
<td>$43</td>
<td>$85</td>
</tr>
</tbody>
</table>

“(ii) The amounts specified in the table in clause (i) for retail dispensing refer to dispensing in retail network pharmacies for prescriptions for up to a 30-day supply. The amounts specified for mail order dispensing are for an up to 90-day supply.

“(iii) The amounts specified in the table in clause (i) shall be adjusted by the Secretary for years after 2021 based on changes (as determined by the Secretary) in the
costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

“(iv) A cost-sharing amount under this subparagraph shall not apply to a survivor of a member of the uniformed services who died while on active duty, or to a person retired under chapter 61 of this title or the dependents of such person. For such individuals, the amounts in effect during fiscal year 2012 shall remain in effect.”.

(g) Effective Date and Regulations.—This section shall take effect October 1, 2012. The Secretary of Defense may issue an interim final rule or take such other action as necessary to ensure implementation as of that date. Such action may include presumptive enrollment for designated beneficiaries (subject to declination) and automatic deduction from retired pay or annuity of enrollment fee amounts.

SEC. 702. REQUIREMENT FOR MEDICARE PARTICIPATING PHYSICIAN OR SUPPLIER TO ACCEPT TRICARE AND VETERANS AFFAIRS PARTICIPATING RATES.

Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended by adding at the end the following new sentence: “Any physician or supplier who voluntarily enters into an agreement with the Secretary to become a participating physician or supplier shall be
deemed to have agreed to be a participating provider of
medical care or services under any health plan contracted
for under section 1079 or 1086 of title 10, United States
Code, or under section 1781 of title 38, United States
Code, in accordance with the payment methodology and
amounts prescribed under joint regulations prescribed by
the Secretary, the Secretary of Defense, and the Secretary
of Homeland Security pursuant to sections 1079 and 1086
of title 10, United States Code.”.

SEC. 703. AUTHORITY FOR AUTOMATIC ENROLLMENT IN
TRICARE PRIME OF DEPENDENTS OF MEM-
BERS IN PAY GRADES ABOVE PAY GRADE E–
4.

Subsection (a) of section 1097a of title 10, United
States Code, is amended to read as follows:
“(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-
PENDENTS.—(1) In the case of a dependent of a member
of the uniformed services who is entitled to medical and
dental care under section 1076(a)(2)(A) of this title and
resides in an area in which TRICARE Prime is offered,
the Secretary—
“(A) shall automatically enroll the dependent in
TRICARE Prime if the member is in pay grade E–
4 or below; and
“(B) may automatically enroll the dependent in TRICARE Prime if the member is in pay grade E–5 or higher.

“(2) Whenever a dependent of a member is enrolled in TRICARE Prime under paragraph (1), the Secretary concerned shall provide written notice of the enrollment to the member.

“(3) The enrollment of a dependent of the member may be terminated by the member or the dependent at any time.”.

SEC. 704. EXCLUSION FROM AUTHORIZED MEDICAL CARE FOR DEPENDENTS OF MATERNITY CARE FOR FEE-BASIS SURROGATE PREGNANCIES.

Section 1077(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Maternity care for fee-basis surrogate pregnancies.”.

SEC. 705. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.

(a) Extension of TRICARE Standard Coverage.—Section 1076d(b) of title 10, United States Code, is amended—
(1) by striking “Eligibility” and inserting “(1) Except as provided in paragraph (2), eligibility”;
and
(2) by adding at the end the following new paragraph:
“(2) Eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.”.

(b) Extension of TRICARE Dental Program Coverage.—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: “Such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall not terminate earlier than 180 days after the date on which the member is separated.”.

SEC. 706. CLARIFICATION OF APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

Section 1089(a) of title 10, United States Code, is amended in the last sentence by—
(1) striking “if the physician, dentist, nurse, pharmacist, or paramedical” and inserting “to such a physician, dentist, nurse, pharmacist, or paramedical”;

(2) striking “involved is”; and

(3) inserting before the period at the end the following: “or a subcontract at any tier under such a contract”.

SEC. 707. MODIFICATIONS TO REQUIREMENT FOR SECRETARY OF DEFENSE TO CONDUCT MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) Timing of Mental Health Assessments.—

Subsection (a)(1) of section 1074m of title 10, United States Code, is amended in subparagraph (C)(i) by striking “one year” and inserting “18 months”.

(b) Exclusion of Certain Members.—Subsection (a)(2) of such section is amended—

(1) by striking “subparagraphs (B) and (C) of”; and

(2) By striking “determines that—” and all that follows and inserting “determines—

“(A) in the case of an assessment otherwise required under subparagraph (A) of that
paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

“(B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

“(C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the otherwise applicable time period under such paragraph would remove the member from forward deployment or would put members or operational objectives at risk.”.

SEC. 708. INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS IN TRICARE UNIFORM FORMULARY.

(a) INCLUSION.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(1) in subparagraph (D), by striking “No pharmaceutical agent may be excluded” and inserting “Except as provided in subparagraph (F), no pharmaceutical agent may be excluded”; and
(2) by adding at the end the following new sub-
paragraph:

“(F)(i) The Secretary may implement procedures to
place selected over-the-counter drugs on the uniform for-
mulary and to make such drugs available to eligible cov-
ered beneficiaries. An over-the-counter drug may be in-
cluded on the uniform formulary only if the Pharmacy and
Therapeutics Committee established under subsection (b)
finds that the over-the-counter drug is cost-effective and
clinically effective. If the Pharmacy and Therapeutics
Committee recommends an over-the-counter drug for in-
clusion on the uniform formulary, the drug shall be consid-
ered to be in the same therapeutic class of pharmaceutical
agents, as determined by the Committee, as similar pre-
scription drugs.

“(ii) Regulations prescribed by the Secretary to carry
out clause (i) shall include the following with respect to
over-the-counter drugs included on the uniform formulary:

“(I) A determination of the means and condi-
tions under paragraphs (5) and (6) of this section
through which over-the-counter drugs will be avail-
able to eligible covered beneficiaries and the amount
of cost share that such beneficiaries will be required
to pay for over-the-counter drugs, except that no
such cost share may be required for a member of a uniformed service on active duty.

“(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.”.

(b) DEFINITIONS.—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

“(3) The term ‘over-the-counter drug’ means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

“(4) The term ‘prescription drug’ means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

(e) TECHNICAL AMENDMENTS.—

(1) CROSS-REFERENCE AMENDMENTS.—Subsections (a)(6)(A) and (b)(1) of such section are amended by striking “subsection (g)” and inserting “subsection (h)”.

(2) REPEAL OF OBSOLETE PROVISIONS.—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking “Not later than” and all
that follows through “such 90-day period, the
committee” and inserting “The committee”.

(C) Subsection (d)(2) of such section is
amended—

(i) by striking “Effective not later
than April 5, 2000, the Secretary” and in-
serting “The Secretary”; and

(ii) by striking “the current managed
care support contracts” and inserting “the
managed care support contracts current as
of October 5, 1999,”

TITLE VIII—ACQUISITION POL-
ICY, ACQUISITION MANAGE-
MENT, AND RELATED MAT-
TERS

SEC. 801. REDUCTION IN REQUIREMENTS FOR SUBMISSION
OF SELECTED ACQUISITION REPORTS FOR
MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2432(g) of title 10, United States Code, is
amended by striking “90 percent” both places it appears
and inserting “75 percent”.

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SEC. 802. AUTHORIZATION FOR ENTERING INTO
MULTIYEAR CONTRACTS WITH FEDERALLY
FUNDED RESEARCH AND DEVELOPMENT
CENTERS.

Section 2367 of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(e) ADMINISTRATION OF CENTERS.—(1) The head
of an agency may enter into multiyear contracts with fed-
erally funded research and development centers with which
the agency has a sponsoring agreement. Any such contract
may be for a term not to exceed five years, consistent with
the sponsoring agreement of the Department of Defense
with such center.

“(2) The head of an agency that enters into a spon-
soring agreement with a federally funded research and de-
velopment center—

“(A) shall include in the sponsoring agreement,
or in applicable contracts with that center, provi-
sions—

“(i) for the orderly termination or non-
renewal of the center; and

“(ii) upon such termination or nonrenewal,
for disposal of assets, and settlement of liabil-
ities, of the center; and

\*\*\*
“(B) may include in the sponsoring agreement, or in applicable contracts with that center, provisions—

“(i) for special close-out costs, cancellation costs, termination costs and other types of expenses that may be incurred at the end of sponsorship; and

“(ii) for transfer of title to, or liquidation of, the proceeds of sale or transfer of any property held by the center for the benefit of the Government.

“(3) In this subsection, the term ‘head of an agency’ has the meaning given that term in subsection (c)(2).”.

SEC. 803. AUTHORITY FOR THE SECRETARY OF DEFENSE TO PROVIDE FEE-FOR-SERVICE INSPECTION AND TESTING BY THE DEFENSE CONTRACT MANAGEMENT AGENCY FOR CERTAIN CRITICAL EQUIPMENT IN THE ABSENCE OF A PROCUREMENT CONTRACT.

(a) Authority.—Section 2539b of title 10, United States Code, is amended—

(1) In subsection (a)—

(A) by striking “and” at the end of paragraph (3);
(B) by striking the period at the end of paragraph (4) and inserting ‘‘; and’’; and

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

‘‘(5) make available to any person or entity, in advance of the award of a procurement contract, through contracts or other appropriate arrangements and subject to subsection (e), the services of the Defense Contract Management Agency for testing and inspection of items when such testing and inspection is determined by the Secretary to be critical to a specific program of the Department of Defense.’’; and

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

‘‘(e) DCMA SERVICES.—Services of the Defense Contract Management Agency may be made available under subsection (a)(5) only if the contract or other arrangement for those services—

‘‘(1) holds the United States harmless if the items covered by the contract or other arrangement (whether or not tested and inspected under the contract or other arrangement) are not subsequently ordered by or delivered to the United States under a
procurement contract entered into after the contract or other arrangement is entered into; and

“(2) holds the United States harmless against any claim arising out of the inspection and testing, or the use in any commercial application, of the equipment tested and inspected by the Defense Contract Management Agency under the contract or other arrangement.”.

(b) FEES.—Subsection (e) of such section is amended—

(1) by striking “and (a)(4)” in the first sentence and inserting “, (a)(4), and (a)(5)”;

(2) by inserting “, travel, and other incidental overhead expenses” in the second sentence after “salaries”; and

(3) by inserting “or inspection” before the period at the end of the second sentence.

(c) USE OF FEES.—Subsection (d) of such section is amended by striking “and (a)(4)” and inserting “, (a)(4), and (a)(5)”.
SEC. 804. ELIMINATION OF CONTINUOUS-DAYS-OF-SESSION REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF THE LEASE OF CERTAIN VESSELS BY THE DEPARTMENT OF DEFENSE.

Section 2401(h)(2) of title 10, United States Code, is amended by striking “of continuous session of Congress”.

SEC. 805. DIESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) DIESTABLISHMENT OF BOARD.—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby disestablished.

(b) TERMINATION OF DEFENSE STRATEGIC READINESS FUND.—The Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby closed.

SEC. 806. REVISION TO DEFINITION OF TERM "COMMERCIAL ITEM" FOR PURPOSES OF FEDERAL PROCUREMENT STATUTES PROVIDING PROCEDURES FOR PROCUREMENT OF COMMERCIAL ITEMS.

(a) Elimination of “of a Type” Criterion.—Section 103 of title 41, United States Code, is amended by striking “of a type” in paragraphs (1)(A), (3)(A), and (4).

(b) Elimination of Items and Services Merely Offered for Sale, Lease, or License.—

(1) Items.—Paragraph (1)(B) of such section is amended by striking “, or offered for sale, lease, or license,”.

(2) Services.—Paragraph (6) of such section is amended by striking “offered and”.

(e) Adjustment of Threshold Relating to Prior Sales.—Paragraphs (6) and (8) of such section are amended by striking “substantial quantities” and inserting “like quantities”.

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SEC. 807. TREATMENT OF REVIEWS OF PROGRAMS EXPERIENCING CRITICAL COST GROWTH WHEN COST GROWTH IS PRIMARILY DUE TO QUANTITY CHANGES.

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (E)”.

SEC. 808. CHANGE IN AUTHORITIES RELATING TO SCOPE OF WORK VARIATIONS.

Section 2853(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “The scope of work” and inserting “Except as provided in paragraph (3), the scope of work”; and

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

“(3) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 5 percent if the Secretary concerned determines that such increase is necessary to accommodate revised design criteria or new technologies not available at the time of budget submission, but only if the increase in the scope of work does not change the function of the project.”.
SEC. 809. TREATMENT OF PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY’S WORK FOR OTHERS PROGRAM.

(a) Exemption from Inspector General Reviews and Determinations.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

“(7) Treatment of procurements through the Department of Energy.—For purposes of this subsection, the procurement of any property or services on behalf of the Department of Defense pursuant to an interagency agreement between the Department of Defense and the Department of Energy in accordance with the Department of Energy’s Work For Others Program, where the property or services are provided by a Management and Operating contractor of the Department of Energy, and are procured on behalf of the Department of Defense, shall not be considered a procurement of property or services on behalf of the Department of Defense by a covered non-defense agency.”.
(b) Exemption From Certain Certification Requirements.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (4)”; and

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

“(4) Exception for Procurements in Accordance with the Department of Energy’s Work for Others Program.—The limitation in paragraph (1) shall not apply to the procurement of any property and services on behalf of the Department of Defense pursuant to an interagency agreement between the Department of Defense and the Department of Energy in accordance with the Department of Energy’s Work for Others Program, where the property or services are provided by a Management and Operating contractor of the Department of Energy and procured on behalf of the Department of Defense.”.
SEC. 810. ENHANCEMENT OF REVIEW OF ACQUISITION PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RESPONSE TO URGENT OPERATIONAL NEEDS.


(1) by inserting “and” at the end of subparagraph (B);

(2) by striking “; and” at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

SEC. 811. REPEAL OF APPLICATION OF REQUIREMENT TO REVIEW ONGOING PROGRAMS INITIATED PRIOR TO CERTIFICATION UNDER SECTION 2366B OF TITLE 10, UNITED STATES CODE.


SEC. 812. PERMANENT AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

SEC. 813. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

Section 1903(a) of title 41, United States Code, is amended—

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

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

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

“(3) in support of a declared emergency or major disaster (as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).”.

SEC. 814. DEFENSE COALITION REPAIR FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Defense Coalition Repair Fund (in this section referred to as the “Fund”), consisting of amounts credited to the Fund pursuant to subsection (e).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of Defense.
(c) Objective.—The objective of the Fund shall be to support the sale, transfer, or distribution of defense articles to coalition partners and allied or friendly nations.

(d) Use of Amounts.—

(1) Authority.—In pursuit of the objective stated in subsection (c), the Secretary of Defense may authorize the Secretaries of the military departments to expend amounts from the Fund to repair, overhaul, or refurbish in-stock defense articles before distribution of those articles to coalition partners, or allied and friendly nations, in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(C) any other provision of law authorizing such distributions.

(2) Secretary of State concurrence required for distribution to foreign countries.—In addition to any otherwise applicable requirements of law, in the case of any distribution of such repaired, overhauled, or refurbished articles under a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for such a distribu-
tion, the distribution may be made only with the concurrence of the Secretary of State.

(c) CREDITS TO THE FUND.—The following shall be credited to the Fund:

(1) At the discretion of the Secretary of Defense, up to $50,000,000 per year of operation and maintenance funds made available to the Department of Defense in annual defense appropriations Acts. Amounts transferred under this paragraph shall be merged with funds otherwise made available under this section and remain available until expended.

(2) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced and that is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961, or other law, but not to exceed the actual value thereof.

(3) Amounts authorized and appropriated, or otherwise made available, to the Fund.
(f) Excess Proceeds Credited to the Special Defense Acquisition Fund.—

(1) Amounts credited to the Fund pursuant to subsection (e)(2) shall be limited to the amount of the cost incurred to repair, overhaul, or refurbish such defense articles under subsection (d)(1).

(2) Amounts from sales or transfers of defense articles described in subsection (e)(2) that exceed the amounts described in paragraph (1) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(g) Transfers to Other Accounts.—Amounts in the Fund may be transferred to any Department of Defense appropriation used to carry out activities that will further the objective stated in subsection (c). Any amount so transferred shall be merged with the appropriation to which transferred and shall be available for the same purposes and the same time period as the appropriation to which transferred.

(h) Transfers From Other Accounts.—Upon a determination by the Secretary of Defense with respect to an amount transferred under subsection (g) that all or part of such transfer is not necessary for the purposes provided, such amount may be transferred back to the
Fund and remain available for the objective stated in subsection (e) notwithstanding the expiration of the period of obligation.

(i) DEFINITIONS.—In this section:

(1) The term “coalition partner” means a foreign country or international organization designated by the Secretary of Defense.

(2) The term “defense article” has the meaning given that term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(j) EXPIRATION OF AUTHORITY.—The authority to use amounts in the Fund to repair, overhaul, or refurbish defense articles under this section shall expire on September 30, 2015.

(k) EVALUATION.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of this section. The report shall include an evaluation of the effectiveness of the authority provided by this section in meeting the objectives stated in subsection (e).
SEC. 815. ENHANCEMENT OF DEPARTMENT OF DEFENSE CAPABILITIES TO DETER AND RESPOND TO CONTRACTOR FRAUD.

(a) WITHHOLDING OF CONTRACTUAL PAYMENTS.—

Subsection (a) of section 2207 of title 10, United States Code, is amended—

(1) by striking “unless that contract provides that—” and inserting “unless that contract provides each of the following;”;

(2) in paragraph (1)—

(A) by inserting “That” after “(1)”; and

(B) by striking “; and” and inserting a pe-

(3) in paragraph (2), by inserting “That,” after “(2)”;

(4) by inserting after paragraph (2) the fol-

lowing new paragraphs:

“(3) That with respect to a contract that could have been terminated under paragraph (1) but for the prior completion of the contract’s performance, the United States is entitled to exemplary damages as set forth in paragraph (2), in accordance with the notice and hearing process set forth in paragraph (1).

“(4) That the Secretary of a military depart-

ment or head of a Defense Agency may, after noti-
fying the contractor but pending the determination
centering exemplary damages referred to in para-
graph (2), withhold from payments otherwise due to
the contractor under any contract between the con-
tactor and that military department or Defense
Agency an amount that is up to 10 times the cost
 incurred by the contractor in giving gratuities to the
officer, official, or employee concerned, as such cost
is estimated by the Secretary.”.

(b) RETENTION OF DAMAGES; FRAUD FIGHTING
FUNDS.—Such section is further amended—

(1) by redesignating subsection (b) as sub-
section (c); and

(2) by inserting after subsection (a) the fol-
lowing new subsection (b):

“(b) RETENTION OF DAMAGES; FRAUD FIGHTING
FUNDS.—(1) Exemplary damages recovered under sub-
section (a)(2), once assessed against a contractor, may be
retained by the Secretary of Defense, if assessed by a De-
fense Agency, or by the Secretary of the military depart-
ment that assessed the damages against the contractor
without regard to section 3302 of title 31.

“(2) The Secretary of Defense and the Secretaries
of the military departments shall each establish a ‘Fraud-
Fighting Fund’ (in this section referred to as the ‘Fund’)
for use by the Defense Agencies, in the case of the Fund established by the Secretary of Defense, or military department, in the case of a Fund established by the Secretary of a military department, which shall be available to provide funds, in addition to funds which may be otherwise available for activities including training, investigations, administrative proceedings, enforcement actions, and other related activities associated with deterring and preventing fraud. Exemplary damages identified in subsection (a)(2), once assessed against the contractor, shall be paid into the Fund and shall be available until expended.”.

(e) BURDEN OF PROOF.—Subsection (a)(1) of such section, as amended by subsection (a), is further amended by inserting “and by a preponderance of the evidence” after “after notice and hearing”.

(d) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by striking “clause (1)” in paragraph (2) and in the flush sentence at the end and inserting “paragraph (1)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act.
(f) CONFORMING AMENDMENTS.—Section 2410m(a) of title 10, United States Code, is amended—

(1) by inserting “or arising from an assessment of exemplary damages under section 2207 of this title,” after “of title 41”;

(2) by striking “or” at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting “; or”; and

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

“(4) any determination under section 2207 of this title.”.

(g) PROCUREMENT REGULATIONS.—Regulations governing actions under section 2207 shall be revised to implement the amendments to section 2207 of title 10, United States Code, made by this section not later than 90 days after the date of the enactment of this Act.

SEC. 816. EXTENSION OF AUTHORITY FOR TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(Public Law 112–81; 125 Stat. 1658), is further amended—

(1) in the second sentence of paragraph (4)—

(A) by striking “The amount of funds used” and inserting “The amount of funds obligated”;

(B) by inserting “and $93,000,000 for fiscal year 2013” after “fiscal year 2012”; and

(C) by inserting “for fiscal year 2012” after “except that”; and

(2) in paragraph (7)—

(A) by striking “provided in” and inserting “to obligate funds for projects under”; and

(B) by striking “September 30, 2012” and inserting “September 30, 2013”.

SEC. 817. TIMELINESS RULES FOR FILING BID PROTESTS

AT THE UNITED STATES COURT OF FEDERAL CLAIMS.

(a) JURISDICTION.—Paragraph (1) of section 1491(b) of title 28, United States Code, is amended—

(1) in the first sentence, by striking “Both the” and all the follows through “shall have” and inserting “The United States Court of Federal Claims shall have”; and

(2) in the second sentence—
(A) by striking “Both the” and all that fol-

lows through “shall have” and inserting “The

United States Court of Federal Claims shall

have”; and

(B) by striking “is awarded.” and insert-
ing “is awarded, but such jurisdiction is subject
to time limits as follows:

“(A) A protest based upon alleged improprieties
in a solicitation that are apparent before bid opening
or the time set for receipt of initial proposals shall
be filed before bid opening or the time set for receipt
of initial proposals. In the case of a procurement
where proposals are requested, alleged improprieties
that do not exist in the initial solicitation but that
are subsequently incorporated into the solicitation
shall be protested not later than the next closing
time for receipt of proposals following the incorpora-
tion. A protest that meets these time limitations that
was previously filed with the Comptroller General
may not be reviewed.

“(B) A protest other than one covered by sub-
paragraph (A) shall be filed not later than 10 days
after the basis of the protest is known or should
have been known (whichever is earlier), with the ex-
ception of a protest challenging a procurement con-

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ducted on the basis of competitive proposals under which a debriefing is requested and, when requested, is required. In such a case, with respect to any protest the basis of which is known or should have been known either before or as a result of the debriefing, the initial protest shall not be filed before the debriefing date offered to the protester, but shall be filed not later than 10 days after the date on which the debriefing is held.

“(C) If a timely agency-level protest was previously filed, any subsequent protest to the United States Court of Federal Claims that is filed within 10 days of actual or constructive knowledge of initial adverse agency action shall be considered, if the agency-level protest was filed in accordance with subparagraphs (A) and (B), unless the contracting agency imposes a more stringent time for filing the protest, in which case the agency’s time for filing shall control. In a case where an alleged impropriety in a solicitation is timely protested to a contracting agency, any subsequent protest to the United States Court of Federal Claims shall be considered timely if filed within the 10-day period provided by this subparagraph, even if filed after bid opening or the closing time for receipt of proposals.
“(D) A protest untimely on its face shall be dismissed. A protester shall include in its protest all information establishing the timeliness of the protest; a protester shall not be permitted to introduce for the first time in a request for reconsideration information necessary to establish that the protest was timely. Under no circumstances may the United States Court of Federal Claims consider a protest that is untimely because it was first filed with the Government Accountability Office.”.

(b) AVAILABLE RELIEF.—Paragraph (2) of such section is amended by striking “except that” and inserting “except injunctive relief shall not be combined with monetary relief, and”.

(c) AGENCY DECISIONS OVERRIDING STAY OF CONTRACT AWARD OR PERFORMANCE.—Such section is further amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) The United States Court of Federal Claims shall have jurisdiction to render judgment on an action by an interested party challenging an agency’s decision to over-
ride a stay of contract award or contract performance that
would otherwise be required by section 3553 of title 31.”.

(d) EFFECTIVE DATE.—The amendments made by
this section shall apply to any cause of action filed 180
days or more after the date of the enactment of this Act.

TITLE IX—DEPARTMENT OF DE-
FENSE ORGANIZATION AND
MANAGEMENT
Subtitle A—Intelligence-Related
Matters

SEC. 901. TECHNICAL AMENDMENTS TO REFLECT CHANGE
IN NAME OF NATIONAL DEFENSE INTEL-
LIGENCE COLLEGE TO NATIONAL INTEL-
LIGENCE UNIVERSITY.

(a) CONFORMING AMENDMENTS TO REFLECT NAME
CHANGE.—Section 2161 of title 10, United States Code,
is amended by striking “National Defense Intelligence
College” each place it appears and inserting “National In-
telligence University”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such
section is amended to read as follows:
§2161. Degree granting authority for National Intelligence University.

(2) Table of sections.—The item related to such section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

“2161. Degree granting authority for National Intelligence University.”

SEC. 902. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.

(a) Extension of authority to certain security alliances and regional organizations.—Section 443(a) of title 10, United States Code, is amended by inserting “, regional organizations with defense or security components, and security alliances of which the United States is a member” after “foreign countries”.

(b) Clerical amendments.—

(1) Section heading.—The heading of section 443 of such title is amended to read as follows:

“§443. Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations”

(2) Table of sections.—The item relating to such section in the table of sections at the beginning of sub-
chapter I of chapter 22 of such title is amended to read as follows:

“443. Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations.”.

SEC. 903. REVISION OF SECRETARY OF DEFENSE AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES AND MILITARY OPERATIONS ABROAD.

(a) Extension of Authority To Include Activities Undertaken as Security for Military Operations.—

(1) Authority.—Subsection (a) of section 431 of title 10, United States Code, is amended by inserting “and military operations” after “intelligence collection activities”.

(2) Clerical Amendments.—(A) The heading of such section is amended to read as follows:

“§ 431. Authority to engage in commercial activities as security for intelligence collection activities and military operations abroad”.

(B) The item relating to that section in the table of sections at the beginning of subchapter II of chapter 21 of such chapter is amended to read as follows:
“431. Authority to engage in commercial activities as security for intelligence collection activities and military operations abroad.”.

(b) **REPEAL OF DESIGNATION OF DEFENSE INTELLIGENCE AGENCY AS REQUIRED OVERSIGHT AUTHORITY WITHIN DEPARTMENT OF DEFENSE.**—Section 436(4) of such title is amended—

(1) by striking “within the Defense Intelligence Agency” and inserting “within the Department of Defense”; and

(2) by striking “management and supervision” and inserting “oversight”.

(c) **TECHNICAL AMENDMENTS.**—Section 437 of such title is amended—

(1) in subsections (a) and (b), by inserting “congressional” before “intelligence committees”; and

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

“(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)).’’.

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Subtitle B—Space Activities

SEC. 911. REVISIONS TO POLICY ON DEVELOPMENT AND PROCUREMENT OF UNMANNED SYSTEMS.

(a) Revision to Required Policy.—Subsection (a) of section 941 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2083) is amended—

(1) by striking “on” and inserting “for the conduct of”;

(2) by striking “procurement, and operation” and inserting “and for the conduct of procurement,”;

(3) by inserting “manned and” before “unmanned systems”; and

(4) by inserting “in a manner that is fiscally responsible and enhances warfighter capability” before the period at the end.

(b) Modification to Elements of Policy.—Subsection (b) of such section is amended—

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

“(1) An identification of those Department of Defense capabilities for which manned and unmanned systems may address potential needs.
“(2) A thorough and objective consideration of the acquisition of manned and unmanned systems whenever a new system is to be acquired to meet a capability requirement.”;

(2) in paragraph (5), by striking “, including” and all that follows through “on unmanned systems”; and

(3) in paragraph (6), by striking “missions” and inserting “capabilities”.

(c) ROADMAP.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (d);

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

“(c) ROADMAP.—The Secretary of Defense shall prepare and update periodically a roadmap for the policy required by subsection (a) that includes—

“(1) goals for the development of unmanned system technologies to address capabilities identified pursuant to subsection (b)(1); and

“(2) plans to address technical, operational, and production challenges, and gaps in capabilities, with respect to unmanned systems.”; and
(4) in subsection (d), as redesignated by paragraph (2), by inserting “, and implement the road-
map required by subsection (e),” after “subsection
(a)”.

(d) CONFORMING AMENDMENT.—The heading of such section is amended by inserting “MANNED AND” be-
fore “UNMANNED”.

SEC. 912. REPEAL OF REQUIREMENT FOR BIENNIAL RE-
PORT ON GLOBAL POSITIONING SYSTEM.

Section 2281 of title 10, United States Code, is
amended by striking subsection (d).

SEC. 913. REPEAL OF REQUIREMENT FOR OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE IN DE-
PARTMENT OF DEFENSE.

(a) REPEAL.—Section 2273a of title 10, United States Code is repealed.

(b) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 135 of such title is amended by striking the item relating to section 2273a.

SEC. 914. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the fol-
lowing 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 interest of the Federal Government to do the following:

“(1) Maximize the use by the private sector in the United States of the capacity of the space transportation infrastructure of the Department of Defense.

“(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense.

“(3) Reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities.

“(4) Encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense.

“(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 interest of the Federal Government;

“(ii) does not interfere with the requirements of the Department of Defense; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and
“(B) any commercial requirement included in that contract or other agreement 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 with a covered entity—
“(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other contract or agreement with the United States.

“(d) Defense Cooperation Space Launch Account.—

“(1) Establishment.—There is established in the Treasury of the United States a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) Crediting of Funds.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account 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) Regulations.—The Secretary of Defense shall prescribe regulations to carry out this section.

“(g) Definitions.—In this section:

“(1) Covered entity.—The term ‘covered entity’ means a non-Federal entity that—

“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) Launch support facilities.—The term ‘launch support facilities’ has the meaning given that term in section 50501(7) of title 51.

“(3) Space recovery support facilities.—The term ‘space recovery support facilities’ has the meaning given that term in section 50501(11) of title 51.

“(4) Space transportation infrastructure.—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”.

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

“2275. Commercial space launch cooperation.”.
TITLE X—GENERAL PROVISIONS

SEC. 1001. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 485(b) is amended—

(A) in paragraph (5)—

(i) by striking “including a description of” and all that follows through “(A) Specific outcomes” and inserting “including a description of specific outcomes”; and

(ii) by striking subparagraph (B);

(B) by striking paragraph (8); and

(C) by redesignating paragraph (9) as paragraph (8).

(3) Section 2859(d) is amended by striking paragraph (2).

(4) Section 10503(13)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).
SEC. 1002. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) Redesignation.—The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the “William J. Perry Center for Hemispheric Defense Studies”.

(b) Conforming Amendments.—

(1) Section 184 of title 10, United States Code, is amended—

(A) by striking “The Center for Hemispheric Defense Studies” in subsection (b)(2)(C) and inserting “The William J. Perry Center for Hemispheric Defense Studies”; and

(B) by striking “the Center for Hemispheric Defense Studies” in subsection (f)(5) and inserting “the William J. Perry Center for Hemispheric Defense Studies”.

(2) Section 2611(a)(2)(C) of such title is amended by striking “The Center for Hemispheric Defense Studies.” and inserting “The William J. Perry Center for Hemispheric Defense Studies.”.

(c) References.—Any reference to the Department of Defense Center for Hemispheric Defense Studies in any
law, regulation, map, document, record, or other paper of
the United States shall be deemed to be a reference to
the William J. Perry Center for Hemispheric Defense
Studies.

SEC. 1003. CONGRESSIONAL FUNERAL SUPPORT.

(a) Active Duty Support.—Section 1491(a) of
title 10, United States Code, is amended—
(1) by inserting “(1)” before “The Secretary”; and
(2) by adding at the end the following new
paragraph:
“(2) The Secretary of Defense may, upon request of
the leadership of the House of Representatives or Senate,
provide a funeral honors detail and ceremonial support,
to include transportation, for the funeral of a member of
Congress or a delegate to Congress who dies while in of-

(b) National Guard Support.—Section 115(a) of
title 32, United States Code, is amended by inserting “or
a member of Congress or a delegate to Congress who dies
in office” in the first sentence after “veteran”.

SEC. 1004. MILITARY MUSEUMS’ ACCEPTANCE OF PRIVATE
SUPPORT.

(a) Museum Support Authority.—
(1) GENERAL.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

§ 2615. Military museum support

“(a) ACCEPTANCE OF GIFTS.—Notwithstanding section 1342 of title 31, the Secretary concerned may accept services from a nonprofit entity to support a military museum program.

“(b) LIMITATION ON USE OF GIFT FUNDS.—Any gift made for the purpose of assisting in the development, operation, maintenance, and management of, or for the acquisition of collections for, a military museum and deposited into a General Gift Fund pursuant to section 2601 of this title shall be available only for the purpose of development, operation, maintenance, and management of, or for the acquisition of collections for, a military museum program.

“(c) SOLICITATION OF GIFTS.—Under regulations prescribed under this section, the Secretary concerned may solicit from any person or public or private entity, for the use and benefit of a military museum program, a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.
“(d) LEASING.—The Secretary concerned may, in accordance with section 2667 of this title, lease real and personal property of a military museum, but not including any part of its collection, to a nonprofit entity for purposes related to the military museum program. Money rentals received from any such lease may be retained and spent by the Secretary to support the military museum program.

“(e) COOPERATIVE AGREEMENTS.—The Secretary concerned may enter into a cooperative agreement with a nonprofit entity for purposes related to support of a military museum program.

“(f) EMPLOYEE STATUS.—For purposes of this section, employees or personnel of a nonprofit entity may not be considered to be employees of the United States.

“(g) REGULATIONS.—

“(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations to implement this section. Such regulations shall apply uniformly throughout the Department of Defense.

“(2) LIMITATION.—Such regulations shall provide that solicitation of a gift, acceptance of a gift (including a gift of services), or use of a gift under this section may not occur if the nature or circumstances of the solicitation, acceptance, or use would compromise the integrity or the appearance of
integrity of any program of the Department of Defense or any individual involved in such program.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘military museum program’ may include an individual museum.

“(2) The term ‘nonprofit entity’ means any entity—

“(A) qualifying as an exempt organization under section 501(e)(3) of the Internal Revenue Code of 1986, and

“(B) with a primary purpose of supporting a military museum program.

“(3) The term ‘Secretary concerned’ includes the Secretary of Defense with respect to matters concerning the Defense Agencies.”.

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

“2615. Military museum support.”.

(b) CONFORMING AMENDMENT.—Section 2667(e)(1) of such title is amended by striking subparagraph (E).
SEC. 1005. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT MILITARY INSTALLATIONS.

Section 2869(a)(1) of title 10, United States Code is amended—

(1) by striking “eligible”; and

(2) by striking “entity” both places it appears and inserting “person”.

SEC. 1006. EXTENSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.

(a) Extension.—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2020”.

(b) Application to All Segments of CRAF.—Such section is further amended—

(1) in subsection (a)(3), by striking “passenger”; and

(2) in subsection (j), by striking “, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel”.

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SEC. 1007. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.


SEC. 1008. PUEBLO CHEMICAL DEPOT AND BLUE GRASS ARMY DEPOT CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES.

(a) LIMITATION.—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by adding at the end the following new subsection:

“(p) LIMITATION ON SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

“(1) Explosive Destruction Technologies.

“(2) Any technologies developed for treatment and disposal of agent or energetic hydrolysates, if
problems with the current on-site treatment of hydrolysates are encountered.’’.

(b) REPEAL OF OBSOLETE PROVISION OF LAW.—
Section 151 of the Floyd D. Spence National Defense Authoriza-
tion Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1645A–30) is repealed.

SEC. 1009. STREAMLINING OF PROCEDURES FOR PURCHASE AND RELEASE OF MATERIALS UNDER STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT.

(a) ACQUISITION OF MATERIALS.—

(1) OBLIGATION OF FUNDS FOR ACQUISITION.—Section 5(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(1)) is amended—

(A) in paragraph (1), by striking “Except for” and all that follows through “obligated or” and inserting “No funds may be”; and

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

“(3) Except for acquisitions made under the authority of paragraph (3) or (4) of section 6(a), no funds may be obligated for acquisition of any material under this Act until the President has submitted a full statement of the proposed acquisition to the appropriate committees of

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Congress and a period of 45 days has passed from the
date of the receipt of such statement by such commit-
tees.”.

(2) **Conforming Amendment.—** Section 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amend-
ed by striking “Subject to section 5(a)(1), moneys”
and inserting “Moneys”.

(b) **Release of Materials Needed for Na-
tional Defense Purposes.—**

(1) **Authority for President to Delegate**

special disposal authority of the President
for release for national defense pur-
poses.—Section 7(a) of such Act (50 U.S.C. 98f(a))
is amended—

(A) by striking “and” at the end of para-
graph (1);

(B) by striking the period at the end of
paragraph (2) and inserting “; and”; and

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

“(3) on the order of the National Defense
Stockpile Manager if the President has designated
the Stockpile Manager to have authority to issue re-
lease orders under this subsection and, in the case
of any such order, if the Stockpile Manager deter-
mines that the release of such materials is required for use, manufacture, or production for purposes of national defense.”.

(2) EXCLUSION FROM DELEGATION LIMITATION.—Section 16 of such Act (50 U.S.C. 98h–7) is amended by striking “sections 7 and 13” each place it appears and inserting “sections 7(a)(1) and 13”.

SEC. 1010. REQUIREMENT FOR CERTIFICATION ONCE EVERY THREE YEARS RATHER THAN ANNUALLY FOR AUTHORITY TO PROVIDE CERTAIN SUPPORT FOR COUNTER-DRUG ACTIVITIES TO SPECIFIED FOREIGN COUNTRIES.


(1) in subsection (f)(1), by striking “the written certification described in subsection (g) for that fiscal year.” and inserting the following: “a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications
with respect to any such government may apply to
a period of not to exceed three fiscal years.”; and

(2) in subsection (g), in the matter preceding
paragraph (1)—

(A) by striking “The written” and insert-
ing “A written”; and

(B) by striking “for a fiscal year” and all
that follows through the colon and inserting
“with respect to a government to receive sup-
port under this section for any period of time
is a certification of each of the following with
respect to that government:”.

SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNI-
FIED COUNTER-DRUG AND COUNTERTER-
RISM CAMPAIGN IN COLOMBIA AND OF
NUMERICAL LIMITATION ON ASSIGNMENT OF
UNITED STATES PERSONNEL IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National De-
fense Authorization Act for Fiscal Year 2005 (Public Law
108–375; 118 Stat. 2042), as most recently amended by
section 1007 of the National Defense Authorization Act
for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
1588), is further amended—
(1) in subsection (a)(1), by striking “In fiscal years 2005 through 2012” and inserting “During the period ending on December 31, 2014”; and

(2) in subsection (c), by striking “in fiscal years 2005 through 2012” and inserting “during the period ending on December 31, 2014,”.

SEC. 1012. TECHNICAL CLARIFICATION OF SCOPE OF PROCEDURES REQUIRED FOR PERIODIC DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) Technical Clarification.—In establishing and applying the procedures required by section 1023 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1564; 10 U.S.C. 801 note) for implementing the periodic review process required by Executive Order No. 13567, issued on March 7, 2011, as such procedures pertain to individuals detained as of that date at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), the Secretary of Defense may (notwithstanding subsection (b)(3) of such section) provide that the periodic review process required by section 3 of that Executive Order applies to such a detainee only if the de-
tainee is described in section 1(a) of such Executive Order, as in effect on December 31, 2011.

(b) Notification of Modification of Procedures.—

(1) Requirement.—The Secretary of Defense shall submit to the appropriate committees of Congress a notification of any modification under the authority of subsection (a) to the procedures submitted to those committees under section 1023 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1564; 10 U.S.C. 801 note). Any such notification shall be submitted not later than 15 days before the date on which such modification goes into effect.

(2) Appropriate Committees of Congress defined.—In this subsection, the term “appropriate committees of Congress” has the meaning given that term in subsection (c) of such section 1023.
TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended to read as follows:

“(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

“(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

“(A) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint an eligible program participant—

“(i) to a position in the excepted service that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security; or
“(ii) subject to clause (ii) of such sub-section, to a position in the excepted service in such Federal agency or office with national security responsibilities; and

“(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career conditional appointment.

“(2) ELIGIBLE PROGRAM PARTICIPANT.—For purposes of paragraph (1), the term ‘eligible program participant’ means an individual who—

“(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded; and

“(B) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

“(i) under the terms of the agreement for such individual’s scholarship or fellowship that was awarded under this section, owes a service commitment to a Depart-
ment or such Federal agency or office referred to in paragraph (1);

“(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

“(iii) is a former civilian employee of the Federal Government who has less than a one-year break of service from the individual’s last period of Federal employment in a non-permanent appointment in the excepted service with national security responsibilities.

“(3) TREATMENT OF CERTAIN SERVICE.—In the case of an individual described in paragraph (2)(B)(ii) or (2)(B)(iii) who receives an appointment under paragraph (1)(A), any period that the individual served in a position with the Federal Government may be counted towards satisfaction of the service requirement under paragraph (1)(B) if that service—

“(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection
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(b)(2)(A) as contributing to the national secur-

ity; or

“(B) in the case of an appointment under
clause (ii) of paragraph (1)(A), was in the Fed-
eral agency or office in which the appointment
under that clause is made.”.

SEC. 1102. AUTHORITY FOR TRANSPORTATION OF FAMILY

HOUSEHOLD PETS OF CIVILIAN PERSONNEL

DURING EVACUATION OF NON-ESSENTIAL

PERSONNEL.

Section 5725 of title 5, United States Code, is
amended—

(1) in subsection (a)(2), by inserting after “per-
sonal effects,” the following: “and family household
pets,”; and

(2) by adding at the end the following new sub-
section:

“(c)(1) Authority under subsection (a) to transport
family household pets of an employee includes authority
for shipment and the payment of quarantine costs, if any.
“(2) An employee for whom transportation of family
household pets is authorized under subsection (a) may be
paid reimbursement or a monetary allowance if other com-
cmercial transportation means have been used.
“(3) The provision of transportation of family household pets for an employee of the Department of Defense under subsection (a) and the payment of reimbursement under paragraph (2) shall be subject to the same terms and conditions as apply under subsection 406(b)(1)(H)(iii) of title 37 with respect to family household pets of members of the uniformed services, including limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.”.

SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.

Section 1703(j) of title 41, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “sections 3304, 5333, and 5753” and inserting “section 3304”; and

(B) by striking “use the authorities in those sections to recruit and”; and

(2) in paragraph (2), by striking “September 30, 2012” and inserting “September 30, 2017”.

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SEC. 1104. AUTHORITY TO WAIVE ANNUAL LIMITATIONS ON PREMIUM AND AGGREGATE PAY FOR CERTAIN FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) Waiver of Limitation on Premium Pay.—

Section 5547 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Subsection (a) shall not apply to an employee who performs work while assigned to duty in a designated zone of armed conflict.

“(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in subsection (a) to the extent that the aggregate of the basic pay and premium pay under those provisions for such employee would, in any calendar year, exceed the annual rate of salary payable to the Vice President under section 104 of title 3.

“(3) To the extent that a waiver under paragraph (1) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551.

“(4) The Office of Personnel Management may prescribe regulations to ensure appropriate consistency
among heads of Executive agencies in the exercise of the
authority granted by this subsection.

“(5) For the purpose of this subsection—

“(A) ‘assigned to duty in’ refers to an employee
who is officially assigned to work or duty (including
serving on temporary duty) in a designated zone of
armed conflict, which may include short periods
away from the zone to perform work in connection
with the assignment, subject to any limitations or
requirements established by regulation or official
policy;

“(B) ‘designated zone of armed conflict’ means
a foreign country or other foreign geographic area
outside of the United States (as that term is defined
in section 202(7) of the State Department Basic Au-
thorities Act of 1956 (22 U.S.C. 4302(7)) that is
designated by the Secretary of State, in coordination
with the Secretary of Defense, as an area where
there are exceptional levels of armed violence. In
making such a designation, the Secretary of State
may consider—

“(i) whether the Armed Forces of the
United States are involved in hostilities in the
country or area;
“(ii) whether the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

“(iii) whether the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986;

“(iv) whether a contingency operation involving combat operations directly affects civilian employees in the country or area; or

“(v) any other relevant conditions and factors.

“(6) The authority under this subsection expires at the close of December 31, 2015.”.

(b) WAIVER OF LIMITATION ON AGGREGATE PAY.—Section 5307 of such title is amended—

(1) in subsection (a)(1), by striking “or as otherwise provided under subsection (d)” and inserting “or as otherwise provided by this section”; and

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

“(e)(1) The preceding subsections of this section shall not apply to payments in addition to basic pay earned by
an employee during a calendar year for performing work
while assigned to duty in a designated zone of armed con-
flict (as such terms are defined in section 5547(e)(5)(A)
and (B)).

“(2) For the purpose of this subsection, the term
‘basic pay’ includes any applicable locality-based com-
parability payment under section 5304, any applicable
special rate supplement under section 5305, and any simi-
lar payment under any other provision of law.

“(3) The Office of Personnel Management may pre-
scribe regulations to implement this subsection.

“(4) The authority in paragraph (1) shall not apply
to calendar years after 2015.”.

(e) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED
EXPERTS.—Section 9903(d) of such title is amended—

(1) in subparagraph (1) by striking “12-month
period” and inserting “calendar year”; and

(2) in subparagraph (2)(B) by striking “in sup-
port of a contingency operation (as defined by sec-
tion 101 (a)(13) of title 10” and inserting “to duty
in a designated zone of armed conflict (as such
terms are defined in section 5547(e)(5)(A) and
(B)”.

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(d) **Effective Date.**—(1) The amendments made by subsection (a) shall apply to premium payments payable on or after January 1, 2013.

(2) The amendments made by subsections (b) and (c) shall take effect on January 1, 2013.

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

SEC. 1201. IMPROVED ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES’ PROGRAM.

(a) **Authority.**—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries

“(a) **Authority.**—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies’ Program (in this section referred to as the ‘Program’), the Secretary of Defense, with the concurrence of the Secretary of State, may enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.
“(b) Participating Countries.—In addition to the United States, the countries participating in the Program are the following:

“(1) Australia.
“(2) Canada.
“(3) New Zealand.
“(4) The United Kingdom.

“(c) Contributions by Participants.—(1) An agreement under subsection (a) shall provide that each participating country shall contribute to the Program (A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program, and (B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

“(2) Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

“(3) Any contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.
“(4) Any contribution received by the United States from another participating country to meet that country’s share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

“(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

“(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

“(C) Payments for a monetary claim against a participating country as a result of the participation of that country in the Program.

“(D) Payments or reimbursements of other Program expenses, including overhead and adminis-
trative costs for any administrative office for the
Program.

“(E) Refunds to other participating countries.

“(5) Costs for the operation of any office established
to carry out the Program shall be borne jointly by the
participating countries as provided for in an agreement
referred to in subsection (a).

“(d) Authority To Contract For Program Ac-
tivities.—As part of the participation by the United
States in the Program, the Secretary of Defense may
enter into contracts or incur other obligations on behalf
of the other participating countries for activities under the
Program. Any payment for such a contract or other obli-
gation under this subsection may be paid only from con-
tributions credited to an appropriation under subsection
(e)(4).

“(e) Disposal of Property.—As part of the par-
ticipation by the United States in the Program, the Sec-
retary of Defense may, with respect to any property that
is jointly acquired by the countries participating in the
Program, agree to the disposal of the property without re-
gard to any law of the United States that is otherwise
applicable to the disposal of property owned by the United
States. Such disposal may include the transfer of the in-
terest of the United States in the property to one or more
of the other participating countries or the sale of the property. Reimbursement for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).”.

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

“168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries.”.

SEC. 1202. THREE-YEAR EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.


SEC. 1203. REPEAL OF REQUIREMENT FOR ADVANCE NOTIFICATION TO CONGRESS OF TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.

Section 516(f)(1) of the Foreign Assistance Act (22 U.S.C. 2321j(f)(1)) is amended by striking “excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or”.

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SEC. 1204. DESIGNATION OF ADDITIONAL “HIGH INCOME” COUNTRIES PROHIBITED FROM RECEIVING INTERNATIONAL MILITARY EDUCATION AND TRAINING GRANT ASSISTANCE UNDER CHAPTER 5 OF THE FOREIGN ASSISTANCE ACT.

Section 546(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347e(b)) is amended by striking “and Spain” and inserting “Spain, Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Brunei, Ireland, Sweden, Switzerland, and Taiwan”.

SEC. 1205. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY CO-OPERATION IN IRAQ.

(a) Authority.—Subsection (b) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631) is amended—

(1) by striking “SUPPORT.—The operations” and inserting “SUPPORT.—

“(1) IN GENERAL.—The operations”; and

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

“(2) TRAIN AND ASSIST.—The operations and activities that may be carried out by the Office of Security Cooperation in Iraq using funds provided under subsection (a) may, with the concurrence of

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the Secretary of State, include training and assisting
Iraqi Ministry of Defense personnel.”.

(b) LIMITATION.—Subsection (c) of such section is
amended by striking “in fiscal year 2012 may not exceed
$524,000,000” and inserting “in fiscal year 2013 may not
exceed $508,000,000”.

(c) SOURCE OF FUNDS.—Subsection (d) of such sec-
tion is amended by striking “fiscal year 2012” and insert-
ing “fiscal year 2013”.

SEC. 1206. UNITED STATES PARTICIPATION IN HEAD-
QUARTERS EUROCORPS.

(a) PARTICIPATION AUTHORIZED.—The Secretary of
Defense may, with the concurrence of the Secretary of
State, authorize the participation of members of the
Armed Forces and Department of Defense civilian per-
sonnel as members of the staff of Headquarters Eurocorps
for the purpose of integrating United States subject mat-
ter experts into the nucleus of the growing defense struc-
ture of the European Union.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The participation of mem-
ers of the Armed Forces or Department of Defense
civilian personnel as members of the staff of Head-
quarters Eurocorps shall be in accordance with the
terms of one or more memoranda of understanding
entered into by the Secretary of Defense, with the
concurrence of the Secretary of State, and Head-
quarters Eurocorps.

(2) **Cost-sharing Arrangements.**—If De-
partment of Defense facilities, equipment, or funds
are used to support Headquarters Eurocorps, the
memoranda of understanding under paragraph (1)
shall provide details of any cost-sharing arrangement
or other funding arrangement.

(c) **Availability of Appropriated Funds.**—

(1) **Availability.**—Funds appropriated to the
Department of Defense for operation and mainte-
nance are available as follows:

(A) To pay the United States’ share of the
operating expenses of the Headquarters
Eurocorps.

(B) To pay the costs of the participation
of members of the Armed Forces and Depart-
ment of Defense civilian personnel participating
as members of the staff of the Headquarters
Eurocorps, including the costs of expenses of
such participants.

(2) **Limitation.**—No funds may be used under
this section to fund the pay or salaries of members
of the Armed Forces and Department of Defense ci-
vilian personnel who participate as members of the
staff of the Headquarters, North Atlantic Treaty
Organization (NATO) Rapid Deployable Corps
under this section.

(d) DEFINITION.—The term “Headquarters
Eurocorps” refers to the multinational military head-
quarters, established on October 1, 1993, which is one of
the High Readiness Forces (Land) associated with the Al-
lied Rapid Reaction Corps of NATO.

SEC. 1207. DEPARTMENT OF DEFENSE PARTICIPATION IN
EUROPEAN PROGRAM ON MULTILATERAL EX-
CHANGE OF AIR TRANSPORTATION AND AIR
REFUELING SERVICES.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense
may, with the concurrence of the Secretary of State,
authorize the participation of the United States in
the Air Transport, Air-to-Air Refueling and other
Exchanges of Services program (in this section re-
ferred to as the “ATARES program”) of the Move-
ment Coordination Centre Europe.

(2) SCOPE OF PARTICIPATION.—Participation
in the ATARES program under paragraph (1) shall
be limited to the reciprocal exchange or transfer of
air transportation and air refueling services on a re-
imbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) LIMITATION.—The United States’ balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours.

(b) WRITTEN ARRANGEMENTS OR AGREEMENTS.—

(1) ARRANGEMENTS OR AGREEMENT REQUIRED.—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of
air transportation or air refueling services shall be liquidated, not less than once every five years, through the ATARES program.

(c) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under that arrangement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:
(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) Expiration.—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

SEC. 1208. EXTENSION OF EXPIRATION DATE OF TRANSITIONAL AUTHORITIES TO PROVIDE ASSISTANCE TO ENHANCE THE CAPACITY OF COUNTERTERRORISM FORCES OF CERTAIN EAST AFRICAN COUNTRIES AND YEMEN.

(a) Expiration Date.—Subsection (n) of section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1628) is amended—

(1) in paragraph (1), by striking “fiscal year 2012” and inserting “fiscal years 2012 and 2013”;

and
(2) in paragraph (4)(A)(ii), by striking “September 30, 2012” and inserting “September 30, 2013”.

(b) FUNDING.—Subsection (o) of such section is amended—

(1) in paragraph (1)—

(A) by striking “FISCAL YEAR 2012” and inserting “FISCAL YEARS 2012 AND 2013”;

(B) by inserting “and during fiscal year 2013 may not exceed $450,000,000” after “during fiscal year 2012 may not exceed $350,000,000”; and

(C) by inserting “in each such fiscal year” in subparagraphs (A) and (B) after “$75,000,000 may be used”; and

(2) in paragraph (2)—

(A) by striking “FISCAL YEARS 2013 AND AFTER” and inserting “FISCAL YEARS 2014 AND AFTER” in the subsection heading; and

(B) by striking “after fiscal year 2012” and inserting “after fiscal year 2013”.

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SEC. 1209. THREE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.


SEC. 1210. EXTENSION AND EXPANSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

(a) Extension of Termination Date.—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking “on or after the date occurring three years after the date of the enactment of this Act” and inserting “after December 31, 2014”.

(b) Expansion of Authority To Cover Forces of the United States and Coalition Forces.—Subsection (b)(1)(C) of such section is amended by inserting “, the United States, or coalition forces” before the semicolon at the end.
(c) Repeal of Expired Report Requirement.—Subsection (g) of such section is repealed.

(d) Clerical Amendment.—The heading of such section is amended by striking “; REPORT”.

SEC. 1211. EXTENSION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) Extension of CERP Authority.—Subsection (a) of section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended—

(1) in the subsection heading, by striking “FISCAL YEAR 2012” and inserting “FISCAL YEAR 2013”; and

(2) by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(b) Extension of Authority To Accept Contributions.—Subsection (f) of such section is amended by striking “in fiscal year 2012” and inserting “during any period during which the authority in subsection (a) is in effect”.

SEC. 1212. EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

Section 1206(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119
Stat. 3456), as most recently amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1622), is further amended—

(1) by striking “September 30, 2013” and inserting “September 30, 2014”; and

(2) by striking “fiscal years 2006 through 2013” and inserting “fiscal years 2006 through 2014”.

SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.


(1) in subsection (a)—

(A) by striking “$50,000,000” and inserting “$35,000,000”; and

(B) by striking “in each of fiscal years 2011 and 2012” and inserting “for fiscal year 2013”; and

(2) in subsection (e)—
(A) by striking “utilize funds” and inserting “obligate funds”; and

(B) by striking “December 31, 2012” and inserting “December 31, 2013”.

SEC. 1214. AUTHORITY FOR FUNDS AVAILABLE IN THE
JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND TO BE USED TO SUPPORT PROGRAMS THAT MITIGATE THREATS TO UNITED STATES FORCES IN AFGHANISTAN.

Subsection (b) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended—

(1) by inserting “(1)” after “USE OF FUNDS.—”;

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

“(2) In addition, funds in the Joint Improvised Explosive Device Defeat Fund for the purposes stated in paragraph (1) shall, with the concurrence of the Secretary of State, be available for the purpose of monitoring, disrupting, and interdicting the movement of explosive device precursors from a country that borders Afghanistan to a location within Afghanistan. For a country in which the actions and activities described in the preceding sentence are carried out, such funds may, with the concurrence of
the Secretary of State, also be used to train and equip
the security forces of that country that support those
counter-improvised explosive device missions.”.

SEC. 1215. ONE-YEAR EXTENSION AND MODIFICATION OF
THE AUTHORITY TO CARRY OUT INFRA-
STRUCTURE PROJECTS IN AFGHANISTAN.

(a) One-Year Extension of Authority.—Sub-
section (f) of section 1217 of the Ike Skelton National De-
fense Authorization Act for Fiscal Year 2011 (Public Law
111–383; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1)—

(A) by striking “up to $400,000,000 of”;
(B) by striking “for fiscal year 2012”; and
(C) by striking “under subsection (a).”

and inserting “under subsection (a) in amounts
as follows:

“(A) From funds for fiscal year 2012, up
to $400,000,000.

“(B) From funds for fiscal year 2013, up
to $400,000,000.”; and

(2) in paragraph (3)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraph (B) as
subparagraph (A); and
(C) by adding at the end the following new subparagraph (B):

“(B) In the case of funds for fiscal year 2013, until September 30, 2014.”.

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

“(4) TRANSFER AUTHORITY.—(A) From funds made available to the Department of Defense, the Secretary of Defense may transfer up to $200,000,000 into the Afghanistan Infrastructure Fund in fiscal year 2013.

“(B) Funds transferred to the Fund under subparagraph (A) shall be merged with funds in the Fund and shall remain available until September 30, 2014.

“(C) The authority to transfer funds under subparagraph (A) is in addition to any other authority available to the Department of Defense to transfer funds.

“(D) Whenever funds are transferred to the Fund under subparagraph (A) for any fiscal year, the limitation in effect for that fiscal year under paragraph (1) shall be deemed to be increased by the amount transferred.”.
SEC. 1216. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) Extension of Authority.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended—

(1) by striking “for fiscal year 2012”; and

(2) by inserting “, during the period ending on September 13, 2014,” after “Secretary of Defense”.

(b) Limitation on Amount Available.—Subsection (d)(1) of such section is amended by striking “during fiscal year 2012 may not exceed $1,690,000,000” and inserting “may not exceed $1,750,000,000 during each of fiscal year 2013 and 2014”.

(c) Supported Operations.—Such section is further amended by striking “Operation Iraqi Freedom or” in subsections (a)(1) and (b).
TITLE XIII—OTHER
AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1301. WORKING CAPITAL FUNDS.
Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Working Capital Funds in the amount of $1,516,184,000.

SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.
Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund in the amount of $608,136,000.

SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.
Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Urgent Operational Needs Fund in the amount of $99,477,000.

SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.
(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,301,786,000, of which—
(1) $635,843,000 is for Operation and Maintenance;
(2) $647,351,000 is for Research, Development, Test, and Evaluation; and
(3) $18,592,000 is for Procurement.

(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. 1305. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $999,363,000.

SEC. 1306. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the
Inspector General of the Department of Defense, in the amount of $273,821,000, of which—

(1) $272,821,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1307. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $32,980,718,000, of which—

(1) $31,801,279,000 is for Operation and Maintenance;

(2) $672,977,000 is for Research, Development, Test, and Evaluation; and

(3) $506,462,000 is for Procurement.

Subtitle B—Other Matters

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.
SEC. 1312. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated for section 1307 and available for the Defense Health Program for operation and maintenance, $139,204,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an

**TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR 2013**

**SEC. 1401. PURPOSE.**

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1402. ARMY PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army in amounts as follows:

1. For aircraft procurement, $486,200,000.
2. For missile procurement, $49,653,000.
3. For weapons and tracked combat vehicles procurement, $15,422,000.
4. For ammunition procurement, $357,493,000.
5. For other procurement, $2,015,907,000.
SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,675,400,000.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Navy and Marine Corps in amounts as follows:

1. For aircraft procurement, Navy, $164,582,000.
2. For weapons procurement, Navy, $23,500,000.
3. For ammunition procurement, Navy and Marine Corps, $285,747,000.
4. For other procurement, Navy, $98,882,000.
5. For procurement, Marine Corps, $943,683,000.

SEC. 1405. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Air Force in amounts as follows:

1. For aircraft procurement, $305,600,000.
2. For ammunition procurement, $116,203,000.
3. For missile procurement, $34,350,000.
(4) For other procurement, $2,818,270,000.

SEC. 1406. JOINT URGENT OPERATIONAL NEEDS FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Urgent Operational Needs Fund in the amount of $100,000,000.

SEC. 1407. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the procurement account for Defense-wide activities in the amount of $196,349,000.

SEC. 1408. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $19,860,000.
(2) For the Navy, $60,119,000.
(3) For the Air Force, $53,150,000.
(4) For Defense-wide activities, $112,387,000.

SEC. 1409. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $28,591,441,000.
(2) For the Navy, $5,880,395,000.
(3) For the Marine Corps, $4,066,340,000.

(4) For the Air Force, $9,241,613,000.

(5) For Defense-wide activities, $7,824,579,000.

(6) For the Army Reserve, $154,537,000.

(7) For the Navy Reserve, $55,924,000.

(8) For the Marine Corps Reserve, $25,477,000.

(9) For the Air Force Reserve, $120,618,000.

(10) For the Army National Guard, $382,448,000.

(11) For the Air National Guard, $19,975,000.

(12) For the Afghanistan Security Forces Fund, $5,749,167,000.

(13) For the Afghanistan Infrastructure Fund, $400,000,000.

**SEC. 1410. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2013 to the Department of Defense for military personnel accounts in the total amount of $13,788,421,000.

**SEC. 1411. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for
providing capital for working capital and revolving funds in the amount of $503,364,000.

SEC. 1412. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $993,898,000 for operation and maintenance.

SEC. 1413. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $469,025,000.

SEC. 1414. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,766,000.

SEC. 1415. AFGHANISTAN SECURITY FORCES FUND.

Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections

TITLE XV—MILITARY RETIREMENT MODERNIZATION COMMISSION

SEC. 1501. SHORT TITLE.

This title may be cited as the “Military Retirement Modernization Commission Act”.

SEC. 1502. PURPOSE.

The purpose of this title is to establish a Commission to review and make recommendations to modernize the military retirement system to ensure that the system (1) remains fiscally sustainable, and (2) supports the need to recruit and retain the highest quality personnel required for the Nation’s defense.

SEC. 1503. DEFINITIONS.

For the purposes of this title:

(1) The term “military retirement system” means the provisions of law providing eligibility for and the computation of—

(A) retired pay based upon service in the uniformed services; and
(B) survivor annuities based upon such service.

(2) The term “uniformed services” has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(3) The term “Secretary” means the Secretary of Defense.

(4) The term “Commission” means the commission established under section 1504.

(5) The term “Commission establishment date” means the first day of the first month beginning on or after the date of the enactment of this Act.

(6) The terms “veterans service organization” and “military-related advocacy group or association” mean an organization the primary purpose of which is to advocate for veterans, military personnel, military retirees, or military families.

SEC. 1504. ESTABLISHMENT OF MILITARY RETIREMENT MODERNIZATION COMMISSION.

(a) Establishment.—There is established in the executive branch an independent commission to be known as the Military Retirement Modernization Commission. The Commission shall be considered an independent establishment of the Federal Government as defined by section...
104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) APPOINTMENT.—

(1)(A) The Commission shall be composed of nine members appointed by the President. In selecting individuals for appointment to the Commission, the President shall consult with—

(i) the Speaker of the House of Representatives concerning the appointment of two members;

(ii) the Majority Leader of the Senate concerning the appointment of two members;

(iii) the Minority Leader of the House of Representatives concerning the appointment of one member; and

(iv) the Minority Leader of the Senate concerning the appointment of one member.

(B) The President shall make appointments to the Commission not later than 6 months after the Commission establishment date.

(C) If the President does not make all appointments to the Commission on or before the date specified in subparagraph (B), the Commission shall be terminated.
(2) At the time the President appoints the members of the Commission, the President shall designate one of the members to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military retirement system. The Chair shall preside over meetings of the Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(c) QUALIFICATIONS.—

(1) In appointing individuals to the Commission, the President shall ensure that—

(A) there are members with significant expertise in Federal retirement systems, including the military retirement system, private sector retirement or human resource systems, and actuarial science; and

(B) at least three, but no more than four, members have active-duty military experience, including—

(i) at least one of whom has active-duty experience as an enlisted member; and

(ii) at least one of whom has experience as a member of a reserve component.
(2) The President may not appoint to the Commission an individual who within the preceding year has been employed by a veterans service organization or military-related advocacy group or association, and no member of the Commission may be a member of such an organization, group, or association.

(d) TERMS.—Members shall be appointed for the life of the Commission (subject to subsection (e)(2)). A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) MEETINGS.—

(1) The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

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

(g) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements under section 2105 of title 5, United States Code, including the required supervision
under subsection (a)(3) of such section, the members of
the Commission shall be deemed Federal employees.

SEC. 1505. COMMISSION HEARINGS AND MEETINGS.

(a) HEARINGS AND MEETINGS.—

(1) HEARINGS.—The Commission shall conduct
hearings on the recommendations it is taking under
consideration. Any such hearing, except a hearing in
which classified information is to be considered, shall
be open to the public. Any hearing open to the pub-
lic shall be announced on a Federal website at least
14 days in advance. For all hearings open to the
public, the Commission shall release an agenda and
a listing of materials relevant to the topics to be dis-
cussed.

(2) MEETINGS.—Each meeting of the Commiss-
on shall be held in public unless any member ob-
jects.

(b) PUBLIC COMMENTS.—

(1) The Commission shall seek written com-
ments from the general public and interested parties
on measures to modernize the military retirement
system. Comments shall be requested through a so-
lcitation in the Federal Register and announcement
on the Commission’s website.
(2) The period for the submission of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary transmits the Secretary’s recommendations to the Commission under section 1506(b).

(3) The Commission shall consider the comments submitted under this subsection when developing its recommendations.

SEC. 1506. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) Principles.—

(1) Context of Commission review.—The Commission shall conduct a review of the military retirement system in the context of all elements of the current military compensation system, force management objectives, and changes in life expectancy and the labor force.

(2) Development of Commission recommendations.—

(A) Consistency with presidential principles.—The Commission shall develop recommendations for modernizing the military retirement system that are consistent with prin-
ciples established by the President under para-
graph (3).

(B) GRANDFATHERING.—The Commission’s recommendations may not apply to any
person who first becomes a member of a uni-
formed service before the date of the enactment
of a military retirement modernization bill pur-
suant to this title (except that such rec-
ommendations may include provisions allowing
for such a member to make a voluntary election
to be covered by some or all of the provisions
of such recommendations).

(3) PRESIDENTIAL PRINCIPLES.—Not later
than 5 months after the Commission establish-
date, the President shall establish and transmit to
the Commission and the Congress principles for
modernizing the military retirement system. The
principles established by the President shall address
the following:

(A) Maintaining recruitment and retention
of the best military personnel.

(B) Modernizing the active and reserve
military retirement systems.

(C) Differentiating between active and re-
serve military service.
(D) Assisting with force management.

(E) Ensuring budget savings.

(b) SECRETARY OF DEFENSE RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 9 months after the Commission establishment date, the Secretary shall transmit to the Commission the Secretary’s recommendations for military retirement modernization. The Secretary shall concurrently transmit the recommendations to Congress.

(2) DEVELOPMENT OF RECOMMENDATIONS.—

The Secretary shall develop the Secretary’s recommendations under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (a)(3); and

(B) in consultation with the Director of the Office of Management and Budget.

(3) JUSTIFICATION.—The Secretary shall include with the recommendations under paragraph (1) the Secretary’s justification for each recommendation.

(4) AVAILABILITY OF INFORMATION.—The Secretary shall make available to the Commission and to Congress the information used by the Secretary
to prepare the Secretary’s recommendations under paragraph (1).

(c) COMMISSION HEARINGS ON SECRETARY’S RECOMMENDATIONS.—After receiving from the Secretary the Secretary’s recommendations for military retirement modernization pursuant to subsection (b), the Commission shall conduct public hearings on those recommendations.

(d) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the Commission’s findings and conclusions, together with the Commission’s recommendations for the modernization of the military retirement system. The Commission shall include in the report legislative language to implement the Commission’s recommendations. The findings and conclusions in the report shall be based on the Commission’s review and analysis of the recommendations of the Secretary.

(2) REQUIREMENT FOR APPROVAL.—The Commission’s recommendations must be approved by at least five members of the Commission before the rec-
ommendations may be transmitted to the President under paragraph (1).

(3) Procedures for changing recommendations of Secretary.—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—

(A) determines that the change is consistent with the principles established by the President under subsection (a)(3);

(B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and

(C) conducts a public hearing on the proposed change.

(4) Covered changes.—Paragraph (3) applies to a change by the Commission in the Secretary’s recommendations that would—

(A) add a new recommendation;

(B) delete a recommendation; or

(C) substantially change a recommendation.

(5) Explanation and justification for changes.—The Commission shall explain and jus-
tify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (b).

(6) TRANSMITTAL TO CONGRESS.—The Commission shall transmit a copy of its report to the Congress on the same date on which it transmits its report to the President under paragraph (1).

SEC. 1507. PRESIDENTIAL AND CONGRESSIONAL CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) REVIEW BY THE PRESIDENT.—

(1) REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date on which the Commission transmits its report to the President under section 1506(d), the President shall transmit to the Commission and to Congress a report containing the President’s approval or disapproval of the Commission’s recommendations in the report.

(2) PRESIDENTIAL APPROVAL.—If in the report under paragraph (1) the President approves all the recommendations of the Commission, the President shall include with the report the following:
(A) A copy of the recommendations of the Commission.

(B) The President’s certification of the President’s approval of each recommendation.

(C) The legislative language transmitted by the Commission to the President as part of the report of the Commission under section 1506(d)(1).

(3) PRESIDENTIAL DISAPPROVAL.—

(A) REASONS FOR DISAPPROVAL.—If in the report under paragraph (1) the President disapproves the recommendations of the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

(B) REVISED RECOMMENDATIONS FROM COMMISSION.—The Commission shall then transmit to the President, not later than one month after the date of the report of the President under paragraph (1), revised recommendations for the modernization of the military retirement system, together with revised legislative language to implement the Commission’s revised recommendations.
(4) Action on Revised Recommendations.—

If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (3)(B), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

(A) A copy of such revised recommendations.

(B) The President's certification of the President's approval of each recommendation as so revised.

(C) The revised legislative language transmitted to the President under paragraph (3)(B).

(5) Termination of Commission.—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) in accordance with the applicable deadline under such paragraph, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under paragraph (4).

(b) Congressional Consideration.—

(1) Rulemaking.—The provisions of this subsection are enacted by Congress—
(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) MILITARY RETIREMENT MODERNIZATION BILL.—For the purpose of this subsection, the term “military retirement modernization bill” means only a bill consisting of the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to subsection (a).

(3) INTRODUCTION OF LEGISLATIVE PROPOSAL IN HOUSE AND SENATE.—If the President transmits to Congress under subsection (a) a copy of the recommendations of the Commission (including the leg-
islative language recommended by the Commission),
together with a certification of the President's ap-
proval of those recommendations, the proposed legis-
lative language recommended by the Commission
and submitted to Congress by the President pursu-
ant to that subsection—

(A) shall be introduced in the Senate (by
request) on the next day on which the Senate
is in session by the chairman of the Committee
on Armed Services of the Senate; and

(B) shall be introduced in the House of
Representatives (by request) on the next legisla-
tive day by the chair of the Committee on
Armed Services of the House.

(4) CONSIDERATION IN THE HOUSE OF REP-
RESENTATIVES.—

(A) REFERRAL AND REPORTING.—Any
committee of the House of Representatives to
which the military retirement modernization bill
is referred shall report it to the House without
amendment not later than the end of the 60-

day period beginning on the date on which the
bill is introduced. If a committee fails to report
the Commission bill to the House within that
period, it shall be in order to move that the
House discharge the committee from further consideration of the bill. Such a motion shall not be in order after the last committee authorized to consider the bill reports it to the House or after the House has disposed of a motion to discharge the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the Commission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) Proceeding to Consideration.—After the last committee authorized to consider a military retirement modernization bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military retirement modernization bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military retirement
modernization bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) Consideration.—The military retirement modernization bill shall be considered as read. All points of order against the bill and against its consideration are waived. The previous question shall be considered as ordered on the bill to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) Vote on Passage.—The vote on passage of the military retirement modernization bill shall occur not later than the end of the 90-day period beginning on the date on which the bill is introduced.

(5) Expedited Procedure in the Senate.—

(A) Committee Consideration.—A military retirement modernization bill introduced in the Senate under subsection (a) shall be jointly
referred to the committee or committees of juris-
diction, which committees shall report the bill
without any revision and with a favorable re-
ommendation, an unfavorable recommendation,
or without recommendation, not later than the
end of the 60-day period beginning on the date
on which the bill is introduced. If any com-
mittee fails to report the bill within that period,
that committee shall be automatically dis-
charged from consideration of the bill, and the
bill shall be placed on the appropriate calendar.

(B) MOTION TO PROCEED.—Notwith-
standing rule XXII of the Standing Rules of
the Senate, it is in order, not later than two
days of session after the date on which a mili-
tary retirement modernization bill is reported or
discharged from all committees to which it was
referred, for the majority leader of the Senate
or the majority leader’s designee to move to
proceed to the consideration of the military re-
tirement modernization bill. It shall also be in
order for any Member of the Senate to move to
proceed to the consideration of the military re-
tirement modernization bill at any time after
the conclusion of such two-day period. A motion
to proceed is in order even though a previous
motion to the same effect has been disagreed
to. All points of order against the motion to
proceed to the military retirement modernization
bill are waived. The motion to proceed is
not debatable. The motion is not subject to a
motion to postpone. A motion to reconsider the
vote by which the motion is agreed to or dis-
agreed to shall not be in order. If a motion to
proceed to the consideration of the military re-
tirement modernization bill is agreed to, the
military retirement modernization bill shall re-
main the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order
against the military retirement modernization
bill and against consideration of the bill are
waived. Consideration of the bill and of all de-
batable motions and appeals in connection
therewith shall not exceed a total of 10 hours
which shall be divided equally between the ma-
jority and minority leaders or their designees. A
motion further to limit debate on the bill is in
order, shall require an affirmative vote of three-
fixths of the Members duly chosen and sworn,
and is not debatable. Any debatable motion or
appeal is debatable for not to exceed one hour,
to be divided equally between those favoring
and those opposing the motion or appeal. All
time used for consideration of the bill, including
time used for quorum calls and voting, shall be
counted against the total 10 hours of consider-
ation.

(D) NO AMENDMENTS.—An amendment to
the Commission bill, or a motion to postpone,
or a motion to proceed to the consideration of
other business, or a motion to recommit the
Commission bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has
voted to proceed to the military retirement
modernization bill, the vote on passage of the
bill shall occur immediately following the con-
clusion of the debate on a military retirement
modernization bill, and a single quorum call at
the conclusion of the debate if requested. The
vote on passage of the bill shall occur not later
than the end of the 90-day period beginning on
the date on which the bill is introduced.

(F) RULINGS OF THE CHAIR ON PROCE-
DURE.—Appeals from the decisions of the Chair
relating to the application of the rules of the
Senate, as the case may be, to the procedure relating to a military retirement modernization bill shall be decided without debate.

(6) AMENDMENT.—The military retirement modernization bill shall not be subject to amendment in either the House of Representatives or the Senate.

(7) CONSIDERATION BY THE OTHER HOUSE.—If, before passing the military retirement modernization bill, one House receives from the other a military retirement modernization bill—

(A) the military retirement modernization bill of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no military retirement modernization bill had been received from the other House until the vote on passage, when the military retirement modernization bill received from the other House shall supplant the military retirement modernization bill of the receiving House.
SEC. 1508. AUTHORIZATION OF APPROPRIATIONS AND FUNDING.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this title.

(b) Availability of Funds.—Funds appropriated or otherwise made available to the Commission to carry out its duties under this title shall remain available until expended.

(c) Fiscal Year 2013.—In fiscal year 2013, the Secretary may transfer not more than $10,000,000 from unobligated funds of the Department of Defense remaining available for obligation in that fiscal year to the Commission to carry out its duties under this title. Funds transferred under the preceding sentence shall remain available until expended.

SEC. 1509. PAY FOR MEMBERS OF THE COMMISSION.

(a) In General.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.
(b) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

SEC. 1510. EXECUTIVE DIRECTOR.

(a) APPOINTMENT.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS.—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

SEC. 1511. STAFF.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.
(b) LIMITATIONS ON STAFF.—(1) Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(2) A person may not be detailed from the Department of Defense to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for military retirement modernization.

(3) Not more than one-fourth of the personnel employed by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.

(c) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed from the Department of Defense to that staff;
(2) review the preparation of such a report; or
(3) approve or disapprove such a report.

SEC. 1512. CONTRACTING AUTHORITY.

The Commission may lease space and acquire person- 

SEC. 1513. JUDICIAL REVIEW PRECLUDED.

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and 
the Commission under section 1506.

(2) Actions of the President under section 
1507(a).

SEC. 1514. TERMINATION.

The Commission shall terminate not later than 26 
months after the Commission establishment date.

TITLE XVI—BENEFITS FOR FED- 
ERAL CIVILIAN EMPLOYEES 
IN ZONES OF ARMED CON- 
FLICT

SEC. 1601. SHORT TITLE.

This title may be cited as the “Federal Civilian Em- 
ployees in Zones of Armed Conflict Benefits Act of 2012”.

SEC. 1602. DEFINITION OF DESIGNATED ZONE OF ARMED 
CONFLICT.

Section 102 of the Foreign Service Act of 1980 (22 
U.S.C. 3902) is amended—
(1) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively; and

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

“(5) ‘designated zone of armed conflict’ means a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7)) that is designated by the Secretary of State, in coordination with the Secretary of Defense, as an area where there are exceptional levels of armed violence. Any such designation shall be communicated to affected civilian agencies. In making such a designation, the Secretary of State may consider—

“(A) whether the Armed Forces of the United States are involved in hostilities in the country or area;

“(B) whether the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;
“(C) whether the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));
“(D) whether a contingency operation involving combat operations directly affects civilian employees in the country or area; or
“(E) any other relevant conditions and factors.”.

SEC. 1603. BENEFITS FOR EMPLOYEES IN DESIGNATED ZONES OF ARMED CONFLICT.

(a) IN GENERAL.—Chapter 59 of title 5, United States Code, is amended—
(1) by amending the chapter heading to read as follows:
“CHAPTER 59—ALLOWANCES, SPECIAL PAYMENTS, AND BENEFITS”;
(2) by adding at the end the following new subchapter:
“SUBCHAPTER V—BENEFITS FOR EMPLOYEES IN DESIGNATED ZONES OF ARMED CONFLICT
§ 5951. Definitions
“(1) ‘assigned to duty in’ refers to an employee who is officially assigned to work or duty (including
serving on temporary duty) in a designated zone of armed conflict, which may include short periods away from the zone to perform work in connection with the assignment, subject to any limitations or requirements established by regulation or official policy;

“(2) ‘designated zone of armed conflict’ has the meaning given that term in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902(5));

“(3) ‘Director’ means the Director of the Office of Personnel Management;

“(4) ‘Executive agency’ has the meaning given that term in section 105 but does not include the Government Accountability Office;

“(5) ‘healthcare provider’ means—

“(A) a physician (including a mental health physician);

“(B) a physician’s assistant, nurse practitioner, or advanced practice nurse;

“(C) a mental health practitioner;

“(D) a member of the Armed Forces who is an independent duty corpsman, an independent duty medical technician, or a Special Forces medical sergeant; and
“(E) any other person in a healthcare provider category designated by the Secretary of State or Secretary of Defense;

“(6) ‘pre-deployment health assessment’ means an evaluation by a healthcare provider to determine if an employee meets the requirements for deployment outside the United States and to identify any need for medical care;

“(7) ‘post-deployment health assessment’ means an evaluation by a healthcare provider to assess an employee’s physical and mental health following a deployment outside the United States and to identify any need for medical care; and

“(8) ‘United States’ has the meaning given that term in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7)).

§ 5952. Authority to grant allowances, benefits, and gratuities

“(a) The Secretary of State may require the head of an Executive agency to provide to an employee assigned to duty in a designated zone of armed conflict such allowances, benefits, and gratuities under sections 413, 901, 902, and 906 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 4081, 4082, and 4086) as are prescribed in regulation by the Secretary.
“(b) The authority in subsection (a) may not be used to provide benefits that are similar to those provided in sections 5955 and 5956.

§ 5953. Pre- and post-deployment health assessments

“The head of an Executive agency shall establish a pre-deployment health assessment and post-deployment health assessment program for employees assigned to duty in designated zones of armed conflict. Programs implemented after the date of the enactment of this section pursuant to the preceding sentence or other comparable agency-level authority existing before that date shall be carried out consistent with any regulations prescribed by the Secretary of State or the Secretary of Defense, as determined appropriate by mission requirements.

§ 5954. Special pay for certain employees

“(a) The Secretary of State may require the head of an Executive agency to provide, subject to regulations prescribed under subsection (d), special pay to Foreign Service officers and members of the Senior Foreign Service assigned to duty in a designated zone of armed conflict who perform additional work on a recurring basis in substantial excess of normal requirements.

“(b) The Director may require the head of an Executive agency to provide, subject to regulations prescribed under subsection (d), special pay to an employee (other
than a member of the Foreign Service) assigned to duty in a designated zone of armed conflict when the employee—

“(1) is not covered by the overtime and other premium pay provisions of subchapter V of chapter 55 or similar premium pay authority; and

“(2) performs additional work on a recurring basis in substantial excess of normal requirements.

“(e) Special payments under this section are in addition to compensation otherwise authorized and are not considered to be basic pay for any purpose, nor shall they be used in computing lump-sum payments for accumulated and accrued annual leave under section 5551. No special payments may be authorized which, when added to an employee’s basic pay, would result in a total amount payable for any calendar year in excess of the annual rate of salary payable to the Vice President under section 104 of title 3.

“(d) The Director and the Secretary of State shall each prescribe regulations to carry out this section, including regulations providing for any employee exclusions, eligibility requirements, criteria and certification for special payments, payment rates and methods, and effective dates.
§ 5955. Rest and recuperation travel

“(a) Subject to any regulations the Secretary of State may prescribe, the Secretary may require the head of an Executive agency to pay the travel and related expenses for rest and recuperation travel for an employee who is a United States citizen assigned to duty in a designated zone of armed conflict and who is granted recuperation leave under section 6392 and, if applicable, for members of the employee’s family accompanying the employee in the designated zone of armed conflict.

“(b) Rest and recuperation travel under subsection (a) shall be provided to the same extent and subject to the same conditions as such travel is provided to members of the Foreign Service under section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6)), except that, subject to any regulations the Secretary of State may prescribe, the head of an Executive agency, in that agency head’s sole discretion, may in extraordinary circumstances waive any or all conditions on rest and recuperation travel set forth in that section.

§ 5956. Emergency visitation travel

“(a) Subject to regulations the Secretary of State shall prescribe, the Secretary may require the head of an Executive agency to pay the travel and related expenses for round-trip travel to or from an employee’s duty location or temporary duty station for purposes of family visi-
tation in an emergency situation involving personal hardship, including the serious illness, injury, or death of the employee or a family member, if the head of the agency determines that the criteria in those regulations are met.

“(b) Payments under subsection (a) may be provided only for the travel of an employee who is assigned to duty in a designated zone of armed conflict at the time the emergency situation arises or for the travel of the family members of such employee.

§ 5957. Locality payments

“(a)(1) Notwithstanding section 5304, the head of an Executive agency shall pay, out of available resources, to an employee assigned to duty in a designated zone of armed conflict a locality payment as provided in this section and in any regulations the Director may prescribe. The Director may prescribe a minimum period during which an employee is required to remain in a designated zone of armed conflict in order to be eligible to receive such a locality payment.

“(2) For the purpose of this section, ‘employee’ means—

“(A) an employee in a General Schedule position to which subchapter III of chapter 53 applies;

“(B) a member of the Foreign Service who is designated class 1 or below for purposes of section
403 of the Foreign Service Act of 1980 (22 U.S.C. 3963); and

“(C) an employee in a position for which locality-based comparability payments under section 5304 have been approved under subsection (h) of that section or otherwise authorized by law.

“(b) The percentage amount used to compute the locality payment paid under this section shall be determined as follows:

“(1) The percentage amount shall equal the higher of—

“(A) the applicable locality-based comparability payment percentage authorized under section 5304 for the employee’s official worksite; or

“(B) the locality-based comparability payment percentage authorized under section 5304 for Washington, DC.

“(2) If the employee’s official worksite is not covered by a locality-based comparability payment authorized under section 5304, the locality payment percentage under this section shall equal the locality-based comparability payment percentage authorized under section 5304 for Washington, DC.
“(c) Except as otherwise provided in this section and any regulations the Director may prescribe, a locality payment under this section is subject to the provisions of section 5304, including the limitations under subsection (g) of that section. A locality payment under this section is paid in lieu of any locality-based comparability payment that would otherwise be payable under section 5304 or similar locality pay authority.

“(d) A locality payment under this section shall be considered to be part of basic pay for the same purposes that a locality-based comparability payment under section 5304 is considered to be part of basic pay, for the purpose of computing post differentials under section 5925(a) and danger pay allowances under section 5928, and for such other purposes as the Director may prescribe by regulation.

“(e) Nothing in this section shall affect any authority of any agency to pay a locality-based comparability payment under section 5304, or a similar locality payment under any other provision of law, to an employee who is assigned to duty in a location outside a designated zone of armed conflict.
§ 5958. Traumatic injury gratuity for qualifying injuries

“(a) The United States shall pay, out of available resources, a traumatic injury gratuity to each eligible employee who sustains a qualifying traumatic injury. Such payment shall be made promptly upon receiving official notification from the relevant agency that the employee has incurred that injury.

“(b) For purposes of this section—

“(1) an eligible employee is an employee who sustains a qualifying traumatic injury on or after the date of enactment of this section in the performance of duty in a designated zone of armed conflict; and

“(2) a qualifying traumatic injury is a traumatic injury that results in a loss that is a ‘qualifying loss’ under subsection (b) of section 1980A of title 38. The provisions of paragraph (3) of that subsection and of subsection (c)(2) of that section, including the regulations prescribed hereunder, shall apply for purposes of this section.

“(c) Notwithstanding subsections (a) and (b)(1), the head of an Executive agency, in that agency head’s sole discretion, may grant a payment under subsection (a) to an employee who sustained a qualifying traumatic injury on or after November 30, 2005, and before the date speci-
fied in subsection (b)(1) in connection with the employee’s service with an Armed Force in the theater of operations of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

“(d)(1) The amount of a gratuity payment paid to an employee under this section shall be the applicable amount in effect under the schedule prescribed pursuant to subsection (d) of section 1980A of title 38 for the qualifying traumatic injury sustained by the employee. If an employee suffers more than one loss that is a ‘qualifying loss’ under section 1980A(b) of title 38 as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to such subsection (d) for the single loss providing the highest payment.

“(2) Notwithstanding paragraph (1), the amount of a gratuity payment under this section paid to locally employed staff employed outside the United States may be less than the amount that would otherwise be paid under this section, consistent with prevailing compensation practices, as determined by the Secretary of State in coordination with the head of the employing agency and the administrator of the program under subsection (e)(1).
“(e)(1) The Secretary of Defense, or the head of such
other Executive agency as the President designates, shall
administer the program under this section.
“(2) When the administrator of the program under
paragraph (1) makes a gratuity payment under this sec-
tion to an employee of another agency, that employee’s
agency shall reimburse the administrator’s agency for the
amount of the payment and for administrative expenses
incurred in connection with such payment.
“(f)(1) The administrator of the program under sub-
section (e)(1) may prescribe regulations to carry out this
section.
“(2) Regulations under paragraph (1) shall be issued
in consultation with the Director unless the Director is
the administrator.
“(g) For the purposes of this section, ‘employee’ has
the meaning given that term in section 2105, except that
such term also includes—
“(1) an employee described in subsection (c) of
that section;
“(2) an individual employed by personal serv-
dices contract, including pursuant to section 2(c) of
the State Department Basic Authorities Act of 1956
and section 636(a)(3) of the Foreign Assistance Act
of 1961;
“(3) locally employed staff who are employed by an Executive agency outside the United States; and
“(4) any other individual employed by the Federal Government who meets conditions prescribed in regulations issued under subsection (f)(1).”;
and
(3) in the table of sections by inserting the following after the item relating to section 5949:

“SUBCHAPTER V—BENEFITS FOR EMPLOYEES IN DESIGNATED ZONES OF ARMED CONFLICT

5951. Definitions.
5952. Authority to grant allowances, benefits, and gratuities.
5953. Pre- and post-deployment health assessments.
5954. Special pay for certain employees.
5955. Rest and recuperation travel.
5956. Emergency visitation travel.
5957. Locality payments.
5958. Traumatic injury gratuity for qualifying injuries.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by amending the item relating to chapter 59 to read as follows:

“59. Allowances, Special Payments, and Benefits .................................... 5901”.

(c) TECHNICAL AMENDMENTS.—(1) Chapter 57 of title 5, United States Code, is amended—

(A) in section 5753(a)(2)(A) by inserting “, excluding members of the Foreign Service other than chiefs of mission, ambassadors at large, and other members of the Foreign Service covered by section
302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942)” before the semicolon at the end; and

(B) in section 5754(a)(2)(A) by inserting “, excluding members of the Foreign Service other than
chiefs of mission, ambassadors at large, and other
members of the Foreign Service covered by section
302(b) of the Foreign Service Act of 1980 (22
U.S.C. 3942)” before the semicolon at the end.

(2) Section 901(9) of the Foreign Service Act of 1980
(22 U.S.C. 4081(9)) is amended by striking “post of as-
signment” each place it appears and inserting “post of
assignment or, in the case of an employee assigned to duty
in a designated zone of armed conflict, temporary duty
station”.

(d) Transition Period for Locality Pay-
ments.—(1) This subsection applies to an employee
who—

(A) is assigned to duty in a designated zone of
armed conflict (as defined in section 5951 (1) and
(2) of title 5, United States Code) while maintaining
an official worksite in a nonforeign area and an enti-
tlement to a cost-of-living allowance under section
5941(a)(1) of that title; and

(B) is entitled to a transitional locality pay per-
centage equal to 1⁄3 or 2⁄3 of the applicable locality

(2) In the case of an employee described in paragraph (1), notwithstanding section 5957 of title 5, United States Code—

(A) the locality pay percentage used in applying subparagraph (A) of section 5957(b)(1) of title 5, United States Code, shall be the transitional locality pay percentage referred to in paragraph (1)(B); and

(B) the locality pay percentage used in applying subparagraph (B) of section 5957(b)(1) of title 5, United States Code, shall be the percentage resulting from multiplying the locality pay percentage authorized under section 5304 of that title for Washington, DC, by the transitional fraction, $\frac{1}{3}$ or $\frac{2}{3}$, as applicable.

SEC. 1604. WAIVER OF CERTAIN PAY LIMITATIONS.

(a) Waiver of Limitation on Premium Pay.—

Section 5547 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Subsection (a) shall not apply to an employee who performs work while assigned to duty in a designated
zone of armed conflict (as defined in section 5951 (1) and (2)).

“(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in subsection (a) to the extent that the aggregate of the basic pay and premium pay under those provisions for such employee would, in any calendar year, exceed the annual rate of salary payable to the Vice President under section 104 of title 3.

“(3) To the extent that paragraph (1) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551.”.

(b) WAIVER OF LIMITATION ON AGGREGATE PAY.—

Section 5307 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by striking “or as otherwise provided under subsection (d)” and inserting “or as otherwise provided by this section”; and

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

“(e) The preceding subsections of this section shall not apply to payments in addition to basic pay earned by
an employee for performing work while assigned to duty
in a designated zone of armed conflict (as defined in sec-
tion 5951 (1) and (2)). For the purpose of this subsection,
the term ‘basic pay’ includes any applicable locality-based
comparability payment under section 5304, any applicable
special rate supplement under section 5305, and any simi-
lar payment under any other provision of law.”.

(c) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED
EXPERTS.—Section 9903(d) of title 5, United States
Code, is amended—

(1) by amending paragraph (2) to read as fol-

ows:

“(2) An employee appointed under this section
is not eligible for any bonus, monetary award, or
other monetary incentive for service except for—

“(A) payments authorized under this sec-
tion; and

“(B) in the case of such an employee who
is assigned to duty in a designated zone of
armed conflict (as defined in section 5951 (1)
and (2)), allowances, special payments, and
benefits under chapter 59.”;

and

(2) in paragraph (3), by adding at the end the
following new sentence: “In computing an employ-
ee’s total annual compensation for purposes of the
preceding sentence, any payment referred to in para-
graph (2)(B) shall be excluded.’’.

SEC. 1605. LEAVE AUTHORITIES.

(a) IN GENERAL.—Chapter 63 of title 5, United
States Code, is amended—

(1) by redesignating section 6391 as section
6341 and transferring that section to the end of
subchapter III;

(2) by amending subchapter VI to read as fol-
lows:

“SUBCHAPTER VI—LEAVE AUTHORITIES FOR
EMPLOYEES IN DESIGNATED ZONES OF
ARMED CONFLICT

“§ 6391. Definitions

“For purposes of this subchapter—

“(1) ‘assigned to duty in’ has the meaning
given that term in section 5951(1);

“(2) ‘designated zone of armed conflict’ has the
meaning given that term in section 5951(2);

“(3) ‘Director’ means the Director of the Office
of Personnel Management;

“(4) ‘Executive agency’ has the meaning given
that term in section 5951(4); and
“(5) ‘rest and recuperation travel’ and ‘rest and recuperation trip’ mean travel or a trip authorized pursuant to section 5955, section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6)), or any other similar provision of law.

§6392. Recuperation leave

“(a) Recuperation leave is intended to provide respite from the work environment in designated zones of armed conflict and to enable employees to carry out their duties more effectively for the remainder of their assignment.

“(b) The Director may require the head of an Executive agency to grant an employee assigned to duty in a designated zone of armed conflict recuperation leave, subject to the requirements of this section and any regulations the Director may prescribe in consultation with the Secretary of State.

“(c) Upon a determination to grant recuperation leave under subsection (b), an employee shall accrue three-fourths of a day of recuperation leave for each full bi-weekly pay period that the employee is assigned to duty in a designated zone of armed conflict.

“(d)(1) An employee may use recuperation leave under subsection (b) only if—

“(A) the employee has been assigned to duty in a designated zone of armed conflict for the minimum
period established by the Director in consultation
with the Secretary of State;

“(B) the recuperation leave is used in conjunc-
tion with authorized rest and recuperation travel
under section 5955;

“(C) the employee is expected to return to a
designated zone of armed conflict following the rest
and recuperation travel; and

“(D) the recuperation leave is used while the
employee is assigned to duty in a designated zone of
armed conflict.

“(2) An employee may use no more than 10 workdays
of recuperation leave for each rest and recuperation trip,
not to exceed a total of 20 workdays for any 12 consecu-
tive months in a designated zone of armed conflict.

“(3) An agency head may deny the use of accumu-
lated and accrued recuperation leave only in exceptional
circumstances that prevent the agency from releasing the
employee from his or her duties.

“(4) An agency head may advance recuperation leave
up to the number of hours the employee is expected to
accrue and accumulate while assigned to duty in the des-
ignated zone of armed conflict based on the special needs
of the employee.
“(e)(1) An employee who has unused accumulated and accrued recuperation leave under subsection (e) at the end of his or her assignment in a designated zone of armed conflict shall receive a lump-sum payment at the end of his or her assignment for the amount of recuperation leave the agency head denied for use by the employee under subsection (d)(3).

“(2) A lump-sum payment for recuperation leave under this subsection shall be computed using the employee’s rate of basic pay (including any applicable locality payment under section 5957, special rate of pay under section 5305, or similar payment under other legal authority) in effect on the last day the employee is assigned to duty in the designated zone of armed conflict. The lump-sum payment shall exclude overseas differentials and allowances under subchapter III of chapter 59.

“§ 6393. Readjustment leave

“(a) Readjustment leave is intended to provide employees a period of paid time off following duty in a designated zone of armed conflict to rest and attend to personal and family matters before returning to work.

“(b) Subject to any regulations the Director may prescribe in consultation with the Secretary of State, the Director may require the head of an Executive agency to grant an employee assigned to duty in a designated zone
of armed conflict readjustment leave of up to 15 workdays
for any 12 consecutive months in a designated zone of
armed conflict, contingent upon the employee entering into
a written service agreement for a period of employment
of no less than 6 months.

“(c) Readjustment leave not used within the first 90
days after completion of an employee’s duty assignment
in a designated zone of armed conflict shall be forfeited,
subject to such exceptions as the Director may approve.

“(d) Readjustment leave shall not be converted to a
cash payment or form a part of a lump-sum payment for
accrued leave under any circumstances.

“§ 6394. Regulations

“The Director may prescribe regulations necessary
for the administration of this subchapter”;

and

(3) in the table of sections—

(A) by adding after the item relating to
section 6340 the following new item:

“6341. Authority for leave transfer program in disasters and emergencies”;

and

(B) by amending the items relating to sub-
chapter VI to read as follows:

“SUBCHAPTER VI— LEAVE AUTHORITIES FOR EMPLOYEES IN DESIGNATED
ZONES OF ARMED CONFLICT

“6391. Definitions.
(b) CONFORMING AMENDMENT.—Section 903 of the Foreign Service Act of 1980 (22 U.S.C. 4083) is amended by adding at the end the following new subsections:

“(d) The Secretary may, in exceptional circumstances, order a member of the Service to take leave under this section upon completion by that member of fewer than 12 months of continuous service abroad—

“(1) to meet the needs of the service; or

“(2) where the member has been assigned to duty in a designated zone of armed conflict.

“(e) The Secretary may order a member of the Service to take leave under subsection (d)(2) without regard to whether such member is expected to return to service abroad.”.

SEC. 1606. OTHER BENEFITS FOR DEPLOYED EMPLOYEES IN A DESIGNATED ZONE OF ARMED CONFLICT.

(a) CONTINUATION OF PAY FOR OCCUPATIONAL DISEASES AND ILLNESS RELATED TO EMPLOYEES IN DESIGNATED ZONES OF ARMED CONFLICT.—Section 8118 of title 5, United States Code, is amended—

(1) in subsection (a) by striking “clause (B) or (E)” and inserting “subparagraph (B) or (E)”;

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

“(f) The United States shall authorize the continuation of pay of an employee as defined in section 8101(1) (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic or occupational injury in performance of duty in a designated zone of armed conflict as defined in section 5951(2) as long as the employee files a claim for such wage loss benefit with his immediate superior no later than 45 days following termination of assignment to a zone of armed conflict or return to the United States, whichever occurs later. Continuation of pay under this subsection shall be furnished in accordance with subsections (c) and (d) for a period not to exceed 135 days without any break in time or waiting period unless controverted pursuant to regulations prescribed by the Secretary of Labor, which shall be issued after consultation with the Secretary of State and the Secretary of Defense.”.

(b) DEATH GRATUITY FOR FOREIGN SERVICE EMPLOYEES ABROAD.—Section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended in the first sentence by striking “at the time of death” and inserting “at level II of the Executive Schedule under section 5313
of title 5, United States Code, at the time of death, except that, for employees compensated under local compensation plans established under section 408, the amount shall be equal to the greater of either one year’s basic salary at the time of death, or one year’s basic salary at the highest step of the highest grade on the Local Compensation Plan from which the employee was being paid at the time of death”.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2013”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—
(1) October 1, 2015; or

(2) the date of the enactment of an Act author-
izing funds for military construction for fiscal year
2016.

(b) Exception.—Subsection (a) shall not apply to
authorizations for military construction projects, land ac-
quisition, family housing projects and facilities, and con-
tributions to the North Atlantic Treaty Organization Se-
curity Investment Program (and authorizations of appro-
priations therefor), for which appropriated funds have
been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act author-
izing funds for fiscal year 2016 for military con-
struction projects, land acquisition, family housing
projects and facilities, or contributions to the North
Atlantic Treaty Organization Security Investment
Program.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) Inside the United States.—Using amounts
appropriated pursuant to the authorization of appropri-
ations in section 2103(1), the Secretary of the Army may
acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>California</td>
<td>Concord</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Fort McNair</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Pohakuloa Training Area</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$12,200,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$81,800,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$123,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$47,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$95,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$98,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi</td>
<td>$37,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Arlington</td>
<td>$84,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$164,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:
Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Camp Ederle</td>
<td>$36,000,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Okinawa</td>
<td>$78,000,000</td>
</tr>
<tr>
<td></td>
<td>Sagami</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$45,000,000</td>
</tr>
</tbody>
</table>

1 SEC. 2102. FAMILY HOUSING.

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2103(5)(A), the Sec-
4 retary of the Army may carry out architectural and engi-
5 neering services and construction design activities with re-
6 spect to the construction or improvement of family hous-
7 ing units in an amount not to exceed $4,641,000.

8 SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2012, for mili-
11 tary construction, land acquisition, and military family
12 housing functions of the Department of the Army in the
13 total amount of $2,458,015,000 as follows:
14
15   (1) For military construction projects inside the
16       United States authorized by section 2101(a),
17       $1,590,150,000.
18
19   (2) For military construction projects outside
20       the United States authorized by section 2101(b),
21       $209,000,000.
(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $25,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $99,173,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $4,641,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $530,051,000.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army’s construction guidelines for Access Control Points.
SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) Project Authorizations.—The Secretary of the Army may carry out military construction projects to construct the following:

(1) A central energy plant for Fort Carson, Colorado, in the amount of $34,000,000.

(2) A pier on Kwajalein Atoll in the amount of $62,000,000.

(b) Use of Unobligated Prior-Year Army Military Construction Funds.—The Secretary may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2013 for the projects described in subsection (a).

(c) Congressional Notification.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the projects described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal
Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama .......</td>
<td>Anniston Army Depot ....</td>
<td>Lake Yard Interchange ..</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>New Jersey ..</td>
<td>Picatinny Arsenal ........</td>
<td>Ballistic Evaluation Facility, Phase I</td>
<td>$9,900,000</td>
</tr>
</tbody>
</table>

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:
Army: Extension of 2010 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>Land Purchases and Condemnation.</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>Ballistic Evaluation Facility, Phase II.</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>Road and Access Control Point.</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>Fort Lewis-McChord AFB Joint Access.</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Kuwait</td>
<td>APS Warehouses</td>
<td>$82,000,000</td>
</tr>
</tbody>
</table>

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$29,285,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$88,110,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>$78,541,000</td>
</tr>
<tr>
<td></td>
<td>Lemoore</td>
<td>$14,843,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$27,897,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$71,188,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach</td>
<td>$30,594,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>$47,270,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville</td>
<td>$21,980,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>$97,310,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Meridian</td>
<td>$10,926,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Earle</td>
<td>$33,498,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$69,890,000</td>
</tr>
<tr>
<td></td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$45,891,000</td>
</tr>
<tr>
<td></td>
<td>New River</td>
<td>$8,525,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>$81,780,000</td>
</tr>
<tr>
<td></td>
<td>Parris Island</td>
<td>$10,135,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Dahlgren</td>
<td>$28,228,000</td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>SW Asia</td>
<td>$51,348,000</td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>Diego Garcia</td>
<td>$1,691,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$99,420,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$25,123,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$13,138,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Deveselu</td>
<td>$45,205,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$17,215,000</td>
</tr>
<tr>
<td>Worldwide Unspec-</td>
<td></td>
<td>$34,048,000</td>
</tr>
<tr>
<td>ified.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,527,000.
SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,655,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,182,397,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $981,492,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $295,394,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $16,535,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $102,619,000.

(5) For military family housing functions:
(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $102,182,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $378,230,000.

(6) For the construction of increment 2 of north ramp parking at Andersen Air Force Base, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633), $25,904,000.

(7) For the construction of increment 2 of explosives handling wharf 2 at Kitsap, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), $280,041,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf #2...
at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/ Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Marine Corps Base, Camp Pendleton.</td>
<td>Operations Access Points, Red Beach.</td>
<td>$11,970,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar.</td>
<td>Emergency Response Station.</td>
<td>$6,530,000</td>
</tr>
<tr>
<td></td>
<td>Washington Navy Yard</td>
<td>Child Development Center.</td>
<td>$9,340,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/ Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Bridgeport</td>
<td>Mountain Warfare Training, Commissary</td>
<td>$6,830,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth Naval Shipyard</td>
<td>Gate 2 Security Improvements</td>
<td>$7,090,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>Security Fencing</td>
<td>$8,109,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ammo Supply Point</td>
<td>$21,689,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interior Paved Roads</td>
<td>$7,275,000</td>
</tr>
</tbody>
</table>

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construc-
tion projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Little Rock AFB</td>
<td>$30,178,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Tyndall AFB</td>
<td>$14,750,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>$7,250,000</td>
</tr>
<tr>
<td></td>
<td>Moody AFB</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman AFB</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot AFB</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill AFB</td>
<td>$13,530,000</td>
</tr>
</tbody>
</table>

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenland</td>
<td>Thule AB</td>
<td>$24,500,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano AB</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$34,657,000</td>
</tr>
</tbody>
</table>

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities
with respect to the construction or improvement of family housing units in an amount not to exceed $4,253,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $79,571,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $969,853,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $121,808,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $68,557,000.
(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $18,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $18,635,000.

(5) For military family housing functions:
   
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $83,824,000.

   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $497,829,000.

(6) For the construction of increment 2 of the U.S. Strategic Command Replacement Facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1670), $161,000,000.

SEC. 2305. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) Project Authorizations.—The Secretary of the Air Force may carry out military construction projects to construct the following:
(1) A fuel systems hangar for Joint Region Marianas, Guam, in the amount of $128,000,000.

(2) A consolidated engineer shop and supply facility for Thule Air Base, Greenland, in the amount of $39,000,000.

(3) A fire crash rescue station for Hill Air Force Base, Utah, in the amount of $21,000,000.

(4) A range communications facility for Cape Canaveral Air Force Station, Florida, in the amount of $20,000,000.

(5) An air traffic control tower and base operations complex for Seymour-Johnson Air Force Base, North Carolina, in the amount of $16,500,000.

(6) An aircraft maintenance hangar for Dover Air Force Base, Delaware, in the amount of $31,000,000.

(7) A fire rescue center for Altus Air Force Base, Oklahoma, in the amount of $17,000,000.

(8) Front gate force protection enhancements for the United States Air Force Academy, Colorado, in the amount of $8,000,000.

(9) A munitions storage area for Joint Base McGuire-Dix-Lakehurst, New Jersey, in the amount of $10,000,000.
(10) A flight line fire station for Edwards Air Force Base, California, in the amount of $24,000,000.

(b) Use of Unobligated Prior-Year Air Force Military Construction Funds.—The Secretary may use available, unobligated Air Force military construction funds appropriated for a fiscal year before fiscal year 2013 for the projects described in subsection (a).

(c) Congressional Notification.—The Secretary of the Air Force shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the projects described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the
date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2010 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td>Whiteman AFB</td>
<td>Land Acquisition North &amp; South Bdry.</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom AFB</td>
<td>Weapons Storage Area (WSA), Phase 2.</td>
<td>$10,600,000</td>
</tr>
</tbody>
</table>

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$55,259,000</td>
</tr>
<tr>
<td></td>
<td>DEF Fuel Support Point-San Diego</td>
<td>$91,563,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>$27,500,000</td>
</tr>
<tr>
<td></td>
<td>Twenty-nine Palms</td>
<td>$27,400,000</td>
</tr>
</tbody>
</table>
Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Carson</td>
<td>$56,673,000</td>
</tr>
<tr>
<td></td>
<td>Pikes Peak</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Classified Location</td>
<td>$6,477,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover AFB</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin AFB</td>
<td>$41,695,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill AFB</td>
<td>$34,409,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$24,289,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Great Lakes</td>
<td>$28,700,000</td>
</tr>
<tr>
<td></td>
<td>Scott AFB</td>
<td>$86,711,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Grissom AFB</td>
<td>$26,800,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$71,639,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale AFB</td>
<td>$11,700,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Annapolis</td>
<td>$66,500,000</td>
</tr>
<tr>
<td></td>
<td>Bethesda Naval Hospital</td>
<td>$69,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade</td>
<td>$128,600,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$18,100,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon AFB</td>
<td>$89,085,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$43,200,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$80,064,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$100,422,000</td>
</tr>
<tr>
<td></td>
<td>Seymour Johnson AFB</td>
<td>$55,450,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>DEF Distribution Depot-New Cumberland</td>
<td>$17,400,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw AFB</td>
<td>$57,200,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Red River Army Depot</td>
<td>$16,715,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Expeditionary Base Little Creek-Story</td>
<td>$11,132,000</td>
</tr>
<tr>
<td>Washington</td>
<td>DEF Distribution Depot-New Cumberland</td>
<td>$50,520,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$26,969,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen AFB</td>
<td>$67,500,000</td>
</tr>
<tr>
<td>Guantanamo Bay, Cuba</td>
<td>Guantanamo Bay</td>
<td>$40,200,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Camp Zama</td>
<td>$13,273,000</td>
</tr>
</tbody>
</table>
Defense Agencies: Outside the United States—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kadena AB</td>
<td>$143,545,000</td>
<td></td>
</tr>
<tr>
<td>Sasebo</td>
<td>$35,733,000</td>
<td></td>
</tr>
<tr>
<td>Zukeran</td>
<td>$79,036,000</td>
<td></td>
</tr>
<tr>
<td>Kunsan AB</td>
<td>$13,000,000</td>
<td></td>
</tr>
<tr>
<td>Osan AB</td>
<td>$77,292,000</td>
<td></td>
</tr>
<tr>
<td>Deveselu</td>
<td>$157,900,000</td>
<td></td>
</tr>
<tr>
<td>Menwith Hill Station</td>
<td>$50,283,000</td>
<td></td>
</tr>
<tr>
<td>RAF Feltwell</td>
<td>$30,811,000</td>
<td></td>
</tr>
<tr>
<td>RAF Mildenhall</td>
<td>$6,490,000</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $150,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,708,647,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,356,203,000.
(2) For military construction projects outside the United States authorized by section 2401(b), $858,038,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $38,785,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $315,562,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $150,000,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $52,238,000.

(B) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstrat-
tion Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $1,786,000.

(8) For the construction of increment 7 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $19,000,000.

(9) For the construction of increment 4 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $191,414,000.

(10) For the construction of increment 4 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), $207,400,000.

(11) For the construction of increment 2 of the high performance computing center at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat.
1672), as amended by section 2405(a), $300,521,000.

(12) For the construction of increment 2 of the ambulatory care center phase 3 at Joint Base San Antonio, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), $80,700,000.

(13) For the construction of increment 2 of the medical center replacement at Rhine Ordnance Barracks, Germany, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), $127,000,000.

SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later:
(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>Pentagon electrical upgrade</td>
<td>$19,272,000</td>
</tr>
</tbody>
</table>

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) MARYLAND.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking “$29,640,000” in the amount column and inserting “$792,200,000”.

(b) GERMANY.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), is amended in the item relating to Rhine Ordnance Barracks, Germany, by striking “$750,000,000” in the amount column and inserting “$1,251,431,000”.
Subtitle B—Chemical

Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization in the total amount of $151,000,000 as follows:


SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.


(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking “$484,000,000” in the amount column and inserting “$520,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$866,454,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking “$484,000,000” and inserting “$520,000,000”.


TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $254,163,000.
TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Searcy</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Camp Hartell</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Bethany Beach</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Camp Blanding</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kapolei</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Orchard Training Area</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>South Bend</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Terre Haute</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Camp Dodge</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Topeka</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Frankfort</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Camp Edwards</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Camp Ripley</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Kansas City</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Monett</td>
<td>$820,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Perryville</td>
<td>$700,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Miles City</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Sea Girt</td>
<td>$34,000,000</td>
</tr>
</tbody>
</table>
Army National Guard: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Stormville</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Chillicothe</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Camp Gruber</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Williams</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Logan</td>
<td>$14,200,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Wausau</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Virginia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wisconsin</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Camp Santiago</td>
<td>$3,800,000</td>
</tr>
<tr>
<td></td>
<td>Ceiba</td>
<td>$2,200,000</td>
</tr>
<tr>
<td>Guaynabo</td>
<td></td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Gurabo</td>
<td></td>
<td>$14,700,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:
Army Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fort Hunter Liggett</td>
<td>$68,300,000</td>
</tr>
<tr>
<td></td>
<td>Tustin</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Fort Sheridan</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Baltimore</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Devens Reserve Forces Training Area</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Las Vegas</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$47,800,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$5,379,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Fort Des Moines</td>
<td>$19,162,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$7,187,000</td>
</tr>
<tr>
<td>New York</td>
<td>Brooklyn</td>
<td>$4,430,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Worth</td>
<td>$11,256,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard...
locations inside the United States, and in the amounts, set forth in the following table:

### Air National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fresno Yosemite IAP ANG</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland AFB</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Cheyenne MAP</td>
<td>$6,486,000</td>
</tr>
</tbody>
</table>

### SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

### Air Force Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Niagara Falls IAP</td>
<td>$6,100,000</td>
</tr>
</tbody>
</table>

### SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost
of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $613,799,000.

(2) For the Department of the Army, for the Army Reserve, $305,846,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $49,532,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $42,386,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $10,979,000.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 AND 2011 PROJECTS.

(a) Authority To Carry Out Army National Guard Readiness Center Project, North Las Vegas, Nevada.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2648) for North Las Vegas, Nevada, for construction of a Readiness Center,
the Secretary of the Army may construct up to 68,593 square feet of readiness center, 10,000 square feet of unheated equipment storage area, and 25,000 square feet of unheated vehicle storage, consistent with the Army’s construction guidelines for readiness centers.

(b) Authority To Carry Out Army Reserve Center Project, Miramar, California.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Camp Pendleton, California, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an Army Reserve Center in the vicinity of the Marine Corps Air Station, Miramar, California.

c) Authority To Carry Out Army Reserve Center Project, Bridgeport, Connecticut.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Bridgeport, Connecticut, for construction of an Army Reserve Center/Land, the Secretary of the Army may instead construct an Army Reserve Center and acquire land in the vicinity of Bridgeport, Connecticut.

d) Authority To Carry Out Army Reserve Center Project, Fort Story, Virginia.—In the case
of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Fort Story, Virginia, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an Army Reserve Center in the vicinity of Fort Story, Virginia.

SEC. 2612. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 ARMY PROJECTS.

(a) Project Authorizations.—The Secretary of the Army may carry out military construction projects to construct the following:

(1) A defense access road for Conneaut Lake, Pennsylvania, in the amount of $4,800,000.

(2) An access control point for Fort Hunter Liggett, California, in the amount of $10,000,000.

(3) An Operational Readiness Training Complex (ORTC) barracks for Camp Grayling, Michigan, in the amount of $17,000,000.

(4) A field maintenance shop for North Hyde Park, Vermont, in the amount of $4,397,000.

(5) A ground water extraction, treatment, and recharge system for Camp Edwards, Massachusetts, in the amount of $5,200,000.
(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY RESERVE AND ARMY NATIONAL GUARD MILITARY CONSTRUCTION FUNDS.—The Secretary may use available, unobligated Army Reserve and Army National Guard military construction funds appropriated for a fiscal year before fiscal year 2013 for the projects described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the projects described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2613. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 AIR FORCE PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary of the Air Force may carry out military construction projects to construct the following:

(1) A dormitory classroom facility for McGhee-Tyson Airport, Tennessee, in the amount of $18,000,000.
(2) A joint regional deployment processing cen-
ter, phase 1, for March Air Reserve Base, Cali-
ifornia, in the amount of $16,900,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR AIR FORCE
RESERVE AND AIR NATIONAL GUARD MILITARY CON-
STRUCTION FUNDS.—The Secretary may use available,
unobligated Air Force Reserve and Air National Guard
military construction funds appropriated for a fiscal year
before fiscal year 2013 for the projects described in sub-
section (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary
of the Air Force shall provide information in accordance
with section 2851(c) of title 10, United States Code, re-
garding the projects described in subsection (a). If it be-
comes necessary to exceed the estimated project cost, the
Secretary shall utilize the authority provided by section
2853 of such title regarding authorized cost and scope of
work variations.

SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN
FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
4658), the authorization set forth in the table in sub-
section (b), as provided in section 2604 of that Act (122
Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Airport</td>
<td>Relocate Munitions Complex.</td>
<td>$3,400,000</td>
</tr>
</tbody>
</table>

SEC. 2615. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>Army Reserve Center</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bridgeport</td>
<td>Army Reserve Center/</td>
<td>$18,500,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Land.</td>
<td></td>
</tr>
</tbody>
</table>
Air National Guard: Extension of 2010 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Airport</td>
<td>Relocate Base Entrance</td>
<td>$6,500,000</td>
</tr>
</tbody>
</table>

1 TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

2 SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

3 Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $349,396,000, as follows:

4 (1) For the Department of the Army, $79,893,000.

5 (2) For the Department of the Navy, $146,951,000.
(3) For the Department of the Air Force, $122,552,000.


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $126,697,000 as follows:

(1) For the Department of the Army, $106,219,000.

(2) For the Department of the Navy, $18,210,000.

(3) For the Department of the Air Force, $2,268,000.
SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF FISCAL YEAR 2012 ACT.

(a) CORRECTION.—Section 2702 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1681) is amended by striking “Using amounts” and all that follows through “may carry out” and inserting “Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “AUTHORIZED” and inserting “AUTHORIZATION OF APPROPRIATIONS FOR”.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SEC. 2801. USE OF PROCEEDS, LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

Section 2862(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 868) is amended—

(1) by striking “and” and inserting a comma; and

(2) by inserting before the period at the end the following: “, or for other purposes, subject to the
same limitations, described in section 2667(e) of title 10, United States Code’’.

SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.


(1) in subsection (e)—

(A) by striking paragraph (2);

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

(C) in paragraph (2), as so redesignated, by striking the last sentence; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2012” and inserting “September 30, 2013”; and

(B) in paragraph (2), by striking “fiscal year 2013” and inserting “fiscal year 2014”. 

VerDate Mar 15 2010 04:54 May 10, 2012 Jkt 099200 PO 00000 Frm 00313 Fmt 6652 Sfmt 6201 E:\BILLS\S2467.IS S2467smartinez on DSK6TPTVN1PROD with BILLS
SEC. 2803. AUTHORITY FOR USE OF MULTIPLE APPROPRIATIONS FOR INFRASTRUCTURE PROJECTS AT ARLINGTON NATIONAL CEMETERY.

(a) Use of O&M Funds for Sustainment, Restoration, and Modernization of Real Property.—The Secretary of the Army may use funds authorized to be appropriated for Operations and Maintenance, Army, for fiscal year 2013 for sustainment, restoration, and modernization of real property at Arlington National Cemetery in Arlington, Virginia.

(b) Use of MilCon Funds To Support Cemetery Expansion and Infrastructure Improvement.—The Secretary of the Army may use funds authorized to be appropriated for Military Construction, Army, for fiscal year 2013 as follows:

(1) To undertake planning and design, unspecified minor military construction projects, and other military construction projects authorized by law at Arlington National Cemetery in Arlington, Virginia.

(2) To carry out military construction projects not covered by paragraph (1) and not otherwise authorized by law to improve or support the expansion of Arlington National Cemetery, subject to subsection (e).

(e) Limitation on Start of New Construction Projects.—(1) A military construction project may be
carried out under subsection (b)(2) only with notification
to the congressional defense committees that is provided
at least 10 days before the start of the project. Such noti-
fication shall include—

(A) the justification for the project and the cur-
rent estimate of the cost of the project;

(B) the justification for carrying out the project
under this section; and

(C) a statement of the source of the funds to
be used.

(2) In this subsection, the term “congressional de-
fense committees” has the meaning given that term is sec-
tion 101(a)(16) of title 10, United States Code.

(d) ADDITIONAL AUTHORITY.—The authority pro-
vided by this section is in addition to the authority to use
the Cemeterial Expenses, Army, appropriation for nec-
essary expenses of the same general purpose.

SEC. 2804. REVISIONS TO MINOR MILITARY CONSTRUCTION
AUTHORITIES.

(a) ESTABLISHMENT OF MINOR MILITARY CON-
STRUCTION EXCEPTION THRESHOLD.—Subsection (a) of
section 2805 of title 10, United States Code, is amended
by adding at the end the following new paragraph:

“(3) For purposes of this section, the minor military
construction exception threshold is $4,000,000.”.
(b) Increase in Dollar Thresholds for Certain Authorities Relating to Unspecified Minor Military Construction.—

(1) Maximum Amount for Projects to Correct Deficiencies That Are Life-, Health-, or Safety-Threatening.—Subsection (a)(2) of such section is amended by striking “$3,000,000” in the second sentence and inserting “the minor military construction exception threshold”.

(2) Maximum Amount for General Rule for Projects for Which O&M Funds May Be Used.—Subsection (c) of such section is amended by striking “$750,000” and inserting “$1,000,000”.

(3) Exception Amount for Specified Categories of Projects.—Subsection (c) of such section is further amended—

(A) by striking “The Secretary” and inserting “Except as provided in paragraph (2), the Secretary”; and

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

“(2) Notwithstanding the amount specified in paragraph (1), the Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military con-
struction project costing not more than the minor military
construction exception threshold for projects as follows:

“(A) For a project to enhance the deployment
and mobility of military forces and supplies.

“(B) For a project that is necessary to meet
military operational requirements involving the use
of the armed forces in support of—

“(i) a declaration of war;

“(ii) a declaration by the President of a
national emergency under section 201 of the
National Emergencies Act (50 U.S.C. 1621); or

“(iii) a contingency operation.”

(e) MINIMUM AMOUNT FOR PROJECTS SUBJECT TO
SECRETARIAL APPROVAL AND CONGRESSIONAL NOTICE-
AND-WAIT.—Subsection (b)(1) of such section is amended
by striking “$750,000” and inserting “the amount speci-

ified in subsection (c)(1)”.

(d) CONFORMING AMENDMENT.—Subsection (b)(1)
of such section is amended by striking “made available”
in the second sentence and all that follows through “sup-
plies” and inserting “as provided in subsection (c)(2)”.

(e) MODIFICATION AND EXTENSION OF AUTHORITY
FOR LABORATORY REVITALIZATION PROJECTS.—

(1) MODIFICATION.—Subsection (d) of such
section is amended—
(A) in paragraph (1)(A), by striking “not more than $2,000,000” and inserting “not more than $4,000,000, notwithstanding subsection (c)” ; and

(B) in paragraph (2), by inserting after “(2)” the following new sentence: “For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than $4,000,000.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) do not apply to any laboratory revitalization project for which the design phase has been completed as of the date of the enactment of this Act.

SEC. 2805. AUTHORITY FOR ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES ASSOCIATED WITH REAL PROPERTY LEASES AND EASEMENTS.

Section 2667(e)(1)(C) of title 10, United States Code, is amended by adding at the end the following new clause:

“(vi) Amounts as the Secretary considers necessary to cover program expenses incurred by the
Secretary under this section and for easements under section 2668 of this title.”.

SEC. 2806. MODIFICATION TO AUTHORIZED LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CHANGE IN OFFICER AUTHORIZED TO CARRY OUT THE CONVEYANCES.—Subsection (a) of section 2851 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1697) is amended—

(1) in paragraph (1), by striking “The Secretary of the Air Force may, in consultation with the Secretary of the Interior” and inserting “The Secretary of the Interior may, in consultation with the Secretary of the Air Force”; and

(2) in paragraph (2)—

(A) by striking “The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force” and inserting “The Secretary of the Interior may, in consultation with the Secretary of the Air Force, upon terms mutually agreeable to the Secretary of the Interior”; and

(B) by striking “in consultation with the Secretary of the Interior” and inserting “in
consultation with the Secretary of the Air Force”.

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

(1) in subsection (a)(3), by inserting “of the Interior” after “Secretary”;

(2) in subsection (e)—

(A) by striking “The Secretary of the Air Force” in paragraph (1) and inserting “The Secretary of the Interior”; and

(B) by striking “the Secretary” each place it appears and inserting “the Secretaries”; and

(3) in subsections (e) and (f), by inserting “of the Interior” after “Secretary”.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking “JBER” and inserting “Joint Base Elmendorf Richardson, Alaska (in this section referred to as ‘JBER’),”.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

SEC. 2901. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This title may be cited as the “Defense Base Closure and Realignment Act of 2012”.

(b) PURPOSE.—The purpose of this title is to provide a fair process that will result in the timely closure and
realignment of military installations inside the United States.

SEC. 2902. THE COMMISSION.

(a) Establishment.—There is established an independent commission to be known as the “Defense Base Closure and Realignment Commission”.

(b) Duties.—The Commission shall carry out the duties specified for it in this title.

(c) Appointment.—(1)(A) The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

(B) Subject to the certifications required under section 2903(b), the President may commence a round for the selection of military installations for closure and realignment under this title in 2013 and 2015 by transmitting to the Senate, nominations for appointment to the Commission—

(i) by no later than March 1, 2013, in the case of members of the Commission whose terms will expire at the end of the first session of the 113th Congress; and

(ii) by no later than March 2, 2015, in the case of members of the Commission whose terms will expire at the end of the first session of the 114th Congress.
(C) If the President does not transmit to Congress
the nominations for appointment to the Commission on
or before the date specified, the process by which military
installations may be selected for closure or realignment
under this title with respect to that year shall be termi-
nated.

(2) In selecting individuals for nominations for ap-
pointments to the Commission, the President should con-
sult with—

(A) the Speaker of the House of Representa-
tives concerning the appointment of two members;

(B) the majority leader of the Senate con-
cerning the appointment of two members;

(C) the minority leader of the House of Rep-
resentatives concerning the appointment of one
member; and

(D) the minority leader of the Senate con-
cerning the appointment of one member.

(3) At the time the President nominates individuals
for appointment to the Commission for each session of
Congress referred to in paragraph (1)(B), the President
shall designate one such individual who shall serve as
Chairman of the Commission.

(d) Terms.—(1) Except as provided in paragraph
(2), each member of the Commission shall serve until the
adjournment of Congress sine die for the session during which the member was appointed to the Commission.

(2) The Chairman of the Commission shall serve until the confirmation of a successor.

(e) MEETINGS.—(1) The Commission shall meet only during calendar years 2013 and 2015.

(2)(A) Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(B) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(i) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(ii) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.
(iii) The Chairmen and ranking minority party members of the subcommittees with jurisdiction for military construction of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the subcommittees designated by such Chairmen or ranking minority party members.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual’s predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.
(2) Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311 of title 5, United States Code, appoint a Director who has not served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–15 of the General Schedule.
(3)(A) Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.

(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.

(C) A person may not be detailed from the Department of Defense to the Commission if, within 12 months before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.

(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;

(ii) review the preparation of such a report; or

(iii) approve or disapprove such a report.
(4) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this title.

(5) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(6) The following restrictions relating to the personnel of the Commission shall apply during 2014:

   (A) There may not be more than 15 persons on the staff at any one time.

   (B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

   (C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.

(j) Other Authority.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.
(2) The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this title. Such funds shall remain available until expended.

(2) If no funds are appropriated to the Commission by the end of the second session of the 112th Congress for activities of the Commission in 2013 or by the end of the second session of the 113th Congress for the activities of the Commission in 2015, the Secretary of Defense may transfer to the Commission for purposes of its activities under this title in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.

(l) TERMINATION.—The Commission shall terminate on April 15, 2016.

(m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.
SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS
FOR BASE CLOSURES AND REALIGNMENTS.

(a) Force-Structure Plan and Infrastructure Inventory.—

(1) Preparation and submission.—Not later than 60 days after the date of the enactment of this Act, with respect to a round of base closures and realignments in calendar year 2013, and as part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2015 with respect to a round of base closures and realignments in calendar year 2015, the Secretary shall submit to Congress the following:

(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet these threats, and the anticipated levels of funding that will be available for national defense purposes during such period.
(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Relationship of Plan and Inventory.—Using the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) Special Considerations.—In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside
the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) REVISION.—The Secretary may revise the force-structure plan and infrastructure inventory. If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than March 15th of the year following the year in which such plan was first submitted. For purposes of selecting military installations for closure or realignment under this title in the year in which a revision is submitted, no revision of the force-structure plan or infrastructure inventory is authorized after that date.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

(1) CERTIFICATION REQUIRED.—On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such
subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists, a certification that the additional round of closures and realignments would result in annual net savings for each of the military departments beginning not later than six years following the commencement of such closures and realignments.

(2) Effect of failure to certify.—If the Secretary does not include the certifications referred to in paragraph (1), the President may not commence a round for the selection of military installations for closure and realignment under this title in the year following submission of the force-structure plan and infrastructure inventory.

(c) Comptroller General Evaluation.—

(1) Evaluation required.—If the certification is provided under subsection (b), the Comptroller General shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection
(a) and the final selection criteria specified in paragraph (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) Submission.—The Comptroller General shall submit the evaluation to Congress not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) Final Selection Criteria.—

(1) In general.—The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this title in 2013 and 2015 shall be the military value and other criteria specified in paragraphs (2) and (3).

(2) Military Value Criteria.—The military value criteria are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.
(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(3) OTHER CRITERIA.—The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations inside the United States under this title in 2013 and 2015 are as follows:

(A) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.
(B) The economic impact on existing communities in the vicinity of military installations.

(C) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(D) The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—The selection criteria relating to the cost savings or return on investment from the proposed closure or realignment of military installations shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.
(g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in this section shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations inside the United States under this title in 2013 and 2015.

(h) DOD RECOMMENDATIONS.—(1) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by no later than May 17, 2013, and May 15, 2015, publish in the Federal Register and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d) that are applicable to the year concerned.

(2) The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation. The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of
the transmittal to the congressional defense committees
and the Commission of the list referred to in paragraph
(1).

(3)(A) In considering military installations for clo-
sure or realignment, the Secretary shall consider all mili-
tary installations inside the United States equally without
regard to whether the installation has been previously con-
sidered or proposed for closure or realignment by the De-
partment.

(B) In considering military installations for closure
or realignment, the Secretary may not take into account
for any purpose any advance conversion planning under-
taken by an affected community with respect to the antici-
pated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case
of a community anticipating the economic effects of a clo-
sure or realignment of a military installation, advance con-
version planning—

    (i) shall include community adjustment and eco-
    nomic diversification planning undertaken by the
    community before an anticipated selection of a mili-
tary installation in or near the community for clo-
sure or realignment; and

    (ii) may include the development of contingency
redevelopment plans, plans for economic develop-
ment and diversification, and plans for the joint use
(including civilian and military use, public and pri-
state use, civilian dual use, and civilian shared use)
of the property or facilities of the installation after
the anticipated closure or realignment.

(D) In making recommendations to the Commission,
the Secretary shall consider any notice received from a
local government in the vicinity of a military installation
that the government would approve of the closure or re-
alignment of the installation.

(E) Notwithstanding the requirement in subpara-
graph (D), the Secretary shall make the recommendations
referred to in that subparagraph based on the force-struc-
ture plan, infrastructure inventory, and final selection cri-
teria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement
of the result of the consideration of any notice described
in subparagraph (D) that is received with respect to a
military installation covered by such recommendations.
The statement shall set forth the reasons for the result.

(4) In addition to making all information used by the
Secretary to prepare the recommendations under this sub-
section available to Congress (including any committee or
member of Congress), the Secretary shall also make such
information available to the Commission and the Comptroller General of the United States.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person’s knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations which the Secretary of Defense shall prescribe, regulations which the Secretary of each military department shall prescribe for personnel within that military department, or regulations which the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be sub-
mitted to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Commission.

(i) Review and Recommendations by the Commission.—(1) After receiving the recommendations from the Secretary pursuant to subsection (h) for any year, the Commission shall conduct public hearings on the recommendations. All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.

(2)(A) The Commission shall, by no later than October 1 of each year in which the Secretary transmits recommendations to it pursuant to subsection (h), transmit to the President a report containing the Commission’s findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission’s recommendations for closures and realignments of military installations inside the United States.

(B) Subject to subparagraphs (C) and (E), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if
the Commission determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (d)(1) in making recommendations.

(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if—

(i) the Commission—

(I) makes the determination required by subparagraph (B);

(II) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (d)(1);

(III) publishes a notice of the proposed change in the Federal Register not less than 45 days before transmitting its recommendations to the President pursuant to subparagraph (A); and

(IV) conducts public hearings on the proposed change;

(ii) at least two members of the Commission visit the military installation before the date of the transmittal of the report; and
(iii) the decision of the Commission to make the change is supported by at least seven members of the Commission.

(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary’s recommendations that would—

(i) add a military installation to the list of military installations recommended by the Secretary for closure;

(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.

(E) The Commission may not consider making a change in the recommendations of the Secretary that would add a military installation to the Secretary’s list of installations recommended for closure or realignment unless, in addition to the requirements of subparagraph (C)—

(i) the Commission provides the Secretary with at least a 15-day period, before making the change, in which to submit an explanation of the reasons...
why the installation was not included on the closure
or realignment list by the Secretary; and

(ii) the decision to add the installation for Com-
mission consideration is supported by at least seven
members of the Commission.

(F) In making recommendations under this para-
graph, the Commission may not take into account for any
purpose any advance conversion planning undertaken by
an affected community with respect to the anticipated clo-
sure or realignment of a military installation.

(3) The Commission shall explain and justify in its
report submitted to the President pursuant to paragraph
(2) any recommendation made by the Commission that is
different from the recommendations made by the Sec-
retary pursuant to subsection (h). The Commission shall
transmit a copy of such report to the congressional defense
committees on the same date on which it transmits its rec-
ommendations to the President under paragraph (2).

(4) After October 1 of each year in which the Com-
mission transmits recommendations to the President
under this subsection, the Commission shall promptly pro-
vide, upon request, to any Member of Congress informa-
tion used by the Commission in making its recommenda-
tions.
(5) The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission’s review and analysis of the recommendations made by the Secretary pursuant to subsection (h); and

(B) by no later than July 1 of each year in which the Secretary makes such recommendations, transmit to the Congress and to the Commission a report containing a detailed analysis of the Secretary’s recommendations and selection process.

(j) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than October 15 of each year in which the Commission makes recommendations under subsection (i), transmit to the Commission and to the Congress a report containing the President’s approval or disapproval of the Commission’s recommendations.

(2) If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of such approval.

(3) If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress the reasons for that disapproval. The Commission shall then transmit
to the President, by no later than November 18 of the year concerned, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Commission transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to the Congress, together with a certification of such approval.

(5) If the President does not transmit to the Congress an approval and certification described in paragraph (2) or (4) by December 2 of any year in which the Commission has transmitted recommendations to the President under this title, the process by which military installations may be selected for closure or realignment under this title with respect to that year shall be terminated.

SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) In General.—Subject to subsection (b), the Secretary shall—

(1) close all military installations recommended for closure by the Commission in each report transmitted to the Congress by the President pursuant to section 2903(j);
(2) realign all military installations recommended for realignment by such Commission in each such report;

(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementation of the recommendation;

(4) initiate all such closures and realignments no later than two years after the date on which the President transmits a report to the Congress pursuant to section 2903(j) containing the recommendations for such closures or realignments; and

(5) complete all such closures and realignments no later than the end of the six-year period beginning on the date on which the President transmits the report pursuant to section 2903(j) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or realignment rec-
ommended by the Commission in a report transmitted
from the President pursuant to section 2903(j) if a joint
resolution is enacted, in accordance with the provisions of
section 2908, disapproving such recommendations of the
Commission before the earlier of—

(A) the end of the 45-day period beginning on
the date on which the President transmits such re-
port; or

(B) the adjournment of Congress sine die for
the session during which such report is transmitted.

(2) For purposes of paragraph (1) of this subsection
and subsections (a) and (c) of section 2908, the days on
which either House of Congress is not in session because
of adjournment of more than three days to a day certain
shall be excluded in the computation of a period.

SEC. 2905. IMPLEMENTATION.

(a) In General.—(1) In closing or realigning any
military installation under this title, the Secretary may—

(A) take such actions as may be necessary to
close or realign any military installation, including
the acquisition of such land, the construction of such
replacement facilities, the performance of such ac-
tivities, and the conduct of such advance planning
and design as may be required to transfer functions
from a military installation being closed or realigned
to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B) provide—

(i) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account;
(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this title, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this title—
(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code; and

(ii) all regulations governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).
(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this title, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this title, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.
(E) If a military installation to be closed, realigned, or placed in an inactive status under this title includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned or the purpose of considering the continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 6 months after the date of approval of the closure or realignment of a military installation under this title, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—
(i) the local government in whose jurisdiction
the installation is wholly located; or

(ii) a local government agency or State govern-
ment agency designated for the purpose of such con-
sultation by the chief executive officer of the State
in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and
(F), the Secretary may not carry out any of the activities
referred to in clause (ii) with respect to an installation
referred to in that clause until the earlier of—

(I) one week after the date on which the rede-
velopment plan for the installation is submitted to
the Secretary;

(II) the date on which the redevelopment au-
thority notifies the Secretary that it will not submit
such a plan;

(III) twenty-four months after the date of ap-
proval of the closure or realignment of the installa-
tion; or

(IV) ninety days before the date of the closure
or realignment of the installation.

(ii) The activities referred to in clause (i) are activi-
ties relating to the closure or realignment of an installa-
tion to be closed or realigned under this title as follows:
(I) The transfer from the installation of items
of personal property at the installation identified in
accordance with subparagraph (A).

(II) The reduction in maintenance and repair of
facilities or equipment located at the installation
below the minimum levels required to support the
use of such facilities or equipment for nonmilitary
purposes.

(D) Except as provided in paragraph (4), the Sec-
retary may not transfer items of personal property located
at an installation to be closed or realigned under this title
to another installation, or dispose of such items, if such
items are identified in the redevelopment plan for the in-
stallation as items essential to the reuse or redevelopment
of the installation. In connection with the development of
the redevelopment plan for the installation, the Secretary
shall consult with the entity responsible for developing the
redevelopment plan to identify the items of personal prop-
erty located at the installation, if any, that the entity de-
sires to be retained at the installation for reuse or redevelop-
ment of the installation.

(E) This paragraph shall not apply to any personal
property located at an installation to be closed or realigned
under this title if the property—
(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items);

or

(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.
(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this title to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at
least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.
(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head
of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority’s assignee as a provision of the lease. The facility services and common area maintenance shall be
provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary
determines necessary to ensure that final determinations under paragraph (1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed or realigned under this title, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this title as the location for the new or replacement facility. In considering the availability and suitability of a specific military installa-
tion, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this title shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—
(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another department or agency of the Federal Government has identified a use, or of which another department or agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of the determination described in the stem of this sentence) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).
(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—
(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 3 months and not later than 6 months after the date of publication of such determination in a newspaper of general cir-
calculation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 3 months and not later than 6 months after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other home-
less assistance programs in the communities in the vicinity of the installation.

(IV) A description of the buildings and property at the installation that are necessary in order to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).
(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 9
months after the date specified by the redevelopment au-

thority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan
under subparagraph (F), a redevelopment authority shall
submit an application containing the plan to the Secretary
of Defense and to the Secretary of Housing and Urban
Development.

(ii) A redevelopment authority shall include in an ap-
plication under clause (i) the following:

(I) A copy of the redevelopment plan, including
a summary of any public comments on the plan re-
ceived by the redevelopment authority under sub-
paragraph (F)(iii).

(II) A copy of each notice of interest of use of
buildings and property to assist the homeless that
was submitted to the redevelopment authority under
subparagraph (C), together with a description of the
manner, if any, in which the plan addresses the in-
terest expressed in each such notice and, if the plan
does not address such an interest, an explanation
why the plan does not address the interest.

(III) A summary of the outreach undertaken by
the redevelopment authority under subparagraph
(C)(iii)(II) in preparing the plan.
(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the
plan for the use and needs of the homeless in such

communities;

(II) takes into consideration any economic im-

 pact of the homeless assistance under the plan on

the communities in the vicinity of the installation;

(III) balances in an appropriate manner the

needs of the communities in the vicinity of the in-

 stallation for economic redevelopment and other de-

velopment with the needs of the homeless in such

communities;

(IV) was developed in consultation with rep-

resentatives of the homeless and the homeless assist-

ance planning boards, if any, in the communities in

the vicinity of the installation; and

(V) specifies the manner in which buildings and

property, resources, and assistance on or off the in-

 stallation will be made available for homeless assist-

ance purposes.

(ii) It is the sense of Congress that the Secretary of

Housing and Urban Development shall, in completing the

review of a plan under this subparagraph, take into con-

sideration and be receptive to the predominant views on

the plan of the communities in the vicinity of the installa-

tion covered by the plan.
(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(v) If the Secretary of Housing and Urban Development determines as a result of such a review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does
not meet a requirement set forth in subparagraph (H)(i),
a redevelopment authority shall have the opportunity to—
  (I) revise the plan in order to address the deter-
  mination; and
  (II) submit the revised plan to the Secretary of
       Defense and the Secretary of Housing and Urban
       Development.
(ii) A redevelopment authority shall submit a revised
plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the
redevelopment authority receives the notice referred to in
clause (i).
(J)(i) Not later than 30 days after receiving a revised
redevelopment plan under subparagraph (I), the Secretary
of Housing and Urban Development shall review the re-
vised plan and determine if the plan meets the require-
ments set forth in subparagraph (H)(i).
(ii) The Secretary of Housing and Urban Develop-
ment shall notify the Secretary of Defense and the redevel-
opment authority concerned of the determination of the
Secretary of Housing and Urban Development under this
subparagraph.
(K)(i) Upon receipt of a notice under subparagraph
(H)(iv) or (J)(ii) of the determination of the Secretary of
Housing and Urban Development that a redevelopment
plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sec-
tions 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (II)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;
(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.
(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installa-
tion, the Secretary of Defense shall treat the redevelop-

ment plan submitted by the redevelopment authority for

the installation (including the aspects of the plan pro-

viding for disposal to State or local governments, rep-

resentatives of the homeless, and other interested parties)

as part of the proposed Federal action for the installation.

The Secretary of Defense shall incorporate the notification

of the Secretary of Housing and Urban Development

under clause (iii)(I) as part of the proposed Federal action

for the installation only to the extent, if any, that the Sec-

retary of Defense considers such incorporation to be ap-

propriate and consistent with the best and highest use of

the installation as a whole, taking into consideration the

redevelopment plan submitted by the redevelopment au-

thority.

(III) The Secretary of Defense shall dispose of build-

ings and property under subclause (I) in accordance with

the record of decision or other decision document prepared

by the Secretary in accordance with the National Environ-

mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In

preparing the record of decision or other decision docu-

ment, the Secretary shall give deference to the redevelop-

ment plan submitted by the redevelopment authority for

the installation.
(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the
building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term “communities in the vicinity of the installation”, in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term “other interested parties”, in the case of an installation, includes
any parties eligible for the conveyance of property of the
installation under section 550 of title 40, United States
Code, or sections 47151 through 47153 of title 49, United
States Code, whether or not the parties assist the home-
less.

(7)(A) Subject to subparagraph (C), the Secretary
may enter into agreements (including contracts, coopera-
tive agreements, or other arrangements for reimburse-
ment) with local governments for the provision of police
or security services, fire protection services, airfield oper-
ation services, or other community services by such gov-
ernments at military installations to be closed under this
title, or at facilities not yet transferred or otherwise dis-
posed of in the case of installations closed under this title,
if the Secretary determines that the provision of such serv-
ices under such agreements is in the best interests of the
Department of Defense.

(B) The Secretary may exercise the authority pro-
vided under this paragraph without regard to the provi-
sions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority
under subparagraph (A) with respect to an installation
earlier than 180 days before the date on which the instal-
lation is to be closed.
(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(e) **Applicability of National Environmental Policy Act of 1969.**—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, and, except as provided in paragraph (2), the Department of Defense in carrying out this title.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this title (i) during the process of property disposal, and (ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—
(i) the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission;

(ii) the need for transferring functions to any military installation which has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(d) WAIVER.—The Secretary of Defense may close or realign military installations under this title without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.
(c) Transfer Authority in Connection With Payment of Environmental Remediation Costs.—

(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this title that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this title after
2001 that are available for purposes other than to assist
the homeless.

(C) The Secretary may require any additional terms
and conditions in connection with an agreement author-
ized by subparagraph (A) as the Secretary considers ap-
propriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be
made under paragraph (1) only if the Secretary certifies
to Congress that—

(A) the costs of all environmental restoration,
waste management, and environmental compliance
activities otherwise to be paid by the Secretary with
respect to the property or facilities are equal to or
greater than the fair market value of the property
or facilities to be transferred, as determined by the
Secretary; or

(B) if such costs are lower than the fair market
value of the property or facilities, the recipient of
the property or facilities agrees to pay the difference
between the fair market value and such costs.

(3) In the case of property or facilities covered by
a certification under paragraph (2)(A), the Secretary may
pay the recipient of such property or facilities an amount
equal to the lesser of—
(A) the amount by which the costs incurred by
the recipient of such property or facilities for all en-
vironmental restoration, waste, management, and
environmental compliance activities with respect to
such property or facilities exceed the fair market
value of such property or facilities as specified in
such certification; or

(B) the amount by which the costs (as deter-
mined by the Secretary) that would otherwise have
been incurred by the Secretary for such restoration,
management, and activities with respect to such
property or facilities exceed the fair market value of
such property or facilities as so specified.

(4) As part of an agreement under paragraph (1),
the Secretary shall disclose to the person to whom the
property or facilities will be transferred any information
of the Secretary regarding the environmental restoration,
waste management, and environmental compliance activi-
ties described in paragraph (1) that relate to the property
or facilities. The Secretary shall provide such information
before entering into the agreement.

(5) Nothing in this subsection shall be construed to
modify, alter, or amend the Comprehensive Environmental
Response, Compensation, and Liability Act of 1980 (42
U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4).

SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2012.

(a) IN GENERAL.—(1) If the Secretary makes the certifications required under section 2903(b), there shall be established on the books of the Treasury an account to be known as the “Department of Defense Base Closure Account 2012” (in this section referred to as the “Account”). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds
may be transferred only after the date on which the
Secretary transmits written notice of, and justifica-
tion for, such transfer to the congressional defense
committees; and

(C) except as provided in subsection (d), pro-
ceeds received from the lease, transfer, or disposal of
any property at a military installation that is closed
or realigned under this title.

(3) The Account shall be closed at the time and in
the manner provided for appropriation accounts under sec-
tion 1555 of title 31, United States Code. Unobligated
funds which remain in the Account upon closure shall be
held by the Secretary of the Treasury until transferred
by law after the congressional defense committees receive
the final report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the
funds in the Account only for the purposes described in
section 2905 with respect to military installations ap-
proved for closure or realignment under this title.

(2) When a decision is made to use funds in the Ac-
count to carry out a construction project under section
2905(a) and the cost of the project will exceed the max-
imum amount authorized by law for a minor military con-
struction project, the Secretary shall notify in writing the
congressional defense committees of the nature of, and
justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this title using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.
(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by sub-account and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.
(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this title.

(2) No later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this title with respect to such installations; and

(B) any amount remaining in the Account.

(d) Disposal or Transfer of Commissary Stores and Property Purchased With Non-appropriated Funds.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this title, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).
(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for non-appropriated fund instrumentalities.

(4) As used in this subsection:

(A) The term “commissary store funds” means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term “nonappropriated funds” means funds received from a nonappropriated fund instrumentality.

(C) The term “nonappropriated fund instrumentality” means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office,
and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) **Account Exclusive Source of Funds for Environmental Restoration Projects.**—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) **Authorized Cost and Scope of Work Variations.**—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Military Construction Authorization Act authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be
carried out using funds in the Account with an estimated
cost of less than $5,000,000, unless the project has not
been previously identified in any budget submission for the
Account and exceeds the applicable minor construction
threshold under section 2805 of title 10, United States
Code.

(3) The limitation on cost or scope variation in para-
graph (1) shall not apply if the Secretary of Defense
makes a determination that an increase or reduction in
cost or a reduction in the scope of work for a military
construction project or military family housing project to
be carried out using funds in the Account needs to be
made for the sole purpose of meeting unusual variations
in cost or scope. If the Secretary makes such a determina-
tion, the Secretary shall notify the congressional defense
committees of the variation in cost or scope not later than
21 days before the date on which the variation is made
in connection with the project or, if the notification is pro-
vided in an electronic medium pursuant to section 480 of
title 10, United States Code, not later than 14 days before
the date on which the variation is made. The Secretary
shall include the reasons for the variation in the notifica-
tion.
SEC. 2907. REPORTS.

(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2015 and for each fiscal year thereafter through fiscal year 2026 for the Department of Defense, the Secretary shall transmit to the congressional defense committees—

(1) a schedule of the closure actions to be carried out under this title in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and of the time period in which these savings are to be achieved in each case, together with the Secretary’s assessment of the environmental effects of such actions;

(2) a description of the military installations, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures, together with the Secretary’s assessment of the environmental effects of such transfers;

(3) a description of the closure actions already carried out at each military installation since the date of the installation’s approval for closure under this title and the current status of the closure of the installation, including whether—
(A) a redevelopment authority has been recognized by the Secretary for the installation;

(B) the screening of property at the installation for other Federal use has been completed; and

(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

(4) a description of redevelopment plans for military installations approved for closure under this title, the quantity of property remaining to be disposed of at each installation as part of its closure, and the quantity of property already disposed of at each installation;

(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure under this title, including the date of transfer or anticipated transfer of the property to such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

(6) a list of known environmental remediation issues at each military installation approved for closure under this title, including the acreage affected by these issues, an estimate of the cost to complete
such environmental remediation, and the plans (and

timelines) to address such environmental remedi-
ation; and

(7) an estimate of the date for the completion

of all closure actions at each military installation ap-
proved for closure or realignment under this title.

SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISS-
SION REPORT.

(a) Terms of the Resolution.—For purposes of

section 2904(b), the term “joint resolution” means only

a joint resolution which is introduced within the 10-day

period beginning on the date on which the President trans-
mits the report to the Congress under section 2903(j),

and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of

which is as follows: “That Congress disapproves the

recommendations of the Defense Base Closure and

Realignment Commission as submitted by the Presi-
dent on ”, the blank space being

filled in with the appropriate date; and

(3) the title of which is as follows: “Joint reso-
lution disapproving the recommendations of the De-
defense Base Closure and Realignment Commission.”.
(b) **Referral.**—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) **Discharge.**—If the committee to which a resolution described in subsection (a) is referred has not reported such a resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 2903(j), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) **Consideration.**—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member’s in-
tention to make the motion, except that, in the case of
the House of Representatives, the motion may be made
without such prior announcement if the motion is made
by direction of the committee to which the resolution was
referred. All points of order against the resolution (and
against consideration of the resolution) are waived. The
motion is highly privileged in the House of Representatives
and is privileged in the Senate and is not debatable. The
motion is not subject to amendment, or to a motion to
postpone, or to a motion to proceed to the consideration
of other business. A motion to reconsider the vote by
which the motion is agreed to or disagreed to shall not
be in order. If a motion to proceed to the consideration
of the resolution is agreed to, the respective House shall
immediately proceed to consideration of the joint resolu-
tion without intervening motion, order, or other business,
and the resolution shall remain the unfinished business of
the respective House until disposed of.

(2) Debate on the resolution, and on all debatable
motions and appeals in connection therewith, shall be lim-
ited to not more than 2 hours, which shall be divided
equally between those favoring and those opposing the res-
olution. An amendment to the resolution is not in order.
A motion further to limit debate is in order and not debat-
able. A motion to postpone, or a motion to proceed to the
consideration of other business, or a motion to recommit
the resolution is not in order. A motion to reconsider the
vote by which the resolution is agreed to or disagreed to
is not in order.

(3) Immediately following the conclusion of the de-
bate on a resolution described in subsection (a) and a sin-
gle quorum call at the conclusion of the debate if re-
quested in accordance with the rules of the appropriate
House, the vote on final passage of the resolution shall
occur.

(4) Appeals from the decisions of the Chair relating
to the application of the rules of the Senate or the House
of Representatives, as the case may be, to the procedure
relating to a resolution described in subsection (a) shall
be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
fore the passage by one House of a resolution of that
House described in subsection (a), that House receives
from the other House a resolution described in subsection
(a), then the following procedures shall apply:

(A) The resolution of the other House shall not
be referred to a committee and may not be consid-
ered in the House receiving it except in the case of
final passage as provided in subparagraph (B)(ii).
(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time,
in the same manner, and to the same extent as in
the case of any other rule of that House.

SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-
THORITY.

(a) IN GENERAL.—Except as provided in subsection
(c), during the period beginning on the date of the enact-
ment of this Act, and ending on April 15, 2016, this title
shall be the exclusive authority for selecting for closure
or realignment, or for carrying out any closure or realign-
ment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection
(c), none of the funds available to the Department of De-
fense may be used, other than under this title, during the
period specified in subsection (a)—

(1) to identify, through any transmittal to the
Congress or through any other public announcement
or notification, any military installation inside the
United States as an installation to be closed or re-
aligned or as an installation under consideration for
closure or realignment; or

(2) to carry out any closure or realignment of
a military installation inside the United States.

(e) EXCEPTION.—Nothing in this title affects the au-
thority of the Secretary to carry out closures and realign-
ments to which section 2687 of title 10, United States
Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency referred to in subsection (c) of such section.

SEC. 2910. DEFINITIONS.

As used in this title:

(1) The term “Account” means the Department of Defense Base Closure Account established by section 2906(a)(1).

(2) The term “congressional defense committees” means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term “Commission” means the Commission established by section 2902.

(4) The term “military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under
the primary jurisdiction or control of the Department of Defense.

(5) The term “realignment” includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(6) The term “Secretary” means the Secretary of Defense.

(7) The term “United States” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(8) The term “date of approval”, with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this title expires.

(9) The term “redevelopment authority”, in the case of an installation to be closed or realigned under this title, means any entity (including an entity established by a State or local government) recog-
nized by the Secretary of Defense as the entity re-
sponsible for developing the redevelopment plan with
respect to the installation or for directing the imple-
mentation of such plan.

(10) The term “redevelopment plan” in the
case of an installation to be closed or realigned
under this title, means a plan that—

(A) is agreed to by the local redevelopment
authority with respect to the installation; and

(B) provides for the reuse or redevelop-
ment of the real property and personal property
of the installation that is available for such
reuse and redevelopment as a result of the clo-
sure or realignment of the installation.

(11) The term “representative of the homeless”
has the meaning given such term in section
501(i)(4) of the Stewart B. McKinney Homeless As-
sistance Act (42 U.S.C. 11411(i)(4)).

SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-
POSES OF OTHER PROVISIONS OF LAW.

(a) Definition of “Base Closure Law” in Title
10.—Section 101(a)(17) of title 10, United States Code,
is amended by adding at the end the following new sub-
paragraph:
“(D) The Defense Base Closure and Realignment Act of 2012.”.

(b) Definition of “Base Closure Law” in Other Laws.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking “means” and all that follows and inserting “has the meaning given the term ‘base closure law’ in section 101(a)(17) of title 10, United States Code.”.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

“(C) The Defense Base Closure and Realignment Act of 2012.”.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

“(C) The Defense Base Closure and Realignment Act of 2012.”.

SEC. 2912. CONFORMING AMENDMENTS.

(a) Deposit and Use of Lease Proceeds.—Section 2667(e) of title 10, United States Code, is amended—
(1) in paragraph (5), by striking “on or after January 1, 2005,” and inserting “from January 1, 2005 through December 31, 2005,”; and

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

“(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2906 of the Defense Base Closure and Realignment Act of 2012.”.

(b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49, United States Code, is amended by striking “section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is defined in section 101(a)(17) of title 10,”.

(c) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking “the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

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1 note)” and inserting “a base closure law, as that term is defined in section 101(a)(17) of title 10,”.