To provide strategic workload to Army arsenals in their function as a critical component of the organic defense industrial base.

IN THE SENATE OF THE UNITED STATES
MAY 9, 2012

Mr. DURBIN (for himself; Mr. BOOZMAN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mr. HARKIN, Mr. KIRK, Mr. PRYOR, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL
To provide strategic workload to Army arsenals in their function as a critical component of the organic defense industrial base.

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Army Arsenal Strategic Workload Enhancement Act of 2012”.

SEC. 2. DEPARTMENT OF DEFENSE USE OF ARSENALS.
(a) In General.—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:
§ 2425. Department of Defense use of arsenals

(a) In general.—The Secretary of Defense shall develop and promulgate measurable and enforceable guidelines for the Department of Defense, defense agencies, and the military services to have supplies, components, end items, parts, assemblies, and sub-assemblies made in factories or arsenals owned by the United States, to the extent those factories or arsenals can make those supplies, components, end items, parts, assemblies, and sub-assemblies on an economical basis while preserving the ability to provide an effective and timely response to mobilizations, national defense contingency situations, and other emergency requirements.

(b) Determination of economical basis.—For purposes of determining whether supplies, components, end items, parts, assemblies, and sub-assemblies can be made on an ‘economical basis’ under subsection (a), the Secretary of Defense shall analyze the direct costs associated with the manufacture of such supplies, components, end items, parts, assemblies, and sub-assemblies. If an analysis is not performed, the Secretary of Defense or the relevant defense agency or military service shall promptly report to the congressional defense committees the justification for not performing an analysis.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2425. Department of Defense use of arsenals.”.

SEC. 3. ASSIGNMENT OF WORKLOAD AT ARMY FACTORIES AND ARSENALS.

(a) IN GENERAL.—Section 4532 of title 10, United States Code, is amended to read as follows:

“§ 4532. Assignment of workload at Army factories and arsenals

“(a) ASSIGNMENT OF WORKLOAD.—(1) The Secretary of the Army shall assign Government-owned and Government-operated Department of the Army factories and arsenals sufficient workload to ensure cost efficiency and technical competence in peacetime, while preserving the ability to provide an effective and timely response to mobilizations, national defense contingency situations, and other emergency requirements.

“(2) At a minimum, workload may be derived from manufacturing of supplies, components, parts, systems, subsystems, and foreign military sales.

“(3) The Secretary of the Army shall develop and promulgate guidelines to make the arsenals available to the Department of Defense, defense agencies, and military services for procurement of supplies, components, parts, systems, and subsystems.
“(b) WAIVER AUTHORITY.—(1) The Secretary of the Army may waive the requirement under subsection (a)(1) if such a waiver is necessary for the national defense.

“(2) A waiver under paragraph (1) shall not take effect until 30 days after the Secretary submits to the congressional defense committees a notification of the determination, together with the justification for the determination.

“(3) The authority to grant a waiver under paragraph (1) may not be delegated.

“(c) ANNUAL ARSENAL REPORT.—In 2013 and each year thereafter, not later than 60 days after the date on which the budget of the President for a fiscal year is submitted to Congress, the Secretary of Defense shall submit to Congress a report for the Army identifying, for the relevant fiscal year, each of the following:

“(1) The core arsenal manufacturing capability.

“(2) The workload required to cost-effectively support the arsenals and the manufacturing capability inherent in these installations.

“(3) The Secretary of the Army’s performance in maintaining the Department of the Army’s factories and arsenals with sufficient workload to ensure affordability and technical competence in peacetime.
“(4) The capital investments required to be made in order to ensure compliance and operational capacity.

“(d) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review each report required under subsection (c) for completeness and compliance and provide findings and recommendations to the congressional defense committees not later than 60 days after the report is submitted to Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 433 of title 10, United States Code, is amended by striking the item relating to section 4532 and inserting the following new item:

“4532. Assignment of workload at Army factories and arsenals.”.

(c) INITIAL WORKLOAD PLAN REPORT.—The first report required under subsection (c) of section 4532 of title 10, United States Code, as amended by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act.

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