

113TH CONGRESS
1ST SESSION

S. 1034

To authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Mr. LEVIN (for himself and Mr. INHOFE) (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 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2014”.

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

3 (a) DIVISIONS.—This Act is organized into two divi-
 4 sions as follows:

5 (1) DIVISION A.—Department of Defense Au-
 6 thorizations.

7 (2) DIVISION B.—Military Construction Author-
 8 izations.

9 (b) TABLE OF CONTENTS.—The table of contents for
 10 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. Defense Production Act purchases.

Subtitle B—Specific Programs

Sec. 111. Multiyear procurement authority for E-2D aircraft program.

Sec. 112. Modification to cost cap for CVN-78 aircraft carrier.

Sec. 113. Clarification of limitations on retirement of B-52 bomber aircraft.

Sec. 114. Repeal of limitation on retirement of KC-135E aircraft.

Sec. 115. Multiyear procurement authority for C-130J aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

Sec. 202. Five-year extension of pilot program to include technology protection features during research and development of certain defense systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Program Matters

- Sec. 311. Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.
- Sec. 312. Five-year reauthorization of Vessel War Risk Insurance program.
- Sec. 313. Repeal of provision of law relating to acquisition policy when Department of Defense is obtaining carriage by vessel.
- Sec. 314. Revision to requirement for annual submission of information regarding information technology capital assets.
- Sec. 315. Authorized expenses in connection with humanitarian and civic assistance activities provided in conjunction with military operations.
- Sec. 316. Authority to utilize concession contracts at Army national cemeteries.
- Sec. 317. Five-year reauthorization of authority to provide certain other agencies the Department of Defense reimbursement rate.
- Sec. 318. Southern Sea Otter Military Readiness Areas.

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 2014 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. Information to be provided to boards considering officers for selective early removal from the reserve active-status list.

Subtitle B—Reserve Component Management

- Sec. 511. Removal of restrictions on the transfer of officers to the inactive National Guard.
- Sec. 512. Pilot program to allow establishment of active status and inactive status lists of members in the inactive National Guard.
- Sec. 513. Forum for processing of complaints of wrongful discrimination by National Guard military technicians (dual status).
- Sec. 514. Authority for increase in number of Air Force Reserve military technicians (dual status) who may be assigned to positions outside Air Force Reserve unit program.

Subtitle C—Education and Training

- Sec. 521. Extension of educational assistance for members of the Selective Reserve who are involuntarily separated.

- Sec. 522. Authority for joint professional military education Phase II instruction and credit to be offered and awarded through the senior level course of the School of Advanced Military Studies of the United States Army Command and General Staff College.
- Sec. 523. Modification of eligibility for associate degree programs under the Community College of the Air Force.

Subtitle D—Administrative Procedure

- Sec. 531. Procedures for judicial review of military personnel decisions relating to correction of military records.

Subtitle E—Decorations and Awards

- Sec. 541. Repeal of limitation on number of medals of honor that may be awarded to a member of the Armed Forces.
- Sec. 542. Standardization of time-limits for recommending and awarding a medal of honor, service cross, or distinguished-service medal across the Armed Forces.
- Sec. 543. Recodification and revision of Army, Navy, Air Force, and Coast Guard Medal of Honor Roll.

Subtitle F—Other Matters

- Sec. 551. Authority to provide certain expenses for care and disposition of human remains that were retained by the Department of Defense for forensic pathology investigation.
- Sec. 552. Expansion of privileged information provision to debriefing reports of certain recovered persons who were never placed in a missing status.
- Sec. 553. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.
- Sec. 554. Family support programs for immediate family members of special operations forces members.
- Sec. 555. Limitation on authority of convening authority to review findings of a court-martial.
- Sec. 556. Revision to certain definitions relating to families of servicemembers for purposes of family and medical leave.
- Sec. 557. Enhanced role for department of justice under military lending act.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in military basic pay for fiscal year 2014.
- Sec. 602. Extension of temporary Army authority to provide additional recruitment incentives.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Subtitle C—Disability, Retired Pay, and Survivor Benefits

- Sec. 621. Overpayments of division of pay as a result of retroactive change in disposable retired pay.

- Sec. 622. Reinstatement of temporary special retirement qualification authority for members of the Selected Reserve of the reserve components of the Air Force with 15 years of qualifying service.

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. Elimination of mandatory weighting of certain factors in determining best value for awarding health care contracts.

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

- Sec. 801. Clarification of scope of supplies covered by statutory rapid acquisition authority.
 Sec. 802. Program fraud civil remedies statute for the Department of Defense and the National Aeronautics and Space Administration.
 Sec. 803. Reduction in costs to report critical changes to major automated information system programs.
 Sec. 804. Modification of reporting requirement for Department of Defense business system acquisition programs when initial operating capability is not achieved within five years of Milestone A approval.
 Sec. 805. Timeliness rules for filing bid protests at the United States Court of Federal Claims.
 Sec. 806. Exception to internal controls for procurement of necessary property and services by the Department of Defense and Department of Veterans Affairs Interagency Program Office.
 Sec. 807. Enhanced transfer of technology developed at Department of Defense laboratories.
 Sec. 808. Extension of authority for program to award prizes for advanced technology achievements.
 Sec. 809. Revisions to eligibility for, and amount of, financial assistance under Department of Defense Science, Mathematics, and Research for Transformation Program.
 Sec. 810. Modification of purposes for which Department of Defense Acquisition Workforce Development Fund may be used.
 Sec. 811. Extension of prohibition on contracting with the enemy in the United States Central Command theater of operations.
 Sec. 812. Extension of authority for additional access to contractor and subcontractor records in the United States Central Command theater of operations.
 Sec. 813. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
 Sec. 814. Extension of special emergency procurement authority to procurements in support of operations performed by special operations forces outside continental United States.
 Sec. 815. Extension of special emergency procurement authority.
 Sec. 816. Enhancement of agency authority to evaluate contractor data and of Defense Contract Audit Agency subpoena authority.
 Sec. 817. Alternative to requirement for conduct of preliminary design review before Milestone B approval for Major Defense Acquisition Programs.
 Sec. 818. Limitation on allowable Government contractor compensation costs.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
MANAGEMENT

- Sec. 901. Clarification of the order of precedence for the Principal Deputy Under Secretaries of Defense.
- Sec. 902. Update of statutory specification of functions of the Chairman of the Joint Chiefs of Staff relating to doctrine, training, and education.
- Sec. 903. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 904. Transfer of administration of Ocean Research Advisory Panel From Department of the Navy to National Oceanic and Atmospheric Administration.
- Sec. 905. Change to reference to the major Department of Defense headquarters activities issuance.
- Sec. 906. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense Regional Centers for Security Studies.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Enhancement of Department of Defense capabilities to deter and respond to contractor fraud.
- Sec. 1002. Pilot program for the temporary exchange of financial management personnel.

Subtitle B—Naval Vessels

- Sec. 1011. Repeal of policy relating to propulsion systems of any new class of major combatant vessels of the strike forces of the United States Navy.
- Sec. 1012. Repeal of requirements relating to procurement of future surface combatants.
- Sec. 1013. Clarification of sole ownership resulting from ship donations at no cost to the Navy.

Subtitle C—Counter-Drug Activities

- Sec. 1021. 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. 1022. Revisions to Department of Defense authority to provide support for counter-drug activities of other agencies.
- Sec. 1023. Extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments.
- Sec. 1024. Extension of authority for joint task forces to provide support to law enforcement agencies.

Subtitle D—Other Matters

- Sec. 1031. Management of Department of Defense installations.
- Sec. 1032. Clarification of procedures for use of alternate members on military commissions.
- Sec. 1033. Repeal and modification of reporting requirements.
- Sec. 1034. Mt. Soledad Veterans Memorial transfer.

- Sec. 1035. Repeal of certain National Defense Authorization Act reporting requirements.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Expansion of protection of employees of nonappropriated fund instrumentalities from reprisals.
- Sec. 1102. Extension of voluntary reduction-in-force authority for civilian employees of Department of Defense.
- Sec. 1103. Flexibility in employment and compensation of civilian faculty at Defense Institute for Security Assistance Management and At Joint Special Operations University.
- Sec. 1104. Extension of authority to make lump sum severance payments to Department of Defense employees.
- Sec. 1105. Modernization of titles of nonappropriated fund instrumentalities for purposes of civil service laws.
- Sec. 1106. Extension of enhanced appointment and compensation authority for civilian personnel for care and treatment of wounded and injured members of the Armed Forces.
- Sec. 1107. Authority to waive annual limitations on premium and aggregate pay for certain Federal civilian employees working overseas.
- Sec. 1108. Authority to employ civilian faculty members at Inter-American Defense College.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction.
- Sec. 1202. Authority to provide unreimbursed defense services in connection with the transfer of excess defense articles in Afghanistan.
- Sec. 1203. Five-year extension of authorization for non-conventional assisted recovery capabilities.
- Sec. 1204. Increase in annual limitation on transfer of excess defense articles.
- Sec. 1205. Revision of statutory references to former NATO support organizations and related NATO agreements.
- Sec. 1206. Five-year extension of the Iraqi special immigrant visa program.
- Sec. 1207. Five-year extension of the Afghan special immigrant visa program.
- Sec. 1208. Permanent and global authority for use of acquisition and cross-servicing agreements to lend certain military equipment to certain foreign forces for personnel protection and survivability.
- Sec. 1209. Extension of authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense.
- Sec. 1210. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1211. Support for NATO Special Operations Headquarters.
- Sec. 1212. Afghanistan security forces fund.
- Sec. 1213. Training with security forces of friendly foreign countries.
- Sec. 1214. Revisions to Global Security Contingency Fund authority.
- Sec. 1215. Inter-European Air Forces Academy.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1301. Working capital funds.

- Sec. 1302. National Defense Sealift Fund.
- 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. 1306. Defense Inspector General.
- Sec. 1307. Defense Health Program.

Subtitle B—National Defense Stockpile

- Sec. 1311. Authority to acquire additional materials for the National Defense Stockpile.

Subtitle C—Other Matters

- Sec. 1321. 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.
- Sec. 1322. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XIV—UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AMENDMENTS

- Sec. 1401. Pre-election reporting requirements on availability and transmission of absentee ballots.
- Sec. 1402. Transmission requirements; repeal of waiver provision.
- Sec. 1403. Clarification of state responsibility, civil penalties, and private right of action.
- Sec. 1404. Technical clarifications to conform to 2009 MOVE Act amendments related to the Federal write-in absentee ballot.
- Sec. 1405. Treatment of ballot requests.
- Sec. 1406. Inclusion of Northern Mariana Islands in the definition of “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 1407. Requirement for Presidential designee to revise the Federal post card application to allow voters to designate ballot requests.
- Sec. 1408. Requirement of plurality vote for Virgin Islands and Guam Federal elections.
- Sec. 1409. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1504. Navy and Marine Corps procurement.
- Sec. 1505. Air Force procurement.
- Sec. 1506. Joint Urgent Operational Needs Fund.
- Sec. 1507. Defense-wide activities procurement.
- Sec. 1508. Research, development, test, and evaluation.
- Sec. 1509. Operation and maintenance.
- Sec. 1510. Military personnel.

- Sec. 1511. Working capital funds.
- Sec. 1512. Defense Health Program.
- Sec. 1513. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1514. Defense Inspector General.

Subtitle B—Limitations and Other Matters

- Sec. 1521. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1522. Extension of authority to support operations and activities of the Office of Security Cooperation-Iraq.
- Sec. 1523. One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan.
- Sec. 1524. Extension of Commanders Emergency Response Program in Afghanistan.
- Sec. 1525. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1526. Extension of authority for Task Force for Business and Stability Operations in Afghanistan.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- 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 2004 project.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2011 project.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.
- Sec. 2107. Extension of authorizations of certain fiscal year 2010 projects.
- Sec. 2108. Extension of authorizations of certain fiscal year 2011 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 2011 project.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2012 project.
- Sec. 2207. Extension of authorizations of certain fiscal year 2011 projects.
- Sec. 2208. Extension of authorizations of certain fiscal year 2011 project.

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. 2304. Authorization of appropriations, Air Force.
 Sec. 2305. Extension of authorizations of certain fiscal year 2011 project.

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. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, Defense-wide.

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 2013 project.
 Sec. 2612. Extension of authorization of certain fiscal year 2011 project.
 Sec. 2613. Extension of authorization of certain fiscal year 2011 project.

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.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

- Sec. 2801. Revisions to minor military construction authorities.
 Sec. 2802. Change in authorities relating to unspecified minor construction.

- Sec. 2803. Change in authorities relating to scope of work variations for military construction projects.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Authority for acceptance of funds to cover administrative expenses associated with real property leases and easements.
- Sec. 2812. Application of cash payments received for utilities and services.
- Sec. 2813. Acquisition of real property at Naval Base Ventura County, California.
- Sec. 2814. Authority to plan, design, construct or lease shared medical facilities with Department of Veterans Affairs.
- Sec. 2815. Change from calendar year to fiscal year for annual report of Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2816. Promotion of interagency cooperation to conserve land and natural resources and sustain military readiness.

Subtitle C—Land Withdrawals

- Sec. 2821. Military land withdrawals and codification of statutory provisions relating to China Lake, Limestone Hills, Chocolate Mountain, and Twentynine Palms.
- Sec. 2822. Fort Bliss military land withdrawal.

Subtitle D—Other Matters

- Sec. 2831. Modification of amount authorized for military construction project, Andersen Air Force Base, Guam.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.
- Sec. 2902. The Commission.
- Sec. 2903. Procedure for making recommendations for base closures and realignments.
- Sec. 2904. Closure and realignment of military installations.
- Sec. 2905. Implementation.
- Sec. 2906. Department of Defense Base Closure Account 2013.
- Sec. 2907. Reports.
- Sec. 2908. Congressional consideration of commission report.
- Sec. 2909. Restriction on other base closure authority.
- Sec. 2910. Definitions.
- Sec. 2911. Treatment as a base closure law for purposes of other provisions of law.
- Sec. 2912. Conforming amendments.

1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**
4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2014 for procurement for the Army as follows:

9 (1) For aircraft, \$5,024,387,000.

10 (2) For missiles, \$1,334,083,000.

11 (3) For weapons and tracked combat vehicles,
12 \$1,597,267,000.

13 (4) For ammunition, \$1,540,437,000.

14 (5) For other procurement, \$6,465,218,000.

15 **SEC. 102. NAVY AND MARINE CORPS.**

16 (a) FISCAL YEAR 2014.—Funds are hereby author-
17 ized to be appropriated for fiscal year 2014 for procure-
18 ment for the Navy and Marine Corps as follows:

19 (1) For aircraft, \$17,927,651,000.

20 (2) For weapons, including missiles and tor-
21 pedoes, \$3,122,193,000.

22 (3) For shipbuilding and conversion,
23 \$14,077,804,000.

24 (4) For other procurement, \$6,310,257,000.

1 (5) For procurement, Marine Corps,
2 \$1,343,511,000.

3 (6) For ammunition procurement, Navy and
4 Marine Corps, \$589,267,000.

5 (b) AUTHORIZATION OF ADVANCE APPROPRIA-
6 TIONS.—Funds are hereby authorized to be appropriated
7 for fiscal year 2015 in the amount of \$952,739,000 for
8 Shipbuilding and Conversion, Navy, for procurement of a
9 Virginia class submarine.

10 **SEC. 103. AIR FORCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2014 for procurement for the Air Force as fol-
13 lows:

14 (1) For aircraft, \$11,398,901,000.

15 (2) For ammunition, \$759,442,000.

16 (3) For missiles, \$5,343,286,000.

17 (4) For other procurement, \$16,760,581,000.

18 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2014 for Defense-wide procurement in the
21 amount of \$4,534,083,000.

22 **SEC. 105. DEFENSE PRODUCTION ACT PURCHASES.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2014 for purchases under the Defense Produc-

1 tion Act of 1950 (50 U.S.C. App. 2061 et seq.) in the
2 amount of \$25,135,000.

3 **Subtitle B—Specific Programs**

4 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR E-** 5 **2D AIRCRAFT PROGRAM.**

6 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
7 Subject to section 2306b of title 10, United States Code,
8 the Secretary of the Navy may enter into a multiyear con-
9 tract or contracts, beginning with the fiscal year 2014 pro-
10 gram year, for the procurement of E–2D aircraft for the
11 Department of the Navy.

12 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
13 MENTS.—A contract entered into under subsection (a)
14 shall provide that any obligation of the United States to
15 make a payment under the contract for a fiscal year after
16 fiscal year 2014 is subject to the availability of appropria-
17 tions for that purpose for such later fiscal year.

18 **SEC. 112. MODIFICATION TO COST CAP FOR CVN-78 AIR-** 19 **CRAFT CARRIER.**

20 (a) COST CAP BASELINE.—Subsection (a)(1) of sec-
21 tion 122 of the John Warner National Defense Authoriza-
22 tion Act for Fiscal Year 2007 (Public Law 109–364; 120
23 Stat. 2104) is amended by striking “\$10,500,000,000”
24 and inserting “\$12,887,000,000”.

1 (b) ADDITIONAL FACTOR FOR ADJUSTMENT OF LIM-
2 ITATION AMOUNT.—Subsection (b) of such section is
3 amended by adding at the end the following new para-
4 graph:

5 “(7) The amounts of increases or decreases in
6 costs of that ship that are attributable to the ship-
7 board test program.”.

8 (c) HULL NUMBER.—Such section is further amend-
9 ed by striking “CVN-21” in subsections (a)(1), (a)(2),
10 and (b) and in the section heading and inserting “CVN-
11 78”.

12 **SEC. 113. CLARIFICATION OF LIMITATIONS ON RETIRE-**
13 **MENT OF B-52 BOMBER AIRCRAFT.**

14 Section 131(a)(1) of the John Warner National De-
15 fense Authorization Act for Fiscal Year 2007 (Public Law
16 109-364; 120 Stat. 2111), as amended by section
17 137(a)(1) of the National Defense Authorization Act for
18 Fiscal Year 2008 (Public Law 110-181; 122 Stat. 32),
19 is further amended in subparagraph (C) by striking “in
20 a common capability configuration”.

21 **SEC. 114. REPEAL OF LIMITATION ON RETIREMENT OF KC-**
22 **135E AIRCRAFT.**

23 Section 135(b) of the John Warner National Defense
24 Authorization Act for Fiscal Year 2007 (Public Law 109-
25 364; 120 Stat. 2114), as amended by section 131 of the

1 Duncan Hunter National Defense Authorization Act for
2 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4377),
3 is repealed.

4 **SEC. 115. MULTIYEAR PROCUREMENT AUTHORITY FOR C–**
5 **130J AIRCRAFT PROGRAM.**

6 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
7 Subject to section 2306b of title 10, United States Code,
8 the Secretary of the Air Force may enter into one or more
9 multiyear contracts, beginning with the fiscal year 2014
10 program year, for the procurement of C–130J aircraft
11 and, acting as the executive agent for the Department of
12 the Navy, for the procurement of C–130J aircraft.

13 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
14 **MENTS.**—A contract entered into under subsection (a)
15 shall provide that any obligation of the United States to
16 make a payment under the contract for a fiscal year after
17 fiscal year 2014 is subject to the availability of appropria-
18 tions for that purpose for such later fiscal year.

19 **TITLE II—RESEARCH, DEVELOP-**
20 **MENT, TEST, AND EVALUA-**
21 **TION**

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

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2014 for the use of the Department of Defense
25 for research, development, test, and evaluation as follows:

1 (1) For the Army, \$7,989,102,000.

2 (2) For the Navy, \$15,974,780,000.

3 (3) For the Air Force, \$25,702,946,000.

4 (4) For Defense-wide activities,
5 \$17,667,108,000.

6 (5) For the Director of Operational Test and
7 Evaluation, \$186,300,000.

8 **SEC. 202. FIVE-YEAR EXTENSION OF PILOT PROGRAM TO**
9 **INCLUDE TECHNOLOGY PROTECTION FEAT-**
10 **TURES DURING RESEARCH AND DEVELOP-**
11 **MENT OF CERTAIN DEFENSE SYSTEMS.**

12 Section 243(d) of the Ike Skelton National Defense
13 Authorization Act for Fiscal Year 2011 (Public Law 111–
14 383; 10 U.S.C. 2358 note) is amended by striking “Octo-
15 ber 1, 2015” and inserting “October 1, 2020”.

16 **TITLE III—OPERATION AND**
17 **MAINTENANCE**

18 **Subtitle A—Authorization of**
19 **Appropriations**

20 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2014 for the use of the Armed Forces and other
23 activities and agencies of the Department of Defense for
24 expenses, not otherwise provided for, for operation and
25 maintenance, in amounts as follows:

- 1 (1) For the Army, \$35,073,077,000.
- 2 (2) For the Navy, \$39,945,237,000.
- 3 (3) For the Marine Corps, \$6,254,650,000.
- 4 (4) For the Air Force, \$37,270,842,000.
- 5 (5) For Defense-wide activities,
- 6 \$32,997,693,000.
- 7 (6) For the Army Reserve, \$3,095,036,000.
- 8 (7) For the Navy Reserve, \$1,197,752,000.
- 9 (8) For the Marine Corps Reserve,
- 10 \$263,317,000.
- 11 (9) For the Air Force Reserve, \$3,164,607,000.
- 12 (10) For the Army National Guard,
- 13 \$7,054,196,000.
- 14 (11) For the Air National Guard,
- 15 \$6,566,004,000.
- 16 (12) For the United States Court of Appeals
- 17 for the Armed Forces, \$13,606,000.
- 18 (13) For the Department of Defense Acquisi-
- 19 tion Workforce Development Fund, \$256,031,000.
- 20 (14) For Environmental Restoration, Army,
- 21 \$298,815,000.
- 22 (15) For Environmental Restoration, Navy,
- 23 \$316,103,000.
- 24 (16) For Environmental Restoration, Air Force,
- 25 \$439,820,000.

1 (17) For Environmental Restoration, Defense-
2 wide, \$10,757,000.

3 (18) For Environmental Restoration, Formerly
4 Used Defense Sites, \$237,443,000.

5 (19) For Overseas Humanitarian, Disaster, and
6 Civic Aid programs, \$109,500,000.

7 (20) For Cooperative Threat Reduction pro-
8 grams, \$528,455,000.

9 (21) For Overseas Contingency Operations
10 Transfer Fund, \$5,000,000.

11 **Subtitle B—Program Matters**

12 **SEC. 311. EXTENSION OF AUTHORITY OF SECRETARY OF** 13 **TRANSPORTATION TO ISSUE NON-PREMIUM** 14 **AVIATION INSURANCE.**

15 Section 44310 of title 49, United States Code, is
16 amended—

17 (1) by inserting “(a) IN GENERAL.—” before
18 “The authority”;

19 (2) by striking “this chapter” and inserting
20 “any provision of this chapter other than section
21 44305”; and

22 (3) by adding at the end the following new sub-
23 section:

24 “(b) INSURANCE OF UNITED STATES GOVERNMENT
25 PROPERTY.—The authority of the Secretary of Transpor-

1 tation to provide insurance and reinsurance for a depart-
2 ment, agency, or instrumentality of the United States
3 Government under section 44305 is not effective after De-
4 cember 31, 2018.”.

5 **SEC. 312. FIVE-YEAR REAUTHORIZATION OF VESSEL WAR**
6 **RISK INSURANCE PROGRAM.**

7 Section 53912 of title 46, United States Code, is
8 amended by striking “December 31, 2015” and inserting
9 “December 31, 2020”.

10 **SEC. 313. REPEAL OF PROVISION OF LAW RELATING TO AC-**
11 **QUISITION POLICY WHEN DEPARTMENT OF**
12 **DEFENSE IS OBTAINING CARRIAGE BY VES-**
13 **SEL.**

14 Section 1017 of the John Warner National Defense
15 Authorization Act for Fiscal Year 2007 (Public Law 109–
16 364; 120 Stat. 2379) is repealed.

17 **SEC. 314. REVISION TO REQUIREMENT FOR ANNUAL SUB-**
18 **MISSION OF INFORMATION REGARDING IN-**
19 **FORMATION TECHNOLOGY CAPITAL ASSETS.**

20 Section 351(a)(1) of the Bob Stump National De-
21 fense Authorization Act for Fiscal Year 2003 (Public Law
22 107–314; 10 U.S.C. 221 note) is amended by striking “in
23 excess of \$30,000,000” and all that follows and inserting
24 “(as computed in fiscal year 2000 constant dollars) in ex-
25 cess of \$32,000,000 or an estimated total cost for the fu-

1 ture-years defense program for which the budget is sub-
2 mitted (as computed in fiscal year 2000 constant dollars)
3 in excess of \$378,000,000, for all expenditures, for all in-
4 crements, regardless of the appropriation and fund source,
5 directly related to the assets definition, design, develop-
6 ment, deployment, sustainment, and disposal.”.

7 **SEC. 315. AUTHORIZED EXPENSES IN CONNECTION WITH**
8 **HUMANITARIAN AND CIVIC ASSISTANCE AC-**
9 **TIVITIES PROVIDED IN CONJUNCTION WITH**
10 **MILITARY OPERATIONS.**

11 (a) **COVERAGE OF CERTAIN TRAVEL, TRANSPOR-**
12 **TATION, AND SUBSISTENCE EXPENSES.**—Section 401(c)
13 of title 10, United States Code, is amended by inserting
14 after paragraph (1) the following new paragraph (2):

15 “(2) Expenses covered by paragraph (1) include trav-
16 el, transportation, and subsistence expenses of Depart-
17 ment of Defense personnel for purposes of evaluating the
18 scope of a humanitarian or civic assistance activity under
19 this section or conducting assessments of such activities,
20 except that the total value of such expenses incurred with
21 respect to any activity may not exceed 10 percent of the
22 activity value.”.

23 (b) **CLERICAL AMENDMENT.**—Such section is further
24 amended by redesignating paragraph (4) as paragraph
25 (3).

1 **SEC. 316. AUTHORITY TO UTILIZE CONCESSION CON-**
2 **TRACTS AT ARMY NATIONAL CEMETERIES.**

3 (a) IN GENERAL.—Chapter 446 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 4727. Cemetery concessions contracts**

7 “(a) IN GENERAL.—The Secretary of the Army may
8 enter into concessions contracts at the Cemeteries. Subject
9 to this section, any such contract shall be consistent with
10 the provisions of chapter 137 of this title.

11 “(b) SPECIAL REQUIREMENTS.—All services and
12 concessioner conduct provided pursuant to a concessions
13 contract under subsection (a) shall be performed in a man-
14 ner and to standards that fully honor the service and sac-
15 rifices of the deceased members of the armed forces. The
16 Secretary may establish such concessions contract require-
17 ments as the Secretary deems necessary to ensure the pro-
18 tection, dignity, and solemnity of the Cemeteries.

19 “(c) TERM OF CONCESSIONS CONTRACTS.—

20 “(1) IN GENERAL.—A concessions contract en-
21 tered into under subsection (a) may be awarded for
22 a term of up to 10 years. If the Secretary deter-
23 mines that the contract terms and conditions, in-
24 cluding any required construction of capital improve-
25 ments, warrant a longer term, the Secretary may
26 award a contract for a term of up to 20 years.

1 “(2) TRANSPORTATION SERVICES.—Notwith-
2 standing paragraph (1), a concessions contract en-
3 tered into pursuant to subsection (a) solely for the
4 provision of transportation services at the Ceme-
5 teries may provide for the contract to cover any pe-
6 riod up to five years and may extend the contract
7 period for one or more successive periods pursuant
8 to an option provided in the contract or a modifica-
9 tion of the contract. The total contract period as ex-
10 tended may not exceed 10 years.

11 “(d) FRANCHISE FEES.—A concessions contract
12 shall provide for payment to the government of a franchise
13 fee or such other monetary consideration as determined
14 by the Secretary. Generation of revenue for the United
15 States shall be subordinate to the objectives of honoring
16 the service and sacrifices of the deceased members of the
17 armed forces and of providing necessary and appropriate
18 services for visitors at reasonable rates.

19 “(e) SPECIAL ACCOUNT.—All franchise fees (and
20 other monetary consideration) under subsection (d) paid
21 to the United States pursuant to concessions contracts
22 shall be deposited into a special account established in the
23 Treasury of the United States. The funds deposited in the
24 special account shall be available for expenditure by the
25 Secretary, without further appropriation, to support ac-

1 tivities at the Cemeteries. The funds deposited into the
2 special account shall remain available until expended.

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘concessioner’ means a public or
5 private entity, including a person, corporation, or
6 partnership, that is awarded a concessions contract
7 under subsection (a).

8 “(2) The term ‘concessions contract’ means a
9 contract for the provision of tour bus, interpretative,
10 and other necessary and appropriate services to visi-
11 tors at the Cemeteries.”.

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

“4727. Cemetery concessions contracts.”.

15 **SEC. 317. FIVE-YEAR REAUTHORIZATION OF AUTHORITY TO**
16 **PROVIDE CERTAIN OTHER AGENCIES THE**
17 **DEPARTMENT OF DEFENSE REIMBURSEMENT**
18 **RATE.**

19 Section 2642(a) of title 10, United States Code, is
20 amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “airlift” and inserting “transportation”;
23 and

24 (2) in paragraph (3)—

1 (A) by striking “October 28, 2014” and
2 inserting “September 30, 2019”;

3 (B) by striking “airlift” both places it ap-
4 pears and inserting “transportation”;

5 (C) by inserting “and military transpor-
6 tation services provided in support of foreign
7 military sales” after “Department of Defense”;
8 and

9 (D) by striking “air industry” and insert-
10 ing “transportation industry”.

11 **SEC. 318. SOUTHERN SEA OTTER MILITARY READINESS**
12 **AREAS.**

13 (a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER
14 MILITARY READINESS AREAS.—Chapter 631 of title 10,
15 United States Code, is amended by adding at the end the
16 following new section:

17 **“§ 7235. Establishment of the Southern Sea Otter**
18 **Military Readiness Areas**

19 “(a) ESTABLISHMENT.—The Secretary of the Navy
20 shall establish areas, to be known as ‘Southern Sea Otter
21 Military Readiness Areas’, for national defense purposes.

22 Such areas shall include each of the following:

23 “(1) The area that includes Naval Base Ven-
24 tura County, San Nicolas Island, and Begg Rock

1 and the adjacent and surrounding waters within the
 2 following coordinates:

“N. Latitude/W. Longitude

33°27.8′/119°34.3′
 33°20.5′/119°15.5′
 33°13.5′/119°11.8′
 33°06.5′/119°15.3′
 33°02.8′/119°26.8′
 33°08.8′/119°46.3′
 33°17.2′/119°56.9′
 33°30.9′/119°54.2′.

3 “(2) The area that includes Naval Base Coro-
 4 nado, San Clemente Island and the adjacent and
 5 surrounding waters running parallel to shore to 3
 6 nautical miles from the high tide line designated by
 7 part 165 of title 33, Code of Federal Regulations, on
 8 May 20, 2010, as the San Clemente Island 3NM
 9 Safety Zone.

10 “(b) ACTIVITIES WITHIN THE SOUTHERN SEA
 11 OTTER MILITARY READINESS AREAS.—

12 “(1) INCIDENTAL TAKINGS UNDER ENDAN-
 13 GERED SPECIES ACT OF 1973.—Sections 4 and 9 of
 14 the Endangered Species Act of 1973 (16 U.S.C.
 15 1533, 1538) shall not apply with respect to the inci-
 16 dental taking of any southern sea otter in the South-
 17 ern Sea Otter Military Readiness Areas in the
 18 course of conducting a military readiness activity.

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

1 and 102 of the Marine Mammal Protection Act of
2 1972 (16 U.S.C. 1371, 1372) shall not apply with
3 respect to the incidental taking of any southern sea
4 otter in the Southern Sea Otter Military Readiness
5 Areas in the course of conducting a military readi-
6 ness activity.

7 “(3) TREATMENT AS SPECIES PROPOSED TO BE
8 LISTED.—For purposes of conducting a military
9 readiness activity, any southern sea otter while with-
10 in the Southern Sea Otter Military Readiness Areas
11 shall be treated for the purposes of section 7 of the
12 Endangered Species Act of 1973 (16 U.S.C. 1536)
13 as a member of a species that is proposed to be list-
14 ed as an endangered species or a threatened species
15 under section 4 of the Endangered Species Act of
16 1973 (16 U.S.C. 1533).

17 “(c) REMOVAL.—Nothing in this section or any other
18 Federal law shall be construed to require that any south-
19 ern sea otter located within the Southern Sea Otter Mili-
20 tary Readiness Areas be removed from the Areas.

21 “(d) REVISION OR TERMINATION OF EXCEPTIONS.—
22 The Secretary of the Interior may revise or terminate the
23 application of subsection (b) if the Secretary of the Inte-
24 rior, in consultation with the Secretary of the Navy, deter-
25 mines that military activities occurring in the Southern

1 Sea Otter Military Readiness Areas are impeding the
2 southern sea otter conservation or the return of southern
3 sea otters to optimum sustainable population levels.

4 “(e) MONITORING.—

5 “(1) IN GENERAL.—The Secretary of the Navy
6 shall conduct monitoring and research within the
7 Southern Sea Otter Military Readiness Areas to de-
8 termine the effects of military readiness activities on
9 the growth or decline of the southern sea otter popu-
10 lation and on the near-shore ecosystem. Monitoring
11 and research parameters and methods shall be deter-
12 mined in consultation with the Service.

13 “(2) REPORTS.—Not later than 24 months
14 after the date of the enactment of this section and
15 every three years thereafter, the Secretary of the
16 Navy shall report to Congress and the public on
17 monitoring undertaken pursuant to paragraph (1).

18 “(f) DEFINITIONS.—In this section:

19 “(1) SOUTHERN SEA OTTER.—The term ‘south-
20 ern sea otter’ means any member of the subspecies
21 *Enhydra lutris nereis*.

22 “(2) TAKE.—The term ‘take’—

23 “(A) when used in reference to activities
24 subject to regulation by the Endangered Species
25 Act of 1973 (16 U.S.C. 1531 et seq.), shall

1 have the meaning given such term in that Act;
2 and

3 “(B) when used in reference to activities
4 subject to regulation by the Marine Mammal
5 Protection Act of 1972 (16 U.S.C. 1361 et
6 seq.) shall have the meaning given such term in
7 that Act.

8 “(3) INCIDENTAL TAKING.—The term ‘inci-
9 dental taking’ means any take of a southern sea
10 otter that is incidental to, and not the purpose of,
11 the carrying out of an otherwise lawful activity.

12 “(4) MILITARY READINESS ACTIVITY.—The
13 term ‘military readiness activity’ has the meaning
14 given that term in section 315(f) of the Bob Stump
15 National Defense Authorization Act for Fiscal Year
16 2003 (16 U.S.C. 703 note) and includes all training
17 and operations of the armed forces that relate to
18 combat and the adequate and realistic testing of
19 military equipment, vehicles, weapons, and sensors
20 for proper operation and suitability for combat use.

21 “(5) OPTIMUM SUSTAINABLE POPULATION.—
22 The term ‘optimum sustainable population’ means,
23 with respect to any population stock, the number of
24 animals that will result in the maximum productivity
25 of the population or the species, keeping in mind the

1 carrying capacity of the habitat and the health of
 2 the ecosystem of which they form a constituent ele-
 3 ment.”.

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

“7235. Establishment of the Southern Sea Otter Military Readiness Areas.”.

7 (c) CONFORMING AMENDMENT.—Section 1 of Public
 8 Law 99–625 (16 U.S.C. 1536 note) is repealed.

9 **TITLE IV—MILITARY**
 10 **PERSONNEL AUTHORIZATIONS**
 11 **Subtitle A—Active Forces**

12 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

13 The Armed Forces are authorized strengths for active
 14 duty personnel as of September 30, 2014, as follows:

15 (1) The Army, 520,000.

16 (2) The Navy, 323,600.

17 (3) The Marine Corps, 190,200.

18 (4) The Air Force, 327,600.

19 **Subtitle B—Reserve Forces**

20 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

21 (a) IN GENERAL.—The Armed Forces are authorized
 22 strengths for Selected Reserve personnel of the reserve
 23 components as of September 30, 2014, as follows:

24 (1) The Army National Guard of the United
 25 States, 354,200.

1 (2) The Army Reserve, 205,000.

2 (3) The Navy Reserve, 59,100.

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

4 (5) The Air National Guard of the United
5 States, 105,400.

6 (6) The Air Force Reserve, 70,400.

7 (7) The Coast Guard Reserve, 9,000.

8 (b) END STRENGTH REDUCTIONS.—The end
9 strengths prescribed by subsection (a) for the Selected Re-
10 serve of any reserve component shall be proportionately
11 reduced by—

12 (1) the total authorized strength of units orga-
13 nized to serve as units of the Selected Reserve of
14 such component which are on active duty (other
15 than for training) at the end of the fiscal year; and

16 (2) the total number of individual members not
17 in units organized to serve as units of the Selected
18 Reserve of such component who are on active duty
19 (other than for training or for unsatisfactory partici-
20 pation in training) without their consent at the end
21 of the fiscal year.

22 (c) END STRENGTH INCREASES.—Whenever units or
23 individual members of the Selected Reserve for any reserve
24 component are released from active duty during any fiscal
25 year, the end strength prescribed for such fiscal year for

1 the Selected Reserve of such reserve component shall be
2 increased proportionately by the total authorized strengths
3 of such units and by the total number of such individual
4 members.

5 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
6 **DUTY IN SUPPORT OF THE RESERVES.**

7 Within the end strengths prescribed in section
8 411(a), the reserve components of the Armed Forces are
9 authorized, as of September 30, 2014, the following num-
10 ber of Reserves to be serving on full-time active duty or
11 full-time duty, in the case of members of the National
12 Guard, for the purpose of organizing, administering, re-
13 cruiting, instructing, or training the reserve components:

14 (1) The Army National Guard of the United
15 States, 32,060.

16 (2) The Army Reserve, 16,261.

17 (3) The Navy Reserve, 10,159.

18 (4) The Marine Corps Reserve, 2,261.

19 (5) The Air National Guard of the United
20 States, 14,734.

21 (6) The Air Force Reserve, 2,911.

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

24 The minimum number of military technicians (dual
25 status) as of the last day of fiscal year 2014 for the re-

1 serve components of the Army and the Air Force (notwith-
2 standing section 129 of title 10, United States Code) shall
3 be the following:

4 (1) For the Army National Guard of the United
5 States, 27,210.

6 (2) For the Army Reserve, 8,395.

7 (3) For the Air National Guard of the United
8 States, 21,875.

9 (4) For the Air Force Reserve, 10,429.

10 **SEC. 414. FISCAL YEAR 2014 LIMITATION ON NUMBER OF**
11 **NON-DUAL STATUS TECHNICIANS.**

12 (a) LIMITATIONS.—

13 (1) NATIONAL GUARD.—Within the limitation
14 provided in section 10217(c)(2) of title 10, United
15 States Code, the number of non-dual status techni-
16 cians employed by the National Guard as of Sep-
17 tember 30, 2014, may not exceed the following:

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

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

22 (2) ARMY RESERVE.—The number of non-dual
23 status technicians employed by the Army Reserve as
24 of September 30, 2014, may not exceed 595.

1 (3) AIR FORCE RESERVE.—The number of non-
2 dual status technicians employed by the Air Force
3 Reserve as of September 30, 2014, may not exceed
4 90.

5 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
6 this section, the term “non-dual status technician” has the
7 meaning given that term in section 10217(a) of title 10,
8 United States Code.

9 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
10 **THORIZED TO BE ON ACTIVE DUTY FOR**
11 **OPERATIONAL SUPPORT.**

12 During fiscal year 2014, the maximum number of
13 members of the reserve components of the Armed Forces
14 who may be serving at any time on full-time operational
15 support duty under section 115(b) of title 10, United
16 States Code, is the following:

17 (1) The Army National Guard of the United
18 States, 17,000.

19 (2) The Army Reserve, 13,000.

20 (3) The Navy Reserve, 6,200.

21 (4) The Marine Corps Reserve, 3,000.

22 (5) The Air National Guard of the United
23 States, 16,000.

24 (6) The Air Force Reserve, 14,000.

1 **Subtitle C—Authorization of**
 2 **Appropriations**

3 **SEC. 421. MILITARY PERSONNEL.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 hereby authorized to be appropriated for military per-
 6 sonnel for fiscal year 2014 a total of \$130,399,881,000.

7 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
 8 thorization of appropriations in subsection (a) supersedes
 9 any other authorization of appropriations (definite or in-
 10 definite) for such purpose for fiscal year 2014.

11 **TITLE V—MILITARY PERSONNEL**
 12 **AUTHORIZATIONS**

13 **Subtitle A—Officer Personnel**
 14 **Policy**

15 **SEC. 501. INFORMATION TO BE PROVIDED TO BOARDS CON-**
 16 **SIDERING OFFICERS FOR SELECTIVE EARLY**
 17 **REMOVAL FROM THE RESERVE ACTIVE-STA-**
 18 **TUS LIST.**

19 Section 14704(a) of title 10, United States Code, is
 20 amended—

21 (1) By inserting “(1)” after “ACTIVE-STATUS
 22 LIST.—”;

23 (2) by striking “all”;

1 (3) by striking “, in the number specified by
2 the Secretary by each grade and competitive cat-
3 egory”; and

4 (4) by adding at the end the following new
5 paragraphs:

6 “(2) The Secretary of the military department con-
7 cerned shall specify the number of officers described in
8 paragraph (1) that a selection board convened under sec-
9 tion 14101(b) of this title may recommend for removal
10 from the reserve active-status list.

11 “(3) When the Secretary of the military department
12 concerned submits a list of officers to a selection board
13 convened under section 14101(b) of this title to consider
14 officers for selection for removal from the reserve active-
15 status list under this section, such list (except as provided
16 in paragraph (4)) shall include each officer on the reserve
17 active-status list in the same grade and competitive cat-
18 egory whose position on the reserve active-status list is
19 between that of the most junior officer in that grade and
20 competitive category whose name is submitted to the
21 board and that of the most senior officer in that grade
22 and competitive category whose name is submitted to the
23 board.

24 “(4) A list under paragraph (3) may not include an
25 officer in that grade and competitive category who has

1 been approved for voluntary retirement or who is to be
 2 involuntarily retired under any provision of law during the
 3 fiscal year in which the selection board is convened or dur-
 4 ing the following fiscal year.”.

5 **Subtitle B—Reserve Component** 6 **Management**

7 **SEC. 511. REMOVAL OF RESTRICTIONS ON THE TRANSFER** 8 **OF OFFICERS TO THE INACTIVE NATIONAL** 9 **GUARD.**

10 (a) REMOVAL OF RESTRICTIONS.—Chapter 3 of title
 11 32, United States Code, is amended by adding at the end
 12 the following new section:

13 **“§ 311. Active and inactive National Guard; transfer** 14 **of officers**

15 “During the period ending on December 31, 2016,
 16 nothing in this chapter shall prevent any of the following:

17 “(1) An officer of the Army National Guard
 18 who fills a vacancy in a federally recognized unit of
 19 the Army National Guard from being transferred
 20 from the active Army National Guard to the inactive
 21 Army National Guard.

22 “(2) An officer of the Air National Guard who
 23 fills a vacancy in a federally recognized unit of the
 24 Air National Guard from being transferred from the

1 active Air National Guard to the inactive Air Na-
2 tional Guard.

3 “(3) An officer of the Army National Guard
4 transferred to the inactive Army National Guard
5 from being transferred from the inactive Army Na-
6 tional Guard to the active Army National Guard to
7 fill a vacancy in a federally recognized unit.

8 “(4) An officer of the Air National Guard
9 transferred to the inactive Air National Guard from
10 being transferred from the inactive Air National
11 Guard to the active Air National Guard to fill a va-
12 cancy in a federally recognized unit.”.

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

“311. Active and inactive National Guard; transfer of officers.”.

16 **SEC. 512. PILOT PROGRAM TO ALLOW ESTABLISHMENT OF**
17 **ACTIVE STATUS AND INACTIVE STATUS LISTS**
18 **OF MEMBERS IN THE INACTIVE NATIONAL**
19 **GUARD.**

20 (a) AUTHORITY TO MAINTAIN ACTIVE AND INACTIVE
21 STATUS LISTS IN THE INACTIVE NATIONAL GUARD.—
22 Section 303 of title 32, United States Code, is amended
23 by adding at the end the following new subsection:

24 “(d)(1) The Secretary of the Army and the Secretary
25 of the Air Force may maintain an active status list and

1 an inactive status list of members in the inactive Army
2 National Guard and the inactive Air National Guard, re-
3 spectively.

4 “(2) The total number of Army National Guard and
5 Air National Guard members, combined, on the active sta-
6 tus lists and the inactive status lists assigned to the inac-
7 tive National Guard may not exceed 10,000 during any
8 period.

9 “(3) The total number of Army National Guard and
10 Air National Guard members, combined, on the active sta-
11 tus lists of the inactive National Guard may not exceed
12 4,000 during any period.

13 “(4) The authority under this subsection expires at
14 the close of December 31, 2016.”.

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

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

21 (2) by striking “Under such” at the beginning
22 of the second sentence and inserting “Except as pro-
23 vided in paragraph (2) and under such”; and

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

1 “(2) During the period beginning on the date of the
2 enactment of this paragraph and ending on December 31,
3 2016, an enlisted member of the active Army National
4 Guard may be transferred to the inactive Army National
5 Guard without regard to whether the member was for-
6 merly enlisted in the inactive Army National Guard and
7 an enlisted member of the active Air National Guard may
8 be transferred to the inactive Air National Guard without
9 regard to whether the member was formerly enlisted in
10 the inactive Air National Guard.”.

11 (c) DEFINITION OF “ACTIVE STATUS”.—Section
12 101(d)(4) of title 10, United States Code, is amended by
13 adding at the end the following new sentence: “However,
14 in the case of members of the Army National Guard of
15 the United States during any period during which there
16 is an inactive status list for the inactive Army National
17 Guard under section 303(d) of title 32, such term means
18 the status of such a member who is not assigned to the
19 inactive status list of the inactive Army National Guard,
20 on another inactive status list, or in the Retired Reserve,
21 and in the case of members of the Air National Guard
22 of the United States during any period during which there
23 is an inactive status list for the inactive Air National
24 Guard under section 303(d) of title 32, such term means
25 the status of such a member who is not assigned to the

1 inactive status list of the inactive Air National Guard, on
2 another inactive status list, or in the Retired Reserve.”.

3 (d) MEMBERS IN INACTIVE STATUS; TRAINING CAT-
4 EGORIES.—Section 10141 of such title is amended by add-
5 ing at the end the following new subsection:

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

9 (A) the first sentence of subsection (b) shall
10 apply only with respect to Reserves assigned to the
11 inactive Army National Guard who are assigned to
12 the inactive status list; and

13 (B) the exclusion of the Army National Guard
14 of the United States under the first sentence of sub-
15 section (c) shall be inapplicable.

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

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

23 (B) the exclusion of the Air National Guard of
24 the United States under the first sentence of sub-
25 section (c) shall be inapplicable.”.

1 (e) COMPUTATION OF YEARS OF SERVICE FOR ENTI-
2 TLEMENT TO RETIRED PAY.—Paragraph (3) of section
3 12732(b) of such title is amended to read as follows:

4 “(3) Service in the inactive National Guard (for
5 any period other than a period during which there
6 is an inactive status list for the inactive National
7 Guard under section 303(d) of title 32) and service
8 while assigned to the inactive status list of the inac-
9 tive National Guard (for any period during which
10 there is an inactive status list for the inactive Na-
11 tional Guard under section 303(d) of title 32).”.

12 (f) ELIGIBILITY FOR INACTIVE-DUTY TRAINING
13 PAY.—Section 206(e) of title 37, United States Code, is
14 amended by adding at the end the following new sentence:
15 “However, with respect to any period during which there
16 is an inactive status list for the inactive National Guard
17 under section 303(d) of title 32, the limitation in the pre-
18 ceding sentence shall be applicable to persons assigned to
19 the inactive status list of the inactive National Guard,
20 rather than to persons enlisted in the inactive National
21 Guard.”.

22 (g) EVALUATION OF THE PILOT PROGRAM.—By the
23 end of the pilot period, the Department of Defense shall
24 commission an independent study evaluating the effective-
25 ness of using the active status Inactive National Guard

1 to improve the readiness of the Army National Guard.
2 The study should include, for each year of the pilot, infor-
3 mation on 1) how many personnel were transferred to the
4 active status Inactive National Guard; 2) how many of
5 these vacancies were filled with personnel new to the Army
6 National Guard; 3) the additional cost of filling these posi-
7 tions; and 4) impact on drill and annual training partici-
8 pation rates. The study also should assess the impact on
9 medical readiness category 3B personnel transferred to
10 the active status Inactive National Guard, including how
11 long it took them to complete the Integrated Disability
12 Evaluation System (IDES) process, and how satisfied they
13 were with their unit's management and collaboration dur-
14 ing the IDES process.

15 **SEC. 513. FORUM FOR PROCESSING OF COMPLAINTS OF**
16 **WRONGFUL DISCRIMINATION BY NATIONAL**
17 **GUARD MILITARY TECHNICIANS (DUAL STA-**
18 **TUS).**

19 (a) IN GENERAL.—Section 709 of title 32, United
20 States Code, is amended by adding at the end the fol-
21 lowing new subsection:

22 “(j) A complaint of wrongful discrimination by a per-
23 son employed under subsection (a) who is a military tech-
24 nician (dual status) and otherwise subject to the require-
25 ments of subsection (b) shall be considered a complaint

1 of wrongful discrimination by a member of the armed
2 forces.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply with respect to a complaint of
5 wrongful discrimination initiated on or after the date of
6 the enactment of this Act.

7 **SEC. 514. AUTHORITY FOR INCREASE IN NUMBER OF AIR**
8 **FORCE RESERVE MILITARY TECHNICIANS**
9 **(DUAL STATUS) WHO MAY BE ASSIGNED TO**
10 **POSITIONS OUTSIDE AIR FORCE RESERVE**
11 **UNIT PROGRAM.**

12 Section 10216(d)(3) of title 10, United States Code,
13 is amended by striking “except that” and all that follows
14 and inserting “except that the number of such technicians
15 assigned outside of the Air Force Reserve unit program
16 at the same time during any fiscal year may not exceed
17 2 percent of the authorized end strength for military tech-
18 nicians (dual status) for the Air Force Reserve for that
19 fiscal year.”.

1 **Subtitle C—Education and**
2 **Training**

3 **SEC. 521. EXTENSION OF EDUCATIONAL ASSISTANCE FOR**
4 **MEMBERS OF THE SELECTIVE RESERVE WHO**
5 **ARE INVOLUNTARILY SEPARATED.**

6 (a) PRESERVATION OF EDUCATIONAL ASSISTANCE
7 ENTITLEMENT FOR CERTAIN FORMER MEMBERS OF THE
8 SELECTED RESERVE.—

9 (1) EXTENSION.—Paragraph (1)(B) of section
10 16133(b) of title 10, United States Code, is amend-
11 ed by striking “September 30, 2014” and inserting
12 “December 31, 2018”.

13 (2) CROSS-REFERENCE AMENDMENTS TO RE-
14 FLECT PRIOR AMENDMENT.—Such section is further
15 amended by striking “clause (2) of” in paragraphs
16 (1) and (4)(B).

17 (b) BASIC EDUCATIONAL ASSISTANCE ENTITLEMENT
18 FOR SERVICE IN THE SELECTIVE RESERVE.—Subpara-
19 graph (B)(iii) of section 3012(b)(1) of title 38, United
20 States Code, is amended by inserting “or the period begin-
21 ning on October 1, 2013, and ending on December 31,
22 2018,” after “September 30, 1999,”.

1 **SEC. 522. AUTHORITY FOR JOINT PROFESSIONAL MILITARY**
2 **EDUCATION PHASE II INSTRUCTION AND**
3 **CREDIT TO BE OFFERED AND AWARDED**
4 **THROUGH THE SENIOR LEVEL COURSE OF**
5 **THE SCHOOL OF ADVANCED MILITARY STUD-**
6 **IES OF THE UNITED STATES ARMY COMMAND**
7 **AND GENERAL STAFF COLLEGE.**

8 Section 2151(b) of title 10, United States Code, is
9 amended—

10 (1) by adding at the end of paragraph (1) the
11 following new subparagraph:

12 “(E) The senior-level course of the School
13 of Advanced Military Studies of the United
14 States Army Command and General Staff Col-
15 lege.”; and

16 (2) in paragraph (2)(A), by inserting before the
17 period at the end the following: “(other than with
18 respect to the course specified in paragraph
19 (1)(E))”.

20 **SEC. 523. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE**
21 **DEGREE PROGRAMS UNDER THE COMMU-**
22 **NITY COLLEGE OF THE AIR FORCE.**

23 Section 9315(b) of title 10, United States Code, is
24 amended by adding at the end the following new para-
25 graph:

1 “(3) Enlisted members of the armed forces
2 other than the Air Force participating in joint-serv-
3 ice medical training and education or who are serv-
4 ing as instructors in such joint-service medical train-
5 ing and education.”.

6 **Subtitle D—Administrative** 7 **Procedure**

8 **SEC. 531. PROCEDURES FOR JUDICIAL REVIEW OF MILI-** 9 **TARY PERSONNEL DECISIONS RELATING TO** 10 **CORRECTION OF MILITARY RECORDS.**

11 (a) JUDICIAL REVIEW.—

12 (1) IN GENERAL.—Chapter 79 of title 10,
13 United States Code, is amended by adding at the
14 end the following new section:

15 **“§ 1560. Judicial review of decisions relating to cor-** 16 **rection of military records**

17 “(a) AVAILABILITY OF JUDICIAL REVIEW.—

18 “(1) IN GENERAL.—Any person adversely af-
19 fected by a records correction final decision may ob-
20 tain judicial review of the decision in a court with
21 jurisdiction to hear the matter.

22 “(2) RECORDS CORRECTION FINAL DECISION
23 DEFINED.—In this section, the term ‘records correc-
24 tion final decision’ means any of the following:

1 “(A) A final decision issued by the Sec-
2 retary concerned pursuant to section 1552 of
3 this title.

4 “(B) A final decision issued by the Sec-
5 retary of a military department or the Sec-
6 retary of Homeland Security pursuant to sec-
7 tion 1034(f) of this title.

8 “(C) A final decision issued by the Sec-
9 retary of Defense pursuant to section 1034(g)
10 of this title.

11 “(b) MATTERS MUST BE JUSTICIABLE.—Notwith-
12 standing subsection (a), a court in which judicial review
13 of a records correction final decision is sought does not
14 have jurisdiction to review any matter or issue raised in
15 a petition of review that is not justiciable.

16 “(c) EXHAUSTION OF ADMINISTRATIVE REM-
17 EDIES.—

18 “(1) GENERAL RULE.—Except as provided in
19 paragraph (3), judicial review of a matter that could
20 be subject to correction under a provision of law
21 specified in subsection (a)(2) in a case arising after
22 the date of the enactment of this section may not be
23 obtained under this section or any other provision of
24 law unless—

1 “(A) the petitioner has requested a correc-
2 tion under section 1552 of this title (including
3 such a request in a matter arising under section
4 1034 of this title); and

5 “(B) the Secretary concerned has rendered
6 a final decision denying that correction in whole
7 or in part.

8 “(2) WHISTLEBLOWER CASES.—In a case aris-
9 ing after the date of the enactment of this section
10 in which the final decision of the Secretary con-
11 cerned is subject to review by the Secretary of De-
12 fense under section 1034(g) of this title, the peti-
13 tioner is not required to seek such review before ob-
14 taining judicial review, but if the petitioner seeks
15 such review, judicial review may not be sought until
16 the Secretary of Defense has made a decision in the
17 matter or the end of the period specified in that sec-
18 tion for the Secretary to make such a decision,
19 whichever occurs first.

20 “(3) CLASS ACTIONS.—In the case of a matter
21 subject to correction under a provision of law speci-
22 fied in subsection (a)(2) in a case arising after the
23 date of the enactment of this section in which judi-
24 cial review is not precluded by reason of paragraph
25 (1) or (2), if judicial review of a records correction

1 final decision of the matter is sought and if the peti-
2 tioner for judicial review also seeks to bring a class
3 action with respect to a matter for which the peti-
4 tioner requested a correction under section 1552 of
5 this title (including such a request in a matter aris-
6 ing under section 1034 of this title) and if the court
7 issues an order certifying a class in the case, the
8 limitations of paragraphs (1) and (2) shall be inap-
9 plicable to any member of the class (other than the
10 petitioner) with respect to any matter covered by a
11 claim for which the class is certified.

12 “(d) STATUTES OF LIMITATION.—

13 “(1) TWO YEARS FROM FINAL DECISION.—In
14 the case of a records correction final decision that
15 is issued on or after the date of the enactment of
16 this section, such decision is not subject to judicial
17 review under this section or otherwise subject to re-
18 view in any court unless petition for such review is
19 filed in a court not later than two years after the
20 date of the final decision other than in a matter to
21 which paragraph (2) applies.

22 “(2) SIX YEARS FOR CERTAIN CLAIMS THAT
23 MAY RESULT IN PAYMENT OF MONEY.—(A) In the
24 case of a records correction final decision that is
25 issued on or after the date of the enactment of this

1 section and which is described in subparagraph (B),
2 such decision (or the portion of such decision de-
3 scribed in such subparagraph) is not subject to judi-
4 cial review under this section or otherwise subject to
5 review in any court unless petition for such review
6 is filed in a court not later than six years after the
7 date of discharge, retirement, release from active
8 duty, or death while on active duty of the person
9 whose military records are the subject of the correc-
10 tion request. There shall be excluded from the com-
11 putation of such six-year period the period (i) begin-
12 ning on the date of the filing with the Secretary of
13 a request for correction of military records leading
14 to the records correction final decision, and (ii) end-
15 ing on the date of such decision.

16 “(B) A records correction final decision is de-
17 scribed in this subparagraph to the extent that the
18 decision, or portion of the decision, is a denial of a
19 claim that, if relief were to be granted by the court,
20 would support, or result in, the payment of money,
21 other than payments made under chapter 73 of this
22 title, either under a court order or under a subse-
23 quent administrative determination.

24 “(e) SOLE BASIS FOR JUDICIAL REVIEW.—In the
25 case of a cause of action arising after the date of the en-

1 actment of this section, no court shall have jurisdiction
 2 to review any matter subject to correction under a provi-
 3 sion of law specified in subsection (a)(2) except as pro-
 4 vided in this section.

5 “(f) HABEAS CORPUS.—This section does not affect
 6 any cause of action arising under chapter 153 of title 28.”.

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

“1560. Judicial review of decisions.”.

10 (b) EFFECT OF DENIAL OF REQUEST FOR CORREC-
 11 TION OF RECORDS WHEN PROHIBITED PERSONNEL AC-
 12 TION ALLEGED.—

13 (1) NOTICE OF DENIAL; PROCEDURES FOR JU-
 14 DICIAL REVIEW.—Subsection (f) of section 1034 of
 15 such title is amended by adding at the end the fol-
 16 lowing new paragraph:

17 “(7) In any case in which the final decision of
 18 the Secretary concerned results in denial, in whole
 19 or in part, of any requested correction of the record
 20 of the member or former member, the Secretary con-
 21 cerned shall provide the member or former member
 22 a concise written statement of the basis for the deci-
 23 sion and a notification of the availability of judicial
 24 review of the decision pursuant to section 1560 of
 25 this title and the time for obtaining such review.”.

1 (2) SECRETARY OF DEFENSE REVIEW; NOTICE
2 OF DENIAL.—Subsection (g) of such section is
3 amended—

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

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

8 “(2) The submittal of a matter to the Secretary
9 of Defense by the member or former member under
10 paragraph (1) must be made within 90 days of the
11 receipt by the member or former member of the final
12 decision of the Secretary of the military department
13 concerned in the matter. In any case in which the
14 final decision of the Secretary of Defense results in
15 denial, in whole or in part, of any requested correc-
16 tion of the record of the member or former member,
17 the Secretary of Defense shall provide the member
18 or former member a concise written statement of the
19 basis for the decision and a notification of the avail-
20 ability of judicial review of the decision pursuant to
21 section 1560 of this title and the time for obtaining
22 such review.”.

23 (3) SOLE BASIS FOR JUDICIAL REVIEW.—Such
24 section is further amended—

1 (A) by redesignating subsections (h) and
2 (i) as subsections (i) and (j), respectively; and

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

5 “(h) JUDICIAL REVIEW.—

6 “(1) A decision of the Secretary of Defense
7 under subsection (g) shall be subject to judicial re-
8 view only as provided in section 1560 of this title.

9 “(2) In a case in which review by the Secretary
10 of Defense under subsection (g) was not sought, a
11 decision of the Secretary of a military department
12 under subsection (f) shall be subject to judicial re-
13 view only as provided in section 1560 of this title.

14 “(3) A decision by the Secretary of Homeland
15 Security under subsection (f) shall be subject to ju-
16 dicial review only as provided in section 1560 of this
17 title.”.

18 (c) EFFECT OF DENIAL OF OTHER REQUESTS FOR
19 CORRECTION OF MILITARY RECORDS.—Section 1552 of
20 such title is amended by adding at the end the following
21 new subsections:

22 “(h) In any case in which the final decision of the
23 Secretary concerned results in denial, in whole or in part,
24 of any requested correction, the Secretary concerned shall
25 provide the claimant a concise written statement of the

1 basis for the decision and a notification of the availability
2 of judicial review of the decision pursuant to section 1560
3 of this title and the time for obtaining such review.

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

7 (d) EFFECTIVE DATE AND RETROACTIVE APPLICA-
8 TION.—

9 (1) EFFECTIVE DATE.—The amendments made
10 by this section shall take effect one year after the
11 date of the enactment of this Act.

12 (2) RETROACTIVE APPLICATION.—The amend-
13 ments made by this section shall apply to all final
14 decisions of the Secretary of Defense under section
15 1034(g) of title 10, United States Code, and of the
16 Secretary of a military department and the Sec-
17 retary of Homeland Security under sections 1034(f)
18 or 1552 of such title, whether rendered before, on,
19 or after the date of the enactment of this Act.

20 (3) TRANSITION.—During the period between
21 the date of the enactment of this Act and the effec-
22 tive date specified in paragraph (1), in any case in
23 which the final decision of the Secretary of Defense
24 under section 1034(g) of title 10, United States
25 Code, or the Secretary concerned under sections

1 1034(f) or 1552 of title 10, United States Code, re-
2 sults in denial, in whole or in part, of any requested
3 correction of the record of a member or former
4 member of the Armed Forces or the record of a
5 claimant under such section 1552, the individual
6 shall be informed in writing of the time for obtaining
7 review of the decision pursuant to section 1560 of
8 such title, as added by subsection (a).

9 (e) IMPLEMENTATION.—The Secretaries concerned
10 (as defined in section 101(a)(9) of title 10, United States
11 Code) may prescribe appropriate regulations, and interim
12 guidance before prescribing such regulations, to imple-
13 ment the amendments made by this section. In the case
14 of the Secretary of a military department, such regulations
15 may not take effect until approved by the Secretary of De-
16 fense.

17 (f) CONSTRUCTION.—This section and the amend-
18 ments made by this section do not affect the authority
19 of any court to exercise jurisdiction over any case that was
20 properly before the court before the effective date specified
21 in subsection (d)(1).

1 **Subtitle E—Decorations and**
2 **Awards**

3 **SEC. 541. REPEAL OF LIMITATION ON NUMBER OF MEDALS**
4 **OF HONOR THAT MAY BE AWARDED TO A**
5 **MEMBER OF THE ARMED FORCES.**

6 (a) ARMY.—Section 3744(a) of title 10, United
7 States Code, is amended by striking “medal of honor,”.

8 (b) NAVY AND MARINE CORPS.—Section 6247 of title
9 10, United States Code, is amended by striking “medal
10 of honor,”.

11 (c) AIR FORCE.—Section 8744(a) of title 10, United
12 States Code, is amended by striking “medal of honor,”.

13 (d) COAST GUARD.—Section 494 of title 14, United
14 States Code, is amended by striking “medal of honor,”
15 both places it appears.

16 **SEC. 542. STANDARDIZATION OF TIME-LIMITS FOR RECOM-**
17 **MENDING AND AWARDING A MEDAL OF**
18 **HONOR, SERVICE CROSS, OR DISTINGUISHED-**
19 **SERVICE MEDAL ACROSS THE ARMED**
20 **FORCES.**

21 (a) ARMY.—Section 3744(b) of title 10, United
22 States Code, is amended—

23 (1) in paragraph (1), by striking “three years”
24 and inserting “five years”; and

1 (2) in paragraph (2), by striking “two years”
2 and inserting “three years”.

3 (b) AIR FORCE.—Section 8744(b) of such title is
4 amended—

5 (1) in paragraph (1), by striking “three years”
6 and inserting “five years”; and

7 (2) in paragraph (2), by striking “two years”
8 and inserting “three years”.

9 **SEC. 543. RECODIFICATION AND REVISION OF ARMY, NAVY,**
10 **AIR FORCE, AND COAST GUARD MEDAL OF**
11 **HONOR ROLL.**

12 (a) AUTOMATIC ENROLLMENT AND FURNISHING OF
13 CERTIFICATE.—

14 (1) IN GENERAL.—Chapter 57 of title 10,
15 United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 1136. Army, Navy, Air Force, and Coast Guard**
18 **Medal of Honor Roll**

19 “(a) ESTABLISHMENT.—There shall be in the De-
20 partment of the Army, the Department of the Navy, the
21 Department of the Air Force, and the Department of
22 Homeland Security, respectively, a roll designated as the
23 ‘Army, Navy, Air Force, and Coast Guard Medal of Honor
24 Roll’.

1 “(b) ENROLLMENT.—The Secretary concerned shall
 2 enter and record on such roll the name of each person
 3 who has served on active duty in the armed forces and
 4 who has been awarded a medal of honor pursuant to sec-
 5 tion 3741, 6241, or 8741 of this title or section 491 of
 6 title 14.

7 “(c) CERTIFICATE.—

8 “(1) IN GENERAL.—Each living person whose
 9 name is entered on the Army, Navy, Air Force, and
 10 Coast Guard Medal of Honor Roll shall be furnished
 11 a certificate of enrollment on such roll.

12 “(2) ENTITLEMENT TO SPECIAL PENSION.—
 13 The Secretary concerned shall deliver to the Sec-
 14 retary of Veterans Affairs a certified copy of each
 15 certificate of enrollment issued under paragraph (1).
 16 Such copy shall authorize the Secretary of Veterans
 17 Affairs to pay the special pension provided by sec-
 18 tion 1562 of title 38 to the person named in the cer-
 19 tificate.”.

20 “(2) CLERICAL AMENDMENT.—The table of sec-
 21 tions at the beginning of such chapter of title 10 is
 22 amended by adding at the end the following new
 23 item:

“1136. Army, Navy, Air Force, and Coast Guard Medal of Honor Roll.”.

24 “(b) SPECIAL PENSION.—

1 (1) AUTOMATIC ENTITLEMENT.—Section
2 1562(a) of title 38, United States Code, is amend-
3 ed—

4 (A) by inserting “living” after “each”;

5 (B) by striking “subsection (c) of section
6 1561 of this title” and inserting “subsection
7 (c)(2) of section 1136 of title 10”; and

8 (C) by striking “application therefor under
9 section 1560 of this title” and inserting “such
10 person’s name is entered on the Army, Navy,
11 Air Force, and Coast Guard Medal of Honor
12 Roll under section 1136(b) of title 10”.

13 (2) ELECTION TO DECLINE SPECIAL PEN-
14 SION.—Section 1562 of such title is further amend-
15 ed by adding at the end the following new sub-
16 section:

17 “(g)(1) A person who is entitled to a special pension
18 under subsection (a) may elect not to receive such special
19 pension by notifying the Secretary of such election in writ-
20 ing.

21 “(2) The Secretary, upon receipt of such election,
22 shall cease payments of the special pension to such per-
23 son.”.

1 (3) TECHNICAL AMENDMENT.—Section 1562(a)
 2 of such title is further amended by striking “roll”
 3 and inserting “Roll”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) REPEAL OF RECODIFIED PROVISIONS.—Sec-
 6 tions 1560 and 1561 of title 38, United States Code,
 7 are repealed.

8 (2) CLERICAL AMENDMENTS.—The table of sec-
 9 tions at the beginning of chapter 15 of such title is
 10 amended by striking the items relating to sections
 11 1560 and 1561.

12 (d) EFFECTIVE DATE.—The amendments made by
 13 this section shall be effective with respect to medals of
 14 honor awarded on or after the date of the enactment of
 15 this Act.

16 **Subtitle F—Other Matters**

17 **SEC. 551. AUTHORITY TO PROVIDE CERTAIN EXPENSES**
 18 **FOR CARE AND DISPOSITION OF HUMAN RE-**
 19 **MAINS THAT WERE RETAINED BY THE DE-**
 20 **PARTMENT OF DEFENSE FOR FORENSIC PA-**
 21 **THOLOGY INVESTIGATION.**

22 (a) DISPOSITION OF REMAINS OF PERSONS WHOSE
 23 DEATH IS INVESTIGATED BY THE ARMED FORCES MED-
 24 ICAL EXAMINER.—

1 (1) COVERED DECEDENTS.—Section 1481(a) of
2 title 10, United States Code, is amended by adding
3 at the end the following new paragraph:

4 “(10) To the extent authorized under section
5 1482(g) of this title, any person not otherwise cov-
6 ered by the preceding paragraphs whose remains (or
7 partial remains) have been retained by the Secretary
8 concerned for purposes of a forensic pathology inves-
9 tigation by the Armed Forces Medical Examiner
10 under section 1471 of this title.”.

11 (2) AUTHORIZED EXPENSES RELATING TO
12 CARE AND DISPOSITION OF REMAINS.—Section 1482
13 of such title is amended by adding at the end the
14 following new subsection:

15 “(g)(1) The payment of expenses incident to the re-
16 covery, care, and disposition of the remains of a decedent
17 covered by section 1481(a)(10) of this title is limited to
18 those expenses that, as determined under regulations pre-
19 scribed by the Secretary of Defense, would not have been
20 incurred but for the retention of those remains for pur-
21 poses of a forensic pathology investigation by the Armed
22 Forces Medical Examiner under section 1471 of this title.
23 The Secretary concerned shall pay all other expenses au-
24 thorized to be paid under this section only on a reimburs-
25 able basis. Amounts reimbursed to the Secretary con-

1 cerned under this subsection shall be credited to appro-
2 priations available at the time of reimbursement for the
3 payment of such expenses.

4 “(2) In a case covered by paragraph (1), if the person
5 designated under subsection (c) to direct disposition of the
6 remains of a decedent does not direct disposition of the
7 remains that were retained for the forensic pathology in-
8 vestigation, the Secretary may pay for the transportation
9 of those remains to, and interment or inurnment of those
10 remains in, an appropriate place selected by the Secretary,
11 in lieu of the transportation authorized to be paid under
12 paragraph (8) of subsection (a).

13 “(3) In a case covered by paragraph (1), expenses
14 that may be paid do not include expenses with respect to
15 an escort under paragraph (8) of subsection (a), whether
16 or not on a reimbursable basis.”

17 (b) CLARIFICATION OF COVERAGE OF INURNMENT.—
18 Section 1482(a)(9) of such title is amended by inserting
19 “or inurnment” after “interment”.

20 (c) TECHNICAL AMENDMENT.—Section 1482(f) of
21 such title is amended in the third sentence by striking
22 “subsection” and inserting “section”.

1 **SEC. 552. EXPANSION OF PRIVILEGED INFORMATION PRO-**
2 **VISION TO DEBRIEFING REPORTS OF CER-**
3 **TAIN RECOVERED PERSONS WHO WERE**
4 **NEVER PLACED IN A MISSING STATUS.**

5 (a) **PERSONNEL FILES.**—Section 1506 of title 10,
6 United States Code, is amended—

7 (1) in subsection (d)—

8 (A) by redesignating paragraphs (2) and
9 (3) as paragraphs (3) and (4), respectively; and

10 (B) by inserting after paragraph (1) the
11 following new paragraph (2):

12 “(2) The Secretary concerned shall withhold
13 from personnel files under this section, as privileged
14 information, any survival, evasion, resistance and es-
15 cape debriefing report provided by a person de-
16 scribed in section 1501(e) of this title who is re-
17 turned to United States control which is obtained
18 under a promise of confidentiality made for the pur-
19 pose of ensuring the fullest possible disclosure of in-
20 formation.”; and

21 (2) in subsection (f), by striking “paragraphs
22 (2) and (3)” and inserting “paragraphs (3) and
23 (4)”.

24 (b) **DEFINITION.**—Section 1513 of such title is
25 amended by adding at the end the following new para-
26 graph:

1 “(9) The term ‘survival, evasion, resistance,
2 and escape debrief’ means an interview conducted
3 with a person described in section 1501(c) of this
4 title who is returned to United States control in
5 order to record the person’s experiences while sur-
6 viving, evading, resisting interrogation or exploi-
7 tation, or escaping.”.

8 **SEC. 553. ADDITIONAL REQUIREMENTS FOR ACCOUNTING**
9 **FOR MEMBERS OF THE ARMED FORCES AND**
10 **DEPARTMENT OF DEFENSE CIVILIAN EM-**
11 **PLOYEES LISTED AS MISSING.**

12 Section 1501(a)(1) of title 10, United States Code,
13 is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (B);

16 (2) by striking the period at the end of sub-
17 paragraph (C) and inserting “; and”; and

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

20 “(D) coordination of periodic briefing of
21 families of missing persons about the efforts of
22 the Department of Defense to account for those
23 persons.”.

1 **SEC. 554. FAMILY SUPPORT PROGRAMS FOR IMMEDIATE**
2 **FAMILY MEMBERS OF SPECIAL OPERATIONS**
3 **FORCES MEMBERS.**

4 (a) CHAPLAIN-LED PROGRAMS.—The Commander of
5 the United States Special Operations Command may pro-
6 vide support services described in section 1789(b) of title
7 10, United States Code, to support the immediate family
8 members (as defined in section 1789(c) of such title) of
9 members of the Armed Forces assigned to special oper-
10 ations forces (as defined in section 167(i) of such title)
11 if the Commander determines—

12 (1) that there is a direct and concrete relation-
13 ship between—

14 (A) chaplain-led programs authorized in
15 section 1789 of such title, and

16 (B) the readiness of special operations
17 forces; and

18 (2) that such support is not being provided to
19 those family members by the Secretary of a military
20 department.

21 (b) ADDITIONAL AUTHORITY.—The Commander of
22 the United States Special Operations Command may ex-
23 pend up to \$10,000,000 during any fiscal year during
24 which this subsection is in effect to provide support serv-
25 ices described in section 1789(b) of title 10, United States
26 Code, to support family programs directed by medical per-

1 sonnel, behavior health professionals, and family readiness
2 professionals of the Department of Defense to build and
3 maintain the resiliency of members of the Armed Forces
4 assigned to special operations forces (as defined in section
5 167(i) of such title) and their immediate family members
6 (as defined in section 1789(c) of such title).

7 (c) PERIOD OF AUTHORITY.—The authority under
8 this section is in effect during each of fiscal years 2014
9 through 2016.

10 **SEC. 555. LIMITATION ON AUTHORITY OF CONVENING AU-**
11 **THORITY TO REVIEW FINDINGS OF A COURT-**
12 **MARTIAL.**

13 (a) LIMITATION OF AUTHORITY TO OFFENSES THAT
14 WOULD NOT NORMALLY WARRANT TRIAL BY COURT-
15 MARTIAL.—Subsection (c) of section 860 of title 10,
16 United States Code (article 60 of the Uniform Code of
17 Military Justice), is amended—

18 (1) in paragraph (3)—

19 (A) by inserting “may be taken” after
20 “finding of a court-martial”;

21 (B) by striking “is not required. How-
22 ever,” and inserting “only with respect to a
23 qualified offense. With respect to such an of-
24 fense,”;

1 (C) by striking “may—” and all that fol-
2 lows through “(A) dismiss” and inserting “may
3 dismiss”;

4 (D) by striking “; or” and inserting a pe-
5 riod; and

6 (E) by striking subparagraph (B); and

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

9 “(4)(A) In paragraph (3), the term ‘qualified
10 offense’ means, except as provided in subparagraph
11 (B), an offense under this chapter for which—

12 “(i) the maximum sentence of confinement
13 that may be adjudged does not exceed two
14 years; and

15 “(ii) the sentence adjudged does not in-
16 clude dismissal, a dishonorable or bad-conduct
17 discharge, or confinement for more than six
18 months.

19 “(B) Such term does not include such offenses
20 as the Secretary of Defense may prescribe by regula-
21 tion.”.

22 (b) REQUIREMENT FOR EXPLANATION IN WRIT-
23 ING.—Such subsection is further amended by adding after
24 paragraph (4), as added by subsection (a)(2), the fol-
25 lowing new paragraph:

1 “(5) If the convening authority or other person
2 authorized to act under this section modifies the
3 findings or sentence of a court-martial, such person
4 shall prepare a written explanation for such modi-
5 fication. Such explanation shall be made a part of
6 the record of trial and action thereon.”.

7 (c) CONFORMING AMENDMENT.—Subsection (e)(3)
8 of such section (article) is amended in the first sentence
9 by inserting “(if authorized to do so under subsection
10 (c))” after “findings and sentence”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 subsections (a) and (c) shall apply with respect to offenses
13 committed on or after the date of the enactment of this
14 Act.

15 **SEC. 556. REVISION TO CERTAIN DEFINITIONS RELATING**
16 **TO FAMILIES OF SERVICEMEMBERS FOR**
17 **PURPOSES OF FAMILY AND MEDICAL LEAVE.**

18 (a) DEFINITIONS APPLICABLE UNDER FAMILY AND
19 MEDICAL LEAVE ACT OF 1993.—

20 (1) DEFINITION OF “COVERED ACTIVE
21 DUTY”.—Paragraph (14) of section 101 of the Fam-
22 ily and Medical Leave Act of 1993 (29 U.S.C. 2611)
23 is amended—

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

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

4 (2) DEFINITION OF “COVERED SERVICEMEM-
5 BER”.—Paragraph (15)(A) of such section is
6 amended by inserting “inpatient or” before “out-
7 patient status”.

8 (b) DEFINITIONS APPLICABLE TO LEAVE FOR CIVIL
9 SERVICE EMPLOYEES.—

10 (1) DEFINITION OF “COVERED ACTIVE
11 DUTY”.—Paragraph (7) of section 6381 of title 5,
12 United States Code, is amended—

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

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

18 (2) DEFINITION OF “COVERED SERVICEMEM-
19 BER”.—Paragraph (8)(A) of such section is amend-
20 ed by inserting “inpatient or” before “outpatient
21 status”.

22 (3) TECHNICAL AMENDMENT.—Paragraph
23 (7)(B) of such section is further amended by strik-
24 ing “, United States Code”.

1 **SEC. 557. ENHANCED ROLE FOR DEPARTMENT OF JUSTICE**
2 **UNDER MILITARY LENDING ACT.**

3 (a) ENFORCEMENT BY THE ATTORNEY GENERAL.—
4 Subsection (f) of section 987 of title 10, United States
5 Code, is amended by adding at the end the following new
6 paragraph:

7 “(7) ENFORCEMENT BY THE ATTORNEY GEN-
8 ERAL.—

9 “(A) IN GENERAL.—The Attorney General
10 may commence a civil action in any appropriate
11 district court of the United States against any
12 person who—

13 “(i) engages in a pattern or practice
14 of violating this section; or

15 “(ii) engages in a violation of this sec-
16 tion that raises an issue of general public
17 importance.

18 “(B) RELIEF.—In a civil action com-
19 menced under subparagraph (A), the court—

20 “(i) may grant any appropriate equi-
21 table or declaratory relief with respect to
22 the violation of this section;

23 “(ii) may award all other appropriate
24 relief, including monetary damages, to any
25 person aggrieved by the violation; and

1 “(iii) may, to vindicate the public in-
2 terest, assess a civil penalty—

3 “(I) in an amount not exceeding
4 \$110,000 for a first violation; and

5 “(II) in an amount not exceeding
6 \$220,000 for any subsequent viola-
7 tion.

8 “(C) INTERVENTION.—Upon timely appli-
9 cation, a person aggrieved by a violation of this
10 section with respect to which the civil action is
11 commenced may intervene in such action, and
12 may obtain such appropriate relief as the per-
13 son could obtain in a civil action under para-
14 graph (5) with respect to that violation, along
15 with costs and a reasonable attorney fee.

16 “(D) ISSUANCE AND SERVICE OF CIVIL IN-
17 VESTIGATIVE DEMANDS.—Whenever the Attor-
18 ney General, or a designee, has reason to be-
19 lieve that any person may be in possession, cus-
20 tody, or control of any documentary material
21 relevant to an investigation under this section,
22 the Attorney General, or a designee, may, be-
23 fore commencing a civil action under subpara-
24 graph (A), issue in writing and cause to be

1 served upon such person, a civil investigative
2 demand requiring—

3 “(i) the production of such documen-
4 tary material for inspection and copying;

5 “(ii) that the custodian of such docu-
6 mentary material answer in writing written
7 questions with respect to such documen-
8 tary material; or

9 “(iii) the production of any combina-
10 tion of such documentary material or an-
11 swers.

12 “(E) RELATIONSHIP TO FALSE CLAIMS
13 ACT.—The statutory provisions governing the
14 authority to issue, use, and enforce civil inves-
15 tigative demands under section 3733 of title 31
16 (known as the ‘False Claims Act’) shall govern
17 the authority to issue, use, and enforce civil in-
18 vestigative demands under subparagraph (D),
19 except that—

20 “(i) any reference in that section to
21 false claims law investigators or investiga-
22 tions shall be applied for purposes of sub-
23 paragraph (D) as referring to investigators
24 or investigations under this section;

1 (b) INCREASE IN BASIC PAY.—Effective on January
2 1, 2014, the rates of monthly basic pay for members of
3 the uniformed services are increased by 1.0 percent.

4 **SEC. 602. EXTENSION OF TEMPORARY ARMY AUTHORITY**
5 **TO PROVIDE ADDITIONAL RECRUITMENT IN-**
6 **CENTIVES.**

7 Subsection (i)(1) of section 681 of the National De-
8 fense Authorization Act for Fiscal Year 2006 (Public Law
9 109–163; 10 U.S.C. 503 note) is amended by striking
10 “December 31, 2012” and inserting “December 31,
11 2015”.

12 **Subtitle B—Bonuses and Special**
13 **and Incentive Pays**

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

16 (a) AUTHORITIES RELATING TO RESERVE
17 FORCES.—The following sections of title 37, United
18 States Code, are amended by striking “December 31,
19 2013” and inserting “December 31, 2014”:

20 (1) Section 308b(g), relating to Selected Re-
21 serve reenlistment bonus.

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

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

4 (4) Section 308g(f)(2), relating to Ready Re-
5 serve enlistment bonus for persons without prior
6 service.

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

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

13 (7) Section 910(g), relating to income replace-
14 ment payments for reserve component members ex-
15 periencing extended and frequent mobilization for
16 active duty service.

17 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
18 CARE PROFESSIONALS.—The following sections of title
19 10, United States Code, are amended by striking “Decem-
20 ber 31, 2013” and inserting “December 31, 2014”:

21 (1) Section 2130a(a)(1), relating to nurse offi-
22 cer candidate accession program.

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

1 (c) TITLE 37 AUTHORITIES RELATING TO HEALTH
2 CARE PROFESSIONALS.—The following sections of title
3 37, United States Code, are amended by striking “Decem-
4 ber 31, 2013” and inserting “December 31, 2014”:

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

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

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

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

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

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

18 (7) Section 302k(f), relating to accession bonus
19 for medical officers in critically short wartime spe-
20 cialties.

21 (8) Section 302l(g), relating to accession bonus
22 for dental specialist officers in critically short war-
23 time specialties.

24 (d) AUTHORITIES RELATING TO NUCLEAR OFFI-
25 CERS.—The following sections of title 37, United States

1 Code, are amended by striking “December 31, 2013” and
2 inserting “December 31, 2014”:

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

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

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

10 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
11 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
12 THORITIES.—The following sections of title 37, United
13 States Code, are amended by striking “December 31,
14 2013” and inserting “December 31, 2014”:

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

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

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

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

23 (5) Section 335(k), relating to bonus and incen-
24 tive pay authorities for officers in health professions.

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

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

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

7 (9) Section 355(h), relating to retention incen-
8 tives for members qualified in critical military skills
9 or assigned to high priority units.

10 (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-
11 THORITIES.—The following sections of title 37, United
12 States Code, are amended by striking “December 31,
13 2013” and inserting “December 31, 2014”:

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

16 (2) Section 307a(g), relating to assignment in-
17 centive pay.

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

20 (4) Section 309(e), relating to enlistment
21 bonus.

22 (5) Section 324(g), relating to accession bonus
23 for new officers in critical skills.

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

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

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

8 (9) Section 403(b)(7)(E), relating to basic al-
9 lowance for housing.

10 **Subtitle C—Disability, Retired Pay,**
11 **and Survivor Benefits**

12 **SEC. 621. OVERPAYMENTS OF DIVISION OF PAY AS A RE-**
13 **SULT OF RETROACTIVE CHANGE IN DISPOS-**
14 **ABLE RETIRED PAY.**

15 (a) AMENDMENT.—Section 1414(d) of title 10,
16 United States Code, is amended by adding at the end the
17 following new paragraph:

18 “(3)(A) An election by a member to change from re-
19 ceipt of retired pay in accordance with this section to re-
20 ceipt of special compensation in accordance with section
21 1413a of this title pursuant to paragraph (2), shall not
22 affect payments made before the date of such election to
23 the member’s spouse or former spouse pursuant to section
24 1408 of this title, of disposable retired pay that a court
25 treated as property for the purpose of issuing a final de-

1 decree of divorce, dissolution, annulment, or legal separa-
2 tion, including a court ordered, ratified, or approved prop-
3 erty settlement incident to such decree.

4 “(B) In this paragraph:

5 “(i) The term ‘court’ has the meaning given
6 such term in section 1408(a)(1) of this title.

7 “(ii) The term ‘disposable retired pay’ has the
8 meaning given such term in section 1408(a)(4) of
9 this title.

10 “(iii) The term ‘final decree’ has the meaning
11 given such term in section 1408(a)(3) of this title.

12 “(iv) The term ‘member’ has the meaning given
13 such term in section 1408(a)(5) of this title.

14 “(v) The term ‘spouse or former spouse’ has
15 the meaning given such term in section 1408(a)(6)
16 of this title.”.

17 (b) **APPLICABILITY.**—Paragraph (3) of section
18 1414(d) of title 10, United States Code, as added by sub-
19 section (a), shall apply with respect to payments made
20 under section 1408 of title 10, United States Code, on
21 or after the date of the enactment of this Act.

1 **SEC. 622. REINSTATEMENT OF TEMPORARY SPECIAL RE-**
2 **TIREMENT QUALIFICATION AUTHORITY FOR**
3 **MEMBERS OF THE SELECTED RESERVE OF**
4 **THE RESERVE COMPONENTS OF THE AIR**
5 **FORCE WITH 15 YEARS OF QUALIFYING SERV-**
6 **ICE.**

7 (a) REINSTATEMENT OF AUTHORITY.—Subsection
8 (a)(1) of section 12731a of title 10, United States Code,
9 is amended—

10 (1) in subparagraph (A), by striking “October
11 1, 1991,” and inserting “the first day of a period
12 described in subsection (b) that is applicable to that
13 member”; and

14 (2) in subparagraph (B), by striking “after that
15 date and before the end of the period described in
16 subsection (b)” and inserting “during a period de-
17 scribed in subsection (b) that is applicable to that
18 member”.

19 (b) PERIOD OF AUTHORITY.—Subsection (b) of such
20 section is amended to read as follows:

21 “(b) PERIOD OF AUTHORITY.—A period referred to
22 in subsection (a)(1) is any of the following:

23 “(1) With respect to any member of the Se-
24 lected Reserve of a reserve component, the period
25 beginning on October 23, 1992, and ending on De-
26 cember 31, 2001.

1 “(2) With respect to any member of the Se-
2 lected Reserve of the Air Force Reserve or Air Na-
3 tional Guard of the United States, the period begin-
4 ning on October 1, 2014, and ending on December
5 31, 2018.”.

6 **TITLE VII—HEALTH CARE** 7 **PROVISIONS**

8 **SEC. 701. REVISIONS TO TRICARE COST SHARING REQUIRE-** 9 **MENTS.**

10 (a) TRICARE PRIME ENROLLMENT FEES.—Section
11 1097 of title 10, United States Code, is amended—

12 (1) in subsection (e)—

13 (A) by striking “(1)” before “The Sec-
14 retary”; and

15 (B) by striking paragraph (2); and

16 (2) by adding at the end the following new sub-
17 section:

18 “(f) ENROLLMENT FEES.—

19 “(1) AMOUNT.—Beginning January 1, 2014,
20 the enrollment fee described in subsection (e) for a
21 covered beneficiary shall be an amount (rounded to
22 the nearest dollar) equal to the applicable percentage
23 (specified in paragraph (2)) of the retired pay of the
24 member or former member upon whom the covered
25 beneficiary’s eligibility is based, except that the

1 amount of such enrollment fee shall not be in excess
 2 of the applicable maximum enrollment fee nor less
 3 than the applicable minimum enrollment fee speci-
 4 fied in paragraph (3).

5 “(2) PERCENTAGE OF RETIRED PAY.—The ap-
 6 plicable percentage of retired pay shall be deter-
 7 mined in accordance with the following table:

| “For: | The applicable percent- age for a family group of two or more persons is: | The applicable percent- age for an individual is: |
|----------------------|---|--|
| 2014 | 2.95% | 1.475% |
| 2015 | 3.30% | 1.650% |
| 2016 | 3.65% | 1.825% |
| 2017 and after | 4.00% | 2.000%. |

8 “(3) MAXIMUM AND MINIMUM ENROLLMENT
 9 FEES.—

10 “(A) BEFORE 2018.—

11 “(i) FAMILY GROUPS.—For the years
 12 2014 through 2017, the applicable max-
 13 imum and minimum enrollment fees for a
 14 family group of two or more persons shall
 15 be determined in accordance with the fol-
 16 lowing table:

| “For: | The applicable minimum enrollment fee is: | The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is: | The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is: |
|------------|---|--|--|
| 2014 | \$548 | \$900 | \$750 |
| 2015 | \$558 | \$1,200 | \$900 |
| 2016 | \$569 | \$1,500 | \$1,050 |
| 2017 | \$581 | \$1,800 | \$1,200. |

1 “(ii) INDIVIDUALS.—The applicable
2 maximum and minimum enrollment fees
3 for an individual shall be one-half the cor-
4 responding maximum and minimum enroll-
5 ment fees for a family group of two or
6 more persons (as specified in clause (i)).

7 “(B) AFTER 2017.—For any year after
8 2017, the applicable maximum and minimum
9 enrollment fees shall be equal to the maximum
10 and minimum enrollment fees for the previous
11 year increased by the percentage by which re-
12 tired pay is increased under section 1401a of
13 this title for such calendar year.

14 “(4) EXCLUSION.—Notwithstanding paragraph
15 (1), the enrollment fee described in subsection (e)
16 for a dependent of a member of the uniformed serv-
17 ices who dies while on active duty, a member retired

1 under chapter 61 of this title, or for a dependent of
2 such a member shall not exceed the amount of any
3 such enrollment fee for 2013.”.

4 (b) TRICARE STANDARD ENROLLMENT FEES AND
5 COST SHARING.—Section 1086(b) of such title is amended
6 to read as follows:

7 “(b) For a person covered by this section, any plan
8 contracted for under section 1079(a) of this title shall con-
9 tain the following provisions for payment by the patient:

10 “(1) An annual enrollment fee. The amount of
11 such annual enrollment fee for a year is—

12 “(A) for 2014, \$70 for an individual or
13 \$140 for a family group of two or more per-
14 sons;

15 “(B) for 2015, \$85 for an individual or
16 \$170 for a family group of two or more per-
17 sons;

18 “(C) for 2016, \$100 for an individual or
19 \$200 for a family group of two or more per-
20 sons;

21 “(D) for 2017, \$115 for an individual or
22 \$230 for a family group of two or more per-
23 sons;

1 “(E) for 2018, \$125 for an individual or
2 \$250 for a family group of two or more per-
3 sons; and

4 “(F) for any year after 2018, the amount
5 of the applicable enrollment fee for the previous
6 year increased by the percentage by which re-
7 tired pay is increased under section 1401a of
8 this title for such year.

9 “(2) An annual deductible of the charges in a
10 year for all types of care authorized by this section
11 and received while in an outpatient status and 25
12 percent of all subsequent charges for such care dur-
13 ing a year. The amount of such annual deductible
14 for a year is—

15 “(A) for 2014, \$160 for an individual or
16 \$320 for a family group of two or more per-
17 sons;

18 “(B) for 2015, \$200 for an individual or
19 \$400 for a family group of two or more per-
20 sons;

21 “(C) for 2016, \$230 for an individual or
22 \$460 for a family group of two or more per-
23 sons;

1 “(D) for 2017, \$260 for an individual or
2 \$520 for a family group of two or more per-
3 sons;

4 “(E) for 2018, \$290 for an individual or
5 \$580 for a family group of two or more per-
6 sons; and

7 “(F) for any year after 2018, the amount
8 of the applicable deductible for the previous
9 year increased by the percentage by which re-
10 tired pay is increased under section 1401a of
11 this title for such year.

12 “(3) 25 percent of the charges for inpatient
13 care. The Secretary of Defense may exempt a pa-
14 tient from paying such charges if the hospital to
15 which the patient is admitted does not impose a
16 legal obligation on any of its patients to pay for in-
17 patient care.

18 “(4) A person covered by this section may not
19 be required to pay a total in excess of a catastrophic
20 cap, excluding the amount of any annual enrollment
21 fee under paragraph (1), for health care received
22 during any year under a plan contracted for under
23 section 1079(a) of this title. The amount of such
24 catastrophic cap for a year is—

25 “(A) for 2013, \$3,000; and

1 “(B) for any year after 2013, the amount
2 of the catastrophic cap for the previous year in-
3 creased by the percentage by which retired pay
4 is increased under section 1401a of this title for
5 such year.

6 “(5) Notwithstanding paragraphs (1), (2), and
7 (4), for a dependent of a member of the uniformed
8 services who dies while on active duty, a member re-
9 tired under chapter 61 of this title, or a dependent
10 of such a member—

11 “(A) there is no annual enrollment fee;

12 “(B) the annual deductible referred to in
13 paragraph (2) for a year is \$150 for an indi-
14 vidual or \$300 for a family group of two or
15 more persons; and

16 “(C) the catastrophic cap for a year is
17 \$3,000.”.

18 (c) TRICARE FOR LIFE ENROLLMENT FEES.—Sec-
19 tion 1086(d)(3) of such title is amended by adding at the
20 end the following new subparagraph:

21 “(D)(i) Beginning January 1, 2014, a person
22 described in paragraph (2) (except as provided in
23 clauses (vi) and (vii)), shall pay an annual enroll-
24 ment fee as a condition of eligibility for health care
25 benefits under this section. Such enrollment fee shall

1 be an amount (rounded to the nearest dollar) equal
 2 to the applicable percentage (specified in clause (ii))
 3 of the retired pay of the member or former member
 4 upon whom the covered beneficiary’s eligibility is
 5 based, except that the amount of such enrollment fee
 6 shall not be in excess of the applicable maximum en-
 7 rollment fee (specified in clause (iii)).

8 “(ii) The applicable percentage of retired pay
 9 shall be determined in accordance with the following
 10 table:

| “For: | The applicable percent- age for a family group of two or more persons is: | The applicable percent- age for an individual is: |
|----------------------|---|--|
| 2014 | 0.50% | 0.25% |
| 2015 | 1.00% | 0.50% |
| 2016 | 1.50% | 0.75% |
| 2017 and after | 2.00% | 1.00%. |

11 “(iii) For any year 2014 through 2017, the ap-
 12 plicable maximum enrollment fees for a family group
 13 of two or more persons shall be determined in ac-
 14 cordance with the following table:

| “For: | The applicable maximum enrollment fee for a fam- ily group whose eligi- bility is based upon a member or former mem- ber of retired grade O-7 or above is: | The applicable maximum enrollment fee for a fam- ily group whose eligi- bility is based upon a member or former mem- ber of retired grade O-6 or below is: |
|------------|--|--|
| 2014 | \$200 | \$150 |
| 2015 | \$400 | \$300 |

| “For: | The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is: | The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is: |
|------------|--|--|
| 2016 | \$600 | \$450 |
| 2017 | \$800 | \$600. |

1 “(iv) For any year after 2017, the applicable
2 maximum enrollment fee shall be equal to the maximum
3 enrollment fee for the previous year increased
4 by the percentage by which retired pay is increased
5 under section 1401a of this title for such year.

6 “(v) The applicable maximum enrollment fee
7 for an individual shall be one-half the corresponding
8 maximum fee for a family group of two or more persons
9 (as determined under clauses (iii) and (iv)).

10 “(vi) Clause (i) shall not apply to a dependent
11 of a member of the uniformed services who dies
12 while on active duty, a member retired under chapter
13 61 of this title, or a dependent of such a member.
14 ber.

15 “(vii) Clause (i) also shall not apply to a person
16 who, prior to the date of the enactment of this subparagraph,
17 met the conditions described in paragraph (2)(A) and (B).”.

18 (d) TRICARE PHARMACY PROGRAM REQUIRE-
19 MENTS.—
20

1 (1) AVAILABILITY OF PHARMACEUTICAL
 2 AGENTS THROUGH NATIONAL MAIL-ORDER PHAR-
 3 MACY PROGRAM.—Section 1074g(a)(5) of such title
 4 is amended—

5 (A) by striking “at least one of the means
 6 described in paragraph (2)(E)” and inserting
 7 “the national mail-order pharmacy program”;
 8 and

9 (B) by striking “may include” and all that
 10 follows through the end of the paragraph and
 11 inserting “shall include cost sharing by the eli-
 12 gible covered beneficiary as specified in para-
 13 graph (6).”.

14 (2) COST SHARING AMOUNTS.—Section
 15 1074g(a)(6) of such title is amended to read as fol-
 16 lows:

17 “(6)(A) In the case of any of the years 2014 through
 18 2023, the cost sharing amounts referred to in paragraph
 19 (5) shall be determined in accordance with the following
 20 table:

| “For: | The cost sharing amount for 30-day supply of a retail generic is: | The cost sharing amount for 30-day supply of a retail formulary is: | The cost sharing amount for a 90-day supply of a mail order generic is: | The cost sharing amount for a 90-day supply of a mail order formulary is: | The cost sharing amount for a 90-day supply of a mail order non-formulary is: |
|----------|---|---|---|---|---|
| 2014 ... | \$5 | \$26 | \$0 | \$26 | \$51 |

| “For: | The cost sharing amount for 30-day supply of a retail generic is: | The cost sharing amount for 30-day supply of a retail formulary is: | The cost sharing amount for a 90-day supply of a mail order generic is: | The cost sharing amount for a 90-day supply of a mail order formulary is: | The cost sharing amount for a 90-day supply of a mail order non-formulary is: |
|----------|---|---|---|---|---|
| 2015 ... | \$6 | \$28 | \$0 | \$28 | \$54 |
| 2016 ... | \$7 | \$30 | \$0 | \$30 | \$58 |
| 2017 ... | \$8 | \$32 | \$0 | \$32 | \$62 |
| 2018 ... | \$9 | \$34 | \$9 | \$34 | \$66 |
| 2019 ... | \$10 | \$36 | \$10 | \$36 | \$70 |
| 2020 ... | \$11 | \$38 | \$11 | \$38 | \$75 |
| 2021 ... | \$12 | \$40 | \$12 | \$40 | \$80 |
| 2022 ... | \$13 | \$43 | \$13 | \$43 | \$85 |
| 2023 ... | \$14 | \$45 | \$14 | \$45 | \$90. |

1 “(B) For any year after 2023, the cost sharing
2 amounts referred to in paragraph (5) shall be equal to
3 the cost sharing amounts for the previous year, adjusted
4 by an amount, if any, as determined by the Secretary to
5 reflect changes in the costs of pharmaceutical agents and
6 prescription dispensing, rounded to the nearest dollar.

7 “(C) Notwithstanding subparagraphs (A) and (B),
8 the cost-sharing amounts referred to in paragraph (5) for
9 any year for a dependent of a member of the uniformed
10 services who dies while on active duty, a member retired
11 under chapter 61 of this title, or a dependent of such a
12 member shall be equal to the cost sharing amounts, if any,
13 for fiscal year 2013.”.

1 (3) REFILLS OF PRESCRIPTION MAINTENANCE
2 MEDICATIONS THROUGH THE NATIONAL MAIL
3 ORDER PHARMACY PROGRAM.—

4 (A) IN GENERAL.—Such section 1074g is
5 further amended by adding at the end the fol-
6 lowing new subsection:

7 “(i) REFILLS OF PRESCRIPTION MAINTENANCE
8 MEDICATIONS THROUGH THE NATIONAL MAIL ORDER
9 PHARMACY PROGRAM.—

10 “(1) IN GENERAL.—The pharmacy benefits pro-
11 gram shall require eligible covered beneficiaries to
12 refill non-generic prescription maintenance medica-
13 tions through military treatment facility pharmacies
14 or the national mail-order pharmacy program.

15 “(2) MEDICATIONS COVERED.—

16 “(A) DETERMINATION.—The Secretary
17 shall determine the maintenance medications
18 subject to the requirement under paragraph
19 (1).

20 “(B) SUPPLY.—In carrying out the re-
21 quirement under paragraph (1), the Secretary
22 shall ensure that the medications subject to the
23 requirement under paragraph (1) are—

24 “(i) generally available to eligible cov-
25 ered beneficiaries through retail phar-

1 macies only for an initial filing of a 30-day
2 or less supply; and

3 “(ii) any refills of such medications
4 are obtained through a military treatment
5 facility pharmacy or the national mail-
6 order pharmacy program.

7 “(C) EXEMPTION.—The Secretary may ex-
8 empt the following prescription maintenance
9 medications from the requirements in subpara-
10 graph (B):

11 “(i) Medications that are for acute
12 care needs.

13 “(ii) Such other medications as the
14 Secretary determines appropriate.”.

15 (B) CONFORMING AMENDMENT.—Section
16 716 of the National Defense Authorization Act
17 for Fiscal Year 2013 (Public Law 112–239;
18 126 Stat. 1804) is repealed.

19 (e) ADDITIONAL REALIGNMENT OF TRICARE
20 HEALTH BENEFIT YEARS FROM FISCAL YEAR TO CAL-
21 NDAR YEAR BASIS.—

22 (1) TRICARE STANDARD.—Section 1079(b) of
23 such title 10 is amended by striking “fiscal” each
24 place it appears.

1 (2) TRANSITION PERIOD.—The Secretary of
2 Defense shall prescribe regulations to transition
3 TRICARE health plan benefit years from a fiscal-
4 year basis to a calendar-year basis pursuant to the
5 amendments made by this subsection.

6 (3) CONFORMING AND TECHNICAL AMEND-
7 MENTS.—Section 724 of the National Defense Au-
8 thorization Act for Fiscal Year 1997 (Public Law
9 104–201; 10 U.S.C. 1073 note) is amended—

10 (A) in subsection (b)—

11 (i) by striking “For each fiscal year
12 beginning after September 30, 1997, the”
13 and inserting “The”;

14 (ii) by inserting “during any year”
15 after “by designated providers”; and

16 (iii) by striking “fiscal year.” and in-
17 serting “year.”; and

18 (B) in subsection (d)(2)(B)—

19 (i) by striking “For each fiscal year
20 beginning after September 30, 2003, the”
21 and inserting “The”;

22 (ii) by striking “during such fiscal
23 year” the first place it appears and insert-
24 ing “during any year”; and

1 (iii) by striking “fiscal year.” and in-
2 serting “year.”.

3 (f) AUTHORITY TO ADJUST PAYMENTS INTO THE
4 MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—
5 Section 1116 of such title is amended by adding at the
6 end the following new subsection:

7 “(e)(1) During any fiscal year, if the Secretary of De-
8 fense determines that the amount certified under sub-
9 section (c) is no longer accurate because of a significant
10 change in circumstances or law, the Secretary of Defense
11 may, if appropriate, certify a revised amount determined
12 in accordance with subsection (b)(2) to the Secretary of
13 the Treasury.

14 “(2) If the Secretary of Defense makes a certification
15 under paragraph (1), each other administering Secretary
16 shall make and advise the Secretary of the Treasury of
17 a revised determination, consistent with section 1111(c)
18 of this title.

19 “(3) If a certification and determination are made
20 under paragraphs (1) and (2), the Secretary of the Treas-
21 ury shall promptly pay into or recoup from the Fund the
22 difference between the amount paid into the Fund under
23 subsection (a) and the amount certified or determined by
24 the administering Secretary under paragraph (1) or (2).”.

1 **SEC. 702. REQUIREMENT FOR MEDICARE PARTICIPATING**
2 **PHYSICIAN OR SUPPLIER TO ACCEPT**
3 **TRICARE AND VETERANS AFFAIRS PARTICI-**
4 **PATING RATES.**

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

19 **SEC. 703. ELIMINATION OF MANDATORY WEIGHTING OF**
20 **CERTAIN FACTORS IN DETERMINING BEST**
21 **VALUE FOR AWARDING HEALTH CARE CON-**
22 **TRACTS.**

23 Section 1073a of title 10, United States Code, is
24 amended—

25 (1) by striking subsection (b); and

1 (2) by redesignating subsection (c) as sub-
2 section (b).

3 **TITLE VIII—ACQUISITION POL-**
4 **ICY, ACQUISITION MANAGE-**
5 **MENT, AND RELATED MAT-**
6 **TERS**

7 **SEC. 801. CLARIFICATION OF SCOPE OF SUPPLIES COV-**
8 **ERED BY STATUTORY RAPID ACQUISITION**
9 **AUTHORITY.**

10 Section 806(g) of the Bob Stump National Defense
11 Authorization Act for Fiscal Year 2003 (Public Law 107–
12 314; 10 U.S.C. 2302 note) is amended—

13 (1) by striking “ASSOCIATED SUPPORT SERV-
14 ICES DEFINED.—In the section, the term” and in-
15 serting “DEFINITIONS.—In this section:

16 “(1) ASSOCIATED SUPPORT SERVICES.—The
17 term”; and

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

20 “(2) SUPPLIES.—The term ‘supplies’ means all
21 property except land or interest in land.”.

1 **SEC. 802. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR**
 2 **THE DEPARTMENT OF DEFENSE AND THE NA-**
 3 **TIONAL AERONAUTICS AND SPACE ADMINIS-**
 4 **TRATION.**

5 (a) PURPOSE.—The purpose of this section is to pro-
 6 vide the Secretary of Defense and the Administrator of
 7 the National Aeronautics and Space Administration with
 8 an effective administrative remedy to obtain recompense
 9 for the Department of Defense and the National Aero-
 10 nautics and Space Administration for losses resulting from
 11 the submission to the Department or the Administration,
 12 respectively, of false, fictitious, or fraudulent claims and
 13 statements.

14 (b) PROGRAM FRAUD CIVIL REMEDIES.—

15 (1) IN GENERAL.—Chapter IV of subtitle A of
 16 title 10, United States Code, is amended by insert-
 17 ing after chapter 163 the following new chapter:

18 **“CHAPTER 164—ADMINISTRATIVE REM-**
 19 **EDIES FOR FALSE CLAIMS AND STATE-**
 20 **MENTS**

“Sec.

“2751. Applicability of chapter; definitions.

“2752. False claims and statements; liability.

“2753. Hearing and determinations.

“2754. Payment; interest on late payments.

“2755. Judicial review.

“2756. Collection of civil penalties and assessments.

“2757. Right to administrative offset.

“2758. Limitations.

“2759. Effect on other laws.

1 **“§ 2751. Applicability of chapter; definitions**

2 “(a) APPLICABILITY OF CHAPTER.—This chapter ap-
3 plies to the following agencies:

4 “(1) The Department of Defense.

5 “(2) The National Aeronautics and Space Ad-
6 ministration.

7 “(b) DEFINITIONS.—In this chapter:

8 “(1) HEAD OF AN AGENCY.—The term ‘head of
9 an agency’ means the Secretary of Defense and the
10 Administrator of the National Aeronautics and
11 Space Administration.

12 “(2) CLAIM.—The term ‘claim’ means any re-
13 quest, demand, or submission—

14 “(A) made to the head of an agency for
15 property, services, or money (including money
16 representing grants, loans, insurance, or bene-
17 fits);

18 “(B) made to a recipient of property, serv-
19 ices, or money received directly or indirectly
20 from the head of an agency or to a party to a
21 contract with the head of an agency—

22 “(i) for property or services if the
23 United States—

24 “(I) provided such property or
25 services;

1 “(II) provided any portion of the
2 funds for the purchase of such prop-
3 erty or services; or

4 “(III) will reimburse such recipi-
5 ent or party for the purchase of such
6 property or services; or

7 “(ii) for the payment of money (in-
8 cluding money representing grants, loans,
9 insurance, or benefits) if the United
10 States—

11 “(I) provided any portion of the
12 money requested or demanded; or

13 “(II) will reimburse such recipi-
14 ent or party for any portion of the
15 money paid on such request or de-
16 mand; or

17 “(C) made to the head of an agency which
18 has the effect of decreasing an obligation to pay
19 or account for property, services, or money.

20 “(3) KNOWS OR HAS REASON TO KNOW.—The
21 term ‘knows or has reason to know’, for purposes of
22 establishing liability under section 2752 of this title,
23 means that a person, with respect to a claim or
24 statement—

1 “(A) has actual knowledge that the claim
2 or statement is false, fictitious, or fraudulent;

3 “(B) acts in deliberate ignorance of the
4 truth or falsity of the claim or statement; or

5 “(C) acts in reckless disregard of the truth
6 or falsity of the claim or statement, and no
7 proof of specific intent to defraud is required.

8 “(4) RESPONSIBLE OFFICIAL.—The term ‘re-
9 sponsible official’ means a designated debarring and
10 suspending official of the agency named in sub-
11 section (a).

12 “(5) RESPONDENT.—The term ‘respondent’
13 means a person who has received notice from a re-
14 sponsible official asserting liability under section
15 2752 of this title.

16 “(6) STATEMENT.—The term ‘statement’
17 means any representation, certification, affirmation,
18 document, record, or an accounting or bookkeeping
19 entry made—

20 “(A) with respect to a claim or to obtain
21 the approval or payment of a claim (including
22 relating to eligibility to make a claim); or

23 “(B) with respect to (including relating to
24 eligibility for)—

1 “(i) a contract with, or a bid or pro-
2 posal for a contract with the head of an
3 agency; or

4 “(ii) a grant, loan, or benefit from the
5 head of an agency.

6 “(c) CLAIMS.—For purposes of paragraph (2) of sub-
7 section (b)—

8 “(1) each voucher, invoice, claim form, or other
9 individual request or demand for property, services,
10 or money constitutes a separate claim;

11 “(2) each claim for property, services, or money
12 is subject to this chapter regardless of whether such
13 property, services, or money is actually delivered or
14 paid; and

15 “(3) a claim shall be considered made, pre-
16 sented, or submitted to the head of an agency, re-
17 cipient, or party when such claim is actually made
18 to an agent, fiscal intermediary, or other entity act-
19 ing for or on behalf of such authority, recipient, or
20 party.

21 “(d) STATEMENTS.—For purposes of paragraph (6)
22 of subsection (b)—

23 “(1) each written representation, certification,
24 or affirmation constitutes a separate statement; and

1 “(2) a statement shall be considered made, pre-
2 sented, or submitted to the head of an agency when
3 such statement is actually made to an agent, fiscal
4 intermediary, or other entity acting for or on behalf
5 of such authority.

6 **“§ 2752. False claims and statements; liability**

7 “(a) FALSE CLAIMS.—Any person who makes, pre-
8 sents, or submits, or causes to be made, presented, or sub-
9 mitted, to the head of an agency a claim that the person
10 knows or has reason to know—

11 “(1) is false, fictitious, or fraudulent;

12 “(2) includes or is supported by any written
13 statement which asserts a material fact that is false,
14 fictitious, or fraudulent;

15 “(3) includes or is supported by any written
16 statement that—

17 “(A) omits a material fact;

18 “(B) is false, fictitious, or fraudulent as a
19 result of such omission; and

20 “(C) the person making, presenting, or
21 submitting such statement has a duty to in-
22 clude such material fact; or

23 “(4) is for payment for the provision of prop-
24 erty or services which the person has not provided
25 as claimed,

1 shall, in addition to any other remedy that may be pre-
2 scribed by law, be subject to a civil penalty of not more
3 than \$5,000 for each such claim. Such person shall also
4 be subject to an assessment of not more than twice the
5 amount of such claim, or the portion of such claim which
6 is determined by the responsible official to be in violation
7 of the preceding sentence.

8 “(b) FALSE STATEMENTS.—Any person who makes,
9 presents, submits, or causes to be made, presented, or sub-
10 mitted, a written statement in conjunction with a procure-
11 ment program or acquisition of the agency named in sec-
12 tion 2751(a) of this title that—

13 “(1) the person knows or has reason to know—

14 “(A) asserts a material fact that is false,
15 fictitious, or fraudulent; or

16 “(B)(i) omits a material fact; and

17 “(ii) is false, fictitious, or fraudulent as a
18 result of such omission;

19 “(2) in the case of a statement described in
20 subparagraph (B) of paragraph (1), is a statement
21 in which the person making, presenting, or submit-
22 ting such statement has a duty to include such ma-
23 terial fact; and

1 “(3) contains or is accompanied by an express
2 certification or affirmation of the truthfulness and
3 accuracy of the contents of the statement,
4 shall be subject to, in addition to any other remedy that
5 may be prescribed by law, a civil penalty of not more than
6 \$5,000 for each such statement.

7 **“§ 2753. Hearing and determinations**

8 “(a) TRANSMITTAL OF NOTICE TO ATTORNEY GEN-
9 ERAL.—If a responsible official determines that there is
10 adequate evidence to believe that a person is liable under
11 section 2752 of this title, the responsible official shall
12 transmit to the Attorney General, or any other officer or
13 employee of the Department of Justice designated by the
14 Attorney General, a written notice of the intention of such
15 official to initiate an action under this section. The notice
16 shall include the following:

17 “(1) A statement of the reasons for initiating
18 an action under this section.

19 “(2) A statement specifying the evidence which
20 supports liability under section 2752 of this title.

21 “(3) A description of the claims or statements
22 for which liability under section 2752 of this title is
23 alleged.

1 “(4) An estimate of the penalties and assess-
2 ments that will be demanded under section 2752 of
3 this title.

4 “(5) A statement of any exculpatory or miti-
5 gating circumstances which may relate to such
6 claims or statements.

7 “(b) STATEMENT FROM ATTORNEY GENERAL.—

8 “(1) Within 90 days after receipt of a notice
9 from a responsible official under subsection (a), the
10 Attorney General, or any other officer or employee
11 of the Department of Justice designated by the At-
12 torney General, shall transmit a written statement
13 to the responsible official which specifies—

14 “(A) that the Attorney General, or any
15 other officer or employee of the Department of
16 Justice designated by the Attorney General, ap-
17 proves or disapproves initiating an action under
18 this section based on the allegations of liability
19 stated in such notice; and

20 “(B) in any case in which the initiation of
21 an action under this section is disapproved, the
22 reasons for such disapproval.

23 “(2) If at any time after the initiation of an ac-
24 tion under this section the Attorney General, or any
25 other officer or employee of the Department of Jus-

1 tice designated by the Attorney General, transmits
2 to a responsible official a written determination that
3 the continuation of any action under this section
4 may adversely affect any pending or potential crimi-
5 nal or civil action, such action shall be immediately
6 stayed and may be resumed only upon written au-
7 thorization from the Attorney General, or any other
8 officer or employee of the Department of Justice
9 designated by the Attorney General.

10 “(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY
11 BE PURSUED UNDER THIS SECTION.—No action shall be
12 initiated under this section, nor shall any assessment be
13 imposed under this section, if the total amount of the
14 claim determined by the responsible official to violate sec-
15 tion 2752(a) of this title exceeds \$500,000. The \$500,000
16 threshold does not include penalties or any assessment
17 permitted under 2752(a) of this title greater than the
18 amount of the claim determined by the responsible official
19 to violate such section.

20 “(d) PROCEDURES FOR RESOLVING CLAIMS.—(1)
21 Upon receiving approval under subsection (b) to initiate
22 an action under this section, the responsible official shall
23 mail, by registered or certified mail, or other similar com-
24 mercial means, or shall deliver, a notice to the person al-
25 leged to be liable under section 2752 of this title. Such

1 notice shall specify the allegations of liability against such
2 person, specify the total amount of penalties and assess-
3 ments sought by the United States, advise the person of
4 the opportunity to submit facts and arguments in opposi-
5 tion to the allegations set forth in the notice, advise the
6 person of the opportunity to submit offers of settlement
7 or proposals of adjustment, and advise the person of the
8 procedures of the agency named in section 2751(a) of this
9 title governing the resolution of actions initiated under
10 this section.

11 “(2) Within 30 days after receiving a notice under
12 paragraph (1), or any additional period of time granted
13 by the responsible official, the respondent may submit in
14 person, in writing, or through a representative, facts and
15 arguments in opposition to the allegations set forth in the
16 notice, including any additional information that raises a
17 genuine dispute of material fact.

18 “(3) If the respondent fails to respond within 30
19 days, or any additional time granted by the responsible
20 official, the responsible official may issue a written deci-
21 sion disposing of the matters raised in the notice. Such
22 decision shall be based on the record before the responsible
23 official. If the responsible official concludes that the re-
24 spondent is liable under section 2752 of this title, the deci-
25 sion shall include the findings of fact and conclusions of

1 law which the responsible official relied upon in deter-
2 mining that the respondent is liable, and the amount of
3 any penalty and/or assessment to be imposed on the re-
4 spondent. Any such determination shall be based on a pre-
5 ponderance of the evidence. The responsible official shall
6 promptly send to the respondent a copy of the decision
7 by registered or certified mail, or other similar commercial
8 means, or shall hand deliver a copy of the decision.

9 “(4) If the respondent makes a timely submission,
10 and the responsible official determines that the respondent
11 has not raised any genuine dispute of material fact, the
12 responsible official may issue a written decision disposing
13 of the matters raised in the notice. Such decision shall
14 be based on the record before the responsible official. If
15 the responsible official concludes that the respondent is
16 liable under section 2752 of this title, the decision shall
17 include the findings of fact and conclusions of law which
18 the responsible official relied upon in determining that the
19 respondent is liable, and the amount of any penalty or as-
20 sessment to be imposed on the respondent. Any such de-
21 termination shall be based on a preponderance of the evi-
22 dence. The responsible official shall promptly send to the
23 respondent a copy of the decision by registered or certified
24 mail, or other similar commercial means, or shall hand
25 deliver a copy of the decision.

1 “(5) If the respondent makes a timely submission,
2 and the responsible official determines that the respondent
3 has raised a genuine dispute of material fact, the respon-
4 sible official shall commence a hearing to resolve the genu-
5 inely disputed material facts by mailing by registered or
6 certified mail, or other similar commercial means, or by
7 hand delivery of, a notice informing the respondent of—

8 “(A) the time, place, and nature of the hearing;

9 “(B) the legal authority under which the hear-
10 ing is to be held;

11 “(C) the material facts determined by the re-
12 sponsible official to be genuinely in dispute that will
13 be the subject of the hearing; and

14 “(D) a description of the procedures for the
15 conduct of the hearing.

16 “(6) The responsible official and any person against
17 whom liability is asserted under this chapter may agree
18 to a compromise or settle an action at any time. Any com-
19 promise or settlement must be in writing.

20 “(e) RESPONDENT ENTITLED TO COPY OF THE
21 RECORD.—At any time after receiving a notice under
22 paragraph (1) of subsection (d), the respondent shall be
23 entitled to a copy of the entire record before the respon-
24 sible official.

1 “(f) HEARINGS.—Any hearing commenced under this
2 section shall be conducted by the responsible official, or
3 a fact-finder designated by the responsible official, solely
4 to resolve genuinely disputed material facts identified by
5 the responsible official and set forth in the notice to the
6 respondent.

7 “(g) PROCEDURES FOR HEARINGS.—(1) Each hear-
8 ing shall be conducted under procedures prescribed by the
9 head of the agency. Such procedures shall include the fol-
10 lowing:

11 “(A) The provision of written notice of the
12 hearing to the respondent, including written notice
13 of—

14 “(i) the time, place, and nature of the
15 hearing;

16 “(ii) the legal authority under which the
17 hearing is to be held;

18 “(iii) the material facts determined by the
19 responsible official to be genuinely in dispute
20 that will be the subject of the hearing; and

21 “(iv) a description of the procedures for
22 the conduct of the hearing.

23 “(B) The opportunity for the respondent to
24 present facts and arguments through oral or docu-
25 mentary evidence, to submit rebuttal evidence, and

1 to conduct such cross-examination as may be re-
2 quired to resolve any genuinely disputed material
3 facts identified by the responsible official.

4 “(C) The opportunity for the respondent to be
5 accompanied, represented, and advised by counsel or
6 such other qualified representative as the Secretary
7 may specify in such regulations.

8 “(2) For the purpose of conducting hearings under
9 this section, the responsible official is authorized to admin-
10 ister oaths or affirmations.

11 “(3) Hearings shall be held at the responsible offi-
12 cial’s office, or at such other place as may be agreed upon
13 by the respondent and the responsible official.

14 “(h) DECISION FOLLOWING HEARING.—The respon-
15 sible official shall issue a written decision within 60 days
16 after the conclusion of the hearing. That decision shall set
17 forth specific findings of fact resolving the genuinely dis-
18 puted material facts that were the subject of the hearing.
19 The written decision shall also dispose of the matters
20 raised in the notice required under paragraph (1) of sub-
21 section (d). If the responsible official concludes that the
22 respondent is liable under section 2752 of this title, the
23 decision shall include the findings of fact and conclusions
24 of law which the responsible official relied upon in deter-
25 mining that the respondent is liable, and the amount of

1 any penalty or assessment to be imposed on the respond-
2 ent. Any decisions issued under this subparagraph shall
3 be based on the record before the responsible official and
4 shall be supported by a preponderance of the evidence.
5 The responsible official shall promptly send to the re-
6 spondent a copy of the decision by registered or certified
7 mail, or other similar commercial means, or shall hand
8 deliver a copy of the decision.

9 **“§ 2754. Payment; interest on late payments**

10 “(a) PAYMENT OF ASSESSMENTS AND PENALTIES.—
11 A respondent shall render payment of any assessment and
12 penalty imposed by a responsible official, or any amount
13 otherwise agreed to as part of a settlement or adjustment,
14 not later than the date—

15 “(1) that is 30 days after the date of the re-
16 ceipt by the respondent of the responsible official’s
17 decision; or

18 “(2) as otherwise agreed to by the respondent
19 and the responsible official.

20 “(b) INTEREST.—If there is an unpaid balance as of
21 the date determined under paragraph (1), interest shall
22 accrue from that date on any unpaid balance. The rate
23 of interest charged shall be the rate in effect as of that
24 date that is published by the Secretary of the Treasury
25 under section 3717 of title 31.

1 “(c) TREATMENT OF RECEIPTS.—All penalties, as-
2 ssments, or interest paid, collected, or otherwise recov-
3 ered under this chapter shall be deposited into the Treas-
4 ury as miscellaneous receipts as provided in section 3302
5 of title 31.

6 **“§ 2755. Judicial review**

7 “A decision by a responsible official under section
8 2753(d) or 2753(h) of this title shall be final. Any such
9 final decision is subject to judicial review only under chap-
10 ter 7 of title 5.

11 **“§ 2756. Collection of civil penalties and assessments**

12 “(a) JUDICIAL ENFORCEMENT OF CIVIL PENALTIES
13 AND ASSESSMENTS.—The Attorney General shall be re-
14 sponsible for judicial enforcement of any civil penalty or
15 assessment imposed under this chapter.

16 “(b) CIVIL ACTIONS FOR RECOVERY.—Any penalty
17 or assessment imposed in a decision by a responsible offi-
18 cial, or amounts otherwise agreed to as part of a settle-
19 ment or adjustment, along with any accrued interest, may
20 be recovered in a civil action brought by the Attorney Gen-
21 eral. In any such action, no matter that was raised or that
22 could have been raised in a proceeding under this chapter
23 or pursuant to judicial review under section 2755 of this
24 title may be raised as a defense, and the determination

1 of liability and the determination of amounts of penalties
2 and assessments shall not be subject to review.

3 “(c) JURISDICTION OF UNITED STATES DISTRICT
4 COURTS.—The district courts of the United States shall
5 have jurisdiction of any action commenced by the United
6 States under subsection (b).

7 “(d) JOINING AND CONSOLIDATING ACTIONS.—Any
8 action under subsection (b) may, without regard to venue
9 requirements, be joined and consolidated with or asserted
10 as a counterclaim, cross-claim, or setoff by the United
11 States in any other civil action which includes as parties
12 the United States, and the person against whom such ac-
13 tion may be brought.

14 “(e) JURISDICTION OF UNITED STATES COURT OF
15 FEDERAL CLAIMS.—The United States Court of Federal
16 Claims shall have jurisdiction of any action under sub-
17 section (b) to recover any penalty or assessment, or
18 amounts otherwise agreed to as part of a settlement or
19 adjustment, along with any accrued interest, if the cause
20 of action is asserted by the United States as a counter-
21 claim in a matter pending in such court. The counterclaim
22 need not relate to the subject matter of the underlying
23 claim.

1 **“§ 2757. Right to administrative offset**

2 “The amount of any penalty or assessment that has
3 been imposed by a responsible official, or any amount
4 agreed upon in a settlement or compromise, along with
5 any accrued interest, may be collected by administrative
6 offset.

7 **“§ 2758. Limitations**

8 “(a) LIMITATION ON PERIOD FOR INITIATION OF AD-
9 MINISTRATIVE ACTION.—An action under section 2752 of
10 this title with respect to a claim or statement shall be com-
11 menced within six years after the date on which such claim
12 or statement is made, presented, or submitted.

13 “(b) LIMITATION PERIOD FOR INITIATION OF CIVIL
14 ACTION FOR RECOVERY OF ADMINISTRATIVE PENALTY
15 OR ASSESSMENT.—A civil action to recover a penalty or
16 assessment under section 2756 of this title shall be com-
17 menced within three years after the date of the decision
18 of the responsible official imposing the penalty or assess-
19 ment.

20 **“§ 2759. Effect on other laws**

21 “(a) RELATIONSHIP TO TITLE 44 AUTHORITIES.—
22 This chapter does not diminish the responsibility of the
23 head of an agency to comply with the provisions of chapter
24 35 of title 44, relating to coordination of Federal informa-
25 tion policy.

1 “(b) RELATIONSHIP TO TITLE 31 AUTHORITIES.—
 2 The procedures set forth in this chapter apply to the agen-
 3 cies named in section 2751(a) of this title in lieu of the
 4 procedures under chapter 38 of title 31, relating to admin-
 5 istrative remedies for false claims and statements.

6 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Any
 7 action, inaction, or decision under this chapter shall be
 8 based solely upon the information before the responsible
 9 official and shall not limit or restrict any agency of the
 10 Government from instituting any other action arising out-
 11 side this chapter, including suspension or debarment,
 12 based upon the same information. Any action, inaction or
 13 decision under this chapter shall not restrict the ability
 14 of the Attorney General to bring judicial action, based
 15 upon the same information as long as such action is not
 16 otherwise prohibited by law.”.

17 (2) CLERICAL AMENDMENT.—The tables of
 18 chapters at the beginning of subtitle A, and at the
 19 beginning of part IV of subtitle A, of such title are
 20 each amended by inserting after the item relating to
 21 chapter 163 the following new item:

“164. Administrative Remedies for False Claims and Statements 2751.”.

22 (c) CONFORMING AMENDMENTS.—Section
 23 3801(a)(1) of title 31, United States Code, is amended—

1 a major automated information system program or other
2 major information technology investment program, the
3 further deployment or planned deployment to additional
4 users of the system which has already been found oper-
5 ationally effective and suitable by an independent test
6 agency or the Director of Operational Test and Evalua-
7 tion, beyond the scope planned in the original estimate or
8 information originally submitted on the program.”.

9 (b) REPORTS ON CRITICAL CHANGES IN MAIS PRO-
10 GRAMS.—Subsection (d) of section 2445c of such title is
11 amended—

12 (1) in paragraph (1), by striking “paragraph
13 (2)” and inserting “paragraph (3)”;

14 (2) by redesignating paragraph (2) as para-
15 graph (3); and

16 (3) by inserting after paragraph (1) the fol-
17 lowing new paragraph (2):

18 “(2) NOTIFICATION WHEN VARIANCE DUE TO
19 CONGRESSIONAL ACTION OR EXTENSION OF PRO-
20 GRAM.—If a senior Department of Defense official
21 who, following receipt of a quarterly report described
22 in paragraph (1) and making a determination de-
23 scribed in paragraph (3), also determines that the
24 circumstances resulting in the determination de-
25 scribed in paragraph (3) either (A) are primarily the

1 result of congressional action, or (B) are primarily
2 due to an extension of a program, the official may,
3 in lieu of carrying out an evaluation and submitting
4 a report in accordance with paragraph (1), submit
5 to the congressional defense committees, within 45
6 days after receiving the quarterly report, a notifica-
7 tion that the official has made those determinations.
8 If such a notification is submitted, the limitation in
9 subsection (g)(1) does not apply with respect to that
10 determination under paragraph (3).”.

11 (c) CONFORMING CROSS-REFERENCE AMEND-
12 MENT.—Subsection (g)(1) of such section is amended by
13 striking “subsection (d)(2)” and inserting “subsection
14 (d)(3)”.

15 (d) TOTAL ACQUISITION COST INFORMATION.—

16 (1) Section 2445b(b)(3) of title 10, United
17 States Code, is amended by striking “development
18 costs” and inserting “total acquisition costs”.

19 (2) Section 2445c of such title is amended—

20 (A) in subparagraph (B) of subsection
21 (c)(2), by striking “program development cost”
22 and inserting “total acquisition cost”; and

23 (B) in subparagraph (C) of subsection
24 (d)(3) (as redesignated by subsection (b)(2)),

1 by striking “program development cost” and in-
2 serting “total acquisition cost”.

3 (e) CLARIFICATION OF CROSS-REFERENCE.—Section
4 2445c(g)(2) of such title is amended by striking “in com-
5 pliance with the requirements of subsection (d)(2)” and
6 inserting “under subsection (d)(1)(B)”.

7 **SEC. 804. MODIFICATION OF REPORTING REQUIREMENT**
8 **FOR DEPARTMENT OF DEFENSE BUSINESS**
9 **SYSTEM ACQUISITION PROGRAMS WHEN INI-**
10 **TIAL OPERATING CAPABILITY IS NOT**
11 **ACHIEVED WITHIN FIVE YEARS OF MILE-**
12 **STONE A APPROVAL.**

13 (a) SUBMISSION TO PRE-CERTIFICATION AUTHOR-
14 ITY.—Subsection (b) of section 811 of the John Warner
15 National Defense Authorization Act for Fiscal Year 2007
16 (Public Law 109–364; 120 Stat. 2316) is amended by
17 striking “the system shall be deemed to have undergone”
18 and all that follows through the period and inserting “the
19 appropriate official shall report such failure, along with
20 the facts and circumstances surrounding the failure, to the
21 appropriate pre-certification authority for that system
22 under section 2222 of title 10, United States Code, and
23 the information so reported shall be considered by the pre-
24 certification authority in the decision whether to rec-
25 ommend certification of obligations under that section.”.

1 (b) COVERED SYSTEMS.—Subsection (c) of such sec-
2 tion is amended—

3 (1) by striking “3542(b)(2) of title 44” and in-
4 serting “section 2222(j)(2) of title 10”; and

5 (2) by inserting “, and that is not designated
6 in section 2445a of title 10, United States Code, as
7 a ‘major automated information system program’ or
8 an ‘other major information technology investment
9 program’ ” before the period at the end.

10 (c) UPDATED REFERENCES TO DOD ISSUANCES.—
11 Subsection (d) of such section is amended—

12 (1) in paragraph (1), by striking “Department
13 of Defense Instruction 5000.2” and inserting “De-
14 partment of Defense Directive 5000.01”; and

15 (2) in paragraph (2), by striking “Department
16 of Defense Instruction 5000.2, dated May 12, 2003”
17 and inserting “Department of Defense Instruction
18 5000.02, dated December 3, 2008”.

19 **SEC. 805. TIMELINESS RULES FOR FILING BID PROTESTS**
20 **AT THE UNITED STATES COURT OF FEDERAL**
21 **CLAIMS.**

22 (a) JURISDICTION.—Paragraph (1) of section
23 1491(b) of title 28, United States Code, is amended—

24 (1) in the first sentence, by striking “Both the”
25 and all that follows through “shall have” and insert-

1 ing “The United States Court of Federal Claims
2 shall have”; and

3 (2) in the second sentence—

4 (A) by striking “Both the” and all that fol-
5 lows through “shall have” and inserting “The
6 United States Court of Federal Claims shall
7 have”; and

8 (B) by striking “is awarded.” and insert-
9 ing “is awarded, but such jurisdiction is subject
10 to time limits as follows:

11 “(A) A protest based upon alleged improprieties
12 in a solicitation that are apparent before bid opening
13 or the time set for receipt of initial proposals shall
14 be filed before bid opening or the time set for receipt
15 of initial proposals. In the case of a procurement
16 where proposals are requested, alleged improprieties
17 that do not exist in the initial solicitation but that
18 are subsequently incorporated into the solicitation
19 shall be protested not later than the next closing
20 time for receipt of proposals following the incorpora-
21 tion. A protest that meets these time limitations that
22 was previously filed with the Comptroller General
23 may not be reviewed.

24 “(B) A protest other than one covered by sub-
25 paragraph (A) shall be filed not later than 10 days

1 after the basis of the protest is known or should
2 have been known (whichever is earlier), with the ex-
3 ception of a protest challenging a procurement con-
4 ducted on the basis of competitive proposals under
5 which a debriefing is requested and, when requested,
6 is required. In such a case, with respect to any pro-
7 test the basis of which is known or should have been
8 known either before or as a result of the debriefing,
9 the initial protest shall not be filed before the de-
10 briefing date offered to the protester, but shall be
11 filed not later than 10 days after the date on which
12 the debriefing is held.

13 “(C) If a timely agency-level protest was pre-
14 viously filed, any subsequent protest to the United
15 States Court of Federal Claims that is filed within
16 10 days of actual or constructive knowledge of initial
17 adverse agency action shall be considered, if the
18 agency-level protest was filed in accordance with
19 subparagraphs (A) and (B), unless the contracting
20 agency imposes a more stringent time for filing the
21 protest, in which case the agency’s time for filing
22 shall control. In a case where an alleged impropriety
23 in a solicitation is timely protested to a contracting
24 agency, any subsequent protest to the United States
25 Court of Federal Claims shall be considered timely

1 if filed within the 10-day period provided by this
2 subparagraph, even if filed after bid opening or the
3 closing time for receipt of proposals.

4 “(D) A protest untimely on its face shall be dis-
5 missed. A protester shall include in its protest all in-
6 formation establishing the timeliness of the protest;
7 a protester shall not be permitted to introduce for
8 the first time in a motion for reconsideration infor-
9 mation necessary to establish that the protest was
10 timely. Under no circumstances may the United
11 States Court of Federal Claims consider a protest
12 that is untimely because it was first filed with the
13 Government Accountability Office.”.

14 (b) AVAILABLE RELIEF.—Paragraph (2) of such sec-
15 tion is amended by inserting “monetary relief shall not
16 be available if injunctive relief is or has been granted,
17 and” after “except that”.

18 (c) AGENCY DECISIONS OVERRIDING STAY OF CON-
19 TRACT AWARD OR PERFORMANCE.—Such section is fur-
20 ther amended—

21 (1) by redesignating paragraphs (5) and (6) as
22 paragraphs (6) and (7), respectively; and

23 (2) by inserting after paragraph (4) the fol-
24 lowing new paragraph (5):

1 “(5) The United States Court of Federal Claims shall
 2 have jurisdiction to render judgment on an action by an
 3 interested party challenging an agency’s decision to over-
 4 ride a stay of contract award or contract performance that
 5 would otherwise be required by section 3553 of title 31.”.

6 (d) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply to any cause of action filed 180
 8 days or more after the date of the enactment of this Act.

9 **SEC. 806. EXCEPTION TO INTERNAL CONTROLS FOR PRO-**
 10 **CUREMENT OF NECESSARY PROPERTY AND**
 11 **SERVICES BY THE DEPARTMENT OF DEFENSE**
 12 **AND DEPARTMENT OF VETERANS AFFAIRS**
 13 **INTERAGENCY PROGRAM OFFICE.**

14 (a) IN GENERAL.—Subparagraph (A) of section
 15 801(b)(2) of the National Defense Authorization Act for
 16 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202;
 17 10 U.S.C. 2304 note) is amended to read as follows:

18 “(A) IN GENERAL.—The limitation in
 19 paragraph (1) shall not apply to the procure-
 20 ment of property and services on behalf of—

21 “(i) the Department of Defense by a
 22 non-defense agency during any fiscal year
 23 for which there is in effect a written deter-
 24 mination of the Under Secretary of De-
 25 fense for Acquisition, Technology, and Lo-

1 gistics that it is necessary in the interest
2 of the Department of Defense to procure
3 property and services through the non-de-
4 fense agency during such fiscal year; or

5 “(ii) the Department of Defense and
6 Department of Veterans Affairs inter-
7 agency program office established under
8 section 1635 of this Act.”.

9 (b) CONFORMING AMENDMENT.—Subparagraph (B)
10 of such section is amended by inserting “(i)” after “sub-
11 paragraph (A)”.

12 **SEC. 807. ENHANCED TRANSFER OF TECHNOLOGY DEVEL-**
13 **OPED AT DEPARTMENT OF DEFENSE LAB-**
14 **ORATORIES.**

15 (a) DEFINITIONS.—As used in this section:

16 (1) The terms “department” and “military de-
17 partment” have the meaning given those terms in
18 section 101 of title 10, United States Code.

19 (2) The term “DoD laboratory” or “labora-
20 tory” means any facility or group of facilities that—

21 (A) is owned, leased, operated, or other-
22 wise used by the Department of Defense; and

23 (B) meets the definition of “laboratory” as
24 provided in subsection (d)(2) of section 12 of

1 the Stevenson-Wydler Technology Innovation
2 Act of 1980 (15 U.S.C. 3710a).

3 (b) AUTHORITY.—

4 (1) IN GENERAL.—The Secretary of Defense
5 and the Secretaries of the military departments each
6 may authorize the heads of DoD laboratories to
7 grant nonexclusive, exclusive, or partially exclusive
8 licenses, royalty free or for royalties or for rights to
9 other intellectual property, for computer software
10 and its related documentation developed at a DoD
11 laboratory, but only if—

12 (A) the computer software and related doc-
13 umentation would be a trade secret under the
14 meaning of section 552(b)(4) of title 5, United
15 States Code, if the information had been ob-
16 tained from a non-Federal party;

17 (B) the public is notified of the availability
18 of the software and related documentation for
19 licensing and interested parties have a fair op-
20 portunity to submit applications for licensing;

21 (C) such licensing activities and licenses
22 shall comply with the requirements under sec-
23 tion 209 of title 35, United States Code; and

1 (D) the software originally was developed
2 to meet the military needs of the Department
3 of Defense.

4 (2) PROTECTIONS AGAINST UNAUTHORIZED
5 DISCLOSURE.—The Secretary of Defense and the
6 Secretaries of the military departments each shall
7 provide appropriate precautions against the unau-
8 thorized disclosure of any computer software or doc-
9 umentation covered by paragraph (1)(A), including
10 exemption from section 552 of title 5, United States
11 Code, for a period of up to 5 years after the develop-
12 ment of the computer software by the DoD labora-
13 tory.

14 (c) ROYALTIES.—

15 (1) USE OF ROYALTIES.—Except as provided in
16 paragraph (2), any royalties or other payments re-
17 ceived by the department from licensing computer
18 software or documentation under paragraph (b)(1)
19 shall be retained by the department and shall be dis-
20 posed of as follows:

21 (A)(i) The department shall pay each year
22 the first \$2,000, and thereafter at least 15 per-
23 cent, of the royalties or other payments to be
24 divided among the employees who developed the
25 computer software.

1 (ii) The department may provide appro-
2 priate lesser incentives, from royalties or other
3 payments, to laboratory employees who are not
4 developers of such computer software but who
5 substantially increased the technical value of
6 the software.

7 (iii) The department shall retain the royal-
8 ties and other payments received until it makes
9 payments to employees of a DoD laboratory
10 under clause (i) or (ii).

11 (iv) The department may retain an amount
12 reasonably necessary to pay expenses incidental
13 to the administration and distribution of royal-
14 ties or other payments under this section by an
15 organizational unit of the department other
16 than its laboratories.

17 (B) The balance of the royalties or other
18 payments shall be transferred by the depart-
19 ment to its laboratories, with the majority share
20 of the royalties or other payments going to the
21 laboratory where the development occurred. The
22 royalties or other payments so transferred to
23 any DoD laboratory may be used or obligated
24 by that laboratory during the fiscal year in

1 which they are received or during the 2 suc-
2 ceeding fiscal years—

3 (i) to reward scientific, engineering,
4 and technical employees of the DoD lab-
5 oratory, including developers of sensitive or
6 classified technology, regardless of whether
7 the technology has commercial applica-
8 tions;

9 (ii) to further scientific exchange
10 among the laboratories of the agency;

11 (iii) for education and training of em-
12 ployees consistent with the research and
13 development missions and objectives of the
14 department or DoD laboratory, and for
15 other activities that increase the potential
16 for transfer of the technology of the lab-
17 oratories;

18 (iv) for payment of expenses inci-
19 dental to the administration and licensing
20 of computer software or other intellectual
21 property made at that DoD laboratory, in-
22 cluding the fees or other costs for the serv-
23 ices of other agencies, persons, or organi-
24 zations for intellectual property manage-
25 ment and licensing services; or

1 (v) for scientific research and develop-
2 ment consistent with the research and de-
3 velopment missions and objectives of the
4 DoD laboratory.

5 (C) All royalties or other payments re-
6 tained by the department or DoD laboratory
7 after payments have been made pursuant to
8 subparagraphs (A) and (B) that are unobli-
9 gated and unexpended at the end of the second
10 fiscal year succeeding the fiscal year in which
11 the royalties and other payments were received
12 shall be paid into the Treasury.

13 (2) EXCEPTION.—If, after payments under
14 paragraph (1)(A), the balance of the royalties or
15 other payments received by the department in any
16 fiscal year exceed 5 percent of the funds received for
17 use by the DoD laboratory for research, develop-
18 ment, engineering, testing and evaluation or other
19 related administrative, processing or value-added ac-
20 tivities for that year, 75 percent of such excess shall
21 be paid to the Treasury of the United States and the
22 remaining 25 percent may be used or obligated
23 under paragraph (1)(B). Any funds not so used or
24 obligated shall be paid into the Treasury of the
25 United States.

1 (3) STATUS OF PAYMENTS TO EMPLOYEES.—

2 Any payment made to an employee under this sec-
3 tion shall be in addition to the regular pay of the
4 employee and to any other awards made to the em-
5 ployee, and shall not affect the entitlement of the
6 employee to any regular pay, annuity, or award to
7 which the employee is otherwise entitled or for which
8 the employee is otherwise eligible or limit the
9 amount thereof except that the monetary value of an
10 award for the same project or effort shall be de-
11 ducted from the amount otherwise available under
12 this paragraph. Payments, determined under the
13 terms of this paragraph and made to an employee
14 developer as such, may continue after the developer
15 leaves the DoD laboratory or department. Payments
16 made under this section shall not exceed \$75,000
17 per year to any one person, unless the President ap-
18 proves a larger award (with the excess over \$75,000
19 being treated as a Presidential award under section
20 4504 of title 5).

21 (d) INFORMATION IN REPORT.—The report required
22 by section 2515(d) of title 10, United States Code, shall
23 include information regarding the implementation and ef-
24 fectiveness of this section.

1 (e) EXPIRATION.—The authority provided in this sec-
2 tion shall expire on December 31, 2018.

3 **SEC. 808. EXTENSION OF AUTHORITY FOR PROGRAM TO**
4 **AWARD PRIZES FOR ADVANCED TECH-**
5 **NOLOGY ACHIEVEMENTS.**

6 Section 2374a of title 10, United States Code, is
7 amended by striking “September 30, 2013” in subsection
8 (f) and inserting “September 30, 2017”.

9 **SEC. 809. REVISIONS TO ELIGIBILITY FOR, AND AMOUNT**
10 **OF, FINANCIAL ASSISTANCE UNDER DEPART-**
11 **MENT OF DEFENSE SCIENCE, MATHEMATICS,**
12 **AND RESEARCH FOR TRANSFORMATION PRO-**
13 **GRAM.**

14 (a) ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—
15 Paragraph (1) of section 2192a(b) of title 10, United
16 States Code, is amended—

- 17 (1) by striking subparagraph (A); and
18 (2) by redesignating subparagraphs (B) and
19 (C) as subparagraphs (A) and (B), respectively.

20 (b) AMOUNT OF EDUCATIONAL ASSISTANCE.—Para-
21 graph (2) of such section is amended by striking “the
22 amount determined” and all that follows through “room
23 and board” and inserting “an amount determined by the
24 Secretary of Defense”.

1 (c) CONCURRENCE OF SECRETARY OF STATE FOR
2 AWARDS TO NON-CITIZENS.—Such section is further
3 amended by adding at the end the following new para-
4 graph:

5 “(4) For the purposes of paragraph (1), a scholarship
6 or fellowship awarded to a person who is not a citizen of
7 the United States may only be awarded with the concur-
8 rence of the Secretary of State.”.

9 **SEC. 810. MODIFICATION OF PURPOSES FOR WHICH DE-**
10 **PARTMENT OF DEFENSE ACQUISITION WORK-**
11 **FORCE DEVELOPMENT FUND MAY BE USED.**

12 (a) CLARIFICATION OF AVAILABILITY OF FUNDS.—
13 Paragraph (1) of section 1705(e) of title 10, United States
14 Code, is amended—

15 (1) in the first sentence, by striking “including
16 for the provision of training and retention incentives
17 to the acquisition workforce of the Department.”
18 and inserting “including for the provision of work-
19 force planning and research, training, development,
20 retention incentives, and support approved by, and
21 consistent with guidance issued by, the senior official
22 designated to manage the Fund to achieve the objec-
23 tives of the recruitment, hiring, training and devel-
24 opment, sustainment, and retention of acquisition
25 personnel of the Department.”; and

1 (2) by inserting after the first sentence the fol-
2 lowing new sentences: “Amounts in the Fund shall
3 not be used for contractual services, supplies, or
4 equipment used to execute acquisition mission oper-
5 ations. Amounts in the Fund may be used for con-
6 tractual services, supplies, and equipment only in di-
7 rect support of activities identified in this section,
8 approved by the senior official, and consistent with
9 senior official guidance.”.

10 (b) REVISION TO LIMITATION ON PAYMENTS TO OR
11 FOR CONTRACTORS.—Paragraph (4) of such section is
12 amended to read as follows:

13 “(4) LIMITATION ON PAYMENTS TO OR FOR
14 CONTRACTORS.—Application for amounts in the
15 Fund that includes amounts to be made available for
16 payments to contractors or contractor employees for
17 achieving the purposes of the Fund shall be subject
18 to the approval of the senior official designated to
19 manage the Fund. The Fund shall not be used to
20 provide training or any other support to contrac-
21 tors.”.

1 **SEC. 811. EXTENSION OF PROHIBITION ON CONTRACTING**
2 **WITH THE ENEMY IN THE UNITED STATES**
3 **CENTRAL COMMAND THEATER OF OPER-**
4 **ATIONS.**

5 Section 841(g) of the National Defense Authorization
6 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
7 1510; 10 U.S.C. 2302 note) is amended by striking “the
8 date that is three years after the date of the enactment
9 of this Act” and inserting “December 31, 2016”.

10 **SEC. 812. EXTENSION OF AUTHORITY FOR ADDITIONAL AC-**
11 **CESS TO CONTRACTOR AND SUBCON-**
12 **TRACTOR RECORDS IN THE UNITED STATES**
13 **CENTRAL COMMAND THEATER OF OPER-**
14 **ATIONS.**

15 Section 842(d)(1) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2012 (Public Law 112–81; 125
17 Stat. 1513; 10 U.S.C. 2313 note) is amended by striking
18 “the date that is three years after the date of the enact-
19 ment of this Act” and inserting “December 31, 2016”.

20 **SEC. 813. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**
21 **UCTS AND SERVICES PRODUCED IN COUN-**
22 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**
23 **TO AFGHANISTAN.**

24 Section 801(f) of the National Defense Authorization
25 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
26 2399), as amended by section 841(a) of the National De-

1 fense Authorization Act for Fiscal Year 2013 (Public Law
2 112–239; 126 Stat. 1845), is amended by striking “De-
3 cember 31, 2014” and inserting “December 31, 2015”.

4 **SEC. 814. EXTENSION OF SPECIAL EMERGENCY PROCURE-**
5 **MENT AUTHORITY TO PROCUREMENTS IN**
6 **SUPPORT OF OPERATIONS PERFORMED BY**
7 **SPECIAL OPERATIONS FORCES OUTSIDE**
8 **CONTINENTAL UNITED STATES.**

9 Section 1903(a) of title 41, United States Code, is
10 amended—

11 (1) by striking “or” at the end of paragraph
12 (1);

13 (2) by striking the period at the end of para-
14 graph (2) and inserting “; or”; and

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

17 “(3) in support of an operation performed by
18 special operations forces outside the continental
19 United States so long as the operation is covered by
20 an order of the Secretary of Defense referred to as
21 an ‘execute order’ and the procurement is of prop-
22 erty or services which are special operations-peculiar
23 as that term is defined in Department of Defense
24 Directive 5100.03, entitled ‘Support of the Head-

1 quarters of Combatant and Subordinate Unified
2 Commands' and dated February 9, 2011.”.

3 **SEC. 815. EXTENSION OF SPECIAL EMERGENCY PROCURE-**
4 **MENT AUTHORITY.**

5 Section 1903(a) of title 41, United States Code, is
6 amended—

7 (1) by striking “or” at the end of paragraph
8 (1);

9 (2) by striking the period at the end of para-
10 graph (2); and

11 (3) by adding at the end the following new
12 paragraphs:

13 “(3) in support of requests from the United
14 States Agency for International Development to fa-
15 cilitate the provision of international disaster assist-
16 ance pursuant to the Foreign Assistance Act of
17 1961 (22 U.S.C. 2151 et seq.); or

18 “(4) in support of an emergency or major dis-
19 aster (as those terms are defined in section 102 of
20 the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5122)).”.

1 **SEC. 816. ENHANCEMENT OF AGENCY AUTHORITY TO**
2 **EVALUATE CONTRACTOR DATA AND OF DE-**
3 **FENSE CONTRACT AUDIT AGENCY SUBPOENA**
4 **AUTHORITY.**

5 (a) ACCESS TO DATA FOR EVALUATION PUR-
6 POSES.—Subsection (a)(2) of section 2313 of title 10,
7 United States Code, is amended by inserting “or for the
8 purpose of evaluating data other than certified cost or
9 pricing data with respect to a contract or subcontract, to
10 have access to and” after “subcontract,”.

11 (b) DCAA SUBPOENA AUTHORITY.—Subsection
12 (b)(1) of such section is amended by inserting “or subcon-
13 tractor” after “of a contractor”.

14 **SEC. 817. ALTERNATIVE TO REQUIREMENT FOR CONDUCT**
15 **OF PRELIMINARY DESIGN REVIEW BEFORE**
16 **MILESTONE B APPROVAL FOR MAJOR DE-**
17 **FENSE ACQUISITION PROGRAMS.**

18 Paragraph (2) of section 2366b(a) of title 10 United
19 States Code, is amended to read as follows:

20 “(2) certifies that the program demonstrates a
21 high likelihood of accomplishing its intended mission
22 based upon either—

23 “(A) a formal assessment by the milestone
24 decision authority of the results of a prelimi-
25 nary design review conducted before Milestone
26 B approval; or

1 “(B) an approved acquisition strategy for
2 the Engineering and Manufacturing Develop-
3 ment Phase that includes a program schedule
4 that identifies a specific timeframe for the con-
5 duct of a preliminary design review and post-
6 preliminary design review assessment at an ap-
7 propriate point after Milestone B approval;
8 and”.

9 **SEC. 818. LIMITATION ON ALLOWABLE GOVERNMENT CON-**
10 **TRACTOR COMPENSATION COSTS.**

11 (a) LIMITATION.—

12 (1) CIVILIAN CONTRACTS.—Section
13 4304(a)(16) of title 41, United States Code, is
14 amended to read as follows:

15 “(16) Costs of compensation of any contractor
16 employee for a fiscal year, regardless of the contract
17 funding source, to the extent that such compensa-
18 tion exceeds the annual amount paid to the Presi-
19 dent in accordance with section 102 of title 3, except
20 that the head of an executive agency may establish
21 one or more narrowly targeted exceptions for sci-
22 entists, engineers, or other specialists upon a deter-
23 mination that such exceptions are needed to ensure
24 that the executive agency has continued access to
25 needed skills and capabilities.”.

1 (2) DEFENSE CONTRACTS.—Section
2 2324(e)(1)(P) of title 10, United States Code, is
3 amended to read as follows:

4 “(P) Costs of compensation of any con-
5 tractor employees for a fiscal year, regardless of
6 the contract funding source, to the extent that
7 such compensation exceeds the annual amount
8 paid to the President in accordance with section
9 102 of title 3, except that the head of the agen-
10 cy may establish one or more narrowly targeted
11 exceptions for scientists, engineers, or other
12 specialists upon a determination that such ex-
13 ceptions are needed to ensure that the agency
14 has continued access to needed skills and capa-
15 bilities.”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by this subsection shall apply with respect to costs
18 of compensation incurred under contracts entered
19 into on or after the date that is 180 days after the
20 date of the enactment of this Act.

21 (b) CONFORMING AMENDMENT.—(1) Section 1127 of
22 title 41, United States Code, is amended by adding at the
23 end the following new subsection:

24 “(c) APPLICABILITY.—This section shall apply only
25 with respect to costs of compensation incurred under con-

1 tracts entered into before the date that is 180 days after
2 the date of the enactment of the National Defense Author-
3 ization Act for Fiscal Year 2014.”.

4 (2) Section 4301 of title 41, United States Code, is
5 amended by striking paragraph (4).

6 **TITLE IX—DEPARTMENT OF DE-**
7 **FENSE ORGANIZATION AND**
8 **MANAGEMENT**

9 **SEC. 901. CLARIFICATION OF THE ORDER OF PRECEDENCE**
10 **FOR THE PRINCIPAL DEPUTY UNDER SECRE-**
11 **TARIES OF DEFENSE.**

12 Subsection (d) of section 137a of title 10, United
13 States Code, is amended by striking “and the Deputy
14 Chief Management Officer of the Department of De-
15 fense.” and inserting “the Deputy Chief Management Of-
16 ficer of the Department of Defense, and the officials serv-
17 ing in positions specified in section 131(b)(4) of this
18 title.”.

19 **SEC. 902. UPDATE OF STATUTORY SPECIFICATION OF**
20 **FUNCTIONS OF THE CHAIRMAN OF THE**
21 **JOINT CHIEFS OF STAFF RELATING TO DOC-**
22 **TRINE, TRAINING, AND EDUCATION.**

23 Paragraph (5) of section 153(a) of title 10, United
24 States Code, is amended—

1 (1) in the paragraph heading, by striking
2 “DOCTRINE, TRAINING, AND EDUCATION” and in-
3 serting “JOINT FORCE DEVELOPMENT ACTIVITIES”;

4 (2) in subparagraph (B), by inserting “and
5 technical standards, and executing actions” after
6 “policies”;

7 (3) in subparagraph (C), by striking “and
8 training”; and

9 (4) by adding at the end the following new sub-
10 paragraphs:

11 “(D) Formulating policies for concept develop-
12 ment and experimentation for the joint employment
13 of the armed forces.

14 “(E) Formulating policies for gathering, devel-
15 oping, and disseminating joint lessons learned for
16 the armed forces.”.

17 **SEC. 903. REVISION OF SECRETARY OF DEFENSE AUTHOR-**
18 **ITY TO ENGAGE IN COMMERCIAL ACTIVITIES**
19 **AS SECURITY FOR INTELLIGENCE COLLEC-**
20 **TION ACTIVITIES.**

21 (a) PERIOD FOR REQUIRED AUDITS.—Section
22 432(b)(2) of such title is amended by striking “annually”
23 in the first sentence and inserting “biennially”.

24 (b) REPEAL OF DESIGNATION OF DEFENSE INTEL-
25 LIGENCE AGENCY AS REQUIRED OVERSIGHT AUTHORITY

1 WITHIN DEPARTMENT OF DEFENSE.—Section 436(4) of
2 such title is amended—

3 (1) by striking “within the Defense Intelligence
4 Agency” and inserting “within the Department of
5 Defense”; and

6 (2) by striking “management and supervision”
7 and inserting “oversight”.

8 (c) TECHNICAL AMENDMENTS.—

9 (1) DEFINITION OF CONGRESSIONAL INTEL-
10 LIGENCE COMMITTEES.—Section 437 of such title is
11 amended—

12 (A) in subsections (a) and (b), by inserting
13 “congressional” before “intelligence commit-
14 tees”; and

15 (B) by adding at the end the following new
16 subsection:

17 “(c) CONGRESSIONAL INTELLIGENCE COMMITTEES
18 DEFINED.—In this section, the term ‘congressional intel-
19 ligence committees’ has the meaning given that term in
20 section 3 of the National Security Act of 1947 (50 U.S.C.
21 401a).”.

22 (2) CONFORMING AMENDMENTS.—The second
23 sentence of section 432(b)(2) of such title is amend-
24 ed—

1 (A) by inserting “congressional” before
2 “intelligence committees”; and

3 (B) by striking “section 437(d)” and in-
4 serting “section 437(c)”.

5 **SEC. 904. TRANSFER OF ADMINISTRATION OF OCEAN RE-**
6 **SEARCH ADVISORY PANEL FROM DEPART-**
7 **MENT OF THE NAVY TO NATIONAL OCEANIC**
8 **AND ATMOSPHERIC ADMINISTRATION.**

9 (a) AUTHORITY FOR OCEAN RESEARCH ADVISORY
10 PANEL.—Subsection (a) of section 7903 of title 10,
11 United States Code, is amended—

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

13 (A) by inserting “, through the Adminis-
14 trator of the National Oceanic and Atmospheric
15 Administration,” after “The Council”;

16 (B) by striking “Panel consisting” and in-
17 serting “Panel. The Panel shall consist”; and

18 (C) by striking “chairman” and inserting
19 “Administrator of the National Oceanic and At-
20 mospheric Administration, on behalf of the
21 Council”;

22 (2) in paragraph (1), by striking “National
23 Academy of Science” and inserting “National Acad-
24 emies”; and

1 (3) by striking paragraphs (2) and (3) and re-
2 designating paragraphs (4) and (5) as paragraphs
3 (2) and (3), respectively.

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

6 (1) by inserting “, through the Administrator of
7 the National Oceanic and Atmospheric Administra-
8 tion,” after “The Council”;

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

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

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

15 “(3) To provide the Council strategic advice re-
16 garding national ocean program execution and col-
17 laboration.”.

18 (c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—
19 Subsection (c) of such section is amended by striking
20 “Secretary of the Navy” and inserting “Secretary of Com-
21 merce”.

1 **SEC. 905. CHANGE TO REFERENCE TO THE MAJOR DEPART-**
2 **MENT OF DEFENSE HEADQUARTERS ACTIVI-**
3 **TIES ISSUANCE.**

4 Section 194(f) of title 10, United States Code, is
5 amended by striking “Directive 5100.73” and all that fol-
6 lows and inserting “Instruction 5100.73, entitled ‘Major
7 DoD Headquarters Activities’.”.

8 **SEC. 906. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
9 **REIMBURSEMENT OF COSTS OF ACTIVITIES**
10 **FOR NONGOVERNMENTAL PERSONNEL AT**
11 **DEPARTMENT OF DEFENSE REGIONAL CEN-**
12 **TERS FOR SECURITY STUDIES.**

13 Paragraph (1) of section 941(b) of the Duncan Hun-
14 ter National Defense Authorization Act for Fiscal Year
15 2009 (Public Law 110–417; 10 U.S.C. 184 note) is
16 amended by striking “through 2013” and inserting
17 “through 2014”.

18 **TITLE X—GENERAL PROVISIONS**
19 **Subtitle A—Financial Matters**

20 **SEC. 1001. ENHANCEMENT OF DEPARTMENT OF DEFENSE**
21 **CAPABILITIES TO DETER AND RESPOND TO**
22 **CONTRACTOR FRAUD.**

23 (a) **WITHHOLDING OF CONTRACTUAL PAYMENTS.—**
24 Subsection (a) of section 2207 of title 10, United States
25 Code, is amended—

1 (1) by striking “unless that contract provides
2 that—” and inserting “unless that contract provides
3 each of the following:”;

4 (2) in paragraph (1)—

5 (A) by inserting “That” after “(1)”; and

6 (B) by striking “; and” and inserting a pe-
7 riod;

8 (3) in paragraph (2), by inserting “That,” after
9 “(2)”; and

10 (4) by inserting after paragraph (2) the fol-
11 lowing new paragraphs:

12 “(3) That with respect to a contract that could
13 have been terminated under paragraph (1) but for
14 the prior completion of the contract’s performance,
15 the United States is entitled to exemplary damages
16 as set forth in paragraph (2), in accordance with the
17 notice and hearing process set forth in paragraph
18 (1).

19 “(4) That, with respect to a contract that is
20 terminated under paragraph (1) or, as specified in
21 paragraph (3), could have been terminated under
22 paragraph (1) but for the prior completion of the
23 contract’s performance, the United States may, after
24 notifying the contractor but pending the determina-
25 tion concerning exemplary damages referred to in

1 paragraph (2), withhold from payments otherwise
2 due to the contractor under any contract between
3 the contractor and the military department or De-
4 fense Agency that entered into the terminated (or
5 completed) contract an amount that is up to 10
6 times the cost incurred by the contractor in giving
7 gratuities to the officer, official, or employee con-
8 cerned, as such cost is estimated by the Secretary.”.

9 (b) INAPPLICABILITY TO NON-DOD AGENCIES.—

10 Subsection (b) of such section is amended—

11 (1) by inserting “(1)” after “(b)”; and

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

14 “(2) Paragraph (4) of subsection (a) does not apply
15 to a contract awarded on behalf of a military department
16 or Defense Agency by a department or agency of the
17 United States outside of the Department of Defense.”.

18 (c) RETENTION OF DAMAGES; FRAUD FIGHTING

19 FUNDS.—Such section is further amended—

20 (1) by redesignating subsection (b), as amended
21 by subsection (b) of this section, as subsection (c);
22 and

23 (2) by inserting after subsection (a) the fol-
24 lowing new subsection (b):

1 “(b) RETENTION OF DAMAGES; FRAUD FIGHTING
2 FUNDS.—(1) Exemplary damages recovered under sub-
3 section (a)(2) may be retained by the Secretary of De-
4 fense, if recovered by a Defense Agency, or by the Sec-
5 retary concerned, if recovered by a military department,
6 without regard to section 3302 of title 31.

7 “(2) The Secretary of Defense and the Secretaries
8 of the military departments shall each establish a ‘Fraud-
9 Fighting Fund’ for use by the Defense Agencies, in the
10 case of the fund established by the Secretary of Defense,
11 or military department, in the case of a fund established
12 by the Secretary concerned, which shall be available to
13 provide funds, in addition to funds which may be otherwise
14 available for activities including training, investigations,
15 administrative proceedings, enforcement actions, and
16 other related activities associated with deterring and pre-
17 venting fraud. Exemplary damages recovered under sub-
18 section (a)(2), shall be paid into the appropriate fund and
19 shall be available until expended.”.

20 (d) BURDEN OF PROOF.—Subsection (a)(1) of such
21 section, as amended by subsection (a), is further amended
22 by inserting “and by a preponderance of the evidence”
23 after “after notice and hearing”.

24 (e) TECHNICAL AMENDMENTS.—Subsection (a) of
25 such section is further amended by striking “clause (1)”

1 in paragraph (2) and in the flush sentence at the end and
2 inserting “paragraph (1)”.

3 (f) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to contracts that are awarded on
5 or after the date that is 180 days after the date of the
6 enactment of this Act.

7 (g) CONFORMING AMENDMENTS.—Section 2410m(a)
8 of title 10, United States Code, is amended—

9 (1) by inserting “or arising from a recovery of
10 exemplary damages under section 2207 of this title,”
11 after “of title 41”;

12 (2) by striking “or” at the end of paragraph
13 (2);

14 (3) by striking the period at the end of para-
15 graph (3) and inserting “; or”; and

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

18 “(4) any determination under section 2207 of
19 this title.”.

20 (h) PROCUREMENT REGULATIONS.—Regulations
21 governing actions under section 2207 of title 10, United
22 States Code, shall be revised to implement the amend-
23 ments to that section made by this section not later than
24 180 days after the date of the enactment of this Act.

1 **SEC. 1002. PILOT PROGRAM FOR THE TEMPORARY EX-**
2 **CHANGE OF FINANCIAL MANAGEMENT PER-**
3 **SONNEL.**

4 (a) **ASSIGNMENT AUTHORITY.**—The Secretary of De-
5 fense may, with the agreement of the private sector orga-
6 nization concerned, arrange for the temporary assignment
7 of an employee to such private sector organization, or from
8 such private sector organization to a Department of De-
9 fense organization under this section. An employee shall
10 be eligible for such an assignment only if the employee—

11 (1) works in the field of financial management;

12 (2) is considered by the Secretary of Defense to
13 be an exceptional employee; and

14 (3) is compensated at not less than the GS-11
15 level (or the equivalent).

16 (b) **AGREEMENTS.**—The Secretary of Defense shall
17 provide for a written agreement among the Department
18 of Defense, the private sector organization, and the em-
19 ployee concerned regarding the terms and conditions of
20 the employee's assignment under this section. The agree-
21 ment—

22 (1) shall require, in the case of an employee of
23 the Department of Defense, that upon completion of
24 the assignment, the employee will serve in the civil
25 service for a period at least equal to three times the
26 length of the assignment, unless the employee is

1 sooner involuntarily separated from the service of
2 the employee's agency; and

3 (2) shall provide that if the employee of the De-
4 partment of Defense or of the private sector organi-
5 zation (as the case may be) fails to carry out the
6 agreement, or if the employee is voluntarily sepa-
7 rated from the service of the employee's agency be-
8 fore the end of the period stated in the agreement,
9 such employee shall be liable to the United States
10 for payment of all expenses of the assignment unless
11 that failure or voluntary separation was for good
12 and sufficient reason, as determined by the Sec-
13 retary of Defense.

14 An amount for which an employee is liable under para-
15 graph (2) shall be treated as a debt due the United States.

16 The Secretary may waive, in whole or in part, collection
17 of such a debt based on a determination that the collection
18 would be against equity and good conscience and not in
19 the best interests of the United States.

20 (c) TERMINATION.—An assignment under this sec-
21 tion may, at any time and for any reason, be terminated
22 by the Department of Defense or the private sector organi-
23 zation concerned.

24 (d) DURATION.—An assignment under this section
25 shall be for a period of not less than 3 months and not

1 more than 1 year; however, no assignment under this sec-
2 tion may commence after September 30, 2019.

3 (e) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO
4 PRIVATE SECTOR ORGANIZATION.—An employee of the
5 Department of Defense who is temporarily assigned to a
6 private sector organization under this section shall be con-
7 sidered, during the period of assignment, to be on detail
8 to a regular work assignment in the Department for all
9 purposes. The written agreement established under sub-
10 section (b) shall address the specific terms and conditions
11 related to the employee’s continued status as a Federal
12 employee.

13 (f) TERMS AND CONDITIONS FOR PRIVATE SECTOR
14 EMPLOYEES.—An employee of a private sector organiza-
15 tion who is assigned to a Department of Defense organiza-
16 tion under this section—

17 (1) shall continue to receive pay and benefits
18 from the private sector organization from which
19 such employee is assigned;

20 (2) is deemed to be an employee of the Depart-
21 ment of Defense for the purposes of—

22 (A) chapter 73 of title 5, United States
23 Code;

24 (B) sections 201, 203, 205, 207, 208, 209,
25 603, 606, 607, 643, 654, 1905, and 1913 of

1 title 18, United States Code, and any other
2 conflict of interest statute;

3 (C) sections 1343, 1344, and 1349(b) of
4 title 31, United States Code;

5 (D) the Federal Tort Claims Act and any
6 other Federal tort liability statute;

7 (E) the Ethics in Government Act of 1978;

8 (F) section 1043 of the Internal Revenue
9 Code of 1986;

10 (G) chapter 21 of title 41, United States
11 Code; and

12 (H) subchapter I of chapter 81 of title 5,
13 United States Code, relating to compensation
14 for work-related injuries; and

15 (3) may not have access, while the employee is
16 assigned to a Department of Defense organization,
17 to any trade secrets or to any other nonpublic infor-
18 mation which is of commercial value to the private
19 sector organization from which such employee is as-
20 signed.

21 (g) PROHIBITION AGAINST CHARGING CERTAIN
22 COSTS TO THE FEDERAL GOVERNMENT.—A private sec-
23 tor organization may not charge the Department of De-
24 fense or any other agency of the Federal Government, as
25 direct or indirect costs under a Federal contract, the costs

1 of pay or benefits paid by the organization to an employee
2 assigned to a Department of Defense organization under
3 this section for the period of the assignment.

4 (h) CONSIDERATION.—The Secretary of Defense
5 shall take into consideration the question of how assign-
6 ments might best be used to help meet the needs of the
7 Department of Defense with respect to the training of em-
8 ployees in financial management.

9 (i) NUMERICAL LIMITATION.—Not more than five
10 Department of Defense employees may be assigned to pri-
11 vate sector organizations under this section, and not more
12 than five employees of private sector organizations may
13 be assigned to the Department of Defense under this sec-
14 tion, at any given time.

15 **Subtitle B—Naval Vessels**

16 **SEC. 1011. REPEAL OF POLICY RELATING TO PROPULSION**
17 **SYSTEMS OF ANY NEW CLASS OF MAJOR**
18 **COMBATANT VESSELS OF THE STRIKE**
19 **FORCES OF THE UNITED STATES NAVY.**

20 Section 1012 of the National Defense Authorization
21 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
22 303), as most recently amended by section 1013 of the
23 National Defense Authorization Act for Fiscal Year 2013
24 (Public Law 112–239; 126 Stat. 1908), is repealed.

1 **SEC. 1012. REPEAL OF REQUIREMENTS RELATING TO PRO-**
2 **CUREMENT OF FUTURE SURFACE COMBAT-**
3 **ANTS.**

4 Section 125 of the National Defense Authorization
5 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
6 2214) is repealed.

7 **SEC. 1013. CLARIFICATION OF SOLE OWNERSHIP RESULT-**
8 **ING FROM SHIP DONATIONS AT NO COST TO**
9 **THE NAVY.**

10 (a) CLARIFICATION OF TRANSFER AUTHORITY.—
11 Subsection (a) of section 7306 of title 10, United States
12 Code, is amended to read as follows:

13 “(a) AUTHORITY TO MAKE TRANSFER.—The Sec-
14 retary of the Navy may convey, by donation, all right, title,
15 and interest to any vessel stricken from the Naval Vessel
16 Register or any captured vessel, for use as a museum or
17 memorial for public display in the United States, to—

18 “(1) any State, the District of Columbia, any
19 Commonwealth or possession of the United States,
20 or any municipal corporation or political subdivision
21 thereof; or

22 “(2) any nonprofit entity.”.

23 (b) CLARIFICATION OF LIMITATIONS ON LIABILITY
24 AND RESPONSIBILITY.—Subsection (b) of such section is
25 amended to read as follows:

1 “(b) LIMITATIONS ON LIABILITY AND RESPONSIBI-
2 LITY.—

3 “(1) IMMUNITY OF UNITED STATES.—The
4 United States and all departments and agencies
5 thereof, and their officers and employees, shall not
6 be liable at law or in equity for any injury or dam-
7 age to any person or property occurring on a vessel
8 donated under this section.

9 “(2) IMPROVEMENTS, UPGRADES, AND RE-
10 PAIRS.—Notwithstanding any other law, the United
11 States and all departments and agencies thereof,
12 and their officers and employees, shall have no re-
13 sponsibility or obligation to make, engage in, or pro-
14 vide funding for, any improvement, upgrade, modi-
15 fication, maintenance, preservation, or repair to a
16 vessel donated under this section.”.

17 (c) CLARIFICATION THAT TRANSFERS TO BE MADE
18 AT NO COST TO UNITED STATES.—Subsection (c) of such
19 section is amended by inserting after “under this section”
20 the following: “, the maintenance and preservation of that
21 vessel as a museum or memorial, and the ultimate disposal
22 of that vessel, including demilitarization of Munitions List
23 items at the end of the useful life of the vessel as a mu-
24 seum or memorial,”.

1 (d) APPLICATION OF ENVIRONMENTAL LAWS; DEFINI-
2 TIONS.—Such section is further amended by adding at
3 the end the following new subsections:

4 “(e) APPLICATION OF ENVIRONMENTAL LAWS.—
5 Nothing in this section shall affect the applicability of
6 Federal, State, interstate, and local environmental laws
7 and regulations, including the Toxic Substances Control
8 Act (15 U.S.C. 2601 et seq.) and the Comprehensive Envi-
9 ronmental Response, Compensation, and Liability Act of
10 1980 (42 U.S.C. 9601 et seq.), to the Department of De-
11 fense or to a donee.

12 “(f) DEFINITIONS.—In this section:

13 “(1) The term ‘nonprofit entity’ means any en-
14 tity qualifying as an exempt organization under sec-
15 tion 501(c)(3) of the Internal Revenue Code of
16 1986.

17 “(2) The term ‘Munitions List’ means the
18 United States Munitions List created and controlled
19 under section 38 of the Arms Export Control Act
20 (22 U.S.C. 2778).

21 “(3) The term ‘donee’ means any entity receiv-
22 ing a vessel pursuant to subsection (a).”.

23 (e) CLERICAL AMENDMENTS.—

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

1 **“§ 7306. Vessels stricken from Naval Vessel Register;**
 2 **captured vessels: conveyance by dona-**
 3 **tion”.**

4 (2) TABLE OF SECTIONS.—The item relating to
 5 such section in the table of sections at the beginning
 6 of chapter 633 of such title is amended to read as
 7 follows:

“7306. Vessels stricken from Naval Vessel Register; captured vessels: conveyance by donation.”.

8 **Subtitle C—Counter-Drug**
 9 **Activities**

10 **SEC. 1021. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
 11 **FIED COUNTER-DRUG AND COUNTERTER-**
 12 **RORISM CAMPAIGN IN COLOMBIA AND OF**
 13 **NUMERICAL LIMITATION ON ASSIGNMENT OF**
 14 **UNITED STATES PERSONNEL IN COLOMBIA.**

15 Section 1021 of the Ronald W. Reagan National De-
 16 fense Authorization Act for Fiscal Year 2005 (Public Law
 17 108–375; 118 Stat. 2042), as most recently amended by
 18 section 1010 of the National Defense Authorization Act
 19 for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
 20 1907), is further amended—

21 (1) in subsection (a)(1), by striking “In fiscal
 22 years 2005 through 2013” and inserting “During
 23 the period ending on December 31, 2016”; and

1 (2) in subsection (c), by striking “in fiscal years
2 2005 through 2013” and inserting “during the pe-
3 riod ending on December 31, 2016,”.

4 **SEC. 1022. REVISIONS TO DEPARTMENT OF DEFENSE AU-**
5 **THORITY TO PROVIDE SUPPORT FOR**
6 **COUNTER-DRUG ACTIVITIES OF OTHER**
7 **AGENCIES.**

8 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
9 section 1004 of the National Defense Authorization Act
10 for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
11 374 note) is amended by striking “During fiscal years
12 2002 through 2014” and inserting “During fiscal years
13 2002 through 2018”.

14 (b) **AUTHORITY TO PROVIDE CERTAIN EQUIPMENT**
15 **OR SERVICES.**—Subsection (b)(4) of such section is
16 amended by inserting before the period at the end the fol-
17 lowing: “, including the provision of non-lethal equipment
18 or services necessary for the operation of such bases or
19 facilities, other than any equipment specifically identified
20 in section 1033 of the National Defense Authorization Act
21 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
22 1881), and the provision of ammunition up to .50 caliber
23 for United States Federal law enforcement agencies oper-
24 ating outside the United States”.

1 **SEC. 1023. EXTENSION AND EXPANSION OF AUTHORITY TO**
2 **PROVIDE ADDITIONAL SUPPORT FOR**
3 **COUNTER-DRUG ACTIVITIES OF CERTAIN**
4 **FOREIGN GOVERNMENTS.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (a)(2)
6 of section 1033 of the National Defense Authorization Act
7 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
8 1881), as most recently amended by section 1012 of the
9 National Defense Authorization Act for Fiscal Year 2013
10 (Public Law 112–239; 126 Stat. 1907), is further amend-
11 ed by striking “2013” and inserting “2015”.

12 (b) **ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-**
13 **CEIVE SUPPORT.**—Subsection (b) of such section is fur-
14 ther amended by adding at the end the following new para-
15 graphs:

16 “(36) The Government of Bangladesh.

17 “(37) The Government of Yemen.”.

18 (c) **MAXIMUM AMOUNT OF SUPPORT.**—Subsection
19 (e)(2) of such section is further amended by striking
20 “2013” and inserting “2015”.

21 **SEC. 1024. EXTENSION OF AUTHORITY FOR JOINT TASK**
22 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
23 **FORCEMENT AGENCIES.**

24 Subsection (b) of section 1022 of the National De-
25 fense Authorization Act for Fiscal Year 2004 (Public Law

1 108–136; 10 U.S.C. 371 note) is amended by striking
2 “2013” and inserting “2015”.

3 **Subtitle D—Other Matters**

4 **SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE IN-** 5 **STALLATIONS.**

6 (a) SECRETARY OF DEFENSE AUTHORITY.—Chapter
7 159 of title 10, United States Code, is amended by insert-
8 ing after section 2671 the following new section:

9 **“§ 2672. Protection of property**

10 “(a) IN GENERAL.—The Secretary of Defense shall
11 protect the buildings, grounds, and property that are
12 under the jurisdiction, custody, or control of the Depart-
13 ment of Defense and the persons on that property.

14 “(b) OFFICERS AND AGENTS.—

15 “(1) DESIGNATION.—(A) The Secretary may
16 designate military or civilian personnel of the De-
17 partment of Defense as officers and agents to per-
18 form the functions of the Secretary under subsection
19 (a), including, with regard to civilian officers and
20 agents, duty in areas outside the property specified
21 in that subsection to the extent necessary to protect
22 that property and persons on that property.

23 “(B) A designation under subparagraph (A)
24 may be made by individual, by position, by installa-

1 tion, or by such other category of personnel as the
2 Secretary determines appropriate.

3 “(C) In making a designation under subpara-
4 graph (A) with respect to any category of personnel,
5 the Secretary shall specify each of the following:

6 “(i) The personnel or positions to be in-
7 cluded in the category.

8 “(ii) Which authorities provided for in
9 paragraph (2) may be exercised by personnel in
10 that category.

11 “(iii) In the case of civilian personnel in
12 that category—

13 “(I) which authorities provided for in
14 paragraph (2), if any, are authorized to be
15 exercised outside the property specified in
16 subsection (a); and

17 “(II) with respect to the exercise of
18 any such authorities outside the property
19 specified in subsection (a), the cir-
20 cumstances under which coordination with
21 law enforcement officials outside of the De-
22 partment of Defense should be sought in
23 advance.

24 “(D) The Secretary may make a designation
25 under subparagraph (A) only if the Secretary deter-

1 mines, with respect to the category of personnel to
2 be covered by that designation, that—

3 “(i) the exercise of each specific authority
4 provided for in paragraph (2) to be delegated to
5 that category of personnel is necessary for the
6 performance of the duties of the personnel in
7 that category and such duties cannot be per-
8 formed as effectively without such authorities;
9 and

10 “(ii) the necessary and proper training for
11 the authorities to be exercised is available to
12 the personnel in that category.

13 “(2) POWERS.—Subject to subsection (h) and
14 to the extent specifically authorized by the Sec-
15 retary, while engaged in the performance of official
16 duties pursuant to this section, an officer or agent
17 designated under this subsection may—

18 “(A) enforce Federal laws and regulations
19 for the protection of persons and property;

20 “(B) carry firearms;

21 “(C) make arrests—

22 “(i) without a warrant for any offense
23 against the United States committed in the
24 presence of the officer or agent; or

1 “(ii) for any felony cognizable under
2 the laws of the United States if the officer
3 or agent has reasonable grounds to believe
4 that the person to be arrested has com-
5 mitted or is committing a felony;

6 “(D) serve warrants and subpoenas issued
7 under the authority of the United States; and

8 “(E) conduct investigations, on and off the
9 property in question, of offenses that may have
10 been committed against property under the ju-
11 risdiction, custody, or control of the Depart-
12 ment of Defense or persons on such property.

13 “(c) REGULATIONS.—

14 “(1) IN GENERAL.—The Secretary may pre-
15 scribe regulations, including traffic regulations, nec-
16 essary for the protection and administration of prop-
17 erty under the jurisdiction, custody, or control of the
18 Department of Defense and persons on that prop-
19 erty. The regulations may include reasonable pen-
20 alties, within the limits prescribed in paragraph (2),
21 for violations of the regulations. The regulations
22 shall be posted and remain posted in a conspicuous
23 place on the property to which they apply.

24 “(2) PENALTIES.—A person violating a regula-
25 tion prescribed under this subsection shall be fined

1 under title 18, imprisoned for not more than 30
2 days, or both.

3 “(d) LIMITATION ON DELEGATION OF AUTHORITY.—

4 The authority of the Secretary of Defense under sub-
5 sections (b) and (c) may be exercised only by the Secretary
6 or Deputy Secretary of Defense.

7 “(e) DISPOSITION OF PERSONS ARRESTED.—A per-

8 son who is arrested pursuant to authority exercised under
9 subsection (b) may not be held in a military confinement
10 facility, other than in the case of a person who is subject
11 to chapter 47 of this title (the Uniform Code of Military
12 Justice).

13 “(f) FACILITIES AND SERVICES OF OTHER AGEN-

14 CIES.—In implementing this section, when the Secretary
15 determines it to be economical and in the public interest,
16 the Secretary may utilize the facilities and services of Fed-
17 eral, State, tribal, and local law enforcement agencies,
18 with the consent of those agencies, and may reimburse
19 those agencies for the use of their facilities and services.

20 “(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—

21 For the protection of property under the jurisdiction, cus-
22 tody, or control of the Department of Defense and persons
23 on that property, the Secretary may enter into agreements
24 with Federal agencies and with State, tribal, and local
25 governments to obtain authority for civilian officers and

1 agents designated under this section to enforce Federal
2 laws and State, tribal, and local laws concurrently with
3 other Federal law enforcement officers and with State,
4 tribal, and local law enforcement officers.

5 “(h) ATTORNEY GENERAL APPROVAL.—The powers
6 granted pursuant to subsection (b)(2) to officers and
7 agents designated under subsection (b)(1) shall be exer-
8 cised in accordance with guidelines approved by the Attor-
9 ney General.

10 “(i) LIMITATION ON STATUTORY CONSTRUCTION.—
11 Nothing in this section shall be construed—

12 “(1) to preclude or limit the authority of any
13 Federal law enforcement agency;

14 “(2) to restrict the authority of the Secretary of
15 Homeland Security or of the Administrator of Gen-
16 eral Services to promulgate regulations affecting
17 property under the custody and control of that Sec-
18 retary or the Administrator, respectively;

19 “(3) to expand or limit section 21 of the Inter-
20 nal Security Act of 1950 (50 U.S.C. 797);

21 “(4) to affect chapter 47 of this title; or

22 “(5) to restrict any other authority of the Sec-
23 retary of Defense or the Secretary of a military de-
24 partment.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 2671 the following new
 4 item:

“2672. Protection of property.”.

5 **SEC. 1032. CLARIFICATION OF PROCEDURES FOR USE OF**
 6 **ALTERNATE MEMBERS ON MILITARY COM-**
 7 **MISSIONS.**

8 (a) PRIMARY AND ALTERNATE MEMBERS.—

9 (1) NUMBER OF MEMBERS.—Subsection (a) of
 10 section 948m of title 10, United States Code, is
 11 amended—

12 (A) in paragraph (1)—

13 (i) by striking “at least five members”
 14 and inserting “at least five primary mem-
 15 bers and as many alternate members as
 16 the convening authority shall detail”; and

17 (ii) by adding at the end the following
 18 new sentence: “Alternate members shall be
 19 designated in the order in which they will
 20 replace an excused primary member.”; and

21 (B) in paragraph (2), by inserting “pri-
 22 mary” after “the number of”.

23 (2) GENERAL RULES.—Such section is further
 24 amended—

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

3 (B) by inserting after subsection (a) the
4 following new subsections (b) and (c):

5 “(b) PRIMARY MEMBERS.—Primary members of a
6 military commission under this chapter are voting mem-
7 bers.

8 “(c) ALTERNATE MEMBERS.—(1) A military commis-
9 sion may include alternate members to replace primary
10 members who are excused from service on the commission.

11 “(2) Whenever a primary member is excused from
12 service on the commission, an alternate member, if avail-
13 able, shall replace the excused primary member and the
14 trial may proceed.”.

15 (3) EXCUSE OF MEMBERS.—Subsection (d) of
16 such section, as redesignated by paragraph (2)(A), is
17 amended—

18 (A) in the matter before paragraph (1), by
19 inserting “primary or alternate” before “mem-
20 ber”;

21 (B) by striking “or” at the end of para-
22 graph (2);

23 (C) by striking the period at the end of
24 paragraph (3) and inserting “; or”; and

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

3 “(4) in the case of an alternate member, in
4 order to reduce the number of alternate members re-
5 quired for service on the commission, as determined
6 by the convening authority.”.

7 (4) ABSENT AND ADDITIONAL MEMBERS.—Sub-
8 section (e) of such section, as redesignated by para-
9 graph (2)(A), is amended—

10 (A) in the first sentence—

11 (i) by inserting “the number of pri-
12 mary members of” after “Whenever”;

13 (ii) by inserting “primary” before
14 “members required by”; and

15 (iii) by inserting “and there are no re-
16 maining alternate members to replace the
17 excused primary members” after “sub-
18 section (a)”;

19 (B) by adding at the end the following new
20 sentence: “An alternate member who was
21 present for the introduction of all evidence shall
22 not be considered to be a new or additional
23 member.”.

24 (b) CHALLENGES.—Section 949f of such title is
25 amended—

1 (1) in subsection (a), by inserting “primary or
2 alternate” before “member”; and

3 (2) by adding at the end of subsection (b) the
4 following new sentence: “Nothing in this section pro-
5 hibits the military judge from awarding to each
6 party such additional peremptory challenges as may
7 be required in the interests of justice.”.

8 (c) NUMBER OF VOTES REQUIRED.—Section 949m
9 of such title is amended—

10 (1) by inserting “primary” before “members”
11 each place it appears; and

12 (2) by adding at the end of subsection (b) the
13 following new paragraph:

14 “(4) The primary members present for a vote on a
15 sentence need not be the same primary members who
16 voted on the conviction if the requirements of section
17 948m(d) of this title are met.”.

18 **SEC. 1033. REPEAL AND MODIFICATION OF REPORTING RE-**
19 **QUIREMENTS.**

20 (a) TITLE 10, UNITED STATES CODE.—Title 10,
21 United States Code, is amended as follows:

22 (1) Section 113 is amended by striking sub-
23 section (m).

24 (2) Section 117 is amended by striking sub-
25 section (e).

1 (3) Section 127 is amended by striking sub-
2 section (d).

3 (4) Section 129 is amended by striking sub-
4 section (f).

5 (5) Section 153 is amended by striking sub-
6 section (c).

7 (6)(A) Section 229 is repealed.

8 (B) The table of sections at the beginning of
9 chapter 9 is amended by striking the item relating
10 to section 229.

11 (7)(A) Section 483 is repealed.

12 (B) The table of sections at the beginning of
13 chapter 23 is amended by striking the item relating
14 to section 483.

15 (8)(A) Section 489 is repealed.

16 (B) The table of sections at the beginning of
17 chapter 23 is amended by striking the item relating
18 to section 489.

19 (9) Section 1130 by striking subsection (b).

20 (10) Section 1557 is amended by striking sub-
21 section (e).

22 (11)(A) Section 1563 is repealed.

23 (B) The table of sections at the beginning of
24 chapter 80 is amended by striking the item relating
25 to section 1563.

1 (12) Section 1781b is amended by striking sub-
2 section (d).

3 (13) Section 2216 is amended by striking sub-
4 section (i).

5 (14) Section 2244a(c) is amended by striking
6 the second sentence.

7 (15) Section 2350b is amended by striking sub-
8 section (d).

9 (16) Section 2350j is amended by striking sub-
10 section (e).

11 (17) Section 2350m is amended by striking
12 subsection (e).

13 (18)(A) Section 2352 is repealed.

14 (B) The table of sections at the beginning of
15 chapter 139 is amended by striking the item relating
16 to section 2352.

17 (19) Section 2410i(e) is amended by striking
18 the last sentence.

19 (20)(A) Section 2475 is repealed.

20 (B) The table of sections at the beginning of
21 chapter 146 is amended by striking the item relating
22 to section 2475.

23 (21)(A) Section 2504 is repealed.

1 (B) The table of sections at the beginning of
2 subchapter II of chapter 148 is amended by striking
3 the item relating to section 2504.

4 (22)(A) Section 2536(b) is amended by striking
5 paragraph (2).

6 (B) Such section is further amended—

7 (i) by striking “(1)” after “AUTHORITY.—
8 ”;

9 (ii) by redesignating subparagraphs (A)
10 and (B) as paragraphs (1) and (2), respectively;
11 and

12 (iii) by redesignating clauses (i) and (ii) as
13 subparagraphs (A) and (B), respectively.

14 (23) Section 2804(b) is amended by striking
15 the last sentence.

16 (24) Section 2827 is amended—

17 (A) by striking “(a) Subject to subsection
18 (b), the Secretary” and inserting “The Sec-
19 retary”; and

20 (B) by striking subsection (b).

21 (25) Section 2828 is amended by striking sub-
22 section (f).

23 (26) Section 2835 is amended—

1 (A) in subsection (a), by striking “Subject
2 to subsection (b), the Secretary” and inserting
3 “The Secretary”;

4 (B) by striking subsection (b); and

5 (C) by striking subsection (g).

6 (27) Section 2837 is amended—

7 (A) in subsection (c)—

8 (i) by striking “(1)” after “OPPORTU-
9 NITIES”; and

10 (ii) by striking paragraph (2); and

11 (B) by striking subsection (f).

12 (28) Section 2854a is amended by striking sub-
13 section (c).

14 (29) Section 2861 is amended by striking sub-
15 sections (c) and (d).

16 (30) Section 2866(c) is amended—

17 (A) by striking “(1)” before “The Sec-
18 retary”; and

19 (B) by striking paragraph (2).

20 (31) Section 2875 is amended by striking sub-
21 section (e).

22 (32)(A) Section 2884 is amended—

23 (i) by striking subsection (b); and

24 (ii) in subsection (a)—

1 (I) by striking “PROJECT REPORTS.—
2 (1)” and inserting “REPORTS.—”;

3 (II) by redesignating subparagraphs
4 (A) and (B) as paragraphs (1) and (2), re-
5 spectively; and

6 (III) by striking “(2) For each” and
7 inserting “(b) CONTENT OF REPORTS.—
8 (1) For each”.

9 (B) Such section is further amended—

10 (i) by redesignating paragraphs (3) and
11 (4) of subsection (b) of such section (as des-
12 ignated by subparagraph (A)(ii)(III)) as para-
13 graphs (2) and (3), respectively; and

14 (ii) in paragraph (2) of subsection (b), as
15 so redesignated, by striking “contract described
16 in paragraph (1)” and inserting “contract de-
17 scribed in subsection (a)”.

18 (C)(i) The heading of such section is amended
19 to read as follows:

20 **“§ 2884. Project reports”.**

21 (ii) The item relating to that section in the
22 table of sections at the beginning of subchapter IV
23 of chapter 169 is amended to read as follows:

“2884. Project reports.”.

1 (33) Section 2885(a)(3) is amended by striking
2 “If a project” and inserting “In the case of a project
3 for new construction, if the project”.

4 (34) Section 2916 is amended by striking sub-
5 section (c).

6 (b) ANNUAL NATIONAL DEFENSE AUTHORIZATION
7 ACTS.—

8 (1) FISCAL YEAR 2011.—Section 892 of The Ike
9 Skelton National Defense Authorization Act for Fis-
10 cal Year 2011 (Public Law 111–383; 10 U.S.C.
11 2306a note) is amended by striking subsection (b).

12 (2) FISCAL YEAR 2009.—The Duncan Hunter
13 National Defense Authorization Act for Fiscal Year
14 2009 (Public Law 110–417) is amended as follows:

15 (A) Section 354 (10 U.S.C. 221 note) is
16 repealed.

17 (B) Section 903(b)(5) (10 U.S.C. 2228
18 note) is amended to read as follows:

19 “(5) Not later than December 31 each year, the cor-
20 rosion control and prevention executive of a military de-
21 partment shall submit to the Secretary of Defense a report
22 containing recommendations pertaining to the corrosion
23 control and prevention program of the military depart-
24 ment. The report each year shall include recommendations

1 for the funding levels necessary for the executive to carry
2 out the duties of the executive under this section.”.

3 (C) Section 1047(d) (10 U.S.C. 2366b
4 note) is amended—

5 (i) by striking “REQUIREMENTS.—”
6 and all that follows through “The Sec-
7 retary” and inserting “REQUIREMENTS.—
8 The Secretary”;

9 (ii) by striking paragraph (2); and

10 (iii) by redesignating subparagraphs
11 (A) and (B) as paragraphs (1) and (2), re-
12 spectively.

13 (3) FISCAL YEAR 2008.—The National Defense
14 Authorization Act for Fiscal Year 2008 (Public Law
15 110–181) is amended as follows:

16 (A) Section 911 (10 U.S.C. 2271 note) is
17 amended by striking paragraph (2) of sub-
18 section (f).

19 (B) Section 1074(b)(6) (10 U.S.C. 113
20 note) is amended—

21 (i) in subparagraph (A), by striking
22 “The Secretary” and inserting “Except as
23 provided in subparagraph (D), the Sec-
24 retary”; and

1 (ii) by adding at the end the following
2 new subparagraph:

3 “(D) EXCEPTIONS.—Subparagraph (A)
4 does not apply in the case of—

5 “(i) an individual described in para-
6 graph (2)(C) who is otherwise sponsored
7 by the Secretary of Defense, the Deputy
8 Secretary of Defense, the Chairman of the
9 Joint Chiefs of Staff, or the Vice Chair-
10 man of the Joint Chiefs of Staff; or

11 “(ii) an individual described in para-
12 graph (2)(E).”.

13 (C) Section 2864 (10 U.S.C. 2911 note) is
14 repealed.

15 (4) FISCAL YEAR 2007.—The John Warner Na-
16 tional Defense Authorization Act for Fiscal Year
17 2007 (Public Law 109–364) is amended as follows:

18 (A) Section 226 (120 Stat. 2131) is re-
19 pealed.

20 (B) Section 323 (10 U.S.C. 229 note) is
21 amended by striking subsection (c).

22 (5) FISCAL YEAR 2003.—Section 817 of the Bob
23 Stump National Defense Authorization Act for Fis-
24 cal Year 2003 (Public Law 107–314; 10 U.S.C.

1 2306a note) is amended by striking subsections (d)
2 and (e)(2).

3 (6) FISCAL YEAR 2000.—Section 1409 of the
4 National Defense Authorization Act for Fiscal Year
5 2000 (Public Law 106–65; 22 U.S.C. 2778 note) is
6 amended by striking subsection (b).

7 (7) FISCAL YEAR 1999.—Section 1101 of the
8 Strom Thurmond National Defense Authorization
9 Act for Fiscal Year 1999 (Public Law 105–261; 5
10 U.S.C. 3104 note) is amended by striking subsection
11 (g).

12 (8) FISCAL YEAR 1991.—Section 4004(d) of the
13 National Defense Authorization Act for Fiscal Year
14 1991 (10 U.S.C. 2391) is amended—

15 (A) by inserting “and” at the end of para-
16 graph (1);

17 (B) by striking “; and” at the end of para-
18 graph (2) and inserting a period; and

19 (C) by striking paragraph (3).

20 (c) DEFENSE ACQUISITION IMPROVEMENT ACT OF
21 1986.—Section 908 of the Defense Acquisition Improve-
22 ment Act of 1986 (as contained in section 101(c) of Public
23 Law 99–500 and identically enacted in section 101(c) of
24 Public Law 99–591 and title IX of Public Law 99–661)

1 (10 U.S.C. 2326 note) is amended by striking subsection
2 (b).

3 (d) FOREIGN ASSISTANCE ACT OF 1961.—The For-
4 eign Assistance Act of 1961 is amended as follows:

5 (1) Section 516(f)(1) (22 U.S.C. 2321j(f)(1)) is
6 amended by striking “excess defense articles that
7 are significant military equipment (as defined in sec-
8 tion 47(9) of the Arms Export Control Act) or”.

9 (2) Section 656 (22 U.S.C. 2416) is repealed.

10 (e) ARMS EXPORT CONTROL ACT.—Section 36(a) of
11 the Arms Export Control Act (22 U.S.C. 2776(a)) is
12 amended—

13 (1) by striking “end of each quarter” in the
14 matter preceding paragraph (1) and inserting “end
15 of each fiscal year”;

16 (2) by striking “during the fiscal year in
17 which” in paragraphs (2) and (3) and inserting
18 “during the fiscal year for which”;

19 (3) by striking “in the quarter of the fiscal year
20 immediately following the quarter” in paragraph (5)
21 and inserting “in the fiscal year”;

22 (4) by striking paragraph (6); and

23 (5) by striking “quarter” each place it appears
24 in paragraphs (8), (9), and (10) and inserting “fis-
25 cal year”.

1 (f) SECURITY REPORTS.—

2 (1) Section 3151 of the Department of Energy
3 Facilities Safeguards, Security, and Counterintel-
4 ligence Enhancement Act of 1999 (subtitle D of title
5 XXXI of Public Law 106–65; 42 U.S.C. 7383e) is
6 repealed.

7 (2) Section 4507 of the Atomic Energy Defense
8 Act (50 U.S.C. 2658) is repealed.

9 (3) Section 4508 of the Atomic Energy Defense
10 Act (50 U.S.C. 2659) is repealed.

11 (g) INTELLIGENCE REFORM AND TERRORISM PRE-
12 VENTION ACT OF 2004.—Section 3002(c) of the Intel-
13 ligence Reform and Terrorism Prevention Act of 2004 (50
14 U.S.C. 435c(e)) is amended by striking paragraph (4).

15 (h) UNIFORMED AND OVERSEAS CITIZENS ABSEN-
16 TEE VOTING ACT.—Section 105A(b) of the Uniformed
17 and Overseas Citizens Absentee Voting Act (42 U.S.C.
18 1973ff–4a(b)) is amended—

19 (1) in the subsection heading, by striking “AN-
20 NUAL REPORT” and inserting “BIENNIAL REPORT”;

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

22 (A) by striking “March 31 of each year”
23 and inserting “September 30 of each odd-num-
24 bered year”; and

1 (B) by striking “the following information”
2 and inserting “the following information with
3 respect to the Federal election held during the
4 preceding calendar year”; and

5 (3) in paragraph (3), by striking “In the case
6 of” and all that follows through “a description” and
7 inserting “A description”.

8 (i) DEPARTMENT OF DEFENSE APPROPRIATIONS
9 ACT, 2002.—Section 8159(c) of the Department of De-
10 fense Appropriations Act, 2002 (division A of Public Law
11 107–117; 115 Stat. 2284), is amended by striking para-
12 graph (7).

13 **SEC. 1034. MT. SOLEDAD VETERANS MEMORIAL TRANSFER.**

14 (a) AUTHORITY TO CONVEY MT. SOLEDAD VET-
15 ERANS MEMORIAL, SAN DIEGO, CALIFORNIA.—Subject to
16 subsection (b), the Secretary of Defense may convey all
17 right, title, and interest of the United States in and to
18 the Mt. Soledad Veterans Memorial (in this section re-
19 ferred to as the “Memorial”) to an eligible entity as pro-
20 vided in this section.

21 (b) LIMITATIONS.—

22 (1) PRICE.—The Secretary shall select by pub-
23 lic bid the eligible entity to which the Memorial is
24 to be conveyed under subsection (a). The Secretary
25 may accept a price for the conveyance of the Memo-

1 rial in accordance with the public bid process with-
2 out regard to its fair market value.

3 (2) CONDITIONS ON CONVEYANCE.—The con-
4 veyance of the Memorial under subsection (a) shall
5 be subject to the following conditions:

6 (A) That the eligible entity to which the
7 Memorial is conveyed accepts the Memorial in
8 its condition at the time of the conveyance,
9 commonly known as conveyance “as is”, and
10 agrees to indemnify and hold the United States
11 harmless from any liability resulting from the
12 period of ownership of the Memorial by the
13 United States.

14 (B) That the Memorial shall be maintained
15 and used as a veterans memorial in perpetuity.

16 (C) That if the Memorial is ever put to a
17 use other than as a veterans memorial, the
18 United States shall have the right, at its elec-
19 tion, to take back all right, title, and interest in
20 and to the Memorial without any right of com-
21 pensation to the owner or any other person.

22 (3) LAND EXCHANGE.—Notwithstanding para-
23 graph (1), if no eligible entity makes an acceptable
24 bid for the Memorial or the Secretary determines, in
25 the Secretary’s sole discretion, that a land exchange

1 would be more beneficial to the United States, the
2 Secretary may convey the Memorial to an eligible en-
3 tity in exchange for real property of at least equal
4 value if the real property offered in exchange is lo-
5 cated adjacent to other real property of the United
6 States and the Federal agency exercising adminis-
7 trative jurisdiction over that other real property
8 agrees to accept administrative jurisdiction over the
9 real property offered in exchange.

10 (c) TREATMENT OF AMOUNTS RECEIVED.—

11 (1) REIMBURSEMENT OF COSTS OF CONVEY-
12 ANCE.—The Secretary shall use any funds received
13 from the conveyance under subsection (a) to reim-
14 burse the Secretary for costs incurred by the Sec-
15 retary to carry out the conveyance, including survey
16 costs, costs for environmental documentation, and
17 any other administrative costs related to the convey-
18 ance. Amounts to reimburse those costs from funds
19 so received shall be credited to the fund or account
20 that was used to cover those costs. Amounts so cred-
21 ited shall be merged with amounts in such fund or
22 account and shall be available for the same pur-
23 poses, and subject to the same conditions and limita-
24 tions, as amounts in such fund or account.

1 (2) DEPOSIT OF BALANCE.—The remainder of
2 such funds, if any, shall be deposited into the ac-
3 count used to pay for the acquisition of the Memo-
4 rial by the United States.

5 (d) DESCRIPTION OF PROPERTY.—The exact acreage
6 and legal description of the property to be conveyed under
7 subsection (a), and, in the case of a land exchange under
8 subsection (b)(3), the real property offered in exchange,
9 shall be determined by a survey satisfactory to the Sec-
10 retary.

11 (e) ADDITIONAL TERMS AND CONDITIONS.—The
12 Secretary may require such additional terms and condi-
13 tions in connection with the conveyance under subsection
14 (a) as the Secretary considers appropriate to protect the
15 interests of the United States.

16 (f) EXCLUSIONS.—

17 (1) HISTORIC PRESERVATION.—Sections 106
18 and 110 of the National Historic Preservation Act
19 (16 U.S.C. 470f, 470h–2) shall not apply to a con-
20 veyance under subsection (a).

21 (2) PRIOR MT. SOLEDAD LEGISLATION.—Sec-
22 tion 2(c) of the Act of August 14, 2006, entitled
23 “An Act to preserve the Mt. Soledad Veterans Me-
24 morial in San Diego, California, by providing for the
25 immediate acquisition of the memorial by the United

1 States” (Public Law 109–272; 120 Stat. 770) and
2 section 116(a) of division J of the Consolidated Ap-
3 propriations Act, 2005 (Public Law 108–447; 118
4 Stat. 3346; 16 U.S.C. 431 note) shall not apply to
5 a conveyance under subsection (a).

6 (g) DEFINITIONS.—In this section:

7 (1) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means a non-governmental entity that has a his-
9 tory of involvement in veterans affairs and has dem-
10 onstrated to the Secretary, in the Secretary’s sole
11 discretion, that the entity has the capability to oper-
12 ate and maintain the Memorial in accordance with
13 this section.

14 (2) MT. SOLEDAD VETERANS MEMORIAL.—The
15 term “Mt. Soledad Veterans Memorial” means the
16 memorial in San Diego, California, acquired by the
17 United States pursuant to Public Law 109–272.

18 **SEC. 1035. REPEAL OF CERTAIN NATIONAL DEFENSE AU-**
19 **THORIZATION ACT REPORTING REQUIRE-**
20 **MENTS.**

21 (a) ANNUAL UPDATE ON SYSTEM MANAGEMENT
22 PLAN AND MATRIX FOR THE F–35 JOINT STRIKE FIGHT-
23 ER AIRCRAFT PROGRAM.—Section 122 of the Ike Skelton
24 National Defense Authorization Act for Fiscal Year 2011

1 (Public Law 111–383) is amended by striking subsection
2 (b).

3 (b) CONGRESSIONAL NOTIFICATION OF CANCELLA-
4 TION OF MAJOR AUTOMATED INFORMATION SYSTEM.—
5 Section 806 of the National Defense Authorization Act for
6 Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302
7 note) is repealed.

8 **TITLE XI—CIVILIAN PERSONNEL**
9 **MATTERS**

10 **SEC. 1101. EXPANSION OF PROTECTION OF EMPLOYEES OF**
11 **NONAPPROPRIATED FUND INSTRUMENTAL-**
12 **ITIES FROM REPRISALS.**

13 Section 1587(b) of title 10, United States Code, is
14 amended by inserting “, threaten to take,” after “take”
15 the third place it appears.

16 **SEC. 1102. EXTENSION OF VOLUNTARY REDUCTION-IN-**
17 **FORCE AUTHORITY FOR CIVILIAN EMPLOY-**
18 **EES OF DEPARTMENT OF DEFENSE.**

19 Section 3502(f)(5) of title 5, United States Code, is
20 amended by striking “September 30, 2014” and inserting
21 “September 30, 2018”.

1 **SEC. 1103. FLEXIBILITY IN EMPLOYMENT AND COMPENSA-**
2 **TION OF CIVILIAN FACULTY AT DEFENSE IN-**
3 **STITUTE FOR SECURITY ASSISTANCE MAN-**
4 **AGEMENT AND AT JOINT SPECIAL OPER-**
5 **ATIONS UNIVERSITY.**

6 Section 1595(c) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graphs:

9 “(5) The Defense Institute for Security Assist-
10 ance Management.

11 “(6) The Joint Special Operations University.”.

12 **SEC. 1104. EXTENSION OF AUTHORITY TO MAKE LUMP SUM**
13 **SEVERANCE PAYMENTS TO DEPARTMENT OF**
14 **DEFENSE EMPLOYEES.**

15 Section 5595(i)(4) of title 5, United States Code, is
16 amended by striking “October 1, 2014” and inserting
17 “October 1, 2018”.

18 **SEC. 1105. MODERNIZATION OF TITLES OF NON-**
19 **APPROPRIATED FUND INSTRUMENTALITIES**
20 **FOR PURPOSES OF CIVIL SERVICE LAWS.**

21 Section 2105(c) of title 5, United States Code, is
22 amended by striking “Army and Air Force Motion Picture
23 Service, Navy Ship’s Stores Ashore” in the matter pre-
24 ceding paragraph (1) and inserting “Navy Ships Stores
25 Program”.

1 **SEC. 1106. EXTENSION OF ENHANCED APPOINTMENT AND**
2 **COMPENSATION AUTHORITY FOR CIVILIAN**
3 **PERSONNEL FOR CARE AND TREATMENT OF**
4 **WOUNDED AND INJURED MEMBERS OF THE**
5 **ARMED FORCES.**

6 (a) **EXTENSION.**—Subsection (c) of section 1599e of
7 title 10, United States Code, is amended by striking “De-
8 cember 31, 2015” both places it appears and inserting
9 “December 31, 2020”.

10 (b) **REPEAL OF FULFILLED REQUIREMENT.**—Such
11 section is further amended—

12 (1) by striking subsection (b); and

13 (2) by redesignating subsection (c), as amended
14 by subsection (a), as subsection (b).

15 (c) **REPEAL OF REFERENCES TO CERTAIN TITLE 5**
16 **AUTHORITIES.**—Subsection (a)(2)(A) of such section is
17 amended by striking “sections 3304, 5333, and 5753 of
18 title 5” and inserting “section 3304 of title 5”.

19 **SEC. 1107. AUTHORITY TO WAIVE ANNUAL LIMITATIONS ON**
20 **PREMIUM AND AGGREGATE PAY FOR CER-**
21 **TAIN FEDERAL CIVILIAN EMPLOYEES WORK-**
22 **ING OVERSEAS.**

23 (a) **WAIVER OF LIMITATION ON PREMIUM PAY.**—
24 Section 5547 of title 5, United States Code, is amended
25 by adding at the end the following new subsection:

1 “(e)(1) Subsection (a) shall not apply to an employee
2 who performs work while assigned to duty in a designated
3 zone of armed conflict.

4 “(2) Notwithstanding paragraph (1), no employee re-
5 ferred to in such paragraph may be paid premium pay
6 under the provisions of law cited in subsection (a) to the
7 extent that the aggregate of the basic pay and premium
8 pay under those provisions for such employee would, in
9 any calendar year, exceed the annual rate of salary pay-
10 able to the Vice President under section 104 of title 3.

11 “(3) Notwithstanding paragraph (1), the Office of
12 Personnel Management may prescribe a minimum period
13 during which an employee is assigned to duty in a des-
14 ignated zone of armed conflict in order to be covered by
15 such paragraph.

16 “(4) To the extent that a waiver under paragraph
17 (1) results in payment of additional premium pay of a type
18 that is normally creditable as basic pay for retirement or
19 any other purpose, such additional pay shall not be consid-
20 ered to be basic pay for any purpose, nor shall it be used
21 in computing a lump-sum payment for accumulated and
22 accrued annual leave under section 5551.

23 “(5) The Office of Personnel Management may pre-
24 scribe regulations to ensure appropriate consistency

1 among heads of Executive agencies in the exercise of the
2 authority granted by this subsection.

3 “(6) For the purpose of this subsection—

4 “(A) ‘assigned to duty in’ refers to an employee
5 who is officially assigned to work or duty (including
6 serving on temporary duty) in a designated zone of
7 armed conflict, which may include short periods
8 away from the zone to perform work in connection
9 with the assignment, subject to any limitations or
10 requirements established by regulation or official
11 policy; and

12 “(B) ‘designated zone of armed conflict’ means
13 a foreign country or other foreign geographic area
14 outside of the United States (as that term is defined
15 in section 202(7) of the State Department Basic Au-
16 thorities Act of 1956 (22 U.S.C. 4302(7)) that is
17 designated by the Secretary of State, in coordination
18 with the Secretary of Defense, as an area where
19 there are exceptional levels of armed violence. In
20 making such a designation, the Secretary of State
21 may consider—

22 “(i) whether the Armed Forces of the
23 United States are involved in hostilities in the
24 country or area;

1 “(ii) whether the incidence of civil insur-
2 rection, civil war, terrorism, or wartime condi-
3 tions threatens physical harm or imminent dan-
4 ger to the health or well-being of United States
5 civilian employees in the country or area;

6 “(iii) whether the country or area has been
7 designated a combat zone by the President
8 under section 112(c) of the Internal Revenue
9 Code of 1986;

10 “(iv) whether a contingency operation in-
11 volving combat operations directly affects civil-
12 ian employees in the country or area; or

13 “(v) any other relevant conditions and fac-
14 tors.

15 “(7) The authority under this subsection expires at
16 the close of December 31, 2015.”.

17 (b) WAIVER OF LIMITATION ON AGGREGATE PAY.—
18 Section 5307 of such title is amended—

19 (1) in subsection (a)(1), by striking “or as oth-
20 erwise provided under subsection (d)” and inserting
21 “or as otherwise provided by this section”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(e)(1) The preceding subsections of this section shall
25 not apply to payments in addition to basic pay earned by

1 an employee during a calendar year for performing work
2 while assigned to duty in a designated zone of armed con-
3 flict (as such terms are defined in section 5547(e)(6)(A)
4 and (B)).

5 “(2) For the purpose of this subsection, the term
6 ‘basic pay’ includes any applicable locality-based com-
7 parability payment under section 5304, any applicable
8 special rate supplement under section 5305, and any simi-
9 lar payment under any other provision of law.

10 “(3) Notwithstanding paragraph (1), the Office of
11 Personnel Management may prescribe a minimum period
12 during which an employee is assigned to duty in a des-
13 ignated zone of armed conflict in order to be covered by
14 such paragraph.

15 “(4) The Office of Personnel Management may pre-
16 scribe regulations to implement this subsection.

17 “(5) The authority in paragraph (1) shall not apply
18 to calendar years after 2015.”

19 (c) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED
20 EXPERTS.—Section 9903(d) of such title is amended—

21 (1) in subparagraph (1) by striking “12-month
22 period” and inserting “calendar year”; and

23 (2) in subparagraph (2)(B) by striking “in sup-
24 port of a contingency operation (as defined by sec-
25 tion 101(a)(13) of title 10” and inserting “to duty

1 in a designated zone of armed conflict (as such
 2 terms are defined in section 5547(e)(5)(A) and
 3 (B))”.

4 (d) EFFECTIVE DATE.—(1) The amendments made
 5 by subsection (a) shall apply to premium payments pay-
 6 able on or after January 1, 2014.

7 (2) The amendments made by subsections (b) and (c)
 8 shall take effect on January 1, 2014.

9 **SEC. 1108. AUTHORITY TO EMPLOY CIVILIAN FACULTY**
 10 **MEMBERS AT INTER-AMERICAN DEFENSE**
 11 **COLLEGE.**

12 Section 1595(e) of title 10, United States Code, is
 13 amended by adding at the end the following new para-
 14 graph:

15 “(5) The Inter-American Defense College.”.

16 **TITLE XII—MATTERS RELATING**
 17 **TO FOREIGN NATIONS**

18 **SEC. 1201. AUTHORITY TO CONDUCT ACTIVITIES TO EN-**
 19 **HANCE THE CAPABILITY OF FOREIGN COUN-**
 20 **TRIES TO RESPOND TO INCIDENTS INVOLV-**
 21 **ING WEAPONS OF MASS DESTRUCTION.**

22 (a) AUTHORITY.—The Secretary of Defense, with the
 23 concurrence of the Secretary of State, and in consultation
 24 with the Department of Justice and Department of Home-
 25 land Security, may provide assistance to the military and

1 civilian first responders of a foreign country in order for
2 that country to respond effectively to incidents involving
3 weapons of mass destruction.

4 (b) AUTHORIZED ELEMENTS.—Assistance provided
5 under this section may include training, equipment, and
6 supplies.

7 (c) AVAILABILITY OF FUNDS FOR ACTIVITIES
8 ACROSS FISCAL YEARS.—Amounts available for any fiscal
9 year for the provision of assistance under the authority
10 in subsection (a) may be used for an activity to provide
11 such assistance that begins in that fiscal year but ends
12 in the next fiscal year.

13 (d) INTERAGENCY COORDINATION.—In carrying out
14 this section, the Secretary of Defense shall comply with
15 any otherwise-applicable requirement for coordination or
16 consultation within the executive branch.

17 **SEC. 1202. AUTHORITY TO PROVIDE UNREIMBURSED DE-**
18 **FENSE SERVICES IN CONNECTION WITH THE**
19 **TRANSFER OF EXCESS DEFENSE ARTICLES IN**
20 **AFGHANISTAN.**

21 (a) AUTHORITY TO PROVIDE UNREIMBURSED DE-
22 FENSE SERVICES.—The Secretary of Defense may, with
23 the concurrence of the Secretary of State, provide defense
24 services without reimbursement from the government of
25 the recipient country—

1 (1) in connection with the transfer of excess de-
2 fense articles under section 516 of the Foreign As-
3 sistance Act of 1961 (22 U.S.C. 2321j); and

4 (2) in connection with the transfer under chap-
5 ter 7 of title 40, United States Code, of personal
6 property that—

7 (A) is foreign excess property for purposes
8 of such chapter; and

9 (B) is categorized under regulations of the
10 Department of Defense as foreign excess per-
11 sonal property.

12 (b) LIMITATIONS.—

13 (1) VALUE.—The aggregate value of all defense
14 services provided under subsection (a) in any fiscal
15 year may not exceed \$100,000,000.

16 (2) SOURCE OF TRANSFERRED ARTICLES.—The
17 authority under subsection (a) may only be used in
18 connection with defense articles and personal prop-
19 erty present in Afghanistan as of the date of the en-
20 actment of this Act.

21 (c) EXEMPTION.—The provision of defense services
22 under subsection (a)(1) shall not be subject to the limita-
23 tions applicable to the transfer of excess defense articles
24 under section 516 of the Foreign Assistance Act of 1961

1 (22 U.S.C. 2321j) contained in subsections (b)(1)(B) and
2 (e) of such section.

3 (d) EXPIRATION.—The authority provided in sub-
4 section (a) may not be exercised after December 31, 2014.

5 (e) DEFINITION.—In this section, the term “defense
6 services” has the meaning given that term in section
7 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C.
8 2403(f)).

9 (f) CONSTRUCTION EQUIPMENT.—Notwithstanding
10 section 644(g) of the Foreign Assistance Act of 1961 (22
11 U.S.C. 2403(g)) and section 2562 of title 10, United
12 States Code, construction equipment from the stocks of
13 the Department of Defense located in Afghanistan as of
14 the date of the enactment of this Act may be transferred
15 as an excess defense article to the Government of Afghani-
16 stan under section 516 of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2321j).

18 **SEC. 1203. FIVE-YEAR EXTENSION OF AUTHORIZATION FOR**
19 **NON-CONVENTIONAL ASSISTED RECOVERY**
20 **CAPABILITIES.**

21 Subsection (h) of section 943 of the Duncan Hunter
22 National Defense Authorization Act for Fiscal Year 2009
23 (Public Law 110–417; 122 Stat. 4579), as amended by
24 section 1205(g) of the National Defense Authorization Act
25 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.

1 1624), is further amended by striking “2013” and insert-
2 ing “2018”.

3 **SEC. 1204. INCREASE IN ANNUAL LIMITATION ON TRANS-**
4 **FER OF EXCESS DEFENSE ARTICLES.**

5 Section 516(g)(1) of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking
7 “\$425,000,000” and inserting “\$500,000,000”.

8 **SEC. 1205. REVISION OF STATUTORY REFERENCES TO**
9 **FORMER NATO SUPPORT ORGANIZATIONS**
10 **AND RELATED NATO AGREEMENTS.**

11 (a) TITLE 10, UNITED STATES CODE.—Section
12 2350d of title 10, United States Code, is amended—

13 (1) by striking “NATO Maintenance and Sup-
14 ply Organization” each place it appears and insert-
15 ing “NATO Support Organization and its executive
16 agencies”;

17 (2) by striking “Weapon System Partnership
18 Agreement” each place it appears and inserting
19 “Support Partnership Agreement”; and

20 (3) by striking “a specific weapon system” in
21 subsection (a)(1)(B) and inserting “activities”.

22 (b) ARMS EXPORT CONTROL ACT.—Section 21(e)(3)
23 of the Arms Export Control Act (22 U.S.C. 2761(e)(3))
24 is amended—

1 (1) by striking “Maintenance and Supply Agen-
2 cy of the North Atlantic Treaty Organization” in
3 subparagraphs (A) and (C)(i) and inserting “North
4 Atlantic Treaty Organization (NATO) Support Or-
5 ganization and its executive agencies”;

6 (2) by striking “weapon system partnership
7 agreement” in subparagraph (A)(i) and inserting
8 “support partnership agreement”; and

9 (3) by striking “a specific weapon system” in
10 subparagraph (C)(i)(II) and inserting “activities”.

11 **SEC. 1206. FIVE-YEAR EXTENSION OF THE IRAQI SPECIAL**
12 **IMMIGRANT VISA PROGRAM.**

13 Section 1244(c)(3) of the Refugee Crisis in Iraq Act
14 of 2007 (subtitle C of title XII of Public Law 110–181;
15 8 U.S.C. 1157 note) is amended by adding at the end the
16 following new subparagraph:

17 “(C) **ADDITIONAL FISCAL YEARS.**—Not-
18 withstanding subparagraphs (A) and (B), and
19 consistent with subsection (b), any unused bal-
20 ance of the total number of principal aliens who
21 may be provided special immigrant status under
22 this subsection in fiscal years 2008 through
23 2012 may be carried forward and provided
24 through the end of fiscal year 2018, except
25 that—

1 “(i) the one-year period during which
2 a principal alien must have been employed
3 in accordance with subsection (b)(1) shall
4 be entirely during the period from March
5 20, 2003 through September 30, 2013;
6 and

7 “(ii) a principal alien seeking special
8 immigrant status under this subparagraph
9 shall apply to the Chief of Mission in ac-
10 cordance with subsection (b)(4) no later
11 than September 30, 2017.”.

12 **SEC. 1207. FIVE-YEAR EXTENSION OF THE AFGHAN SPECIAL**
13 **IMMIGRANT VISA PROGRAM.**

14 Section 602(b)(3) of the Afghan Allies Protection Act
15 of 2009 (title VI of Public Law 111–8; 8 U.S.C. 1101
16 note) is amended by adding at the end the following new
17 subparagraph:

18 “(D) **ADDITIONAL FISCAL YEARS.**—Not-
19 withstanding subparagraph (C), for each of the
20 fiscal years 2014 through 2018, the total num-
21 ber of principal aliens who may be provided spe-
22 cial immigrant status under this section may
23 not exceed 3,000 per year, except that any un-
24 used balance of the total number of principal
25 aliens who may be provided special immigrant

1 status in fiscal years 2014 through 2018, in ad-
 2 dition to any unused balance of the total num-
 3 ber of principal aliens who may be provided spe-
 4 cial immigrant status under subparagraph (A)
 5 in fiscal years 2009 through 2013, may be car-
 6 ried forward and provided through the end of
 7 fiscal year 2019, except that—

8 “(i) the one-year period during which
 9 a principal alien must have been employed
 10 in accordance with paragraph (2)(A)(ii)
 11 shall be entirely during the period from
 12 October 7, 2001 through December 31,
 13 2014; and

14 “(ii) a principal alien seeking special
 15 immigrant status under this subparagraph
 16 shall apply to the Chief of Mission in ac-
 17 cordance with paragraph (2)(D) no later
 18 than September 30, 2015.”.

19 **SEC. 1208. PERMANENT AND GLOBAL AUTHORITY FOR USE**
 20 **OF ACQUISITION AND CROSS-SERVICING**
 21 **AGREEMENTS TO LEND CERTAIN MILITARY**
 22 **EQUIPMENT TO CERTAIN FOREIGN FORCES**
 23 **FOR PERSONNEL PROTECTION AND SURVIV-**
 24 **ABILITY.**

25 (a) CODIFICATION OF PERMANENT AUTHORITY.—

1 (1) ENACTMENT IN TITLE 10 OF SECTION 1202
2 ACQUISITION AND CROSS-SERVICING AGREEMENT
3 AUTHORITY.—Chapter 138 of title 10, United States
4 Code, is amended by inserting after section 2342 a
5 new section 2342a consisting of—

6 (A) a heading as follows:

7 **“§ 2342a. Acquisition and cross-servicing agreements:**
8 **authority to lend certain military equip-**
9 **ment to certain foreign forces for per-**
10 **sonnel protection and survivability”;**

11 and

12 (B) a text consisting of the text of sub-
13 sections (a) through (d) of section 1202 of the
14 John Warner National Defense Authorization
15 Act for Fiscal Year 2007 (Public Law 109–
16 364), as most recently amended by section
17 1202 of the National Defense Authorization Act
18 for Fiscal Year 2012 (Public Law 112–81; 125
19 Stat. 1621), and revised as specified in sub-
20 section (b).

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of subchapter I of such chap-
23 ter is amended by inserting after the item relating
24 to section 2342 the following new item:

“2342a. Acquisition and cross-servicing agreements: authority to lend certain
military equipment to certain foreign forces for personnel pro-
tection and survivability.”.

1 (b) REVISIONS TO CODIFIED SECTION.—The revi-
2 sions to the text specified in subsection (a)(1)(B) are as
3 follows:

4 (1) GLOBAL AUTHORITY.—In subsection
5 (a)(1)—

6 (A) insert “military or stability” after
7 “combined” the first place it appears; and

8 (B) strike “in Afghanistan”.

9 (2) CONFORMING AMENDMENTS.—In subsection
10 (a)(3)—

11 (A) in subparagraph (A), strike “Afghani-
12 stan” and insert “a combined military or sta-
13 bility operation with the United States”; and

14 (B) in subparagraph (C), strike “Afghani-
15 stan or a” and insert “a combined military or
16 stability operation or”.

17 (3) REPORTING EXCEPTION.—In subsection
18 (a)(5)—

19 (A) insert “(A)” before “Equipment may
20 not”; and

21 (B) add at the end the following:

22 “(B) EXCEPTION.—The notice required in sub-
23 paragraph (A) shall not be required when the equip-
24 ment to be loaned is intended to be used—

1 “(i) in a facility that is under the control
2 of the United States; or

3 “(ii) in connection with training directed
4 by United States personnel.”.

5 (4) WAIVER IN THE CASE OF COMBAT LOSS OF
6 EQUIPMENT.—At the end of subsection (a), insert
7 the following new paragraph:

8 “(6) WAIVER OF REIMBURSEMENT IN THE
9 CASE OF COMBAT LOSS.—

10 “(A) AUTHORITY.—In the case of equip-
11 ment provided to the military forces of another
12 nation under the authority of this section that
13 is damaged or destroyed as a result of combat
14 operations while held by those forces, the Sec-
15 retary of Defense may, with respect to such
16 equipment, waive any other applicable require-
17 ment under this subchapter for—

18 “(i) reimbursement;

19 “(ii) replacement-in-kind; or

20 “(iii) exchange of supplies or services
21 of an equal value.

22 “(B) LIMITATIONS.—Any waiver under
23 this subsection may be made only on a case-by-
24 case basis. Any waiver under this subsection
25 may be made only if the Secretary determines

1 that the waiver is in the national security inter-
2 est of the United States.”.

3 (5) TECHNICAL AND CLERICAL AMEND-
4 MENTS.—

5 (A) In subsection (a)(1), strike “under
6 subchapter I of chapter 138 of title 10, United
7 States Code,”.

8 (B) In subsection (d)(2)(B), strike “Com-
9 mittee on International Relations” and insert
10 “Committee on Foreign Affairs”.

11 (c) REPEAL.—Section 1202 of the John Warner Na-
12 tional Defense Authorization Act for Fiscal Year 2007
13 (Public Law 109–364), as most recently amended by sec-
14 tion 1202 of the National Defense Authorization Act for
15 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621),
16 is repealed.

17 (d) RETROACTIVE APPLICATION OF WAIVER AU-
18 THORITY.—The authority in subsection (a)(6) of section
19 2342a of title 10, United States Code, as added by this
20 section, shall apply with respect to equipment provided be-
21 fore the date of the enactment of this Act to a foreign
22 nation under section 1202 of the John Warner National
23 Defense Authorization Act for Fiscal Year 2007, as
24 amended, in the same manner as to equipment provided
25 under such section 2342a.

1 **SEC. 1209. EXTENSION OF AUTHORITY FOR ASSIGNMENT**
2 **OF CIVILIAN EMPLOYEES OF THE DEPART-**
3 **MENT OF DEFENSE AS ADVISORS TO FOR-**
4 **EIGN MINISTRIES OF DEFENSE.**

5 (a) EXTENSION OF AUTHORITY.—Subsection (b) of
6 section 1081 of the National Defense Authorization Act
7 for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 168
8 note) is amended—

9 (1) in paragraph (1), by striking “September
10 30, 2014” and inserting “September 30, 2017”; and

11 (2) in paragraph (2), by striking “fiscal year
12 2012, 2013, or 2014” and inserting “a fiscal year
13 ending on or before that date”.

14 (b) TECHNICAL AMENDMENT.—Subsection (c)(4) of
15 such section is amended by striking “carried out such by
16 such” and inserting “carried out by such”.

17 **SEC. 1210. MODIFICATION AND EXTENSION OF AUTHORI-**
18 **TIES RELATING TO PROGRAM TO BUILD THE**
19 **CAPACITY OF FOREIGN MILITARY FORCES.**

20 (a) MODIFICATION OF AUTHORITY.—Subsection
21 (b)(1) of section 1206 of the National Defense Authoriza-
22 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
23 Stat. 3456), as most recently amended by section 1201
24 of the National Defense Authorization Act for Fiscal Year
25 2013 (Public Law 112–239; 126 Stat. 1979), is further

1 amended by striking “supplies, training” and inserting
2 “training, logistic support, supplies, and services”.

3 (b) AVAILABILITY OF FUNDS.—Subsection (c) of
4 such section is amended—

5 (1) in paragraph (5)—

6 (A) by striking “not more than
7 \$75,000,000 may be used during fiscal year
8 2010, not more than \$75,000,000 may be used
9 during fiscal year 2011 and”; and

10 (B) by striking “each of fiscal years 2012,
11 2013, and 2014” and inserting “each fiscal
12 year through fiscal year 2015”; and

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

15 “(7) AVAILABILITY OF FUNDS FOR PROGRAMS
16 DURING THE FIRST THREE MONTHS OF THE FOL-
17 LOWING FISCAL YEAR.—

18 “(A) IN GENERAL.—For discretionary ap-
19 propriations enacted after the date of the enact-
20 ment of this paragraph, and subject to subpara-
21 graph (B), an amount not to exceed 20 percent
22 of amounts available under this subsection for
23 the authority in subsection (a) for any fiscal
24 year may be obligated during the first three
25 months of the following fiscal year to conduct

1 or support a program authorized, approved, and
2 congressional notification completed in accord-
3 ance with subsection (a).

4 “(B) NOTIFICATION.—Whenever the Sec-
5 retary of Defense decides, with the concurrence
6 of the Secretary of State, to conduct or support
7 a program authorized under subsection (a) by
8 obligating funds as described in subparagraph
9 (A) during the first six months of the following
10 fiscal year, the Secretary of Defense shall sub-
11 mit to the congressional committees specified in
12 paragraph (3) of subsection (e) a notification in
13 writing of that decision in accordance with such
14 subsection by not later than September 30 of
15 the fiscal year for which the funds are appro-
16 priated.”.

17 (c) EXTENSION OF PROGRAM AUTHORIZATION.—
18 Subsection (g) of such section is amended—

19 (1) by striking “September 30, 2014” and in-
20 sserting “September 30, 2015”; and

21 (2) by striking “through 2014” and inserting
22 “through 2015”.

23 (d) DEFINITION.—Such section is further amended
24 by adding at the end the following new subsection:

1 “(h) DEFINITION.—In this section, the term ‘logistic
2 support, supplies, and services’ has the meaning given that
3 term in section 2350(1) of title 10, United States Code.”.

4 (e) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on October 1, 2013, and shall
6 apply with respect to programs under section 1206(a) of
7 the National Defense Authorization Act for Fiscal Year
8 2006 that begin on or after that date.

9 **SEC. 1211. SUPPORT FOR NATO SPECIAL OPERATIONS**

10 **HEADQUARTERS.**

11 (a) AUTHORITY.—Subchapter II of chapter 138 of
12 title 10, United States Code, is amended by adding at the
13 end the following new section:

14 **“§ 2350n. NATO Special Operations Headquarters**

15 “(a) AUTHORIZATION.—Funds available for the De-
16 partment of Defense for operation and maintenance may
17 be used for the purposes set forth in subsection (b) for
18 support of operations of the North Atlantic Treaty Orga-
19 nization (NATO) Special Operations Headquarters. The
20 amount of such funds used for such purposes for fiscal
21 year 2014 and for fiscal year 2015 may not exceed
22 \$50,000,000.

23 “(b) PURPOSES.—The Secretary of Defense may pro-
24 vide funds for the NATO Special Operations Head-
25 quarters under subsection (a) for the following purposes:

1 “(1) To improve coordination and cooperation
2 between the special operations forces of NATO
3 member nations, Allied nations, and partner nations.

4 “(2) To facilitate combined operations by spe-
5 cial operations forces of NATO member nations, Al-
6 lied nations, and partner nations.

7 “(3) To support command, control, and commu-
8 nications capabilities peculiar to special operations
9 forces.

10 “(4) To promote special operations forces intel-
11 ligence and informational requirements within the
12 NATO structure.

13 “(5) To promote interoperability through the
14 development of common equipment standards, tac-
15 tics, techniques, exercises, and procedures, and
16 through execution of multinational education and
17 training programs.

18 “(c) ANNUAL REPORT.—Not later than March 1 of
19 each year, the Secretary of Defense shall submit to the
20 congressional defense committees a report regarding sup-
21 port for the NATO Special Operations Headquarters.
22 Each report shall include the following:

23 “(1) The total amount of funding provided by
24 the United States and other NATO nations to the
25 NATO Special Operations Headquarters for oper-

1 ating costs of the NATO Special Operations Head-
2 quarters.

3 “(2) A description of the activities carried out
4 with such funding, including—

5 “(A) the amount of funding allocated for
6 each such activity;

7 “(B) the extent to which other NATO na-
8 tions participate in each such activity;

9 “(C) the extent to which each such activity
10 is designed to meet the purposes set forth in
11 paragraphs (1) through (5) of subsection (b);
12 and

13 “(D) an assessment of the extent to which
14 each such activity will promote the mission of
15 the NATO Special Operations Headquarters.

16 “(3) Other contributions, financial or in kind,
17 provided by the United States and other NATO na-
18 tions in support of the NATO Special Operations
19 Headquarters.

20 “(4) Any other matters that the Secretary of
21 Defense considers appropriate.

22 “(d) SECRETARY OF DEFENSE PUBLISHED GUID-
23 ANCE.—The Secretary of Defense shall publish guidance
24 detailing the roles and responsibilities of components of
25 the Department of Defense in support of the NATO Spe-

1 cial Operations Headquarters. Such guidance shall include
2 specification of the responsibilities of the Assistant Sec-
3 retary of Defense for Special Operations and Low-Inten-
4 sity Conflict, consistent with the duties of the Assistant
5 Secretary under section 138(b)(4) of this title (including
6 oversight of policy and resources), for oversight of support
7 provided by the United States Special Operations Com-
8 mand to the NATO Special Operations Headquarters.”.

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

“2350n. NATO Special Operations Headquarters.”.

12 (c) DEADLINE FOR PUBLICATION OF GUIDANCE AND
13 NOTIFICATION OF CONGRESSIONAL COMMITTEES.—Not
14 later than 180 days after the enactment of this Act, the
15 Secretary of Defense shall notify the congressional defense
16 committees that the Secretary has published the guidance
17 required by subsection (d) of section 2350n of title 10,
18 United States Code, as added by subsection (a).

19 (d) CONFORMING REPEAL.—Section 1244 of the Na-
20 tional Defense Authorization Act for Fiscal Year 2010
21 (Public Law 111–84; 123 Stat. 2541), as most recently
22 amended by section 1272 of the National Defense Author-
23 ization Act for Fiscal Year 2013 (Public Law 112–239;
24 126 Stat. 2023), is repealed.

1 **SEC. 1212. AFGHANISTAN SECURITY FORCES FUND.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
3 are hereby authorized to be appropriated for fiscal year
4 2014 for the Afghanistan Security Forces Fund in the
5 amount of \$7,726,720,000.

6 (b) CONTINUATION OF PRIOR AUTHORITIES AND NO-
7 TICE AND REPORTING REQUIREMENTS.—Funds available
8 to the Department of Defense for the Afghanistan Secu-
9 rity Forces Fund for fiscal year 2014 shall be subject to
10 the conditions contained in subsections (b) through (g) of
11 section 1513 of the National Defense Authorization Act
12 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
13 428), as amended by section 1531(b) of the Ike Skelton
14 National Defense Authorization Act for Fiscal Year 2011
15 (Public Law 111–383; 124 Stat. 4424).

16 (c) LIMITATION.—Of the funds authorized to be ap-
17 propriated in subsection (a), \$2,615,000,000 shall not be
18 obligated or expended until the Secretary of Defense, with
19 the approval of the Director of the Office of Management
20 and Budget, notifies the congressional defense committees
21 that an additional amount is necessary to further develop
22 the capabilities of the Afghanistan security forces.

23 (d) EQUIPMENT DISPOSAL.—The United States may
24 accept equipment procured using funds authorized under
25 this section in this or prior Acts that was transferred to
26 the security forces of Afghanistan and returned by such

1 forces to the United States. The equipment described in
2 this subsection as well as equipment not yet transferred
3 to the security forces of Afghanistan when determined by
4 the Commander, Combined Security Transition Com-
5 mand-Afghanistan, or the Secretary's designee, to no
6 longer be required for transfer to such forces, may be
7 treated as stocks of the Department of Defense upon noti-
8 fication to the congressional defense committees.

9 **SEC. 1213. TRAINING WITH SECURITY FORCES OF FRIEND-**
10 **LY FOREIGN COUNTRIES.**

11 (a) IN GENERAL.—

12 (1) AUTHORITY.—Chapter 101 of title 10,
13 United States Code, is amended by inserting after
14 section 2011 the following new section:

15 **“§ 2011a. General purpose forces: training with**
16 **friendly foreign forces**

17 “(a) AUTHORITY.—Under regulations prescribed
18 pursuant to subsection (d), the armed forces and Depart-
19 ment of Defense civilian employees may train with the
20 military forces or other security forces of a friendly foreign
21 country in order to prepare the armed forces to train the
22 military forces or other security forces, and supporting in-
23 stitutions, of a friendly foreign country. Training activities
24 may be carried out under this section only with the prior

1 approval of the Secretary of Defense and with the concur-
2 rence of the Secretary of State.

3 “(b) AUTHORITY TO PAY EXPENSES.—The Sec-
4 retary of a military department or commander of a com-
5 batant command may pay, or authorize payment for, the
6 incremental expenses incurred by a friendly foreign coun-
7 try as the direct result of training with Department of
8 Defense personnel pursuant to this section.

9 “(c) PURPOSE OF TRAINING.—The primary purpose
10 of the training authorized under subsection (a) shall be
11 to train the general purpose forces of a military depart-
12 ment or general purpose forces available to the com-
13 mander of a combatant command in order to—

14 “(1) develop and maintain necessary advise and
15 assist training skills; or

16 “(2) prepare such forces for the provision of de-
17 fense services or other assistance under any provi-
18 sion of law.

19 “(d) REGULATIONS.—The Secretary of Defense shall
20 prescribe regulations for the administration of this section.
21 Such regulations shall establish accounting procedures to
22 ensure that the expenditures pursuant to this section are
23 appropriate.

24 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘incremental expenses’, with re-
2 spect to a friendly foreign country, means the rea-
3 sonable and proper costs of rations, fuel, training
4 ammunition, and transportation, and other goods
5 and services consumed by such country as a direct
6 result of that country’s participation in training
7 events authorized under this section. Such term does
8 not include pay, allowances, and other normal costs
9 of such country’s personnel.

10 “(2) The term ‘other security forces’ includes
11 national security forces that conduct border and
12 maritime security, internal security, and counterter-
13 rorism operations, but does not include civilian po-
14 lice.

15 “(f) LIMITATION.—Not more than \$10,000,000 may
16 be used in any fiscal year to pay for the incremental ex-
17 penses of the military forces or other security forces of
18 a friendly foreign country to train with Department of De-
19 fense personnel pursuant to this section.

20 “(g) EXPIRATION.—The authority under this section
21 may not be exercised after September 30, 2018.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by inserting after the item relating to section 2011
25 the following new item:

“2011a. General purpose forces: training with friendly foreign forces.”.

1 (b) BUDGET PROPOSALS.—Section 166(e) of such
2 title is amended—

3 (1) by striking “SOF” in the subsection head-
4 ing; and

5 (2) by inserting “or 2011a” after “section
6 2011”.

7 **SEC. 1214. REVISIONS TO GLOBAL SECURITY CONTINGENCY**
8 **FUND AUTHORITY.**

9 (a) AUTHORITY.—Subsection (b)(1) of section 1207
10 of the National Defense Authorization Act for Fiscal Year
11 2012 (Public Law 112–81; 125 Stat. 1625; 22 U.S.C.
12 2151 note) is amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “forces, and” and inserting “forces, or”;
15 and

16 (2) in subparagraph (A)—

17 (A) by striking “and” the second place it
18 appears and inserting “or”;

19 (B) by inserting “or activities” after
20 “counterterrorism operations”; and

21 (C) by striking “; and” and inserting “;
22 or”.

23 (b) TYPES OF ASSISTANCE.—Subsection (c)(1) of
24 such section is amended by striking “and training” and

1 inserting “minor construction, training and education, and
2 professional guidance and advice”.

3 (c) TRANSFER AUTHORITY.—Subsection (f) of such
4 section is amended—

5 (1) in paragraph (1)—

6 (A) by striking “for Defense-wide activi-
7 ties” in the first sentence; and

8 (B) by striking “subsection (i)” in the sec-
9 ond sentence and inserting “subsection (h)”;
10 and

11 (2) in paragraph (2)—

12 (A) by inserting “and Department of
13 State” after “Department of Defense”; and

14 (B) by striking “\$200,000,000” and in-
15 serting “\$300,000,000”.

16 (d) TWO-YEAR EXTENSION OF AVAILABILITY OF
17 FUNDS.—Subsection (i) of such section is amended by
18 striking “September 30, 2015” and inserting “September
19 30, 2017”.

20 (e) NOTICES TO CONGRESS.—Subsection (l) of such
21 section is amended—

22 (1) in paragraph (1)—

23 (A) by striking subparagraph (C); and

24 (B) by redesignating subparagraph (D) as
25 subparagraph (C);

1 (2) by striking paragraph (2); and

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

4 (f) ANNUAL REPORT REQUIREMENT.—Subsection
5 (m) of such section is amended in the matter preceding
6 paragraph (1)—

7 (1) by striking “October 30, 2012, and annu-
8 ally thereafter” and inserting “October 30 each
9 year”; and

10 (2) by striking “subsection (q)” and inserting
11 “subsection (o)”.

12 (g) REPEAL OF FISCAL YEAR 2012 TRANSITIONAL
13 AUTHORITIES.—Subsection (n) of such section is re-
14 pealed.

15 (h) REPEAL OF STATUTORY FUNDING LIMITA-
16 TION.—Subsection (o) of such section is repealed.

17 (i) REDESIGNATION.—Subsection (p) of such section
18 is redesignated as subsection (n).

19 (j) EXTENSION OF EXPIRATION DATE.—Subsection
20 (q) of such section is redesignated as subsection (o) and
21 is amended—

22 (1) by striking “September 30, 2015” and in-
23 sserting “September 30, 2017”; and

1 (2) by striking “funds available for fiscal years
2 2012 through 2015” and inserting “funds available
3 for a fiscal year beginning before that date”.

4 **SEC. 1215. INTER-EUROPEAN AIR FORCES ACADEMY.**

5 (a) IN GENERAL.—Chapter 907 of title 10, United
6 States Code, is amended by inserting after section 9415
7 the following new section:

8 **“§ 9416. Inter-European Air Forces Academy**

9 “(a) OPERATION.—The Secretary of the Air Force
10 may operate the Air Force education and training facility
11 known as the Inter-European Air Forces Academy for the
12 purpose of providing military education and training to
13 military personnel of countries that are members of the
14 North Atlantic Treaty Organization or signatories to the
15 Partnership for Peace Framework Documents.

16 “(b) ELIGIBLE COUNTRIES.—(1) No foreign force
17 may be trained under the authority of this section without
18 the concurrence of the Secretary of State.

19 “(2) Without prejudice to the inclusion of other
20 forces, the Secretary of Defense and the Secretary of State
21 shall, not later than July 1 of each year agree to a list
22 of countries whose forces will be eligible to attend the
23 academy in the following fiscal year.

24 “(3) The Secretary of the Air Force may not use the
25 authority in subsection (a) to provide assistance to any

1 foreign country that is otherwise prohibited from receiving
2 such type of assistance under any other provision of law.

3 “(c) COSTS.—The costs of operating and maintaining
4 the Inter-European Air Forces Academy may be paid from
5 funds available for operation and maintenance of the Air
6 Force.

7 “(d) SUPPLIES AND CLOTHING.—The Secretary of
8 the Air Force may, under such conditions as the Secretary
9 may prescribe, provide to a person receiving training
10 under this chapter—

11 “(1) transportation incident to the training;

12 “(2) supplies and equipment to be used during
13 the training; and

14 “(3) billeting, food, and health services.

15 “(e) LIVING ALLOWANCE.—The Secretary of the Air
16 Force may pay to a person receiving training under this
17 chapter a living allowance at a rate to be prescribed by
18 the Secretary, taking into account the amount of living
19 allowances authorized for a member of the armed forces
20 under similar circumstances.

21 “(f) MAINTENANCE.—The Secretary of the Air Force
22 may authorize such expenditures from the appropriations
23 of the Air Force as the Secretary considers necessary for
24 the efficient and effective maintenance of the Program in
25 accordance with this chapter.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 9415 the following new
 4 item:

“9416. Inter-European Air Forces Academy.”.

5 **TITLE XIII—OTHER**
 6 **AUTHORIZATIONS**
 7 **Subtitle A—Military Programs**

8 **SEC. 1301. WORKING CAPITAL FUNDS.**

9 Funds are hereby authorized to be appropriated for
 10 fiscal year 2014 for the use of the Armed Forces and other
 11 activities and agencies of the Department of Defense for
 12 providing capital for Defense Working Capital Funds in
 13 the amount of \$1,545,827,000.

14 **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

15 Funds are hereby authorized to be appropriated for
 16 fiscal year 2014 for the National Defense Sealift Fund
 17 in the amount of \$730,700,000.

18 **SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.**

19 Funds are hereby authorized to be appropriated for
 20 fiscal year 2014 for the Joint Urgent Operational Needs
 21 Fund in the amount of \$98,800,000.

22 **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
 23 **TION, DEFENSE.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 25 are hereby authorized to be appropriated for the Depart-

1 ment of Defense for fiscal year 2014 for expenses, not oth-
2 erwise provided for, for Chemical Agents and Munitions
3 Destruction, Defense, in the amount of \$1,057,123,000,
4 of which—

5 (1) \$451,572,000 is for Operation and Mainte-
6 nance;

7 (2) \$604,183,000 is for Research, Development,
8 Test, and Evaluation; and

9 (3) \$1,368,000 is for Procurement.

10 (b) USE.—Amounts authorized to be appropriated
11 under subsection (a) are authorized for—

12 (1) the destruction of lethal chemical agents
13 and munitions in accordance with section 1412 of
14 the Department of Defense Authorization Act, 1986
15 (50 U.S.C. 1521); and

16 (2) the destruction of chemical warfare materiel
17 of the United States that is not covered by section
18 1412 of such Act.

19 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG AC-**
20 **TIVITIES, DEFENSE-WIDE.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2014 for ex-
23 penses, not otherwise provided for, for Drug Interdiction
24 and Counter-Drug Activities, Defense-wide, in the amount
25 of \$938,545,000.

1 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2014 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, in the
6 amount of \$312,131,000, of which—

7 (1) \$311,131,000 is for Operation and Mainte-
8 nance; and

9 (2) \$1,000,000 is for Procurement.

10 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2014 for ex-
13 penses, not otherwise provided for, for the Defense Health
14 Program, in the amount of \$33,351,528,000, of which—

15 (1) \$31,950,734,000 is for Operation and
16 Maintenance;

17 (2) \$729,613,000 is for Research, Development,
18 Test, and Evaluation; and

19 (3) \$671,181,000 is for Procurement.

1 **Subtitle B—National Defense**
2 **Stockpile**

3 **SEC. 1311. AUTHORITY TO ACQUIRE ADDITIONAL MATE-**
4 **RIALS FOR THE NATIONAL DEFENSE STOCK-**
5 **PILE.**

6 Section 1411 of the National Defense Authorization
7 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
8 1654), is amended—

9 (1) by redesignating subsection (c) as sub-
10 section (d); and

11 (2) by inserting after subsection (b) the fol-
12 lowing new subsection (c):

13 “(c) ACQUISITION AUTHORITY.—(1) Using funds
14 available in the National Defense Stockpile Transaction
15 Fund, the National Defense Stockpile Manager may ac-
16 quire the following materials determined to be strategic
17 and critical materials required to meet the defense, indus-
18 trial, and essential civilian needs of the United States:

19 “(A) Ferroniobium.

20 “(B) Dysprosium Metal.

21 “(C) Yttrium Oxide.

22 “(2) The National Defense Stockpile Manager may
23 use up to \$22,000,000 of the National Stockpile Trans-
24 action Fund for acquisition of the materials specified in
25 paragraph (1).

1 “(3) The authority under this subsection is available
2 for purchases during fiscal year 2014 through fiscal year
3 2019.”.

4 **Subtitle C—Other Matters**

5 **SEC. 1321. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT** 6 **DEPARTMENT OF DEFENSE-DEPARTMENT OF** 7 **VETERANS AFFAIRS MEDICAL FACILITY DEM-** 8 **ONSTRATION FUND FOR CAPTAIN JAMES A.** 9 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

10 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
11 funds authorized to be appropriated for section 507 and
12 available for the Defense Health Program for operation
13 and maintenance, \$143,087,000 may be transferred by the
14 Secretary of Defense to the Joint Department of Defense-
15 Department of Veterans Affairs Medical Facility Dem-
16 onstration Fund established by subsection (a)(1) of sec-
17 tion 1704 of the National Defense Authorization Act for
18 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
19 For purposes of subsection (a)(2) of such section 1704,
20 any funds so transferred shall be treated as amounts au-
21 thorized and appropriated specifically for the purpose of
22 such a transfer.

23 (b) **USE OF TRANSFERRED FUNDS.**—For the pur-
24 poses of subsection (b) of such section 1704, facility oper-
25 ations for which funds transferred under subsection (a)

1 may be used are operations of the Captain James A.
 2 Lovell Federal Health Care Center, consisting of the
 3 North Chicago Veterans Affairs Medical Center, the Navy
 4 Ambulatory Care Center, and supporting facilities des-
 5 igned as a combined Federal medical facility under an
 6 operational agreement covered by section 706 of the Dun-
 7 can Hunter National Defense Authorization Act for Fiscal
 8 Year 2009 (Public Law 110–417; 122 Stat. 4500).

9 **SEC. 1322. AUTHORIZATION OF APPROPRIATIONS FOR**
 10 **ARMED FORCES RETIREMENT HOME.**

11 There is hereby authorized to be appropriated for fis-
 12 cal year 2014 from the Armed Forces Retirement Home
 13 Trust Fund the sum of \$67,800,000 for the operation of
 14 the Armed Forces Retirement Home.

15 **TITLE XIV—UNIFORMED AND**
 16 **OVERSEAS CITIZENS ABSEN-**
 17 **TEE VOTING ACT AMEND-**
 18 **MENTS**

19 **SEC. 1401. PRE-ELECTION REPORTING REQUIREMENTS ON**
 20 **AVAILABILITY AND TRANSMISSION OF AB-**
 21 **SENTEE BALLOTS.**

22 (a) IN GENERAL.—Subsection (c) of section 102 of
 23 the Uniformed and Overseas Citizens Absentee Voting Act
 24 (42 U.S.C. 1973ff–1) is amended—

1 (1) by designating the text of that subsection as
2 paragraph (3) and indenting that paragraph, as so
3 designated, two ems from the left margin; and

4 (2) by inserting before paragraph (3), as so
5 designated, the following new paragraphs:

6 “(1) PRE-ELECTION REPORT ON ABSENTEE
7 BALLOT AVAILABILITY.—Not later than 55 days be-
8 fore any election for Federal office held in a State,
9 such State shall submit a report to the Attorney
10 General and the Presidential Designee, and make
11 that report publicly available that same day, certi-
12 fying that absentee ballots are available for trans-
13 mission to absentee voters, or that it is aware of no
14 circumstances that will prevent absentee ballots from
15 being available for transmission by 46 days before
16 the election. The report shall be in a form prescribed
17 by the Attorney General and shall require the State
18 to certify specific information about ballot avail-
19 ability from each unit of local government which will
20 administer the election.

21 “(2) PRE-ELECTION REPORT ON ABSENTEE
22 BALLOTS TRANSMITTED.—Not later than 43 days
23 before any election for Federal office held in a State,
24 such State shall submit a report to the Attorney
25 General and the Presidential Designee, and make

1 that report publicly available that same day, certi-
 2 fying whether all absentee ballots validly requested
 3 by absent uniformed services voters and overseas
 4 voters whose requests were received by the 46th day
 5 before the election have been transmitted to such
 6 voters by such date. The report shall be in a form
 7 prescribed by the Attorney General and shall require
 8 the State to certify specific information about ballot
 9 transmission, including the total numbers of ballot
 10 requests received and ballots transmitted, from each
 11 unit of local government which will administer the
 12 election.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) SUBSECTION HEADING.—The heading for
 15 such subsection is amended to read as follows: “RE-
 16 PORTS ON ABSENTEE BALLOTS.—”.

17 (2) PARAGRAPH HEADING.—Paragraph (3) of
 18 such subsection, as designated by subsection (a)(1),
 19 is amended by inserting “POST-ELECTION REPORT
 20 ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED
 21 AND RECEIVED.—” before “Not later than 90 days”.

22 **SEC. 1402. TRANSMISSION REQUIREMENTS; REPEAL OF**
 23 **WAIVER PROVISION.**

24 (a) IN GENERAL.—Subsection (a)(8) of section 102
 25 of the Uniformed and Overseas Citizens Absentee Voting

1 Act (42 U.S.C. 1973ff-1) is amended by striking “voter—
2 ” and all that follows in that subsection and inserting
3 “voter by the date and in the manner determined under
4 subsection (g);”.

5 (b) BALLOT TRANSMISSION REQUIREMENTS AND
6 REPEAL OF WAIVER PROVISION.—Subsection (g) of such
7 section is amended to read as follows:

8 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

9 “(1) REQUESTS RECEIVED AT LEAST 46 DAYS
10 BEFORE AN ELECTION FOR FEDERAL OFFICE.—For
11 purposes of subsection (a)(8), in a case in which a
12 valid request for an absentee ballot is received at
13 least 46 days before an election for Federal office,
14 the following rules shall apply:

15 “(A) TIME FOR TRANSMITTAL OF ABSEN-
16 TEE BALLOT.—The State shall transmit the ab-
17 sentee ballot not later than 46 days before the
18 election.

19 “(B) SPECIAL RULES IN CASE OF FAILURE
20 TO TRANSMIT ON TIME.—

21 “(i) GENERAL RULE.—If the State
22 fails to transmit any absentee ballot by the
23 46th day before the election as required by
24 subparagraph (A) and the absent uni-
25 formed services voter or overseas voter did

1 not request electronic ballot transmission
2 pursuant to subsection (f), the State shall
3 transmit such ballot by express delivery.

4 “(ii) EXTENDED FAILURE.—If the
5 State fails to transmit any absentee ballot
6 by the 41st day before the election, in ad-
7 dition to transmitting the ballot as pro-
8 vided in clause (i), the State shall—

9 “(I) in the case of absentee bal-
10 lots requested by absent uniformed
11 services voters with respect to regu-
12 larly scheduled general elections, no-
13 tify such voters of the procedures es-
14 tablished under section 103A for the
15 collection and delivery of marked ab-
16 sentee ballots; and

17 “(II) in any other case, provide,
18 at the State’s expense, for the return
19 of such ballot by express delivery.

20 “(iii) ENFORCEMENT.—A State’s
21 compliance with this subparagraph does
22 not bar the Attorney General from seeking
23 additional remedies necessary to effectuate
24 the purposes of this Act.

1 “(2) REQUESTS RECEIVED AFTER 46TH DAY
 2 BEFORE AN ELECTION FOR FEDERAL OFFICE.—For
 3 purposes of subsection (a)(8), in a case in which a
 4 valid request for an absentee ballot is received less
 5 than 46 days before an election for Federal office,
 6 the State shall transmit the absentee ballot within
 7 one business day of receipt of the request.”.

8 **SEC. 1403. CLARIFICATION OF STATE RESPONSIBILITY,**
 9 **CIVIL PENALTIES, AND PRIVATE RIGHT OF**
 10 **ACTION.**

11 (a) ENFORCEMENT.—Section 105 of the Uniformed
 12 and Overseas Citizens Absentee Voting Act (42 U.S.C.
 13 1973ff-4) is amended to read as follows:

14 **“SEC. 105. ENFORCEMENT.**

15 “(a) IN GENERAL.—The Attorney General may bring
 16 a civil action in an appropriate district court for such de-
 17 claratory or injunctive relief as may be necessary to carry
 18 out this title. In any such action, the only necessary party
 19 defendant is the State. It shall not be a defense to such
 20 action that local election officials are not also named as
 21 defendants.

22 “(b) CIVIL PENALTY.—In a civil action brought
 23 under subsection (a), if the court finds that the State vio-
 24 lated any provision of this title, it may, to vindicate the
 25 public interest, assess a civil penalty against the State—

1 “(1) in an amount not exceeding \$110,000, for
2 a first violation,

3 “(2) in an amount not exceeding \$220,000, for
4 any subsequent violation.

5 “(c) ANNUAL REPORT TO CONGRESS.—Not later
6 than December 31 of each year, the Attorney General
7 shall submit to Congress a report on any civil action
8 brought under subsection (a) during that year.

9 “(d) PRIVATE RIGHT OF ACTION.—A person who is
10 aggrieved by a State’s violation of this Act may bring a
11 civil action in an appropriate district court for such declar-
12 atory or injunctive relief as may be necessary to carry out
13 this Act.

14 “(e) ATTORNEY’S FEES.—In a civil action under this
15 section, the court may allow the prevailing party (other
16 than the United States) reasonable attorney’s fees, includ-
17 ing litigation expenses, and costs.”.

18 (b) REPEAL OF CLARIFICATION REGARDING DELE-
19 GATION OF STATE RESPONSIBILITY.—Section 576 of the
20 Military and Overseas Voter Empowerment Act (42
21 U.S.C. 1973ff–1 note) is repealed.

1 **SEC. 1404. TECHNICAL CLARIFICATIONS TO CONFORM TO**
2 **2009 MOVE ACT AMENDMENTS RELATED TO**
3 **THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

4 (a) STATE RESPONSIBILITIES.—Section 102(a)(3) of
5 the Uniformed and Overseas Citizens Absentee Voting Act
6 (42 U.S.C. 1973ff–1(a)(3)) is amended by striking “gen-
7 eral”.

8 (b) WRITE-IN ABSENTEE BALLOTS.—Section 103 of
9 such Act (42 U.S.C. 1973ff–2) is amended—

10 (1) by striking “**GENERAL**” in the title of the
11 section; and

12 (2) by striking “general” in subsection
13 (b)(2)(B).

14 **SEC. 1405. TREATMENT OF BALLOT REQUESTS.**

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

18 (1) by striking “A State may not” and insert-
19 ing:

20 “(a) PROHIBITION OF REFUSAL OF APPLICATIONS
21 ON GROUNDS OF EARLY SUBMISSION.—A State may
22 not”;

23 (2) by inserting “or overseas voter” after “an
24 absent uniformed services voter”;

25 (3) by striking “members of the” before “uni-
26 formed services”;

1 (4) by inserting “voters or overseas voters” be-
2 fore the period; and

3 (5) by adding at the end the following new sub-
4 section:

5 “(b) APPLICATION TREATED AS VALID FOR SUBSE-
6 QUENT ELECTIONS.—

7 “(1) IN GENERAL.—If a State accepts and
8 processes a request for an absentee ballot by an ab-
9 sent uniformed services voter or overseas voter and
10 the voter requests that the application be considered
11 an application for an absentee ballot for each subse-
12 quent election for Federal office held in the State
13 through the next regularly scheduled general election
14 for Federal office (including any runoff elections
15 which may occur as a result of the outcome of such
16 general election), and any special elections for Fed-
17 eral office held in the State through the calendar
18 year following such general election, the State shall
19 provide an absentee ballot to the voter for each such
20 subsequent election.

21 “(2) EXCEPTION FOR VOTERS CHANGING REG-
22 ISTRATION.—Paragraph (1) shall not apply with re-
23 spect to a voter registered to vote in a State for any
24 election held after the voter notifies the State that
25 the voter no longer wishes to be registered to vote

1 in the State or after the State determines that the
2 voter has registered to vote in another State.”.

3 (b) CONFORMING AMENDMENT.—The heading of
4 such section is amended to read as follows:

5 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.”.**

6 **SEC. 1406. INCLUSION OF NORTHERN MARIANA ISLANDS IN**
7 **THE DEFINITION OF “STATE” FOR PURPOSES**
8 **OF THE UNIFORMED AND OVERSEAS CITI-**
9 **ZENS ABSENTEE VOTING ACT.**

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

15 **SEC. 1407. REQUIREMENT FOR PRESIDENTIAL DESIGNEE**
16 **TO REVISE THE FEDERAL POST CARD APPLI-**
17 **CATION TO ALLOW VOTERS TO DESIGNATE**
18 **BALLOT REQUESTS.**

19 (a) REQUIREMENT.—The Presidential designee shall
20 ensure that the official post card form (prescribed under
21 section 101(b)(2) of the Uniformed and Overseas Citizens
22 Absentee Voting Act (42 U.S.C. 1973ff(b)(2))) enables a
23 voter using the form to—

24 (1) request an absentee ballot for each election
25 for Federal office held in a State through the next

1 regularly scheduled general election for Federal of-
2 fice (including any runoff elections which may occur
3 as a result of the outcome of such general election)
4 and any special elections for Federal office held in
5 the State through the calendar year following such
6 general election; or

7 (2) request an absentee ballot for a specific
8 election or elections for Federal office held in a
9 State during the period described in paragraph (1).

10 (b) DEFINITION.—In this section, the term “Presi-
11 dential designee” means the individual designated under
12 section 101(a) of the Uniformed and Overseas Citizens
13 Absentee Voting Act (42 U.S.C. 1973ff(a)).

14 **SEC. 1408. REQUIREMENT OF PLURALITY VOTE FOR VIRGIN**
15 **ISLANDS AND GUAM FEDERAL ELECTIONS.**

16 Section 2(a) of the Act entitled “An Act to provide
17 that the unincorporated territories of Guam and the Vir-
18 gin Islands shall each be represented in Congress by a Del-
19 egate to the House of Representatives” approved April 10,
20 1972 (48 U.S.C. 1712(a)), is amended—

21 (1) by striking “majority” in the second and
22 third sentences and inserting “plurality”; and

23 (2) by striking the fourth sentence.

1 **SEC. 1409. EXTENSION OF REPORTING DEADLINE FOR THE**
2 **ANNUAL REPORT ON THE ASSESSMENT OF**
3 **THE EFFECTIVENESS OF ACTIVITIES OF THE**
4 **FEDERAL VOTING ASSISTANCE PROGRAM.**

5 (a) **ELIMINATION OF REPORTS FOR NON-ELECTION**
6 **YEARS.**—Section 105A(b) of the Uniformed and Overseas
7 Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a(b)) is
8 amended—

9 (1) by striking “March 31 of each year” and in-
10 sserting “June 30 of each odd-numbered year”; and

11 (2) by striking “the following information” and
12 inserting “the following information with respect to
13 the Federal elections held during the preceding cal-
14 endar year”.

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

17 (1) by striking “ANNUAL REPORT” in the sub-
18 section heading and inserting “BIENNIAL REPORT”;
19 and

20 (2) by striking “In the case of” in paragraph
21 (3) and all that follows through “a description” and
22 inserting “A description”.

1 **TITLE XV—AUTHORIZATION OF**
2 **ADDITIONAL APPROPRIA-**
3 **TIONS FOR OVERSEAS CON-**
4 **TINGENCY OPERATIONS**
5 **Subtitle A—Authorization of**
6 **Additional Appropriations**

7 **SEC. 1501. PURPOSE.**

8 The purpose of this title is to authorize appropria-
9 tions for the Department of Defense for fiscal year 2014
10 to provide additional funds for overseas contingency oper-
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. ARMY PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2014 for procurement for the Army in amounts
15 as follows:

16 (1) For aircraft procurement, \$711,788,000.

17 (2) For missile procurement, \$128,645,000.

18 (3) For ammunition procurement,
19 \$180,900,000.

20 (4) For other procurement, \$603,123,000.

21 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
22 **FUND.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2014 for the Joint Improvised Explosive Device
25 Defeat Fund in the amount of \$1,000,000,000.

1 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2014 for procurement for the Navy and Marine
4 Corps in amounts as follows:

5 (1) For aircraft procurement, Navy,
6 \$240,696,000.

7 (2) For weapons procurement, Navy,
8 \$86,500,000.

9 (3) For ammunition procurement, Navy and
10 Marine Corps, \$206,821,000.

11 (4) For other procurement, Navy, \$17,968,000.

12 (5) For procurement, Marine Corps,
13 \$129,584,000.

14 **SEC. 1505. AIR FORCE PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2014 for procurement for the Air Force in
17 amounts as follows:

18 (1) For aircraft procurement, \$115,668,000.

19 (2) For ammunition procurement,
20 \$159,965,000.

21 (3) For missile procurement, \$24,200,000.

22 (4) For other procurement, \$2,574,846,000.

23 **SEC. 1506. JOINT URGENT OPERATIONAL NEEDS FUND.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2014 for the Joint Urgent Operational Needs
26 Fund in the amount of \$15,000,000.

1 **SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2014 for the procurement account for Defense-
4 wide activities in the amount of \$111,275,000.

5 **SEC. 1508. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
6 **TION.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2014 for the use of the Department of Defense
9 for research, development, test, and evaluation as follows:

- 10 (1) For the Army, \$7,000,000.
11 (2) For the Navy, \$34,426,000.
12 (3) For the Air Force, \$9,000,000.
13 (4) For Defense-wide activities, \$66,208,000.

14 **SEC. 1509. OPERATION AND MAINTENANCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2014 for the use of the Armed Forces for ex-
17 penses, not otherwise provided for, for operation and
18 maintenance, in amounts as follows:

- 19 (1) For the Army, \$29,279,633,000.
20 (2) For the Navy, \$6,067,993,000.
21 (3) For the Marine Corps, \$2,669,815,000.
22 (4) For the Air Force, \$10,005,224,000.
23 (5) For Defense-wide activities,
24 \$6,435,078,000.
25 (6) For the Army Reserve, \$42,935,000.
26 (7) For the Navy Reserve, \$55,700,000.

1 (8) For the Marine Corps Reserve,
2 \$12,534,000.

3 (9) For the Air Force Reserve, \$32,849,000.

4 (10) For the Army National Guard,
5 \$199,371,000.

6 (11) For the Air National Guard, \$22,200,000.

7 (12) For the Afghanistan Security Forces
8 Fund, \$7,726,720,000.

9 (13) For the Afghanistan Infrastructure Fund,
10 \$279,000,000.

11 **SEC. 1510. MILITARY PERSONNEL.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2014 to the Department of Defense for military
14 personnel accounts in the total amount of \$9,689,307,000.

15 **SEC. 1511. WORKING CAPITAL FUNDS.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2014 for the use of the Armed Forces and other
18 activities and agencies of the Department of Defense for
19 providing capital for the Defense Working Capital Funds
20 in the amount of \$264,910,000.

21 **SEC. 1512. DEFENSE HEALTH PROGRAM.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2014 for ex-
24 penses, not otherwise provided for, for the Defense Health

1 Program in the amount of \$904,201,000 for operation and
2 maintenance.

3 **SEC. 1513. DRUG INTERDICTION AND COUNTER-DRUG AC-**
4 **TIVITIES, DEFENSE-WIDE.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2014 for ex-
7 penses, not otherwise provided for, for Drug Interdiction
8 and Counter-Drug Activities, Defense-wide in the amount
9 of \$376,305,000.

10 **SEC. 1514. DEFENSE INSPECTOR GENERAL.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2014 for ex-
13 penses, not otherwise provided for, for the Office of the
14 Inspector General of the Department of Defense in the
15 amount of \$10,766,000.

16 **Subtitle B—Limitations and Other**
17 **Matters**

18 **SEC. 1521. EXTENSION OF AUTHORITY FOR REIMBURSE-**
19 **MENT OF CERTAIN COALITION NATIONS FOR**
20 **SUPPORT PROVIDED TO UNITED STATES**
21 **MILITARY OPERATIONS.**

22 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
23 section 1233 of the National Defense Authorization Act
24 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
25 393), as most recently amended by section 1227 of the

1 National Defense Authorization Act for Fiscal Year 2013
2 (Public Law 112–239; 126 Stat. 2000), is further amend-
3 ed by striking “fiscal year 2013” and inserting “fiscal
4 year 2014”.

5 (b) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
6 section (d)(1) of such section is amended by striking “dur-
7 ing fiscal year 2013 may not exceed \$1,650,000,000” and
8 inserting “during fiscal year 2014 may not exceed
9 \$1,500,000,000”.

10 **SEC. 1522. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
11 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
12 **SECURITY COOPERATION-IRAQ.**

13 (a) EXTENSION OF AUTHORITY.—Subsection (f) of
14 section 1215 of the National Defense Authorization Act
15 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
16 1631) is amended by striking “fiscal year 2013” and in-
17 serting “fiscal year 2014”.

18 (b) LIMITATION ON AMOUNT.—Subsection (c) of
19 such section is amended by striking “2012” and all that
20 follows through the period at the end and inserting “2014
21 may not exceed \$209,000,000.”.

22 (c) SOURCE OF FUNDS.—Subsection (d) of such sec-
23 tion is amended—

24 (1) by striking “fiscal year 2012 or fiscal year
25 2013” and inserting “fiscal year 2014”; and

1 (2) by striking “fiscal year 2012 or 2013, as
2 the case may be,” and inserting “that fiscal year”.

3 **SEC. 1523. ONE-YEAR EXTENSION AND MODIFICATION OF**
4 **AUTHORITY FOR PROGRAM TO DEVELOP AND**
5 **CARRY OUT INFRASTRUCTURE PROJECTS IN**
6 **AFGHANISTAN.**

7 (a) **EXTENSION OF AUTHORITY.**—Subsection (f) of
8 section 1217 of the Ike Skelton National Defense Author-
9 ization Act for Fiscal Year 2011 (Public Law 111–383;
10 124 Stat. 4393), as most recently amended by section
11 1219 of the National Defense Authorization Act for Fiscal
12 Year 2013 (Public Law 112–239; 126 Stat. 1991), is fur-
13 ther amended—

14 (1) in paragraph (1), by adding at the end the
15 following new subparagraph:

16 “(C) Up to \$279,000,000 made available
17 to the Department of Defense for operation and
18 maintenance for fiscal year 2014.”; and

19 (2) in paragraph (3), by adding at the end the
20 following new subparagraph:

21 “(D) In the case of funds for fiscal year
22 2014, until September 30, 2015.”.

23 (b) **EFFECTIVE DATE.**—The amendments made by
24 this section shall take effect on October 1, 2013.

1 **SEC. 1524. EXTENSION OF COMMANDERS EMERGENCY RE-**
2 **SPONSE PROGRAM IN AFGHANISTAN.**

3 (a) ONE-YEAR EXTENSION.—

4 (1) IN GENERAL.—Section 1201 of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2012 (Public Law 112–81; 125 Stat. 1619), as
7 amended by section 1221 of the National Defense
8 Authorization Act for Fiscal Year 2013 (Public Law
9 112–239; 126 Stat. 1992), is amended by striking
10 “fiscal year 2013” each place it appears and insert-
11 ing “fiscal year 2014”.

12 (2) CONFORMING AMENDMENT.—The heading
13 of subsection (a) of such section is amended by
14 striking “FISCAL YEAR 2013” and inserting “FIS-
15 CAL YEAR 2014”.

16 (b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL
17 YEAR 2014.—Subsection (a) of such section is further
18 amended by striking “\$200,000,000” and inserting
19 “\$60,000,000”.

20 (c) REPEAL OF REQUIREMENT FOR QUARTERLY
21 BRIEFINGS.—Subsection (b) of such section is amended—

22 (1) in the subsection heading, by striking “AND
23 BRIEFINGS”; and

24 (2) by striking paragraph (3).

1 **SEC. 1525. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
2 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
3 **AFGHANISTAN.**

4 Section 1216 of the Ike Skelton National Defense
5 Authorization Act for Fiscal Year 2011 (Public Law 111–
6 383; 124 Stat. 4392), as most recently amended by sec-
7 tion 1218 of the National Defense Authorization Act for
8 Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1990),
9 is further amended—

10 (1) in subsection (a)—

11 (A) by striking “\$35,000,000” and insert-
12 ing “\$25,000,000”; and

13 (B) by striking “for fiscal year 2013” and
14 inserting “for fiscal year 2014”; and

15 (2) in subsection (e), by striking “December 31,
16 2013” and inserting “December 31, 2014”.

17 **SEC. 1526. EXTENSION OF AUTHORITY FOR TASK FORCE**
18 **FOR BUSINESS AND STABILITY OPERATIONS**
19 **IN AFGHANISTAN.**

20 (a) EXTENSION.—Subsection (a) of section 1535 of
21 the Ike Skelton National Defense Authorization Act for
22 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426),
23 as most recently amended by section 1533 of the National
24 Defense Authorization Act for Fiscal Year 2013 (Public
25 Law 112–239; 126 Stat. 2058), is further amended—

1 (1) in paragraph (6), by striking “October 31,
2 2011, October 31, 2012, and October 31, 2013” and
3 inserting “October 31, 2014,”; and

4 (2) in paragraph (8), by striking “September
5 30, 2013” and inserting “September 30, 2014”.

6 (b) FUNDING.—Paragraph (4)(B) of such subsection
7 is amended—

8 (1) by striking “and” at the end of clause (i);

9 (2) by striking the period at the end of clause
10 (ii) and inserting “; and”; and

11 (3) by adding at the end the following new
12 clause:

13 “(iii) may not exceed \$63,800,000 for
14 fiscal year 2014.”.

15 (c) REPEAL OF REQUIREMENT OF QUARTERLY UP-
16 DATES TO REPORT.—Paragraph (7) of such subsection is
17 amended by striking subparagraph (B).

18 **DIVISION B—MILITARY CON-**
19 **STRUCTION AUTHORIZA-**
20 **TIONS**

21 **SEC. 2001. SHORT TITLE.**

22 This division may be cited as the “Military Construc-
23 tion Authorization Act for Fiscal Year 2014”.

1 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
2 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
3 **LAW.**

4 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
5 YEARS.—Except as provided in subsection (b), all author-
6 izations contained in titles XXI through XXVII for mili-
7 tary construction projects, land acquisition, family housing
8 projects and facilities, and contributions to the North At-
9 lantic Treaty Organization Security Investment Program
10 (and authorizations of appropriations therefor) shall ex-
11 pire on the later of—

12 (1) October 1, 2016; or

13 (2) the date of the enactment of an Act author-
14 izing funds for military construction for fiscal year
15 2017.

16 (b) EXCEPTION.—Subsection (a) shall not apply to
17 authorizations for military construction projects, land ac-
18 quisition, family housing projects and facilities, and con-
19 tributions to the North Atlantic Treaty Organization Se-
20 curity Investment Program (and authorizations of appro-
21 priations therefor), for which appropriated funds have
22 been obligated before the later of—

23 (1) October 1, 2016; or

24 (2) the date of the enactment of an Act author-
25 izing funds for fiscal year 2017 for military con-
26 struction projects, land acquisition, family housing

1 projects and facilities, or contributions to the North
 2 Atlantic Treaty Organization Security Investment
 3 Program.

4 **TITLE XXI—ARMY MILITARY**
 5 **CONSTRUCTION**

6 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2103(1), the Secretary of the Army may
 11 acquire real property and carry out military construction
 12 projects for the installations or locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Army: Inside the United States

| State | Installation | Amount |
|----------------------|---------------------------------|---------------|
| Alaska | Fort Wainwright | \$103,000,000 |
| Colorado | Fort Carson | \$242,200,000 |
| Florida | Eglin AFB | \$4,700,000 |
| Georgia | Fort Gordon | \$61,000,000 |
| Hawaii | Fort Shafter | \$75,000,000 |
| Kansas | Fort Leavenworth | \$17,000,000 |
| Kentucky | Fort Campbell | \$4,800,000 |
| Maryland | Aberdeen Proving Ground | \$21,000,000 |
| | Fort Detrick | \$7,100,000 |
| Missouri | Fort Leonard Wood | \$90,700,000 |
| North Carolina | Fort Bragg | \$5,900,000 |
| Texas | Fort Bliss | \$46,800,000 |
| Virginia | Joint Base Langley-Eustis | \$50,000,000 |
| Washington | Joint Base Lewis-McChord | \$144,000,000 |
| | Yakima | \$9,100,000. |

15 (b) OUTSIDE THE UNITED STATES.—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2103(2), the Secretary of the Army may
 18 acquire real property and carry out military construction

1 projects for the installations or locations outside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Army: Outside the United States

| Country | Installation | Amount |
|----------------------|---------------------------|---------------|
| Kwajalein | Kwajalein Atoll | \$63,000,000 |
| Worldwide Classified | Classified Location | \$33,000,000. |

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2103(5)(A), the Secretary of the
 8 Army may construct or acquire family housing units (in-
 9 cluding land acquisition and supporting facilities) at the
 10 installations or locations, in the number of units, and in
 11 the amounts set forth in the following table:

Army: Family Housing

| Country | Installation | Units | Amount |
|-----------------|--------------------------|----------|---------------|
| Germany | South Camp Vilseck | 29 | \$16,600,000 |
| Wisconsin | Fort McCoy | 56 | \$23,000,000. |

12 (b) PLANNING AND DESIGN.—Using amounts appro-
 13 priated pursuant to the authorization of appropriations in
 14 section 2103(5)(A), the Secretary of the Army may carry
 15 out architectural and engineering services and construc-
 16 tion design activities with respect to the construction or
 17 improvement of family housing units in an amount not
 18 to exceed \$4,408,000.

1 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2013, for mili-
4 tary construction, land acquisition, and military family
5 housing functions of the Department of the Army in the
6 total amount of \$1,676,754,000 as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2101(a),
9 \$882,300,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2101(b),
12 \$96,000,000.

13 (3) For unspecified minor military construction
14 projects authorized by section 2805 of title 10,
15 United States Code, \$25,000,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$74,575,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$44,008,000.

23 (B) For support of military family housing
24 (including the functions described in section
25 2833 of title 10, United States Code),
26 \$512,871,000.

1 (6) For the construction of increment 2 of the
2 Cadet Barracks at the United States Military Acad-
3 emy, New York, authorized by section 2101(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 2013 (division B of Public Law 112–239;
6 126 Stat. 2119), \$42,000,000.

7 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
8 **CERTAIN FISCAL YEAR 2004 PROJECT.**

9 In the case of the authorization contained in the table
10 in section 2101(a) of the Military Construction Authoriza-
11 tion Act for Fiscal Year 2004 (division B of Public Law
12 108–136; 117 Stat. 1697) for Picatinny Arsenal, New
13 Jersey, for construction of an Explosives Research and
14 Development Loading Facility at the installation, the Sec-
15 retary of the Army may use available unobligated balances
16 of amounts appropriated for military construction for the
17 Army to complete work on the project within the scope
18 specified for the project in the justification data provided
19 to Congress as part of the request for authorization of
20 the project.

21 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2011 PROJECT.**

23 In the case of the authorization contained in the table
24 in section 2101(a) of the Military Construction Authoriza-
25 tion Act for Fiscal Year 2011 (division B of Public Law

1 111–383; 124 Stat. 4437) for Fort Lewis, Washington,
2 for construction of a Regional Logistic Support Complex
3 at the installation, the Secretary of the Army may con-
4 struct up to 98,381 square yards of Organizational Vehicle
5 Parking.

6 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **CERTAIN FISCAL YEAR 2010 PROJECT.**

8 In the case of the authorization contained in the table
9 in section 2101(b) of the Military Construction Authoriza-
10 tion Act for Fiscal Year 2010 (division B of Public Law
11 111–84; 123 Stat. 2629) for Camp Arifjan, Kuwait, for
12 construction of APS Warehouses at the camp, the Sec-
13 retary of the Army may construct up to 74,976 square
14 meters of hardstand parking, 22,741 square meters of ac-
15 cess roads, a 6 megawatt power plant, and 50,724 square
16 meters of humidity-controlled warehouses.

17 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
18 **FISCAL YEAR 2010 PROJECTS.**

19 (a) EXTENSIONS.—Notwithstanding section 2002 of
20 the Military Construction Authorization Act for Fiscal
21 Year 2010 (division B of Public Law 111–84; 123 Stat.
22 2627), the authorizations set forth in the table in sub-
23 section (b), as provided in section 2101 of that Act (123
24 Stat. 2628), shall remain in effect until October 1, 2014,
25 or the date of the enactment of an Act authorizing funds

1 for military construction for fiscal year 2015, whichever
2 is later.

3 (b) TABLE.—The table referred to in subsection (a)
4 is as follows:

Army: Extension of 2010 Project Authorizations

| State/ Country | Installation or Location | Project | Amount |
|-------------------|-----------------------------|---|---------------|
| Virginia | Fort Belvoir | Road and Access Control Point. | \$9,500,000 |
| Washington | Fort Lewis | Fort Lewis-McChord AFB Joint Access. | \$9,000,000 |
| Kuwait | Camp Arifjain | APS Warehouses | \$82,000,000. |

5 **SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
6 **FISCAL YEAR 2011 PROJECTS.**

7 (a) EXTENSIONS.—Notwithstanding section 2002 of
8 the Military Construction Authorization Act for Fiscal
9 Year 2011 (division B of Public Law 111–383; 124 Stat.
10 4436), the authorizations set forth in the table in sub-
11 section (b), as provided in section 2101 of that Act (124
12 Stat. 4437), shall remain in effect until October 1, 2014,
13 or the date of the enactment of an Act authorizing funds
14 for military construction for fiscal year 2015, whichever
15 is later.

16 (b) TABLE.—The table referred to in subsection (a)
17 is as follows:

Army: Extension of 2011 Project Authorizations

| State/ Country | Installation or Location | Project | Amount |
|-------------------|-------------------------------|---|--------------|
| California | Presidio of Monterey | Advanced Individual Training Barracks. | \$63,000,000 |
| Georgia | Fort Benning | Land Acquisition | \$12,200,000 |
| New Mexico | White Sands Missile Range. | Barracks | \$29,000,000 |

Army: Extension of 2011 Project Authorizations—Continued

| State/ Country | Installation or Location | Project | Amount |
|-------------------|-----------------------------|----------------------------|--------------|
| Germany | Wiesbaden AB | Access Control Point | \$5,100,000. |

1 **TITLE XXII—NAVY MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2204(1), the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the installations or locations inside the United
 10 States, and in the amounts, set forth in the following
 11 table:

Navy: Inside the United States

| State | Installation | Amount |
|----------------------|------------------------|---------------|
| California | Camp Pendleton | \$13,124,000 |
| | Coronado | \$8,910,000 |
| | San Diego | \$34,331,000 |
| | Twentynine Palms | \$33,437,000 |
| | Barstow | \$14,998,000 |
| | Point Mugu | \$24,667,000 |
| | Port Hueneme | \$33,600,000 |
| Florida | Jacksonville | \$20,752,000 |
| | Key West | \$14,001,000 |
| | Mayport | \$16,093,000 |
| Georgia | Albany | \$16,610,000 |
| | Savannah | \$61,717,000 |
| Hawaii | Kaneohe Bay | \$236,982,000 |
| | Pearl City | \$30,100,000 |
| | Pearl Harbor | \$57,998,000 |
| Illinois | Great Lakes | \$35,851,000 |
| Maine | Bangor | \$13,800,000 |
| | Kittery | \$11,522,000 |
| Maryland | Fort Meade | \$83,988,000 |
| Nevada | Fallon | \$11,334,000 |
| North Carolina | Camp Lejeune | \$77,999,000 |
| | New River | \$45,863,000 |
| Oklahoma | Tinker AFB | \$14,144,000 |
| Rhode Island | Newport | \$12,422,000 |
| South Carolina | Charleston | \$73,932,000 |
| Virginia | Norfolk | \$3,380,000 |

Navy: Inside the United States—Continued

| State | Installation | Amount |
|------------------|----------------------|---------------|
| Washington | Quantico | \$38,374,000 |
| | Yorktown | \$18,700,000 |
| | Dam Neck | \$10,587,000 |
| | Whidbey Island | \$117,649,000 |
| | Bremerton | \$18,189,000. |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

| Country | Installation | Amount |
|----------------|-----------------------------|---------------|
| Djibouti | Camp Lemonier | \$29,000,000 |
| Guam | Joint Region Marianas | \$318,377,000 |
| Japan | Yokosuka | \$7,568,000 |
| | Camp Butler | \$5,820,000. |

8 SEC. 2202. FAMILY HOUSING.

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2204(5)(A), the Sec-
11 retary of the Navy may carry out architectural and engi-
12 neering services and construction design activities with re-
13 spect to the construction or improvement of family hous-
14 ing units in an amount not to exceed \$4,438,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(5)(A), the
6 Secretary of the Navy may improve existing military fam-
7 ily housing units in an amount not to exceed \$68,969,000.

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2013, for mili-
11 tary construction, land acquisition, and military family
12 housing functions of the Department of the Navy in the
13 total amount of \$2,163,520,000, as follows:

14 (1) For military construction projects inside the
15 United States authorized by section 2201(a),
16 \$1,205,054,000.

17 (2) For military construction projects outside
18 the United States authorized by section 2201(b),
19 \$360,765,000.

20 (3) For unspecified minor military construction
21 projects authorized by section 2805 of title 10,
22 United States Code, \$19,740,000.

23 (4) For architectural and engineering services
24 and construction design under section 2807 of title
25 10, United States Code, \$89,830,000.

26 (5) For military family housing functions:

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$73,407,000.

4 (B) For support of military family housing
5 (including functions described in section 2833
6 of title 10, United States Code), \$389,844,000.

7 (6) For the construction of increment 3 of the
8 Explosives Handling Wharf No. 2 at Kitsap, Wash-
9 ington, authorized by section 2201(a) of the Military
10 Construction Authorization Act for Fiscal Year 2012
11 (division B of Public Law 112–81; 125 Stat. 1666),
12 as amended by section 2205 of the Military Con-
13 struction Authorization Act for Fiscal Year 2013
14 (division B of Public Law 112–239; 126 Stat. 2124)
15 \$24,880,000.

16 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **CERTAIN FISCAL YEAR 2011 PROJECT.**

18 In the case of the authorization contained in the table
19 in section 2201(b) of the Military Construction Authoriza-
20 tion Act for Fiscal Year 2011 (division B of Public Law
21 111–383; 124 Stat. 4441), for Southwest Asia Bahrain,
22 for construction of Navy Central Command Ammunition
23 Magazines at that location, the Secretary of the Navy may
24 construct additional Type C earth covered magazines (to
25 provide a project total of eighteen), ten new modular stor-

1 age magazines, an inert storage facility, a maintenance
2 and ground support equipment facility, concrete pads for
3 portable ready service lockers, and associated supporting
4 facilities using appropriations available for the project.

5 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**
6 **CERTAIN FISCAL YEAR 2012 PROJECT.**

7 In the case of the authorization contained in the table
8 in section 2201(a) of the Military Construction Authoriza-
9 tion Act for Fiscal Year 2012 (division B of Public Law
10 112–81; 125 Stat. 1666), for Kitsap Washington, for con-
11 struction of Explosives Handling Wharf No. 2 at that lo-
12 cation, the Secretary of the Navy may construct new hard-
13 ened facilities in lieu of hardening existing structures and
14 may construct a new facility to replace the existing Coast
15 Guard Maritime Force Protection Unit and the Naval Un-
16 dersea Warfare Command unhardened facilities using ap-
17 propriations available for the project.

18 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
19 **FISCAL YEAR 2011 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2011 (division B of Public Law 111–383; 124 Stat.
23 4436), the authorization set forth in the table in sub-
24 section (b), as provided in section 2201 of that Act (124
25 Stat. 4441), shall remain in effect until October 1, 2014,

1 or the date of the enactment of an Act authorizing funds
 2 for military construction for fiscal year 2015, whichever
 3 is later.

4 (b) TABLE.—The table referred to in subsection (a)
 5 is as follows:

Navy: Extension of 2011 Project Authorizations

| State/ Country | Installation or Location | Project | Amount |
|----------------------|-----------------------------|--|---------------|
| Bahrain Is- land. | SW Asia | Navy Central Command Ammunition Maga- zines. | \$89,280,000. |

6 **SEC. 2208. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 7 **FISCAL YEAR 2011 PROJECT.**

8 (a) EXTENSION.—Notwithstanding section 2002 of
 9 the Military Construction Authorization Act for Fiscal
 10 Year 2011 (division B of Public Law 111–383; 124 Stat.
 11 4436), the authorization set forth in the table in sub-
 12 section (b), as provided in section 2201 of that Act (124
 13 Stat. 4441), shall remain in effect until October 1, 2015,
 14 or the date of the enactment of an Act authorizing funds
 15 for military construction for fiscal year 2016, whichever
 16 is later.

17 (b) TABLE.—The table referred to in subsection (a)
 18 is as follows:

Navy: Extension of 2011 Project Authorizations

| State/ Country | Installation or Location | Project | Amount |
|-------------------|-----------------------------|---------------------------------------|---------------|
| Guam | Guam | Defense Access Roads Improvements. | \$66,730,000. |

TITLE XXIII—AIR FORCE
MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND
LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

| State | Installation | Amount |
|--------------------|--------------------------------------|----------------|
| Arizona | Luke AFB | \$26,900,000 |
| California | Beale AFB | \$62,000,000 |
| Florida | Tyndall AFB | \$9,100,000 |
| Hawaii | Joint Base Pearl Harbor-Hickam | \$4,800,000 |
| Kentucky | Fort Campbell | \$8,000,000 |
| Maryland | Fort Meade | \$358,000,000 |
| | Joint Base Andrews | \$30,000,000 |
| Missouri | Whiteman AFB | \$5,900,000 |
| Nevada | Nellis AFB | \$78,500,000 |
| New Mexico | Cannon AFB | \$34,100,000 |
| | Holloman AFB | \$2,250,000 |
| | Kirtland AFB | \$30,500,000 |
| North Dakota | Minot AFB | \$23,830,000 |
| Oklahoma | Tinker AFB | \$8,600,000 |
| Texas | Fort Bliss | \$3,350,000 |
| Utah | Hill AFB | \$32,000,000 |
| Virginia | Joint Base Langley-Eustis | \$4,800,000 |
| Unspecified | Unspecified Locations | \$255,700,000. |

(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

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Air Force: Outside the United States

| Country | Installation | Amount |
|-----------------------|-----------------------------|---------------|
| Greenland | Thule AB | \$43,904,000 |
| Guam | Joint Region Marianas | \$176,230,000 |
| Mariana Islands | Saipan | \$29,300,000 |
| United Kingdom | RAF Lakenheath | \$22,047,000 |
| | RAF Croughton | \$12,000,000. |

3 **SEC. 2302. FAMILY HOUSING.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2304(5)(A), the Sec-
 6 retary of the Air Force may carry out architectural and
 7 engineering services and construction design activities
 8 with respect to the construction or improvement of family
 9 housing units in an amount not to exceed \$4,267,000.

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2304(5)(A), the
 15 Secretary of the Air Force may improve existing military
 16 family housing units in an amount not to exceed
 17 \$72,093,000.

18 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
 19 **FORCE.**

20 Funds are hereby authorized to be appropriated for
 21 fiscal years beginning after September 30, 2013, for mili-

1 tary construction, land acquisition, and military family
2 housing functions of the Department of the Air Force in
3 the total amount of \$1,621,531,000, as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2301(a),
6 \$705,330,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2301(b),
9 \$283,481,000.

10 (3) For unspecified minor military construction
11 projects authorized by section 2805 of title 10,
12 United States Code, \$20,448,000.

13 (4) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$11,314,000.

16 (5) For military family housing functions:

17 (A) For construction and acquisition, plan-
18 ning and design, and improvement of military
19 family housing and facilities, \$76,360,000.

20 (B) For support of military family housing
21 (including functions described in section 2833
22 of title 10, United States Code), \$388,598,000.

23 (6) For the construction of increment 3 of the
24 United States Strategic Command Replacement Fa-
25 cility at Offutt Air Force Base, Nebraska, author-

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **Subtitle A—Defense Agency**
 5 **Authorizations**

6 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 7 **TION AND LAND ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2403(1), the Secretary of Defense may
 11 acquire real property and carry out military construction
 12 projects for the installations or locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Defense Agencies: Inside the United States

| State | Installation | Amount |
|----------------------|--|---------------|
| Alaska | Clear AFS | \$17,204,000 |
| | Fort Greely | \$82,000,000 |
| California | Miramar | \$6,000,000 |
| | Defense Distribution Depot-Tracy | \$37,554,000 |
| | Brawley | \$23,095,000 |
| Colorado | Fort Carson | \$22,282,000 |
| Florida | Hurlburt Field | \$7,900,000 |
| | Jacksonville | \$7,500,000 |
| | Tyndall AFB | \$9,500,000 |
| Georgia | Key West | \$3,600,000 |
| | Panama City | \$2,600,000 |
| | Fort Benning | \$43,335,000 |
| | Fort Stewart | \$44,504,000 |
| | Moody AFB | \$3,800,000 |
| Hawaii | Hunter Army Airfield | \$13,500,000 |
| | Joint Base Pearl Harbor-Hickam | \$2,800,000 |
| Kentucky | Ford Island | \$2,615,000 |
| | Fort Campbell | \$124,211,000 |
| Maryland | Fort Knox | \$303,023,000 |
| | Aberdeen Proving Ground | \$210,000,000 |
| | Bethesda Naval Hospital | \$66,800,000 |
| Massachusetts | Hanscom AFB | \$36,213,000 |
| New Jersey | Joint Base McGuire-Dix-Lakehurst | \$10,000,000 |
| New Mexico | Holloman AFB | \$81,400,000 |
| North Carolina | Camp Lejeune | \$43,377,000 |
| | Fort Bragg | \$172,065,000 |

Defense Agencies: Inside the United States—Continued

| State | Installation | Amount |
|----------------------|--|---------------|
| North Dakota | Minot AFB | \$6,400,000 |
| Oklahoma | Tinker AFB | \$36,000,000 |
| | Altus AFB | \$2,100,000 |
| Pennsylvania | Defense Distribution Depot New Cumberland. | \$9,000,000 |
| South Carolina | Beaufort | \$41,324,000 |
| Tennessee | Arnold Air Force Base | \$2,200,000 |
| Texas | Joint Base San Antonio | \$12,600,000 |
| Virginia | Joint Expeditionary Base Little Creek-Story. | \$30,404,000 |
| | Quantico | \$40,586,000 |
| | Dam Neck | \$11,147,000 |
| | DLA Aviation Richmond | \$87,000,000 |
| | Pentagon | \$59,450,000 |
| Washington | Whidbey Island | \$10,000,000. |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

| Country | Installation | Amount |
|----------------------|----------------------------------|---------------|
| Bahrain Island | SW Asia | \$45,400,000 |
| Belgium | Brussels | \$67,613,000 |
| Germany | Weisbaden | \$109,655,000 |
| | Kaiserlautern AB | \$49,907,000 |
| | Ramstein AB | \$98,762,000 |
| Japan | Iwakuni | \$34,000,000 |
| | Kadena AB | \$38,792,000 |
| | Yokosuka | \$10,600,000 |
| | Atsugi | \$4,100,000 |
| | Torri Commo Station | \$71,451,000 |
| Korea | Camp Walker | \$52,164,000 |
| United Kingdom | RAF Mildenhall | \$84,629,000 |
| | Royal Air Force Lakenheath | \$69,638,000 |
| Worldwide Classified | Classified Location | \$15,000,000. |

1 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
2 **PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2403(6), the Secretary
5 of Defense may carry out energy conservation projects
6 under chapter 173 of title 10, United States Code, in the
7 amount of \$150,000,000.

8 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
9 **FENSE AGENCIES.**

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2013, for mili-
12 tary construction, land acquisition, and military family
13 housing functions of the Department of Defense (other
14 than the military departments) in the total amount of
15 \$4,042,925,000, as follows:

16 (1) For military construction projects inside the
17 United States authorized by section 2401(a),
18 \$1,725,089,000.

19 (2) For military construction projects outside
20 the United States authorized by section 2401(b),
21 \$751,711,000.

22 (3) For unspecified minor military construction
23 projects under section 2805 of title 10, United
24 States Code, \$43,817,000.

1 (4) For contingency construction projects of the
2 Secretary of Defense under section 2804 of title 10,
3 United States Code, \$10,000,000.

4 (5) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$237,838,000.

7 (6) For energy conservation projects under
8 chapter 173 of title 10, United States Code,
9 \$150,000,000.

10 (7) For military family housing functions:

11 (A) For support of military family housing
12 (including functions described in section 2833
13 of title 10, United States Code), \$55,845,000.

14 (B) For credits to the Department of De-
15 fense Family Housing Improvement Fund
16 under section 2883 of title 10, United States
17 Code, and the Homeowners Assistance Fund es-
18 tablished under section 1013 of the Demonstra-
19 tion Cities and Metropolitan Development Act
20 of 1966 (42 U.S.C. 3374), \$1,780,000.

21 (8) For the construction of increment 8 of the
22 Army Medical Research Institute of Infectious Dis-
23 eases Stage I at Fort Detrick, Maryland, authorized
24 by section 2401(a) of the Military Construction Au-

1 thorization Act of Fiscal Year 2007 (division B of
2 Public Law 109–364; 120 Stat. 2457), \$13,000,000.

3 (9) For the construction of increment 5 of the
4 hospital at Fort Bliss, Texas, authorized by section
5 2401(a) of the Military Construction Authorization
6 Act for Fiscal Year 2010 (division B of Public Law
7 111–84; 123 Stat. 2642), \$252,100,000.

8 (10) For the construction of increment 3 of the
9 High Performance Computing Center at Fort
10 Meade, Maryland, authorized by section 2401(a) of
11 the Military Construction Authorization Act for Fis-
12 cal Year 2012 (division B of Public Law 112–81;
13 125 Stat. 1672), as amended by section 2404(a) of
14 the Military Construction Authorization Act for Fis-
15 cal Year 2013 (division B of Public Law 112–239;
16 126 Stat. 2131), \$431,000,000.

17 (11) For the construction of increment 3 of the
18 Medical Center Replacement at Rhine Ordnance
19 Barracks, Germany, authorized by section 2401(b)
20 of the Military Construction Authorization Act for
21 Fiscal Year 2012 (division B of Public Law 112–81;
22 125 Stat. 1673), as amended by section 2404(b) of
23 the Military Construction Authorization Act for Fis-
24 cal Year 2013 (division B of Public Law 112–239;
25 126 Stat. 2131), \$151,545,000.

1 (12) For the construction of increment 2 of the
2 Ambulatory Care Center at Joint Base Andrews,
3 Maryland, authorized by section 2401(a) of the Mili-
4 tary Construction Authorization Act for Fiscal Year
5 2012 (division B of Public Law 112–81; 125 Stat.
6 1673), \$76,200,000.

7 (13) For the construction of increment 2 of the
8 NSAW Recapitalize Building #1 at Fort Meade,
9 Maryland, authorized by section 2401(a) of the Mili-
10 tary Construction Authorization Act for Fiscal Year
11 2013 (division B of Public Law 112–239; 126 Stat.
12 2127), \$58,000,000.

13 (14) For the construction of increment 2 of the
14 Aegis Ashore Missile Defense System Complex at
15 Deveselu, Romania, authorized by section 2401(b) of
16 the Military Construction Authorization Act for Fis-
17 cal Year 2013 (division B of Public Law 112–239;
18 126 Stat. 2128), \$85,000,000.

19 **Subtitle B—Chemical**
20 **Demilitarization Authorizations**

21 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
22 **ICAL DEMILITARIZATION CONSTRUCTION,**
23 **DEFENSE-WIDE.**

24 Funds are hereby authorized to be appropriated for
25 fiscal years beginning after September 30, 2013, for the

1 construction of phase XIV of a munitions demilitarization
2 facility at Blue Grass Army Depot, Kentucky, authorized
3 by section 2401(a) of the Military Construction Authoriza-
4 tion Act for Fiscal Year 2000 (division B of Public Law
5 106–65; 113 Stat. 835), as amended by section 2405 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2002 (division B of Public Law 107–107; 115 Stat.
8 1298), section 2405 of the Military Construction Author-
9 ization Act for Fiscal Year 2003 (division B of Public Law
10 107–314; 116 Stat. 2698), section 2414 of the Military
11 Construction Authorization Act for Fiscal Year 2009 (di-
12 vision B of Public Law 110–417; 122 Stat. 4697), and
13 section 2412 of the Military Construction Authorization
14 Act for Fiscal Year 2011 (division B of Public Law 111–
15 383; 124 Stat. 4450), \$122,536,000.

16 **TITLE XXV—NORTH ATLANTIC**
17 **TREATY ORGANIZATION SE-**
18 **CURITY INVESTMENT PRO-**
19 **GRAM**

20 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
21 **ACQUISITION PROJECTS.**

22 The Secretary of Defense may make contributions for
23 the North Atlantic Treaty Organization Security Invest-
24 ment Program as provided in section 2806 of title 10,
25 United States Code, in an amount not to exceed the sum

1 of the amount authorized to be appropriated for this pur-
 2 pose in section 2502 and the amount collected from the
 3 North Atlantic Treaty Organization as a result of con-
 4 struction previously financed by the United States.

5 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

6 Funds are hereby authorized to be appropriated for
 7 fiscal years beginning after September 30, 2012, for con-
 8 tributions by the Secretary of Defense under section 2806
 9 of title 10, United States Code, for the share of the United
 10 States of the cost of projects for the North Atlantic Treaty
 11 Organization Security Investment Program authorized by
 12 section 2501, in the amount of \$239,700,000.

13 **TITLE XXVI—GUARD AND**
 14 **RESERVE FORCES FACILITIES**
 15 **Subtitle A—Project Authorizations**
 16 **and Authorization of Appropria-**
 17 **tions**

18 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 19 **STRUCTION AND LAND ACQUISITION**
 20 **PROJECTS.**

21 (a) **INSIDE THE UNITED STATES.**—Using amounts
 22 appropriated pursuant to the authorization of appropria-
 23 tions in section 2606(1), the Secretary of the Army may
 24 acquire real property and carry out military construction
 25 projects for the Army National Guard locations inside the

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Army National Guard: Inside the United States

| State | Installation | Amount |
|----------------------|-------------------------------------|---------------|
| Alabama | Decatur | \$4,000,000 |
| Arkansas | Fort Chaffee | \$21,000,000 |
| Florida | Pinellas Park | \$5,700,000 |
| Illinois | Kankakee | \$42,000,000 |
| Massachusetts | Camp Edwards | \$19,000,000 |
| Michigan | Camp Grayling | \$17,000,000 |
| Minnesota | Stillwater | \$17,000,000 |
| Mississippi | Camp Shelby | \$3,000,000 |
| | Pascagoula | \$4,500,000 |
| Missouri | Whiteman AFB | \$5,000,000 |
| | Macon | \$9,100,000 |
| New York | New York | \$31,000,000 |
| Ohio | Ravenna Army Ammunition Plant | \$5,200,000 |
| Pennsylvania | Fort Indiantown Gap | \$40,000,000 |
| South Carolina | Greenville | \$26,000,000 |
| Texas | Fort Worth | \$14,270,000 |
| Wyoming | Afton | \$10,200,000. |

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2606(1), the Secretary of the Army may
 6 acquire real property and carry out military construction
 7 projects for the Army National Guard locations outside
 8 the United States, and in the amounts, set forth in the
 9 following table:

Army National Guard: Outside the United States

| Country | Installation | Amount |
|-------------------|---------------------|--------------|
| Puerto Rico | Camp Santiago | \$5,600,000. |

10 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 11 **AND LAND ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
 13 ization of appropriations in section 2606(2), the Secretary
 14 of the Army may acquire real property and carry out mili-

1 tary construction projects for the Army Reserve locations
 2 inside the United States, and in the amounts, set forth
 3 in the following table:

Army Reserve

| State | Installation | Amount |
|----------------------|----------------------------------|---------------|
| California | Fort Hunter Liggett | \$16,500,000 |
| | Camp Parks | \$17,500,000 |
| Maryland | Bowie | \$25,500,000 |
| New Jersey | Joint Base McGuire-Dix-Lakehurst | \$36,200,000 |
| New York | Bullville | \$14,500,000 |
| North Carolina | Fort Bragg | \$24,500,000 |
| Wisconsin | Fort McCoy | \$23,400,000. |

4 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 5 **CORPS RESERVE CONSTRUCTION AND LAND**
 6 **ACQUISITION PROJECTS.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2606(3), the Secretary
 9 of the Navy may acquire real property and carry out mili-
 10 tary construction projects for the Navy Reserve and Ma-
 11 rine Corps Reserve locations inside the United States, and
 12 in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

| State | Installation | Amount |
|------------------|---------------------|---------------|
| California | March AFB | \$11,086,000 |
| Missouri | Kansas City | \$15,020,000 |
| Tennessee | Memphis | \$4,330,000. |

13 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 14 **TION AND LAND ACQUISITION PROJECTS.**

15 Using amounts appropriated pursuant to the author-
 16 ization of appropriations in section 2606(4), the Secretary
 17 of the Air Force may acquire real property and carry out

1 military construction projects for the Air National Guard
 2 locations inside the United States, and in the amounts,
 3 set forth in the following table:

Air National Guard

| State | Installation | Amount |
|--------------------|-------------------------------|---------------|
| Alabama | Birmingham IAP | \$8,500,000 |
| Indiana | Hulman Regional Airport | \$7,300,000 |
| Maryland | Fort Meade | \$4,000,000 |
| | Martin State Airport | \$12,900,000 |
| Montana | Great Falls IAP | \$22,000,000 |
| New York | Fort Drum | \$4,700,000 |
| Ohio | Springfield Beckley-Map | \$7,200,000 |
| Pennsylvania | Fort Indiantown Gap | \$7,700,000 |
| Rhode Island | Quonset State Airport | \$6,000,000 |
| Tennessee | McGhee-Tyson Airport | \$18,000,000. |

4 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 5 **TION AND LAND ACQUISITION PROJECTS.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2606(5), the Secretary
 8 of the Air Force may acquire real property and carry out
 9 military construction projects for the Air Force Reserve
 10 locations inside the United States, and in the amounts,
 11 set forth in the following table:

Air Force Reserve

| State | Installation | Amount |
|------------------|---------------------|---------------|
| California | March AFB | \$19,900,000 |
| Florida | Homestead AFS | \$9,800,000 |
| Oklahoma | Tinker AFB | \$12,200,000. |

12 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 13 **TIONAL GUARD AND RESERVE.**

14 Funds are hereby authorized to be appropriated for
 15 fiscal years beginning after September 30, 2013, for the
 16 costs of acquisition, architectural and engineering services,

1 and construction of facilities for the Guard and Reserve
2 Forces, and for contributions therefor, under chapter
3 1803 of title 10, United States Code (including the cost
4 of acquisition of land for those facilities), in the following
5 amounts:

6 (1) For the Department of the Army, for the
7 Army National Guard of the United States,
8 \$320,815,000.

9 (2) For the Department of the Army, for the
10 Army Reserve, \$174,060,000.

11 (3) For the Department of the Navy, for the
12 Navy and Marine Corps Reserve, \$32,976,000.

13 (4) For the Department of the Air Force, for
14 the Air National Guard of the United States,
15 \$119,800,000.

16 (5) For the Department of the Air Force, for
17 the Air Force Reserve, \$45,659,000.

18 **Subtitle B—Other Matters**

19 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT** 20 **CERTAIN FISCAL YEAR 2013 PROJECT.**

21 In the case of the authorization contained in the table
22 in section 2603 of the Military Construction Authorization
23 Act for Fiscal Year 2013 (division B of Public Law 112–
24 239; 126 Stat. 2135), for Fort Des Moines, Iowa, for con-
25 struction of a Joint Reserve Center at that location, the

1 Secretary of the Navy may, instead of constructing a new
 2 facility at Camp Dodge, acquire up to approximately 20
 3 acres to construct a Joint Reserve Center and associated
 4 supporting facilities in the greater Des Moines, Iowa area
 5 using appropriations available for the project.

6 **SEC. 2612. EXTENSION OF AUTHORIZATION OF CERTAIN**
 7 **FISCAL YEAR 2011 PROJECT.**

8 (a) **EXTENSION.**—Notwithstanding section 2002 of
 9 the Military Construction Authorization Act for Fiscal
 10 Year 2011 (division B of Public Law 111–383; 124 Stat.
 11 4436), the authorization set forth in table in section 2604
 12 of the Military Construction Authorization Act for Fiscal
 13 Year 2011 (division B of Public Law 111–383; 124 Stat.
 14 4454) for Nashville International Airport, Tennessee,
 15 shall remain in effect until October 1, 2014, or the date
 16 of the enactment of an Act authorizing funds for military
 17 construction for fiscal year 2015, whichever is later.

18 (b) **TABLE.**—The table referred to in subsection (a)
 19 is as follows:

| State | Installation or Location | Project | Amount |
|----------------|----------------------------------|---|--------------|
| Tennessee | Nashville International Airport. | Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group. | \$5,500,000. |

1 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2011 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2011 (division B of Public Law 111–383; 124 Stat.
 6 4436), the authorization set forth in the table in sub-
 7 section (b), as provided in section 2601 of that Act (124
 8 Stat. 4452), for Camp Santiago, Puerto Rico, shall remain
 9 in effect until October 1, 2014, or the date of the enact-
 10 ment of an Act authorizing funds for military construction
 11 for fiscal year 2015, whichever is later.

12 (b) TABLE.—The table referred to in subsection (a)
 13 is as follows:

| State | Installation or Location | Project | Amount |
|-------------|--------------------------|----------------------------------|--------------|
| Puerto Rico | Camp Santiago | Multi Purpose Machine Gun Range. | \$9,200,000. |

14 **TITLE XXVII—BASE REALIGN-**
 15 **MENT AND CLOSURE ACTIVI-**
 16 **TIES**

17 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
 18 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
 19 **TIES FUNDED THROUGH DEPARTMENT OF**
 20 **DEFENSE BASE CLOSURE ACCOUNT.**

21 Funds are hereby authorized to be appropriated for
 22 fiscal years beginning after September 30, 2013, for base
 23 realignment and closure activities, including real property

1 acquisition and military construction projects, as author-
2 ized by the Defense Base Closure and Realignment Act
3 of 1990 (part A of title XXIX of Public Law 101–510;
4 10 U.S.C. 2687 note) and funded through the Department
5 of Defense Base Closure Account 1990 established by sec-
6 tion 2906 of such Act, in the total amount of
7 \$451,357,000, as follows:

8 (1) For the Department of the Army,
9 \$180,401,000.

10 (2) For the Department of the Navy,
11 \$144,580,000.

12 (3) For the Department of the Air Force,
13 \$126,376,000.

14 **TITLE XXVIII—MILITARY CON-**
15 **STRUCTION GENERAL PROVI-**
16 **SIONS**

17 **Subtitle A—Military Construction**
18 **Program Changes**

19 **SEC. 2801. REVISIONS TO MINOR MILITARY CONSTRUCTION**
20 **AUTHORITIES.**

21 (a) ESTABLISHMENT OF MINOR MILITARY CON-
22 STRUCTION EXCEPTION THRESHOLD.—Subsection (a) of
23 section 2805 of title 10, United States Code, is amended
24 by adding at the end the following new paragraph:

1 “(3) For purposes of this section, the minor
2 military construction exception threshold is
3 \$4,000,000.”.

4 (b) INCREASE IN DOLLAR THRESHOLDS FOR CER-
5 TAIN AUTHORITIES RELATING TO UNSPECIFIED MINOR
6 MILITARY CONSTRUCTION.—

7 (1) MAXIMUM AMOUNT FOR PROJECTS TO COR-
8 RECT DEFICIENCIES THAT ARE LIFE-, HEALTH-, OR
9 SAFETY-THREATENING.—Subsection (a)(2) of such
10 section is amended by striking “\$3,000,000” in the
11 second sentence and inserting “the minor military
12 construction exception threshold”.

13 (2) MAXIMUM AMOUNT FOR GENERAL RULE
14 FOR PROJECTS FOR WHICH O&M FUNDS MAY BE
15 USED.—Subsection (c) of such section is amended
16 by striking “\$750,000” and inserting “\$1,000,000”.

17 (c) MINIMUM AMOUNT FOR PROJECTS SUBJECT TO
18 SECRETARIAL APPROVAL AND CONGRESSIONAL NOTICE-
19 AND-WAIT.—Subsection (b)(1) of such section is amended
20 by striking “\$750,000” and inserting “the amount speci-
21 fied in subsection (c)”.

22 (d) MODIFICATION AND EXTENSION OF AUTHORITY
23 FOR LABORATORY REVITALIZATION PROJECTS.—

24 (1) MODIFICATION.—Subsection (d) of such
25 section is amended—

1 (A) in paragraph (1)(A), by striking “not
2 more than \$2,000,000” and inserting “not
3 more than \$4,000,000, notwithstanding sub-
4 section (c)”; and

5 (B) in paragraph (2), by striking “(2)”
6 and inserting “(2) For purposes of this sub-
7 section, an unspecified minor military construc-
8 tion project is a military construction project
9 that (notwithstanding subsection (a)) has an
10 approved cost equal to or less than
11 \$4,000,000.”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) do not apply to any laboratory re-
14 vitalization project for which the design phase has
15 been completed as of the date of the enactment of
16 this Act.

17 **SEC. 2802. CHANGE IN AUTHORITIES RELATING TO UN-**
18 **SPECIFIED MINOR CONSTRUCTION.**

19 Section 2805 of title 10, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(f) ADJUSTMENTS FOR LOCATION.—The dollar limi-
23 tations specified in subsections (a) through (d) shall be
24 adjusted to reflect the appropriate area construction cost
25 index for military construction projects published by the

1 Department of Defense. The appropriate cost index shall
2 be the factor published during the prior fiscal year that
3 applies to the location of the project.”.

4 **SEC. 2803. CHANGE IN AUTHORITIES RELATING TO SCOPE**
5 **OF WORK VARIATIONS FOR MILITARY CON-**
6 **STRUCTION PROJECTS.**

7 (a) LIMITED AUTHORITY FOR SCOPE OF WORK IN-
8 CREASE.—Section 2853 of title 10, United States Code,
9 is amended—

10 (1) in subsection (b)(2), by striking “The scope
11 of work” and inserting “Except as provided in sub-
12 section (d), the scope of work”;

13 (2) by redesignating subsection (d) as sub-
14 section (e); and

15 (3) by inserting after subsection (c) the fol-
16 lowing new subsection (d):

17 “(d) The limitation in subsection (b)(2) on an in-
18 crease in the scope of work does not apply if—

19 “(1) the increase in the scope of work is not
20 more than 10 percent of the amount specified for
21 that project, construction, improvement, or acquisi-
22 tion in the justification data provided to Congress as
23 part of the request for authorization of the project,
24 construction, improvement, or acquisition;

1 “(2) the increase is approved by the Secretary
2 concerned;

3 “(3) the Secretary concerned notifies the appro-
4 priate committees of Congress in writing of the in-
5 crease in scope and the reasons therefor; and

6 “(4) a period of 21 days has elapsed after the
7 date on which the notification is received by the
8 committees or, if over sooner, a period of 14 days
9 has elapsed after the date on which a copy of the
10 notification is provided in an electronic medium pur-
11 suant to section 480 of this title.”.

12 (b) **CROSS-REFERENCE AMENDMENT.**—Subsection
13 (a) of such section is amended by striking “or (d)” and
14 inserting “or (e)”.

15 **SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
16 **ITY TO USE OPERATION AND MAINTENANCE**
17 **FUNDS FOR CONSTRUCTION PROJECTS IN**
18 **CERTAIN AREAS OUTSIDE THE UNITED**
19 **STATES.**

20 (a) **LIMITATION OF AUTHORITY.**—Effective on Octo-
21 ber 1, 2013, subsection (c)(1) of section 2808 of the Mili-
22 tary Construction Authorization Act for Fiscal Year 2004
23 (division B of Public Law 108–136; 117 Stat. 1723), as
24 most recently amended by section 2804 of the Military
25 Construction Authorization Act for Fiscal Year 2013 (di-

1 vision B of Public law 112–239; 126 Stat. 2149), is
2 amended by striking “shall not exceed \$200,000,000 in
3 a fiscal year” and inserting “shall not exceed
4 \$100,000,000 between October 1, 2013 and December 31,
5 2014”.

6 (b) EXTENSION OF AUTHORITY.—Subsection (h) of
7 such section is amended—

8 (1) in paragraph (1), by striking “September
9 30, 2013” and inserting “December 31, 2014”; and

10 (2) in paragraph (2), by striking “fiscal year
11 2014” and inserting “fiscal year 2015”.

12 (c) TECHNICAL AMENDMENT.—Subsection (i) of
13 such section is amended to read as follows:

14 “(i) DEFINITIONS.—In this section:

15 “(1) The term ‘area of responsibility’, with re-
16 spect to the Combined Joint Task Force-Horn of Af-
17 rica, is Kenya, Somalia, Ethiopia, Eritrea, Djibouti,
18 Seychelles, Burundi, Rwanda, Tanzania, and Ugan-
19 da.

20 “(2) The term ‘area of interest’, with respect to
21 the Combined Joint Task Force-Horn of Africa, is
22 Yemen, Mauritius, Madagascar, Mozambique,
23 Comoros, Chad, the Democratic Republic of Congo,
24 Central African Republic, Egypt, Sudan, and South
25 Sudan.”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. AUTHORITY FOR ACCEPTANCE OF FUNDS TO**
4 **COVER ADMINISTRATIVE EXPENSES ASSOCI-**
5 **ATED WITH REAL PROPERTY LEASES AND**
6 **EASEMENTS.**

7 (a) **AUTHORITY.**—Subsection (e)(1)(C) of section
8 2667 of title 10, United States Code, is amended by add-
9 ing at the end the following new clause:

10 “(vi) Amounts as the Secretary con-
11 siders necessary to cover program expenses
12 incurred by the Secretary under this sec-
13 tion and for easements under section 2668
14 of this title.”.

15 (b) **PROGRAM EXPENSES DEFINED.**—Subsection (i)
16 of such section is amended—

17 (1) by redesignating paragraph (4) as para-
18 graph (5); and

19 (2) by inserting after paragraph (3) the fol-
20 lowing new paragraph (4):

21 “(4) The term ‘program expenses’ includes ex-
22 penses related to developing, assessing, negotiating,
23 executing, and managing lease and easement trans-
24 actions, but does not include Government personnel
25 costs.”.

1 **SEC. 2812. APPLICATION OF CASH PAYMENTS RECEIVED**
2 **FOR UTILITIES AND SERVICES.**

3 Section 2872a(e)(2) of title 10, United States Code,
4 is amended by striking “from which the cost of furnishing
5 the utilities or services concerned was paid” and inserting
6 “currently available for the purpose of furnishing utilities
7 or services under subsection (a)”.

8 **SEC. 2813. ACQUISITION OF REAL PROPERTY AT NAVAL**
9 **BASE VENTURA COUNTY, CALIFORNIA.**

10 (a) **AUTHORITY.**—The Secretary of the Navy may ac-
11 quire all right, title, and interest to property and improve-
12 ments at Naval Base Ventura County, California, con-
13 structed pursuant to section 801 of Public Law 98–115.

14 (b) **USE.**—Upon acquiring the real property under
15 subsection (a), the Secretary may use the improvements
16 as provided in sections 2835 and 2835a of title 10, United
17 States Code.

18 **SEC. 2814. AUTHORITY TO PLAN, DESIGN, CONSTRUCT OR**
19 **LEASE SHARED MEDICAL FACILITIES WITH**
20 **DEPARTMENT OF VETERANS AFFAIRS.**

21 (a) **AUTHORITY TO PLAN, DESIGN, AND CONSTRUCT**
22 **OR LEASE A SHARED MEDICAL FACILITY.**—

23 (1) **IN GENERAL.**—Chapter 55 of title 10,
24 United States Code, is amended by inserting after
25 section 1104 the following new section:

1 **“§ 1104a. Shared medical facilities with Department**
2 **of Veterans Affairs**

3 “(a) AGREEMENTS.—The Secretary of Defense may
4 enter into agreements with the Secretary of Veterans Af-
5 fairs for the planning, design, and construction, or leasing,
6 of facilities to be operated as shared medical facilities.

7 “(b) TRANSFER OF FUNDS BY THE SECRETARY OF
8 DEFENSE.—(1) The Secretary of Defense may transfer
9 to the Secretary of Veterans Affairs amounts as follows:

10 “(A) Amounts, not in excess of the amount au-
11 thORIZED by law for an unspecified minor military
12 construction project, for a project for the construc-
13 tion of or for a shared medical facility if the amount
14 of the share of the Department of Defense for the
15 estimated cost of the project does not exceed the
16 amount authorized under section 2805 of this title
17 and if the other requirements of such section have
18 been met with respect to funds identified for trans-
19 fer.

20 “(B) Amounts appropriated for the Defense
21 Health Program for the purpose of construction,
22 planning, and design, or the leasing of space, for a
23 shared medical facility.

24 “(2) The authority to transfer funds under this sec-
25 tion is in addition to any other authority to transfer avail-
26 able to the Secretary of Defense.

1 “(3) Section 2215 of this title does not apply to a
2 transfer under this subsection.

3 “(c) TRANSFER OF FUNDS TO THE SECRETARY OF
4 DEFENSE.—

5 “(1) Any amount transferred under section
6 8111B of title 38 to the Secretary of Defense by the
7 Secretary of Veterans Affairs for the necessary ex-
8 penses of a construction project for a shared medical
9 facility, where the amount of the share of the De-
10 partment of Defense for the cost of such project
11 does not exceed the amount specified in section
12 2805(a)(2) of this title, may be credited to accounts
13 of the Department of Defense available for the con-
14 struction of or for a shared medical facility.

15 “(2) Amounts transferred under section 8111B
16 of title 38 to the Secretary of Defense by the Sec-
17 retary of Veterans Affairs for the purpose of plan-
18 ning, and design, or the leasing of space, of or for
19 a shared medical facility may be credited to accounts
20 of the Department of Defense available for such pur-
21 poses, and used of such purposes.

22 “(3) Using accounts credited with transfers
23 from the Secretary of Veterans Affairs under para-
24 graph (1), the Secretary of Defense may carry out
25 unspecified minor military construction projects that

1 have an approved cost not more than \$12,000,000,
2 so long as the share of the Department of Defense
3 for the cost of such project does not exceed the
4 amount specified in section 2805(a)(2) of this title.

5 “(d) MERGER OF AMOUNTS TRANSFERRED.—Any
6 amount transferred to the Secretary of Veterans Affairs
7 pursuant to subsection (b), and any amount transferred
8 to the Secretary of Defense as described in subsection (c),
9 shall be merged with, and be available for the same pur-
10 poses and the same time period as, the appropriation or
11 fund to which transferred.

12 “(e) DEFINITION.—In this section, the term ‘shared
13 medical facility’ means a building or buildings, or a cam-
14 pus, intended to be used by both the Department of De-
15 fense and the Department of Veterans Affairs for the pro-
16 vision of health-care services, whether under the jurisdic-
17 tion of the Secretary of Defense or the Secretary of Vet-
18 erans Affairs, and whether or not located on a military
19 installation or on real property under the jurisdiction of
20 the Secretary of Veterans Affairs. Such term includes any
21 necessary building and auxiliary structure, garage, park-
22 ing facility, mechanical equipment, abutting sidewalks,
23 and accommodations for attending personnel.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 1104
2 the following new item:

“1104a. Shared medical facilities with Department of Veterans Affairs.”.

3 (b) CONFORMING AMENDMENT.—Section 2801 of
4 title 10, United States Code, is amended—

5 (1) in subsection (a), by inserting “or property
6 under the control of the Secretary of Veterans Af-
7 fairs for shared medical facilities,” after “with re-
8 spect to a military installation,”; and

9 (2) in subsection (b), by inserting “, including
10 a shared medical facility with the Department of
11 Veterans Affairs pursuant to section 1104a of this
12 title and section 8111B of title 38,” after “existing
13 facility”.

14 **SEC. 2815. CHANGE FROM CALENDAR YEAR TO FISCAL**
15 **YEAR FOR ANNUAL REPORT OF INTER-**
16 **AGENCY COORDINATION GROUP OF INSPEC-**
17 **TORS GENERAL FOR GUAM REALIGNMENT.**

18 Section 2835(e)(1) of the National Defense Author-
19 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
20 Stat. 2674; 10 U.S.C. 2687 note) is amended by striking
21 “calendar year” and inserting “fiscal year”.

1 **SEC. 2816. PROMOTION OF INTERAGENCY COOPERATION**
2 **TO CONSERVE LAND AND NATURAL RE-**
3 **SOURCES AND SUSTAIN MILITARY READI-**
4 **NESS.**

5 Section 2684a(d)(4) of title 10, United States Code,
6 is amended by adding at the end the following new sub-
7 paragraph:

8 “(F) Notwithstanding any other provision
9 of law relating to matching funds or cost-share
10 requirements, funds provided by the Secretary
11 of Defense or the Secretary of a military de-
12 partment pursuant to an agreement under this
13 section may, with regard to the lands or waters
14 within the scope of the agreement, be used by
15 the recipient of such funds to satisfy any
16 matching funds or cost-share requirement of
17 any program administered by the Department
18 of Agriculture for the purpose of protecting or
19 enhancing habitat, forests, agricultural lands,
20 or wetlands.”.

1 **Subtitle C—Land Withdrawals**

2 **SEC. 2821. MILITARY LAND WITHDRAWALS AND CODIFICA-**
 3 **TION OF STATUTORY PROVISIONS RELATING**
 4 **TO CHINA LAKE, LIMESTONE HILLS, CHOCO-**
 5 **LATE MOUNTAIN, AND TWENTYNINE PALMS.**

6 (a) MILITARY LAND WITHDRAWALS AND CREATION
 7 OF NEW CHAPTER.—Subtitle A of title 10, United States
 8 Code, is amended by inserting after chapter 173 the fol-
 9 lowing new chapter:

10 **“CHAPTER 174—LAND WITHDRAWALS**

| | |
|---|------|
| “Subchapter | |
| “I. General Provisions | 2931 |
| “II. China Lake, California | 2955 |
| “III. Limestone Hills, Montana | 2957 |
| “IV. Chocolate Mountain, California | 2959 |
| “V. Twentynine Palms, California | 2961 |

11 **“SUBCHAPTER I—GENERAL PROVISIONS**

| | |
|--|--|
| “Sec. | |
| “2931. General applicability; definition. | |
| “2932. Maps and legal descriptions. | |
| “2933. Access restrictions. | |
| “2934. Changes in use. | |
| “2935. Authorizations for nondefense-related uses. | |
| “2936. Brush and range fire prevention and suppression. | |
| “2937. On-going decontamination. | |
| “2938. Water rights. | |
| “2939. Hunting, fishing, and trapping. | |
| “2940. Limitation on extensions and renewals. | |
| “2941. Application for renewal of a withdrawal and reservation. | |
| “2942. Limitation on subsequent availability of lands for appropriation. | |
| “2943. Relinquishment. | |
| “2944. Interchanges and transfers of Federal lands. | |
| “2945. Delegability by the Secretary of the Interior. | |
| “2946. Land withdrawals; immunity of the United States. | |

1 **“§ 2931. General applicability; definition**

2 “(a) APPLICABILITY OF SUBCHAPTER.—The provi-
3 sions of this subchapter apply to any withdrawal made by
4 this chapter.

5 “(b) RULES OF CONSTRUCTION.—(1) Except as may
6 be provided pursuant to section 2944 of this title, nothing
7 in this chapter shall be construed as assigning manage-
8 ment of real property under the administrative jurisdiction
9 of the Secretary concerned to the Secretary of the Interior.

10 “(2) The terms ‘manage’ and ‘management’, when
11 used in reference to lands withdrawn and reserved by this
12 chapter, include the authority to exercise jurisdiction, cus-
13 tody, and control over those lands in accordance with this
14 title, except that those terms do not include authority for
15 land disposal.

16 “(c) DEFINITION.—In this chapter, the term ‘Indian
17 tribe’ has the meaning given such term in section 102 of
18 the Federally Recognized Indian Tribe List Act of 1994
19 (25 U.S.C. 479a).

20 **“§ 2932. Maps and legal descriptions**

21 “(a) PREPARATION OF MAPS AND LEGAL DESCRIP-
22 TIONS.—As soon as practicable after the date of the enact-
23 ment of a subchapter of this chapter, the Secretary of the
24 Interior shall—

1 “(1) publish in the Federal Register a notice
2 containing the legal description of the lands with-
3 drawn and reserved by such subchapter; and

4 “(2) file a map or maps and legal description
5 of the lands withdrawn and reserved by such sub-
6 chapter with the Committee on Armed Services and
7 the Committee on Energy and Natural Resources of
8 the Senate and the Committee on Armed Services
9 and the Committee on Natural Resources of the
10 House of Representatives.

11 “(b) LEGAL EFFECT.—Such maps and legal descrip-
12 tions shall have the same force and effect as if they were
13 included in this chapter, except that the Secretary of the
14 Interior may correct clerical and typographical errors in
15 such maps and legal descriptions.

16 “(c) AVAILABILITY.—Copies of such maps and legal
17 descriptions shall be available for public inspection—

18 “(1) in the appropriate offices of the Bureau of
19 Land Management;

20 “(2) in the office of the commanding officer of
21 the military installation at which the lands are with-
22 drawn; and

23 “(3) if the military installation is under the
24 management of the National Guard, in the office of

1 the Adjutant General of the State in which the in-
2 stallation is located.

3 “(d) COSTS.—The Secretary concerned shall reim-
4 burse the Secretary of the Interior for the costs incurred
5 by the Secretary of the Interior in implementing this sec-
6 tion.

7 **“§ 2933. Access restrictions**

8 “(a) IN GENERAL.—If the Secretary concerned deter-
9 mines that military operations, public safety, or national
10 security require the closure to the public of any road, trail,
11 or other portion of the lands withdrawn and reserved by
12 a subchapter of this chapter, the Secretary may take such
13 action as the Secretary determines necessary or desirable
14 to effect and maintain such closure.

15 “(b) LIMITATION.—Any closure under subsection (a)
16 shall be limited to the minimum areas and periods that
17 the Secretary concerned determines are required for the
18 purposes specified in such subsection.

19 “(c) CONSULTATION.—(1) Before a closure under
20 this section is implemented, the Secretary concerned shall
21 consult with the Secretary of the Interior.

22 “(2) In a case in which such a closure may affect
23 access to or use of sacred sites or resources considered
24 important by an Indian tribe, the Secretary concerned

1 shall consult, at the earliest practicable time, with that
2 tribe.

3 “(3) No consultation is required under paragraph (1)
4 or (2)—

5 “(A) if the closure is already provided for in an
6 integrated natural resources management plan, an
7 installation cultural resources management plan, or
8 a land use management plan; or

9 “(B) in the case of an emergency, as deter-
10 mined by the Secretary concerned.

11 “(d) NOTICE.—Immediately preceding and during
12 any closure under subsection (a), the Secretary concerned
13 shall post appropriate warning notices and take other
14 steps, as necessary, to notify the public of the closure.

15 **“§ 2934. Changes in use**

16 “(a) OTHER USES AUTHORIZED.—The Secretary
17 concerned may authorize the use of lands withdrawn and
18 reserved by a subchapter of this chapter for defense-re-
19 lated purposes in addition to the purposes specified in
20 such subchapter.

21 “(b) NOTICE TO SECRETARY OF THE INTERIOR.—
22 The Secretary concerned shall promptly notify the Sec-
23 retary of the Interior in the event that the lands with-
24 drawn and reserved by a subchapter of this chapter will

1 be used for additional defense-related purposes. Such noti-
2 fication shall indicate—

3 “(1) the additional use or uses involved;

4 “(2) the planned duration of such additional
5 uses; and

6 “(3) the extent to which such additional uses
7 will require that additional or more stringent condi-
8 tions or restrictions be imposed on otherwise-per-
9 mitted non-defense-related uses of the withdrawn
10 and reserved lands or portions thereof.

11 **“§ 2935. Authorizations for nondefense-related uses**

12 “(a) AUTHORIZATIONS BY THE SECRETARY OF THE
13 INTERIOR.—Subject to the applicable withdrawals con-
14 tained in each subchapter of this chapter, with the consent
15 of the Secretary concerned, the Secretary of the Interior
16 may authorize the use, occupancy, or development of the
17 lands withdrawn and reserved by this chapter.

18 “(b) AUTHORIZATIONS BY THE SECRETARY CON-
19 CERNED.—The Secretary concerned may authorize the
20 use, occupancy, or development of the lands withdrawn
21 and reserved by this chapter—

22 “(1) for a defense-related purpose; or

23 “(2) subject to the consent of the Secretary of
24 the Interior, for a non-defense-related purpose.

1 “(c) FORM OF AUTHORIZATION.—An authorization
2 under this section may be provided by lease, easement,
3 right-of-way, permit, license, or other instrument author-
4 ized by law.

5 “(d) PREVENTION OF DRAINAGE OF OIL OR GAS RE-
6 SOURCES.—For the purpose of preventing drainage of oil
7 or gas resources, the Secretary of the Interior may lease
8 lands otherwise withdrawn from operation of the mineral
9 leasing laws and reserved for defense-related purposes
10 under this chapter, under such terms and conditions as
11 the Secretary considers appropriate. No surface occupancy
12 may be approved by the Secretary of the Interior without
13 the consent of the Secretary concerned. The Secretary of
14 the Interior may unitize or consent to communitization of
15 such lands. The Secretary of the Interior may promulgate
16 regulations to implement this subsection.

17 **“§ 2936. Brush and range fire prevention and sup-**
18 **pression**

19 “(a) REQUIRED ACTIVITIES.—The Secretary con-
20 cerned shall, consistent with any applicable land manage-
21 ment plan, take necessary precautions to prevent, and ac-
22 tions to suppress, brush and range fires occurring as a
23 result of military activities on the lands withdrawn and
24 reserved by this chapter, including fires outside those

1 lands that spread from the withdrawn and reserved lands
2 and which occurred as a result of such activities.

3 “(b) COOPERATION OF SECRETARY OF THE INTE-
4 RIOR.—At the request of the Secretary concerned, the Sec-
5 retary of the Interior shall provide assistance in the sup-
6 pression of such fires and shall be reimbursed for such
7 assistance by the Secretary concerned. Notwithstanding
8 section 2215 of this title, the Secretary concerned may
9 transfer to the Secretary of the Interior, in advance, funds
10 to reimburse the costs of the Department of the Interior
11 in providing such assistance.

12 **“§ 2937. On-going decontamination**

13 “Throughout the duration of a withdrawal and res-
14 ervation of lands under this chapter, the Secretary con-
15 cerned shall maintain, to the extent funds are available
16 for such purpose, a program of decontamination of con-
17 tamination caused by defense-related uses on such lands
18 consistent with applicable Federal and State law. The Sec-
19 retary of Defense shall include a description of such de-
20 contamination activities in the annual report required by
21 section 2711 of this title.

22 **“§ 2938. Water rights**

23 “(a) NO RESERVATION CREATED.—Nothing in this
24 chapter shall be construed—

1 “(1) to establish a reservation in favor of the
2 United States with respect to any water or water
3 right on the lands withdrawn and reserved by this
4 chapter; or

5 “(2) to authorize the appropriation of water on
6 such lands except in accordance with applicable
7 State law.

8 “(b) EFFECT ON PREVIOUSLY ACQUIRED OR RE-
9 SERVED WATER RIGHTS.—This section shall not be con-
10 strued to affect any water rights acquired or reserved by
11 the United States before the date of the enactment of the
12 applicable subchapter of this chapter, and the Secretary
13 concerned may exercise any such previously acquired or
14 reserved water rights.

15 **“§ 2939. Hunting, fishing, and trapping**

16 “Section 2671 of this title shall apply to all hunting,
17 fishing, and trapping on the lands withdrawn and reserved
18 by this chapter and for which management has been as-
19 signed to the Secretary concerned.

20 **“§ 2940. Limitation on extensions and renewals**

21 “The withdrawals and reservations established by
22 this chapter may not be extended or renewed except by
23 a law enacted by Congress.

1 **“§ 2941. Application for renewal of a withdrawal and**
2 **reservation**

3 “(a) NOTICE.—To the extent practicable, no later
4 than five years before the termination of a withdrawal and
5 reservation established by a subchapter of this chapter,
6 the Secretary concerned shall notify the Secretary of the
7 Interior as to whether or not the Secretary concerned will
8 have a continuing defense-related need for any of the lands
9 withdrawn and reserved by such subchapter after the ter-
10 mination date of such withdrawal and reservation. The
11 Secretary concerned shall provide a copy of the notice to
12 the Committee on Armed Services and the Committee on
13 Energy and Natural Resources of the Senate and the
14 Committee on Armed Services and the Committee on Nat-
15 ural Resources of the House of Representatives.

16 “(b) FILING FOR EXTENSION.—If the Secretary con-
17 cerned concludes that there will be a continuing defense-
18 related need for any of such lands after the termination
19 date, the Secretary shall file an application for extension
20 of the withdrawal and reservation of such needed lands
21 in accordance with the regulations and procedures of the
22 Department of the Interior applicable to the extension of
23 withdrawals.

1 **“§ 2942. Limitation on subsequent availability of**
2 **lands for appropriation**

3 “At the time of termination of a withdrawal and res-
4 ervation made by a subchapter of this chapter, the pre-
5 viously withdrawn lands shall not be open to any form of
6 appropriation under the public land laws, including the
7 mining laws and the mineral leasing and geothermal leas-
8 ing laws, until the Secretary of the Interior publishes in
9 the Federal Register an appropriate order specifying the
10 date upon which such lands shall be restored to the public
11 domain and opened for such purposes.

12 **“§ 2943. Relinquishment**

13 “(a) NOTICE OF INTENTION TO RELINQUISH.—If,
14 during the period of withdrawal and reservation, the Sec-
15 retary concerned decides to relinquish any or all of the
16 lands withdrawn and reserved by a subchapter of this
17 chapter, the Secretary concerned shall file a notice of in-
18 tention to relinquish with the Secretary of the Interior.

19 “(b) DETERMINATION OF CONTAMINATION.—As a
20 part of the notice under subsection (a), the Secretary con-
21 cerned shall include a written determination concerning
22 whether and to what extent the lands that are to be relin-
23 quished are contaminated with explosive materials or toxic
24 or hazardous substances.

25 “(c) PUBLIC NOTICE.—The Secretary of the Interior
26 shall publish in the Federal Register the notice of inten-

1 tion to relinquish, including the determination concerning
2 the contaminated state of the lands.

3 “(d) DECONTAMINATION OF LANDS TO BE RELIN-
4 QUISHED.—

5 “(1) DECONTAMINATION REQUIRED.—If land
6 subject of a notice of intention to relinquish pursu-
7 ant to subsection (a) is contaminated, and the Sec-
8 retary of the Interior, in consultation with the Sec-
9 retary concerned, determines that decontamination
10 is practicable and economically feasible (taking into
11 consideration the potential future use and value of
12 the land) and that, upon decontamination, the land
13 could be opened to operation of some or all of the
14 public land laws, including the mining laws and the
15 mineral leasing and geothermal leasing laws, the
16 Secretary concerned shall decontaminate the land to
17 the extent that funds are appropriated for such pur-
18 pose.

19 “(2) ALTERNATIVES.—If the Secretary of the
20 Interior, after consultation with the Secretary con-
21 cerned, concludes that decontamination of land sub-
22 ject of a notice of intention to relinquish pursuant
23 to subsection (a) is not practicable or economically
24 feasible, or that the land cannot be decontaminated
25 sufficiently to be opened to operation of some or all

1 of the public land laws, or if Congress does not ap-
2 propriate sufficient funds for the decontamination of
3 such land, the Secretary of the Interior shall not be
4 required to accept the land proposed for relinquish-
5 ment.

6 “(3) STATUS OF CONTAMINATED LANDS UPON
7 TERMINATION.—If, because of their contaminated
8 state, the Secretary of the Interior declines to accept
9 the lands withdrawn and reserved by a subchapter
10 of this chapter which have been proposed for relin-
11 quishment, or if at the expiration of the withdrawal
12 and reservation made by such subchapter the Sec-
13 retary of the Interior determines that some of the
14 lands withdrawn and reserved by such subchapter
15 are contaminated to an extent which prevents open-
16 ing such contaminated lands to operation of the pub-
17 lic land laws—

18 “(A) the Secretary concerned shall take
19 appropriate steps to warn the public of the con-
20 taminated state of such lands and any risks as-
21 sociated with entry onto such lands;

22 “(B) after the expiration of the withdrawal
23 and reservation, the Secretary concerned shall
24 undertake no activities on such lands except in

1 connection with decontamination of such lands;
2 and

3 “(C) the Secretary concerned shall report
4 to the Secretary of the Interior and to the Con-
5 gress concerning the status of such lands and
6 all actions taken in furtherance of this para-
7 graph.

8 “(e) REVOCATION AUTHORITY.—Upon deciding that
9 it is in the public interest to accept the lands proposed
10 for relinquishment pursuant to subsection (a), the Sec-
11 retary of the Interior may order the revocation of a with-
12 drawal and reservation established by a subchapter of this
13 chapter as it applies to such lands. The Secretary of the
14 Interior shall publish in the Federal Register the revoca-
15 tion order, which shall—

16 “(1) terminate the withdrawal and reservation;

17 “(2) constitute official acceptance of the lands
18 by the Secretary of the Interior; and

19 “(3) state the date upon which the lands will be
20 opened to the operation of some or all of the public
21 land laws, including the mining laws.

22 “(f) ACCEPTANCE BY SECRETARY OF THE INTE-
23 RIOR.—Nothing in this section shall be construed to re-
24 quire the Secretary of the Interior to accept the lands pro-
25 posed for relinquishment if the Secretary determines that

1 such lands are not suitable for return to the public do-
2 main. If the Secretary makes such a determination, the
3 Secretary shall provide notice of the determination to Con-
4 gress.

5 **“§ 2944. Interchanges and transfers of Federal lands**

6 “(a) AUTHORITY.—The Secretary of the Interior and
7 the Secretary concerned may interchange or transfer be-
8 tween each other parcels of Federal land under their juris-
9 diction. A parcel may include multiple non-contiguous
10 pieces of Federal lands.

11 “(b) CONDITIONS.—Any interchange or transfer of
12 land under this section is subject to the following condi-
13 tions:

14 “(1) The Secretary of the Interior and the Sec-
15 retary concerned must each determine that the
16 interchange or transfer is to the benefit of their re-
17 spective department and in the public interest.

18 “(2) Both parcels of land to be interchanged
19 must, before the interchange, be located on the same
20 military installation.

21 “(3) Both parcels of land to be interchanged
22 must be of approximately the same acreage.

23 “(4) The parcel to be transferred must be lo-
24 cated on the military installation to which it is
25 transferred.

1 “(5) The parcel interchanged or transferred by
2 the Secretary of the Interior must be part of the
3 lands withdrawn and reserved by this chapter.

4 “(6) The parcel interchanged or transferred by
5 the Secretary concerned must be under the adminis-
6 trative jurisdiction of the Secretary concerned and
7 excess to the needs of the Department of Defense.

8 “(7) During the term of a withdrawal, no more
9 than 5,000 acres may be transferred under this sec-
10 tion by one Secretary to the other on any one mili-
11 tary installation.

12 “(c) STATUS OF FEDERAL LAND AFTER INTER-
13 CHANGE.—Upon completion of an interchange or transfer
14 under this section—

15 “(1) at the discretion of the Secretary of the
16 Interior, a parcel received by the Secretary of the
17 Interior may—

18 “(A) become withdrawn and reserved lands
19 under the provisions of this chapter; or

20 “(B) be managed as public lands under the
21 provisions of the Federal Land Policy and Man-
22 agement Act (43 U.S.C. 1701 et seq.) and
23 other applicable law; and

24 “(2) a parcel received by the Secretary con-
25 cerned shall—

1 “(A) cease to be part of the public lands
2 and lands withdrawn and reserved by this chap-
3 ter; and

4 “(B) be treated as property under section
5 102(9) of title 40 under the administrative ju-
6 risdiction of the Secretary concerned.

7 “(d) EQUALIZATION PAYMENTS.—Neither the Sec-
8 retary of the Interior nor the Secretary concerned may
9 make an equalization payment to further a land inter-
10 change or transfer under this section.

11 **“§ 2945. Delegability by the Secretary of the Interior**

12 “The Secretary of the Interior may delegate the Sec-
13 retary’s functions under this chapter, except that an order
14 pursuant to section 2942 of this title and a revocation
15 order pursuant to section 2943(e) of this title may be ap-
16 proved and signed only by individuals in the Office of the
17 Secretary who have been appointed by the President, by
18 and with the advice and consent of the Senate.

19 **“§ 2946. Land withdrawals; immunity of the United**
20 **States**

21 “The United States and all departments and agencies
22 thereof, and their officers and employees, shall be held
23 harmless and shall not be liable for any injuries or dam-
24 ages to persons or property suffered in the course of any
25 mining or mineral or geothermal leasing activity or other

1 authorized non-defense-related activity conducted on lands
 2 withdrawn and reserved by this chapter.

3 “SUBCHAPTER II—CHINA LAKE, CALIFORNIA

“Sec.

“2955a. Withdrawal and reservation.

“2955b. Management of withdrawn and reserved lands.

“2955c. Duration of withdrawal and reservation.

4 **“§ 2955a. Withdrawal and reservation**

5 “(a) WITHDRAWAL.—(1) Subject to valid existing
 6 rights and except as otherwise provided in this subchapter,
 7 the public lands and interests in lands described in sub-
 8 section (c), and all other areas within the boundary of
 9 such lands as depicted on the map provided for by section
 10 2932 of this title which may become subject to the oper-
 11 ation of the public land laws, are hereby withdrawn from
 12 all forms of appropriation under the public land laws, in-
 13 cluding the mining laws and the mineral leasing laws.

14 “(b) RESERVATION.—The lands withdrawn by sub-
 15 section (a) are reserved for use by the Secretary of the
 16 Navy for the following purposes:

17 “(1) Use as a research, development, test, and
 18 evaluation laboratory.

19 “(2) Use as a range for air warfare weapons
 20 and weapon systems.

21 “(3) Use as a high hazard testing and training
 22 area for aerial gunnery, rocketry, electronic warfare
 23 and countermeasures, tactical maneuvering and air

1 support, and directed energy and unmanned aerial
2 systems.

3 “(4) Geothermal leasing, development, and re-
4 lated power production activities.

5 “(5) Other defense-related purposes consistent
6 with the purposes specified in the preceding para-
7 graphs and authorized pursuant to section 2934 of
8 this title.

9 “(c) LAND DESCRIPTION.—The public lands and in-
10 terests in lands referred to in subsection (a) are the Fed-
11 eral lands located within the boundaries of the Naval Air
12 Weapons Station China Lake, comprising approximately
13 1,030,000 acres in Inyo, Kern, and San Bernardino Coun-
14 ties, California, as generally depicted on a map entitled
15 ‘Naval Air Weapons Station China Lake Withdrawal—Re-
16 newal’, dated XX, xx, 2012, and filed in accordance with
17 section 2932 of this title.

18 **“§ 2955b. Management of withdrawn and reserved**
19 **lands**

20 “(a) MANAGEMENT BY THE SECRETARY OF THE IN-
21 TERIOR.—(1) Except as provided in subsection (b), during
22 the period of the withdrawal and reservation of lands by
23 this subchapter, the Secretary of the Interior shall manage
24 the lands withdrawn and reserved by section 2955a of this
25 title in accordance with this chapter, the Federal Land

1 Policy and Management Act of 1976 (43 U.S.C. 1701 et
2 seq.), and other applicable law.

3 “(2) To the extent consistent with applicable law and
4 Executive orders, the lands withdrawn by section 2955a
5 of this title may be managed in a manner permitting the
6 following activities:

7 “(A) Grazing.

8 “(B) Protection of wildlife and wildlife habitat.

9 “(C) Preservation of cultural properties.

10 “(D) Control of predatory and other animals.

11 “(E) Recreation and education.

12 “(F) Prevention and appropriate suppression of
13 brush and range fires resulting from non-military
14 activities.

15 “(G) Geothermal leasing and development and
16 related power production activities.

17 “(3) All non-defense-related uses of such lands, in-
18 cluding the uses described in paragraph (2), shall be sub-
19 ject to such conditions and restrictions as may be nec-
20 essary to permit the defense-related use of such lands for
21 the purposes specified in or authorized pursuant to this
22 chapter.

23 “(b) ASSIGNMENT OF MANAGEMENT.—(1) The Sec-
24 retary of the Interior may assign the management respon-
25 sibility, in whole or in part, for the lands withdrawn and

1 reserved by section 2955a of this title to the Secretary
2 of the Navy who, if so assigned, shall manage such lands
3 in accordance with this title, title I of the Sikes Act (16
4 U.S.C. 670a et seq.), the Federal Land Policy and Man-
5 agement Act of 1976, and cooperative management ar-
6 rangements between the Secretary of the Interior and the
7 Secretary of the Navy. Nothing in this subsection or sec-
8 tion 2935 of this title shall affect geothermal leases issued
9 by the Secretary of the Interior before the date of the en-
10 actment of this subchapter, or the responsibility of the
11 Secretary of the Interior to administer and manage such
12 leases, consistent with the provisions of this section.

13 “(2) The Secretary of the Interior shall be respon-
14 sible for the issuance of any lease, easement, right-of-way,
15 permit, license, or other instrument authorized by law with
16 respect to any activity which involves both the lands with-
17 drawn and reserved by section 2955a of this title and any
18 other lands not under the administrative jurisdiction of
19 the Secretary of the Navy. Any such authorization shall
20 be issued only with the consent of the Secretary of the
21 Navy and shall be subject to such conditions as the Sec-
22 retary of the Navy may prescribe with regard to those
23 lands withdrawn and reserved by section 2955a of this
24 title.

1 “(3) Neither this chapter nor any other provision of
2 law shall be construed to prohibit the Secretary of the In-
3 terior from issuing and administering any lease pursuant
4 to the Geothermal Steam Act of 1970 (30 U.S.C. 1001
5 et seq.) and other applicable law for the development and
6 utilization of geothermal steam and associated geothermal
7 resources on the lands withdrawn and reserved by section
8 2955a of this title, but such a lease may not be issued
9 without the concurrence of the Secretary of the Navy.

10 “(4) This chapter shall not affect the geothermal ex-
11 ploration and development authority of the Secretary of
12 the Navy under section 2917 of this title with respect to
13 the lands withdrawn and reserved by section 2955a, except
14 that the Secretary of the Navy shall obtain the concur-
15 rence of the Secretary of the Interior before taking action
16 under section 2917.

17 “(5) Upon the expiration of the withdrawal and res-
18 ervation or upon the relinquishment of the lands with-
19 drawn and reserved by section 2955a of this title, Navy
20 contracts for the development of geothermal resources at
21 Naval Air Weapons Station China Lake then in effect (as
22 amended or renewed by the Navy after the date of the
23 enactment of this subchapter) shall remain in effect, ex-
24 cept that the Secretary of the Interior, with the consent

1 of the Secretary of the Navy, may offer to substitute a
2 standard geothermal lease for any such contract.

3 “(6) Any lease made pursuant to section 2935(d) of
4 this title of lands withdrawn and reserved by section
5 2955a of this title shall require the concurrence of the Sec-
6 retary of the Navy if the Secretary determines that the
7 proposed lease may interfere with geothermal resources on
8 those lands.

9 “(7) The Secretary of the Navy shall be responsible
10 for the management of wild horses and burros located on
11 the lands withdrawn and reserved by section 2955a of this
12 title and may use helicopters and motorized vehicles for
13 such purpose. Such management shall be conducted in ac-
14 cordance with laws applicable to such management on
15 public lands. The Secretary of the Interior and the Sec-
16 retary of the Navy shall enter into an agreement for imple-
17 mentation of such management.

18 “(c) CONTINUATION OF EXISTING AGREEMENT.—
19 The agreement between the Secretary of the Interior and
20 the Secretary of the Navy entered into before the date of
21 the enactment of this subchapter pursuant to section 805
22 of the California Military Lands Withdrawal and Over-
23 flights Act of 1994 shall continue in effect until the earlier
24 of—

1 “(1) the date on which the Secretaries enter
2 into a new agreement; or

3 “(2) the date that is one year after the date of
4 the enactment of this subchapter.

5 “(d) COOPERATION IN DEVELOPMENT OF MANAGE-
6 MENT PLAN.—(1) The Secretary of the Navy and the Sec-
7 retary of the Interior shall update and maintain coopera-
8 tive arrangements concerning land resources and land
9 uses on the lands withdrawn and reserved by section
10 2955a of this title.

11 “(2) Cooperative arrangements under paragraph (1)
12 shall focus on and apply to sustainable management and
13 protection of the natural and cultural resources and envi-
14 ronmental values found on such withdrawn and reserved
15 lands, consistent with the defense-related purposes for
16 which those lands are withdrawn and reserved.

17 “(3) Each cooperative arrangement under paragraph
18 (1) shall include a comprehensive land use management
19 plan which shall integrate and be consistent with all appli-
20 cable law, including the requirements of title I of the Sikes
21 Act and the Federal Land Policy and Management Act
22 of 1976. Each such management plan shall be reviewed
23 annually and shall be updated, as needed, in response to
24 evolving management requirements and to complement the

1 updates of other applicable land use and resource manage-
 2 ment and planning.

3 “(e) IMPLEMENTING AGREEMENT.—(1) The Sec-
 4 retary of the Interior and the Secretary of the Navy may
 5 enter into a written agreement to implement the com-
 6 prehensive land use management plan developed under
 7 subsection (d).

8 “(2) An agreement under paragraph (1) shall include
 9 a provision for periodic review of the agreement for its
 10 adequacy, effectiveness, and need for revision.

11 “(3) The duration of an agreement under paragraph
 12 (1) shall be the same as the period of the withdrawal and
 13 reservation of lands under this subchapter, but may be
 14 amended from time to time.

15 **“§ 2955c. Duration of withdrawal and reservation**

16 “The withdrawal and reservation made by this sub-
 17 chapter shall terminate on March 31, 2039.

18 “SUBCHAPTER III—LIMESTONE HILLS,

19 MONTANA

“Sec.

“2957a. Withdrawal and reservation.

“2957b. Management of withdrawn and reserved lands.

“2957c. Duration of withdrawal and reservation.

“2957d. Special rules governing minerals management.

“2957e. Grazing.

20 **“§ 2957a. Withdrawal and reservation**

21 “(a) WITHDRAWAL.—Subject to valid existing rights
 22 and except as otherwise provided in this subchapter, the

1 public lands and interests in lands described in subsection
2 (c), and all other areas within the boundary of such lands
3 as depicted on the map provided for by section 2932 of
4 this title which may become subject to the operation of
5 the public land laws, are hereby withdrawn from all forms
6 of appropriation under the public land laws, including the
7 mining laws and the mineral leasing and geothermal leas-
8 ing laws.

9 “(b) RESERVATION.—The lands withdrawn by sub-
10 section (a) are reserved for use by the Secretary of the
11 Army for the following purposes:

12 “(1) The conduct of training for active and re-
13 serve components of the armed forces.

14 “(2) The conduct of training by the Montana
15 Department of Military Affairs; any such use may
16 not interfere with purposes specified in paragraphs
17 (1) and (3).

18 “(3) The construction, operation, and mainte-
19 nance of organizational support and maintenance fa-
20 cilities for component units conducting training.

21 “(4) Other defense-related purposes consistent
22 with the purposes specified in the preceding para-
23 graphs and authorized pursuant to section 2934 of
24 this title.

1 “(5) The conduct of training by State and local
2 law enforcement agencies, civil defense organiza-
3 tions, and public education institutions; any such use
4 may not interfere with military training activities.

5 “(c) LAND DESCRIPTION.—The public lands and in-
6 terests in lands referred to in subsection (a) are the Fed-
7 eral lands comprising approximately 18,644 acres in
8 Broadwater County, Montana, as generally depicted as
9 ‘Proposed Land Withdrawal’ on the map entitled ‘Lime-
10 stone Hills Training Area Land Withdrawal’ dated
11 _____, and filed in accordance with section 2932 of this
12 title.

13 “(d) INDIAN TRIBES.—Nothing in this subchapter
14 shall be construed as altering any rights reserved for an
15 Indian tribe for tribal use by treaty or Federal law. Sub-
16 ject to section 2933 of this title, the Secretary of the Army
17 shall consult with any Indian tribe in the vicinity of the
18 lands withdrawn and reserved by this section before taking
19 action affecting tribal rights or cultural resources pro-
20 tected by treaty or Federal law.

21 **“§ 2957b. Management of withdrawn and reserved**
22 **lands**

23 “During the period of the withdrawal and reservation
24 made by this subchapter, the Secretary of the Army shall
25 manage the lands withdrawn and reserved by this sub-

1 chapter for the purposes specified in section 2957a of this
2 title.

3 **“§ 2957c. Duration of withdrawal and reservation**

4 “(a) TERM.—The withdrawal and reservation made
5 by this subchapter shall terminate on March 31, 2039.

6 “(b) EXTENSION OF TERM.—Notwithstanding sec-
7 tion 2940 of this title, in accordance with section 2 of the
8 Act of February 28, 1958, Public Law 85–337 (72 Stat.
9 27), commonly known as the ‘Engle Act’ (43 U.S.C. 156),
10 if an application is filed by the Secretary of the Army in
11 accordance with section 2941 of this title, the Secretary
12 of the Interior may use the authority and procedures
13 under section 204 of the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1714) to extend the with-
15 drawal and reservation made by this subchapter for an
16 additional term not to exceed 20 years in accordance with
17 that section and other applicable law.

18 **“§ 2957d. Special rules governing minerals manage-**
19 **ment**

20 “(a) INDIAN CREEK MINE.—Locatable mineral ac-
21 tivities in the approved Indian Creek Mine, plan of oper-
22 ations MTM–78300, shall be regulated pursuant to sub-
23 parts 3715 and 3809 of title 43, Code of Federal Regula-
24 tions. Notwithstanding section 2935 of this title, the Sec-
25 retary of the Army shall make no determination that the

1 disposition of or exploration for minerals as provided for
2 in the approved plan of operations is inconsistent with the
3 military uses of such lands. The coordination of such dis-
4 position of and exploration for minerals with military uses
5 of such lands shall be determined pursuant to procedures
6 in an agreement provided for under subsection (d).

7 “(b) REMOVAL OF UNEXPLODED ORDNANCE ON
8 LANDS TO BE MINED.—The Secretary of the Army shall
9 request funding for and, subject to the availability of such
10 funds, shall remove unexploded ordnance on lands with-
11 drawn and reserved by this subchapter which are subject
12 to mining under subsection (a), consistent with applicable
13 Federal and State law. The Secretary of the Army may
14 engage in such removal of unexploded ordnance in phases
15 to accommodate the development of the Indian Creek mine
16 pursuant to subsection (a).

17 “(c) REPORT ON REMOVAL ACTIVITIES.—The Sec-
18 retary of the Army shall annually submit to the Secretary
19 of the Interior a report regarding the unexploded ordnance
20 removal activities for the previous fiscal year performed
21 pursuant to subsection (b). The report shall include the
22 amounts of funding expended for unexploded ordnance re-
23 moval on such lands.

24 “(d) IMPLEMENTATION AGREEMENT FOR MINING
25 ACTIVITIES.—(1) The Secretary of the Interior and the

1 Secretary of the Army shall enter into an agreement to
2 implement this section with regard to coordination of de-
3 fense-related uses and mining and the ongoing removal of
4 unexploded ordnance. The agreement shall provide the fol-
5 lowing:

6 “(A) Procedures that will be used to facilitate
7 day-to-day joint-use of the Limestone Hills Training
8 Area.

9 “(B) Procedures for access through mining op-
10 erations covered by this section to training areas
11 within the boundaries of the Limestone Hills Train-
12 ing Area.

13 “(C) Procedures for scheduling of the removal
14 of unexploded ordnance.

15 “(2) The Secretary of the Interior and the Secretary
16 of the Army shall invite Graymont Western US, Inc., or
17 any successor or assign of the approved Indian Creek Mine
18 mining plan of operations, MTM-78300, to be a party to
19 the agreement.

20 **“§ 2957e. Grazing**

21 “(a) ISSUANCE AND ADMINISTRATION OF PERMITS
22 AND LEASES.—The issuance and administration of graz-
23 ing permits and leases, including their renewal, on the
24 lands withdrawn and reserved by this subchapter shall be
25 managed by the Secretary of the Interior consistent with

1 all applicable laws, regulations, and policies of the Sec-
 2 retary of the Interior relating to such permits and leases.

3 “(b) SAFETY REQUIREMENTS.—With respect to any
 4 grazing permit or lease issued after the date of enactment
 5 of this subchapter for lands withdrawn and reserved by
 6 this subchapter, the Secretary of the Interior and the Sec-
 7 retary of the Army shall jointly establish procedures that
 8 are consistent with Department of the Army explosive and
 9 range safety standards and that provide for the safe use
 10 of any such lands.

11 “(c) ASSIGNMENT.—The Secretary of the Interior
 12 may, with the agreement of the Secretary of the Army,
 13 assign the authority to issue and to administer grazing
 14 permits and leases to the Secretary of the Army, except
 15 that such an assignment may not include the authority
 16 to discontinue grazing on the lands withdrawn and re-
 17 served by this subchapter.

18 “SUBCHAPTER IV—CHOCOLATE MOUNTAIN,

19 CALIFORNIA

“Sec.

“2959a. Withdrawal and reservation.

“2959b. Management of withdrawn and reserved lands.

“2959c. Duration of withdrawal and reservation.

“2959d. Access.

20 “§ 2959a. **Withdrawal and reservation**

21 “(a) WITHDRAWAL.—Subject to valid existing rights
 22 and except as otherwise provided in this subchapter, the
 23 public lands and interests in lands described in subsection

1 (c), and all other areas within the boundary of such lands
2 as depicted on the map provided for by section 2932 of
3 this title which may become subject to the operation of
4 the public land laws, are hereby withdrawn from all forms
5 of appropriation under the public land laws, including the
6 mining laws and the mineral leasing and geothermal leas-
7 ing laws.

8 “(b) RESERVATION.—The lands withdrawn by sub-
9 section (a) are reserved for use by the Secretary of the
10 Navy for the following purposes:

11 “(1) Testing and training for aerial bombing,
12 missile firing, tactical maneuvering, and air support.

13 “(2) Small unit ground forces training, includ-
14 ing artillery firing, demolition activities, and small
15 arms field training.

16 “(3) Other defense-related purposes consistent
17 with the purposes specified in the preceding para-
18 graphs and authorized pursuant to section 2934 of
19 this title.

20 “(c) LAND DESCRIPTION.—The public lands and in-
21 terests in lands referred to in subsection (a) are the Fed-
22 eral lands comprising approximately 228,325 acres in Im-
23 perial and Riverside Counties, California, as generally de-
24 picted on a map entitled ‘Chocolate Mountain Aerial Gun-
25 nery Range Proposed—Withdrawal’, said map originally

1 dated 1987, with revised dating to July 1993, prepared
2 by Department of the Navy, Naval Facilities Engineering
3 Command, identified as WESTDIV Drawing No. C-
4 102370, on file with the Department of the Interior, Bu-
5 reau of Land Management, California State Office, and
6 filed in accordance with section 2932 of this title.

7 **“§ 2959b. Management of withdrawn and reserved**
8 **lands**

9 “(a) MANAGEMENT BY THE SECRETARY OF THE IN-
10 TERIOR.—Except as provided in subsection (b), during the
11 period of the withdrawal and reservation of lands by this
12 subchapter, the Secretary of the Interior shall manage the
13 lands withdrawn and reserved by section 2959a of this
14 title in accordance with this chapter, the Federal Land
15 Policy and Management Act of 1976 (43 U.S.C. 1701 et
16 seq.), and other applicable law.

17 “(b) ASSIGNMENT OF MANAGEMENT TO THE SEC-
18 RETARY OF THE NAVY.—The Secretary of the Interior
19 may assign the management responsibility, in whole or in
20 part, for the lands withdrawn and reserved by section
21 2959a of this title to the Secretary of the Navy. If the
22 Secretary of the Navy accepts such assignment, that Sec-
23 retary shall manage such lands in accordance with this
24 title, title I of the Sikes Act (16 U.S.C. 670a et seq.),
25 and other applicable law.

1 “(c) IMPLEMENTING AGREEMENT.—(1) The Sec-
2 retary of the Interior and the Secretary of the Navy may
3 enter into a written agreement to implement the assign-
4 ment of management responsibility pursuant to subsection
5 (b).

6 “(2) An agreement under paragraph (1) shall include
7 a provision for periodic review of the agreement for its
8 adequacy, effectiveness, and need for revision.

9 “(3) The duration of an agreement under paragraph
10 (1) shall be the same as the period of the withdrawal and
11 reservation of lands under this subchapter, but may be
12 amended from time to time.

13 “(d) ACCESS AGREEMENT.—The Secretary of the In-
14 terior and the Secretary of the Navy may enter into a writ-
15 ten agreement to address access to and maintenance of
16 Bureau of Reclamation facilities located within the bound-
17 ary of the Chocolate Mountains Aerial Gunnery Range.

18 **“§ 2959c. Duration of withdrawal and reservation**

19 “The withdrawal and reservation made by this sub-
20 chapter shall terminate on March 31, 2039.

21 **“§ 2959d. Access**

22 “Notwithstanding section 2933 of this title, the lands
23 withdrawn and reserved by section 2959a of this title,
24 other than those constituting the Bradshaw Trail, are
25 closed to the public and all uses, other than those author-

1 “(1) Sustained, combined arms, live-fire, and
2 maneuver field training for large-scale Marine air
3 ground task forces.

4 “(2) Individual and unit live-fire training
5 ranges.

6 “(3) Equipment and tactics development.

7 “(4) Other defense-related purposes consistent
8 with the purposes specified in the preceding para-
9 graphs and authorized pursuant to section 2934 of
10 this title.

11 “(c) RESERVATION FOR SECRETARY OF THE INTE-
12 RIOR.—The lands withdrawn by subsection (a) consti-
13 tuting the Shared Use Area are reserved for use by the
14 Secretary of the Navy for the purposes specified in sub-
15 section (b) and for the Secretary of the Interior for the
16 following purposes:

17 “(1) Public recreation when not used for mili-
18 tary training and having been determined as suitable
19 for public use.

20 “(2) Natural resources conservation.

21 “(d) LAND DESCRIPTION.—The public lands and in-
22 terests in lands referred to in subsection (a) are the Fed-
23 eral lands comprising approximately 154,663 acres in San
24 Bernardino County, California, as generally depicted on
25 a map entitled _____, dated _____, and filed in ac-

1 cordance with section 2932 of this title. Such lands are
2 divided into two areas, as follows:

3 “(1) The Exclusive Military Use Area, divided
4 into four areas, consisting of one area to the west
5 of the Marine Corps Air Ground Combat Center of
6 approximately 103,618 acres, one area south of the
7 Marine Corps Air Ground Combat Center of ap-
8 proximately 21,304 acres, and two other areas, each
9 measuring approximately 300 meters square, located
10 inside the boundaries of the Shared Use Area.

11 “(2) The Shared Use Area, consisting of ap-
12 proximately 36,755 acres.

13 **“§ 2961b. Management of withdrawn and reserved**
14 **lands**

15 “(a) MANAGEMENT BY THE SECRETARY OF THE
16 NAVY.—During the period of withdrawal and reservation
17 of lands by this subchapter, the Secretary of the Navy
18 shall, subject to subsection (b), manage the lands with-
19 drawn and reserved by section 2961a of this title for the
20 purposes specified in such section pursuant to—

21 “(1) an integrated natural resources manage-
22 ment plan prepared and implemented pursuant to
23 title I of the Sikes Act (16 U.S.C. 670 et seq.);

24 “(2) this title; and

1 “(3) a programmatic agreement between the
2 United States Marine Corps and the California
3 State Historic Preservation Officer regarding oper-
4 ation, maintenance, training, and construction at the
5 United States Marine Air Ground Task Force
6 Training Command, Marine Corps Air Ground Com-
7 bat Center, Twentynine Palms, California.

8 “(b) MANAGEMENT BY THE SECRETARY OF THE IN-
9 TERIOR.—(1) During the period of withdrawal and res-
10 ervation of lands by this subchapter, the Secretary of the
11 Interior shall manage the Shared Use Area except for two
12 30-day periods each year when such lands are exclusively
13 used by the Secretary of the Navy for military training
14 purposes, during which time the Secretary of the Navy
15 shall manage such lands.

16 “(2) The Secretary of the Interior, during the period
17 of the Secretary’s management pursuant to paragraph (1),
18 shall manage the Shared Use Area for the purposes speci-
19 fied in section 2961a(c) of this title in accordance with—

20 “(A) the Federal Land Policy and Management
21 Act of 1976 (43 U.S.C. 1701 et seq.); and

22 “(B) any other applicable law and regulations.

23 “(3) The Secretary of the Navy, during the period
24 of the Secretary’s management pursuant to paragraph (1),

1 shall manage the Shared Use Area for the purposes speci-
2 fied in section 2961a(b) of this title in accordance with—

3 “(A) an integrated natural resources manage-
4 ment plan prepared and implemented in accordance
5 with title I of the Sikes Act (16 U.S.C. 670a et
6 seq.);

7 “(B) this title; and

8 “(C) the programmatic agreement referred to in
9 subsection (a)(3).

10 “(c) PUBLIC ACCESS.—(1) Notwithstanding section
11 2933 of this title, the Exclusive Military Use Area shall
12 be closed to all public access unless otherwise authorized
13 by the Secretary of the Navy.

14 “(2) The Shared Use Area shall be open to public
15 recreational use during the period it is under the manage-
16 ment of the Secretary of the Interior, but only after being
17 determined as suitable for public use by the Secretary of
18 the Navy. Any such determination shall not be unreason-
19 ably withheld.

20 “(3)(A) The Secretary of the Navy and the Secretary
21 of the Interior, by agreement, shall establish a Resource
22 Management Group comprised of representatives of the
23 Departments of the Interior and Navy.

24 “(B) The Group shall—

1 “(i) develop and implement a public outreach
2 plan to inform the public of the land uses changes
3 and safety restrictions affecting the withdrawn
4 lands; and

5 “(ii) advise the Secretaries of the Interior and
6 Navy as to all issues associated with the multiple
7 uses of the Shared Use Area.

8 “(C) The Group shall meet at least once a year and
9 shall seek information from relevant California State
10 agencies, private off-highway vehicle interest groups, event
11 managers, environmental advocacy groups, and others re-
12 lating to the management and facilitation of recreational
13 use within the Shared Use Area.

14 “(4) Military training within the Shared Use Area
15 shall not be conditioned on, nor shall such training be pre-
16 cluded by—

17 “(A) the lack of a Department of the Interior
18 developed and implemented recreation management
19 plan or land use management plan for the Shared
20 Use Area; or

21 “(B) any legal or administrative challenge to
22 any such recreation management plan or land use
23 plan document.

1 “(5) The Shared Use Area shall be managed so as
2 not to compromise the ability of the Department of the
3 Navy to conduct military training in the Area.

4 “(d) IMPLEMENTATION AGREEMENT.—The Sec-
5 retary of the Interior and the Secretary of the Navy shall
6 enter into a written agreement to implement the manage-
7 ment responsibility relating to the Shared Use Area. The
8 agreement—

9 “(1) shall include a provision for periodic review
10 of the agreement for its adequacy, effectiveness, and
11 need for revision;

12 “(2) shall have a duration which shall be the
13 same as the period of the withdrawal and reserva-
14 tion of lands under this subchapter, but may be
15 amended from time to time;

16 “(3) may provide for the integration of the
17 management plans required of the Secretaries of the
18 Interior and Navy by this chapter;

19 “(4) may provide for delegation to civilian law
20 enforcement personnel of the Department of the
21 Navy of the authority of the Secretary of the Inte-
22 rior to enforce the laws relating to protection of nat-
23 ural and cultural resources and of fish and wildlife;
24 and

1 “(5) may provide for the Secretaries of the In-
2 terior and Navy to share resources in order to most
3 efficiently and effectively manage the Shared Use
4 Area.

5 “(e) JOHNSON VALLEY OFF-HIGHWAY VEHICLE
6 RECREATION AREA.—

7 “(1) DESIGNATION.—Approximately 45,000
8 acres (as depicted on the map referred to in section
9 2961a of this title) of the existing Bureau of Land
10 Management-designated Johnson Valley Off-High-
11 way Vehicle Area that are not withdrawn and re-
12 served for defense-related uses by this subchapter,
13 together with the Shared Use Area, are hereby des-
14 ignated as the ‘Johnson Valley Off-Highway Vehicle
15 Recreation Area’.

16 “(2) AUTHORIZED ACTIVITIES.—To the extent
17 consistent with applicable Federal law and regula-
18 tions and this chapter, any authorized recreation ac-
19 tivities and use designation in effect on the date of
20 the enactment of this subchapter and applicable to
21 the Johnson Valley Off-Highway Vehicle Recreation
22 Area may continue, including casual off-highway ve-
23 hicular use, racing, competitive events, rock crawl-
24 ing, training, and other forms of off-highway recre-
25 ation.

1 “(3) ADMINISTRATION.—The Secretary of the
2 Interior shall administer the Johnson Valley Off-
3 Highway Vehicle Recreation Area (other than that
4 portion consisting of the Shared Use Area the man-
5 agement of which is addressed elsewhere in this sec-
6 tion) in accordance with the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1701 et
8 seq.) and other applicable laws and regulations.

9 “(4) TRANSIT.—In coordination with the Sec-
10 retary of the Interior, the Secretary of the Navy
11 may authorize transit through the Johnson Valley
12 Off-Highway Vehicle Recreation Area for defense-re-
13 lated purposes supporting military training (includ-
14 ing military range management and management of
15 exercise activities) conducted on the lands withdrawn
16 and reserved by this subchapter.

17 **“§ 2961c. Duration of withdrawal and reservation**

18 “The withdrawal and reservation made by this sub-
19 chapter shall terminate on March 31, 2039.”.

20 (b) COMPENSATION TO BROADWATER COUNTY, MON-
21 TANA.—The Secretary of the Army may pay Broadwater
22 County, Montana, a one-time lump sum payment of
23 \$1,000,000 to offset the 25-year loss of payments in lieu
24 of taxes provided to the County by the Federal Govern-
25 ment for lands withdrawn and reserved by subchapter III

1 of chapter 174 of title 10, United States Code, as added
2 by subsection (a).

3 (c) TERMINATION OF PRIOR WITHDRAWALS.—The
4 withdrawal and reservation contained in section 803(a) of
5 the California Military Lands Withdrawal and Overflights
6 Act of 1994 is hereby terminated. Notwithstanding such
7 termination, all rules, regulations, orders, permits, and
8 other privileges issued or granted by the Secretary of the
9 Interior or a Secretary concerned with respect to the lands
10 withdrawn and reserved under such section, unless incon-
11 sistent with the provisions of chapter 174 of title 10,
12 United States Code, as added by subsection (a), shall re-
13 main in force until modified, suspended, overruled, or oth-
14 erwise changed by that Secretary, by a court of competent
15 jurisdiction, or by operation of law.

16 (d) CLERICAL AMENDMENT.—The table of chapters
17 at the beginning of subtitle A of such title and at the be-
18 ginning of part IV of such subtitle are each amended by
19 inserting after the item relating to chapter 173 the fol-
20 lowing new item:

“174. Land Withdrawals 2931.”.

21 **SEC. 2822. FORT BLISS MILITARY LAND WITHDRAWAL.**

22 (a) REVOCATION OF WITHDRAWAL; RETURN OF AD-
23 MINISTRATION.—Effective on the date of the enactment
24 of this Act—

1 (1) Public Land Order 833, dated May 21,
2 1952 (17 Fed. Reg. 4822), is revoked as to the ap-
3 proximately 2,050 acres of lands generally depicted
4 as “Parcel 1” on the map titled “Doña Ana County
5 Land Transfer and Withdrawal”, dated April 20,
6 2011 (referred to in this section as the “map”);

7 (2) administration of the lands is returned from
8 the Secretary of the Army to the Secretary of the
9 Interior, acting through the Director of the Bureau
10 of Land Management; and

11 (3) the lands shall be managed as public lands
12 in accordance with the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C. 1701 et seq.)
14 and any other applicable laws.

15 (b) WITHDRAWAL.—

16 (1) IN GENERAL.—Subject to valid existing
17 rights and the limitations in paragraph (2), the par-
18 cels of Federal land generally depicted on the map
19 as “Parcel 2” and “Parcel 3”, consisting of approxi-
20 mately 35,550 acres, and any land or interest in
21 land that is acquired by the United States within the
22 boundaries of those parcels, are withdrawn from all
23 forms of location, entry, appropriation, and disposal
24 under the public land laws, including the mineral

1 leasing laws, the mining laws, the mineral materials
2 laws, and the geothermal leasing laws.

3 (2) LIMITATION.—Notwithstanding paragraph
4 (1), Parcel 3 is not withdrawn for purposes of the
5 issuance of oil and gas pipeline rights-of-way.

6 (c) MAPS AND LEGAL DESCRIPTION.—

7 (1) PUBLICATION AND FILING.—As soon as
8 practicable after the date of the enactment of this
9 Act, the Secretary of the Interior shall—

10 (A) publish in the Federal Register a legal
11 description of the parcels of Federal land re-
12 turned by subsection (a) and withdrawn by sub-
13 section (b); and

14 (B) file copies of the map described in sub-
15 section (a) and the legal description of the par-
16 cels with the Committee on Armed Services and
17 the Committee on Energy and Natural Re-
18 sources of the Senate and the Committee on
19 Armed Services and the Committee on Natural
20 Resources of the House of Representatives.

21 (2) FORCE OF LAW.—The map and legal de-
22 scriptions filed under paragraph (1)—

23 (A) shall have the same force and effect as
24 if included in this Act, except that the Sec-

1 retary of the Interior may correct errors in the
2 map and legal descriptions; and

3 (B) shall be on file and available for public
4 inspection in the appropriate offices of the Bu-
5 reau of Land Management.

6 **Subtitle D—Other Matters**

7 **SEC. 2831. MODIFICATION OF AMOUNT AUTHORIZED FOR** 8 **MILITARY CONSTRUCTION PROJECT, ANDER-** 9 **SEN AIR FORCE BASE, GUAM.**

10 The table in section 2301(b) of the National Defense
11 Authorization Act for Fiscal Year 2013 (Public Law 112–
12 239; 126 Stat. 2126) is amended in the item relating to
13 Andersen Air Force Base, Guam, by striking
14 “\$58,000,000” in the amount column and inserting
15 “\$128,000,000”.

16 **TITLE XXIX—DEFENSE BASE** 17 **CLOSURE AND REALIGNMENT**

18 **SEC. 2901. SHORT TITLE AND PURPOSE.**

19 (a) **SHORT TITLE.**—This title may be cited as the
20 “Defense Base Closure and Realignment Act of 2013”.

21 (b) **PURPOSE.**—The purpose of this title is to provide
22 a fair process that will result in the timely closure and
23 realignment of military installations inside the United
24 States.

1 **SEC. 2902. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an inde-
3 pendent commission to be known as the “Defense Base
4 Closure and Realignment Commission”.

5 (b) DUTIES.—The Commission shall carry out the
6 duties specified for it in this title.

7 (c) APPOINTMENT.—(1)(A) The Commission shall be
8 composed of nine members appointed by the President, by
9 and with the advice and consent of the Senate.

10 (B) Subject to the certifications required under sec-
11 tion 2903(b), the President may commence a round for
12 the selection of military installations for closure and re-
13 alignment under this title in 2015 by transmitting to the
14 Senate, not later than March 1, 2015 nominations for ap-
15 pointment to the Commission.

16 (C) If the President does not transmit to Congress
17 the nominations for appointment to the Commission on
18 or before the date specified, the process by which military
19 installations may be selected for closure or realignment
20 under this title with respect to that year shall be termi-
21 nated.

22 (2) In selecting individuals for nominations for ap-
23 pointments to the Commission, the President should con-
24 sult with—

25 (A) the Speaker of the House of Representa-
26 tives concerning the appointment of two members;

1 (B) the majority leader of the Senate con-
2 cerning the appointment of two members;

3 (C) the minority leader of the House of Rep-
4 resentatives concerning the appointment of one
5 member; and

6 (D) the minority leader of the Senate con-
7 cerning the appointment of one member.

8 (3) At the time the President nominates individuals
9 for appointment to the Commission for each session of
10 Congress referred to in paragraph (1)(B), the President
11 shall designate one such individual who shall serve as
12 Chairman of the Commission.

13 (d) TERMS.—(1) Except as provided in paragraph
14 (2), each member of the Commission shall serve until the
15 adjournment of Congress sine die for the session during
16 which the member was appointed to the Commission.

17 (2) The Chairman of the Commission shall serve until
18 the confirmation of a successor.

19 (e) MEETINGS.—(1) The Commission shall meet only
20 during calendar year 2015.

21 (2)(A) Each meeting of the Commission, other than
22 meetings in which classified information is to be discussed,
23 shall be open to the public.

1 (B) All the proceedings, information, and delibera-
2 tions of the Commission shall be open, upon request, to
3 the following:

4 (i) The Chairman and the ranking minority
5 party member of the Subcommittee on Readiness
6 and Management Support of the Committee on
7 Armed Services of the Senate, or such other mem-
8 bers of the Subcommittee designated by such Chair-
9 man or ranking minority party member.

10 (ii) The Chairman and the ranking minority
11 party member of the Subcommittee on Readiness of
12 the Committee on Armed Services of the House of
13 Representatives, or such other members of the Sub-
14 committee designated by such Chairman or ranking
15 minority party member.

16 (iii) The Chairmen and ranking minority party
17 members of the subcommittees with jurisdiction for
18 military construction of the Committees on Appro-
19 priations of the Senate and of the House of Rep-
20 resentatives, or such other members of the sub-
21 committees designated by such Chairmen or ranking
22 minority party members.

23 (f) VACANCIES.—A vacancy in the Commission shall
24 be filled in the same manner as the original appointment,
25 but the individual appointed to fill the vacancy shall serve

1 only for the unexpired portion of the term for which the
2 individual's predecessor was appointed.

3 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
4 member, other than the Chairman, shall be paid at a rate
5 equal to the daily equivalent of the minimum annual rate
6 of basic pay payable for level IV of the Executive Schedule
7 under section 5315 of title 5, United States Code, for each
8 day (including travel time) during which the member is
9 engaged in the actual performance of duties vested in the
10 Commission.

11 (B) The Chairman shall be paid for each day referred
12 to in subparagraph (A) at a rate equal to the daily equiva-
13 lent of the minimum annual rate of basic pay payable for
14 level III of the Executive Schedule under section 5314,
15 of title 5, United States Code.

16 (2) Members shall receive travel expenses, including
17 per diem in lieu of subsistence, in accordance with sections
18 5702 and 5703 of title 5, United States Code.

19 (h) DIRECTOR OF STAFF.—(1) The Commission
20 shall, without regard to section 5311 of title 5, United
21 States Code, appoint a Director who has not served on
22 active duty in the Armed Forces or as a civilian employee
23 of the Department of Defense during the one-year period
24 preceding the date of such appointment.

1 (2) The Director shall be paid at the rate of basic
2 pay payable for level IV of the Executive Schedule under
3 section 5315 of title 5, United States Code.

4 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
5 the Director, with the approval of the Commission, may
6 appoint and fix the pay of additional personnel.

7 (2) The Director may make such appointments with-
8 out regard to the provisions of title 5, United States Code,
9 governing appointments in the competitive service, and
10 any personnel so appointed may be paid without regard
11 to the provisions of chapter 51 and subchapter III of chap-
12 ter 53 of that title relating to classification and General
13 Schedule pay rates, except that an individual so appointed
14 may not receive pay in excess of the annual rate of basic
15 pay payable for GS-15 of the General Schedule.

16 (3)(A) Not more than one-third of the personnel em-
17 ployed by or detailed to the Commission may be on detail
18 from the Department of Defense.

19 (B)(i) Not more than one-fifth of the professional an-
20 alysts of the Commission staff may be persons detailed
21 from the Department of Defense to the Commission.

22 (ii) No person detailed from the Department of De-
23 fense to the Commission may be assigned as the lead pro-
24 fessional analyst with respect to a military department or
25 defense agency.

1 (C) A person may not be detailed from the Depart-
2 ment of Defense to the Commission if, within 12 months
3 before the detail is to begin, that person participated per-
4 sonally and substantially in any matter within the Depart-
5 ment of Defense concerning the preparation of rec-
6 ommendations for closures or realignments of military in-
7 stallations.

8 (D) No member of the Armed Forces, and no officer
9 or employee of the Department of Defense, may—

10 (i) prepare any report concerning the effective-
11 ness, fitness, or efficiency of the performance on the
12 staff of the Commission of any person detailed from
13 the Department of Defense to that staff;

14 (ii) review the preparation of such a report; or

15 (iii) approve or disapprove such a report.

16 (4) Upon request of the Director, the head of any
17 Federal department or agency may detail any of the per-
18 sonnel of that department or agency to the Commission
19 to assist the Commission in carrying out its duties under
20 this title.

21 (5) The Comptroller General of the United States
22 shall provide assistance, including the detailing of employ-
23 ees, to the Commission in accordance with an agreement
24 entered into with the Commission.

1 (6) The following restrictions relating to the per-
2 sonnel of the Commission shall apply during the period
3 beginning January 1, 2016 and ending April 15, 2016:

4 (A) There may not be more than 15 persons on
5 the staff at any one time.

6 (B) The staff may perform only such functions
7 as are necessary to prepare for the transition to new
8 membership on the Commission in the following
9 year.

10 (C) No member of the Armed Forces and no
11 employee of the Department of Defense may serve
12 on the staff.

13 (j) OTHER AUTHORITY.—(1) The Commission may
14 procure by contract, to the extent funds are available, the
15 temporary or intermittent services of experts or consult-
16 ants pursuant to section 3109 of title 5, United States
17 Code.

18 (2) The Commission may lease space and acquire per-
19 sonal property to the extent funds are available.

20 (k) FUNDING.—(1) There are authorized to be appro-
21 priated to the Commission such funds as are necessary
22 to carry out its duties under this title. Such funds shall
23 remain available until expended.

24 (2) If no funds are appropriated to the Commission
25 by the end of the second session of the 113th Congress,

1 the Secretary of Defense may transfer to the Commission
2 for purposes of its activities under this title in that year
3 such funds as the Commission may require to carry out
4 such activities. The Secretary may transfer funds under
5 the preceding sentence from any funds available to the
6 Secretary. Funds so transferred shall remain available to
7 the Commission for such purposes until expended.

8 (l) TERMINATION.—The Commission shall terminate
9 on April 15, 2016.

10 (m) PROHIBITION AGAINST RESTRICTING COMMU-
11 NICATIONS.—Section 1034 of title 10, United States
12 Code, shall apply with respect to communications with the
13 Commission.

14 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS**
15 **FOR BASE CLOSURES AND REALIGNMENTS.**

16 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE
17 INVENTORY.—

18 (1) PREPARATION AND SUBMISSION.—As part
19 of the budget justification documents submitted to
20 Congress in support of the budget for the Depart-
21 ment of Defense for fiscal year 2015, the Secretary
22 shall submit to Congress the following:

23 (A) A force-structure plan for the Armed
24 Forces based on an assessment by the Sec-
25 retary of the probable threats to the national

1 security during the 20-year period beginning
2 with that fiscal year, the probable end-strength
3 levels and major military force units (including
4 land force divisions, carrier and other major
5 combatant vessels, air wings, and other com-
6 parable units) needed to meet these threats,
7 and the anticipated levels of funding that will
8 be available for national defense purposes dur-
9 ing such period.

10 (B) A comprehensive inventory of military
11 installations worldwide for each military depart-
12 ment, with specifications of the number and
13 type of facilities in the active and reserve forces
14 of each military department.

15 (2) RELATIONSHIP OF PLAN AND INVEN-
16 TORY.—Using the force-structure plan and infra-
17 structure inventory prepared under paragraph (1),
18 the Secretary shall prepare (and include as part of
19 the submission of such plan and inventory) the fol-
20 lowing:

21 (A) A description of the infrastructure nec-
22 essary to support the force structure described
23 in the force-structure plan.

24 (B) A discussion of categories of excess in-
25 frastructure and infrastructure capacity.

1 (C) An economic analysis of the effect of
2 the closure or realignment of military installa-
3 tions to reduce excess infrastructure.

4 (3) SPECIAL CONSIDERATIONS.—In determining
5 the level of necessary versus excess infrastructure
6 under paragraph (2), the Secretary shall consider
7 the following:

8 (A) The anticipated continuing need for
9 and availability of military installations outside
10 the United States, taking into account current
11 restrictions on the use of military installations
12 outside the United States and the potential for
13 future prohibitions or restrictions on the use of
14 such military installations.

15 (B) Any efficiencies that may be gained
16 from joint tenancy by more than one branch of
17 the Armed Forces at a military installation.

18 (4) REVISION.—The Secretary may revise the
19 force-structure plan and infrastructure inventory. If
20 the Secretary makes such a revision, the Secretary
21 shall submit the revised plan or inventory to Con-
22 gress not later than March 15th of the year fol-
23 lowing the year in which such plan was first sub-
24 mitted. For purposes of selecting military installa-
25 tions for closure or realignment under this title in

1 the year in which a revision is submitted, no revision
2 of the force-structure plan or infrastructure inven-
3 tory is authorized after that date.

4 (b) CERTIFICATION OF NEED FOR FURTHER CLO-
5 SURES AND REALIGNMENTS.—

6 (1) CERTIFICATION REQUIRED.—On the basis
7 of the force-structure plan and infrastructure inven-
8 tory prepared under subsection (a) and the descrip-
9 tions and economic analysis prepared under such
10 subsection, the Secretary shall include as part of the
11 submission of the plan and inventory—

12 (A) a certification regarding whether the
13 need exists for the closure or realignment of ad-
14 ditional military installations; and

15 (B) if such need exists, a certification that
16 the additional round of closures and realign-
17 ments would result in annual net savings for
18 each of the military departments beginning not
19 later than six years following the commence-
20 ment of such closures and realignments.

21 (2) EFFECT OF FAILURE TO CERTIFY.—If the
22 Secretary does not include the certifications referred
23 to in paragraph (1), the President may not com-
24 mence a round for the selection of military installa-
25 tions for closure and realignment under this title in

1 the year following submission of the force-structure
2 plan and infrastructure inventory.

3 (c) COMPTROLLER GENERAL EVALUATION.—

4 (1) EVALUATION REQUIRED.—If the certifi-
5 cation is provided under subsection (b), the Comp-
6 troller General shall prepare an evaluation of the fol-
7 lowing:

8 (A) The force-structure plan and infra-
9 structure inventory prepared under subsection
10 (a) and the final selection criteria specified in
11 paragraph (d), including an evaluation of the
12 accuracy and analytical sufficiency of such plan,
13 inventory, and criteria.

14 (B) The need for the closure or realign-
15 ment of additional military installations.

16 (2) SUBMISSION.—The Comptroller General
17 shall submit the evaluation to Congress not later
18 than 60 days after the date on which the force-
19 structure plan and infrastructure inventory are sub-
20 mitted to Congress.

21 (d) FINAL SELECTION CRITERIA.—

22 (1) IN GENERAL.—The final criteria to be used
23 by the Secretary in making recommendations for the
24 closure or realignment of military installations inside
25 the United States under this title in 2015 shall be

1 the military value and other criteria specified in
2 paragraphs (2) and (3).

3 (2) MILITARY VALUE CRITERIA.—The military
4 value criteria are as follows:

5 (A) The current and future mission capa-
6 bilities and the impact on operational readiness
7 of the total force of the Department of Defense,
8 including the impact on joint warfighting, train-
9 ing, and readiness.

10 (B) The availability and condition of land,
11 facilities, and associated airspace (including
12 training areas suitable for maneuver by ground,
13 naval, or air forces throughout a diversity of cli-
14 mate and terrain areas and staging areas for
15 the use of the Armed Forces in homeland de-
16 fense missions) at both existing and potential
17 receiving locations.

18 (C) The ability to accommodate contin-
19 gency, mobilization, surge, and future total
20 force requirements at both existing and poten-
21 tial receiving locations to support operations
22 and training.

23 (D) The cost of operations and the man-
24 power implications.

1 (3) OTHER CRITERIA.—The other criteria that
2 the Secretary shall use in making recommendations
3 for the closure or realignment of military installa-
4 tions inside the United States under this title in
5 2015 are as follows:

6 (A) The extent and timing of potential
7 costs and savings, including the number of
8 years, beginning with the date of completion of
9 the closure or realignment, for the savings to
10 exceed the costs.

11 (B) The economic impact on existing com-
12 munities in the vicinity of military installations.

13 (C) The ability of the infrastructure of
14 both the existing and potential receiving com-
15 munities to support forces, missions, and per-
16 sonnel.

17 (D) The environmental impact, including
18 the impact of costs related to potential environ-
19 mental restoration, waste management, and en-
20 vironmental compliance activities.

21 (e) PRIORITY GIVEN TO MILITARY VALUE.—The
22 Secretary shall give priority consideration to the military
23 value criteria specified in subsection (d)(2) in the making
24 of recommendations for the closure or realignment of mili-
25 tary installations.

1 (f) EFFECT ON DEPARTMENT AND OTHER AGENCY
2 COSTS.—The selection criteria relating to the cost savings
3 or return on investment from the proposed closure or re-
4 alignment of military installations shall take into account
5 the effect of the proposed closure or realignment on the
6 costs of any other activity of the Department of Defense
7 or any other Federal agency that may be required to as-
8 sume responsibility for activities at the military installa-
9 tions.

10 (g) RELATION TO OTHER MATERIALS.—The final se-
11 lection criteria specified in this section shall be the only
12 criteria to be used, along with the force-structure plan and
13 infrastructure inventory referred to in subsection (a), in
14 making recommendations for the closure or realignment
15 of military installations inside the United States under
16 this title in 2015.

17 (h) DoD RECOMMENDATIONS.—(1) If the Secretary
18 makes the certifications required under subsection (b), the
19 Secretary shall, by no later than May 15, 2015, publish
20 in the Federal Register and transmit to the congressional
21 defense committees and to the Commission a list of the
22 military installations inside the United States that the
23 Secretary recommends for closure or realignment on the
24 basis of the force-structure plan and infrastructure inven-
25 tory prepared by the Secretary under subsection (a) and

1 the final selection criteria specified in subsection (d) that
2 are applicable to the year concerned.

3 (2) The Secretary shall include, with the list of rec-
4 ommendations published and transmitted pursuant to
5 paragraph (1), a summary of the selection process that
6 resulted in the recommendation for each installation, in-
7 cluding a justification for each recommendation. The Sec-
8 retary shall transmit the matters referred to in the pre-
9 ceding sentence not later than 7 days after the date of
10 the transmittal to the congressional defense committees
11 and the Commission of the list referred to in paragraph
12 (1).

13 (3)(A) In considering military installations for clo-
14 sure or realignment, the Secretary shall consider all mili-
15 tary installations inside the United States equally without
16 regard to whether the installation has been previously con-
17 sidered or proposed for closure or realignment by the De-
18 partment.

19 (B) In considering military installations for closure
20 or realignment, the Secretary may not take into account
21 for any purpose any advance conversion planning under-
22 taken by an affected community with respect to the antici-
23 pated closure or realignment of an installation.

24 (C) For purposes of subparagraph (B), in the case
25 of a community anticipating the economic effects of a clo-

1 sure or realignment of a military installation, advance con-
2 version planning—

3 (i) shall include community adjustment and eco-
4 nomic diversification planning undertaken by the
5 community before an anticipated selection of a mili-
6 tary installation in or near the community for clo-
7 sure or realignment; and

8 (ii) may include the development of contingency
9 redevelopment plans, plans for economic develop-
10 ment and diversification, and plans for the joint use
11 (including civilian and military use, public and pri-
12 vate use, civilian dual use, and civilian shared use)
13 of the property or facilities of the installation after
14 the anticipated closure or realignment.

15 (D) In making recommendations to the Commission,
16 the Secretary shall consider any notice received from a
17 local government in the vicinity of a military installation
18 that the government would approve of the closure or re-
19 alignment of the installation.

20 (E) Notwithstanding the requirement in subpara-
21 graph (D), the Secretary shall make the recommendations
22 referred to in that subparagraph based on the force-struc-
23 ture plan, infrastructure inventory, and final selection cri-
24 teria otherwise applicable to such recommendations.

1 (F) The recommendations shall include a statement
2 of the result of the consideration of any notice described
3 in subparagraph (D) that is received with respect to a
4 military installation covered by such recommendations.
5 The statement shall set forth the reasons for the result.

6 (4) In addition to making all information used by the
7 Secretary to prepare the recommendations under this sub-
8 section available to Congress (including any committee or
9 member of Congress), the Secretary shall also make such
10 information available to the Commission and the Com-
11 troller General of the United States.

12 (5)(A) Each person referred to in subparagraph (B),
13 when submitting information to the Secretary of Defense
14 or the Commission concerning the closure or realignment
15 of a military installation, shall certify that such informa-
16 tion is accurate and complete to the best of that person's
17 knowledge and belief.

18 (B) Subparagraph (A) applies to the following per-
19 sons:

20 (i) The Secretaries of the military departments.

21 (ii) The heads of the Defense Agencies.

22 (iii) Each person who is in a position the duties
23 of which include personal and substantial involve-
24 ment in the preparation and submission of informa-
25 tion and recommendations concerning the closure or

1 realignment of military installations, as designated
2 in regulations which the Secretary of Defense shall
3 prescribe, regulations which the Secretary of each
4 military department shall prescribe for personnel
5 within that military department, or regulations
6 which the head of each Defense Agency shall pre-
7 scribe for personnel within that Defense Agency.

8 (6) Any information provided to the Commission by
9 a person described in paragraph (5)(B) shall also be sub-
10 mitted to the Senate and the House of Representatives
11 to be made available to the Members of the House con-
12 cerned in accordance with the rules of that House. The
13 information shall be submitted to the Senate and House
14 of Representatives within 48 hours after the submission
15 of the information to the Commission.

16 (i) REVIEW AND RECOMMENDATIONS BY THE COM-
17 MISSION.—(1) After receiving the recommendations from
18 the Secretary pursuant to subsection (h) for any year, the
19 Commission shall conduct public hearings on the rec-
20 ommendations. All testimony before the Commission at a
21 public hearing conducted under this paragraph shall be
22 presented under oath.

23 (2)(A) The Commission shall, by no later than Octo-
24 ber 1 of each year in which the Secretary transmits rec-
25 ommendations to it pursuant to subsection (h), transmit

1 to the President a report containing the Commission's
2 findings and conclusions based on a review and analysis
3 of the recommendations made by the Secretary, together
4 with the Commission's recommendations for closures and
5 realignments of military installations inside the United
6 States.

7 (B) Subject to subparagraphs (C) and (E), in making
8 its recommendations, the Commission may make changes
9 in any of the recommendations made by the Secretary if
10 the Commission determines that the Secretary deviated
11 substantially from the force-structure plan and final cri-
12 teria referred to in subsection (d)(1) in making rec-
13 ommendations.

14 (C) In the case of a change described in subpara-
15 graph (D) in the recommendations made by the Secretary,
16 the Commission may make the change only if—

17 (i) the Commission—

18 (I) makes the determination required by
19 subparagraph (B);

20 (II) determines that the change is con-
21 sistent with the force-structure plan and final
22 criteria referred to in subsection (d)(1);

23 (III) publishes a notice of the proposed
24 change in the Federal Register not less than 45
25 days before transmitting its recommendations

1 to the President pursuant to subparagraph (A);
2 and

3 (IV) conducts public hearings on the pro-
4 posed change;

5 (ii) at least two members of the Commission
6 visit the military installation before the date of the
7 transmittal of the report; and

8 (iii) the decision of the Commission to make the
9 change is supported by at least seven members of
10 the Commission.

11 (D) Subparagraph (C) shall apply to a change by the
12 Commission in the Secretary's recommendations that
13 would—

14 (i) add a military installation to the list of mili-
15 tary installations recommended by the Secretary for
16 closure;

17 (ii) add a military installation to the list of mili-
18 tary installations recommended by the Secretary for
19 realignment; or

20 (iii) increase the extent of a realignment of a
21 particular military installation recommended by the
22 Secretary.

23 (E) The Commission may not consider making a
24 change in the recommendations of the Secretary that
25 would add a military installation to the Secretary's list of

1 installations recommended for closure or realignment un-
2 less, in addition to the requirements of subparagraph
3 (C)—

4 (i) the Commission provides the Secretary with
5 at least a 15-day period, before making the change,
6 in which to submit an explanation of the reasons
7 why the installation was not included on the closure
8 or realignment list by the Secretary; and

9 (ii) the decision to add the installation for Com-
10 mission consideration is supported by at least seven
11 members of the Commission.

12 (F) In making recommendations under this para-
13 graph, the Commission may not take into account for any
14 purpose any advance conversion planning undertaken by
15 an affected community with respect to the anticipated clo-
16 sure or realignment of a military installation.

17 (3) The Commission shall explain and justify in its
18 report submitted to the President pursuant to paragraph
19 (2) any recommendation made by the Commission that is
20 different from the recommendations made by the Sec-
21 retary pursuant to subsection (h). The Commission shall
22 transmit a copy of such report to the congressional defense
23 committees on the same date on which it transmits its rec-
24 ommendations to the President under paragraph (2).

1 (4) After October 1 of each year in which the Com-
2 mission transmits recommendations to the President
3 under this subsection, the Commission shall promptly pro-
4 vide, upon request, to any Member of Congress informa-
5 tion used by the Commission in making its recommenda-
6 tions.

7 (5) The Comptroller General of the United States
8 shall—

9 (A) assist the Commission, to the extent re-
10 requested, in the Commission's review and analysis of
11 the recommendations made by the Secretary pursu-
12 ant to subsection (h); and

13 (B) by no later than July 1 of each year in
14 which the Secretary makes such recommendations,
15 transmit to the Congress and to the Commission a
16 report containing a detailed analysis of the Sec-
17 retary's recommendations and selection process.

18 (j) REVIEW BY THE PRESIDENT.—(1) The President
19 shall, by no later than October 15 of each year in which
20 the Commission makes recommendations under subsection
21 (i), transmit to the Commission and to the Congress a
22 report containing the President's approval or disapproval
23 of the Commission's recommendations.

24 (2) If the President approves all the recommenda-
25 tions of the Commission, the President shall transmit a

1 copy of such recommendations to the Congress, together
2 with a certification of such approval.

3 (3) If the President disapproves the recommendations
4 of the Commission, in whole or in part, the President shall
5 transmit to the Commission and the Congress the reasons
6 for that disapproval. The Commission shall then transmit
7 to the President, by no later than November 18 of the
8 year concerned, a revised list of recommendations for the
9 closure and realignment of military installations.

10 (4) If the President approves all of the revised rec-
11 ommendations of the Commission transmitted to the
12 President under paragraph (3), the President shall trans-
13 mit a copy of such revised recommendations to the Con-
14 gress, together with a certification of such approval.

15 (5) If the President does not transmit to the Con-
16 gress an approval and certification described in paragraph
17 (2) or (4) by December 2 of any year in which the Com-
18 mission has transmitted recommendations to the Presi-
19 dent under this title, the process by which military instal-
20 lations may be selected for closure or realignment under
21 this title with respect to that year shall be terminated.

22 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY IN-**
23 **STALLATIONS.**

24 (a) IN GENERAL.—Subject to subsection (b), the Sec-
25 retary shall—

1 (1) close all military installations recommended
2 for closure by the Commission in each report trans-
3 mitted to the Congress by the President pursuant to
4 section 2903(j);

5 (2) realign all military installations rec-
6 ommended for realignment by such Commission in
7 each such report;

8 (3) carry out the privatization in place of a
9 military installation recommended for closure or re-
10 alignment by the Commission only if privatization in
11 place is a method of closure or realignment of the
12 military installation specified in the recommenda-
13 tions of the Commission in such report and is deter-
14 mined by the Commission to be the most cost-effec-
15 tive method of implementation of the recommenda-
16 tion;

17 (4) initiate all such closures and realignments
18 no later than two years after the date on which the
19 President transmits a report to the Congress pursu-
20 ant to section 2903(j) containing the recommenda-
21 tions for such closures or realignments; and

22 (5) complete all such closures and realignments
23 no later than the end of the six-year period begin-
24 ning on the date on which the President transmits
25 the report pursuant to section 2903(j) containing

1 the recommendations for such closures or realign-
2 ments.

3 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
4 retary may not carry out any closure or realignment rec-
5 ommended by the Commission in a report transmitted
6 from the President pursuant to section 2903(j) if a joint
7 resolution is enacted, in accordance with the provisions of
8 section 2908, disapproving such recommendations of the
9 Commission before the earlier of—

10 (A) the end of the 45-day period beginning on
11 the date on which the President transmits such re-
12 port; or

13 (B) the adjournment of Congress sine die for
14 the session during which such report is transmitted.

15 (2) For purposes of paragraph (1) of this subsection
16 and subsections (a) and (c) of section 2908, the days on
17 which either House of Congress is not in session because
18 of adjournment of more than three days to a day certain
19 shall be excluded in the computation of a period.

20 **SEC. 2905. IMPLEMENTATION.**

21 (a) IN GENERAL.—(1) In closing or realigning any
22 military installation under this title, the Secretary may—

23 (A) take such actions as may be necessary to
24 close or realign any military installation, including
25 the acquisition of such land, the construction of such

1 replacement facilities, the performance of such ac-
2 tivities, and the conduct of such advance planning
3 and design as may be required to transfer functions
4 from a military installation being closed or realigned
5 to another military installation, and may use for
6 such purpose funds in the Account or funds appro-
7 priated to the Department of Defense for use in
8 planning and design, minor construction, or oper-
9 ation and maintenance;

10 (B) provide—

11 (i) economic adjustment assistance to any
12 community located near a military installation
13 being closed or realigned, and

14 (ii) community planning assistance to any
15 community located near a military installation
16 to which functions will be transferred as a re-
17 sult of the closure or realignment of a military
18 installation,

19 if the Secretary of Defense determines that the fi-
20 nancial resources available to the community (by
21 grant or otherwise) for such purposes are inad-
22 equate, and may use for such purposes funds in the
23 Account or funds appropriated to the Department of
24 Defense for economic adjustment assistance or com-
25 munity planning assistance;

1 (C) carry out activities for the purposes of envi-
2 ronmental restoration and mitigation at any such in-
3 stallation, and shall use for such purposes funds in
4 the Account;

5 (D) provide outplacement assistance to civilian
6 employees employed by the Department of Defense
7 at military installations being closed or realigned,
8 and may use for such purpose funds in the Account
9 or funds appropriated to the Department of Defense
10 for outplacement assistance to employees; and

11 (E) reimburse other Federal agencies for ac-
12 tions performed at the request of the Secretary with
13 respect to any such closure or realignment, and may
14 use for such purpose funds in the Account or funds
15 appropriated to the Department of Defense and
16 available for such purpose.

17 (2) In carrying out any closure or realignment under
18 this title, the Secretary shall ensure that environmental
19 restoration of any property made excess to the needs of
20 the Department of Defense as a result of such closure or
21 realignment be carried out as soon as possible with funds
22 available for such purpose.

23 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

24 (1) The Administrator of General Services shall delegate
25 to the Secretary of Defense, with respect to excess and

1 surplus real property, facilities, and personal property lo-
2 cated at a military installation closed or realigned under
3 this title—

4 (A) the authority of the Administrator to utilize
5 excess property under subchapter II of chapter 5 of
6 title 40, United States Code;

7 (B) the authority of the Administrator to dis-
8 pose of surplus property under subchapter III of
9 chapter 5 of title 40, United States Code;

10 (C) the authority to dispose of surplus property
11 for public airports under sections 47151 through
12 47153 of title 49, United States Code; and

13 (D) the authority of the Administrator to deter-
14 mine the availability of excess or surplus real prop-
15 erty for wildlife conservation purposes in accordance
16 with the Act of May 19, 1948 (16 U.S.C. 667b).

17 (2)(A) Subject to subparagraph (B) and paragraphs
18 (3), (4), (5), and (6), the Secretary of Defense shall exer-
19 cise the authority delegated to the Secretary pursuant to
20 paragraph (1) in accordance with—

21 (i) all regulations governing the utilization of
22 excess property and the disposal of surplus property
23 under subtitle I of title 40, United States Code; and

24 (ii) all regulations governing the conveyance
25 and disposal of property under section 13(g) of the

1 Surplus Property Act of 1944 (50 U.S.C. App.
2 1622(g)).

3 (B) The Secretary may, with the concurrence of the
4 Administrator of General Services—

5 (i) prescribe general policies and methods for
6 utilizing excess property and disposing of surplus
7 property pursuant to the authority delegated under
8 paragraph (1); and

9 (ii) issue regulations relating to such policies
10 and methods, which shall supersede the regulations
11 referred to in subparagraph (A) with respect to that
12 authority.

13 (C) The Secretary of Defense may transfer real prop-
14 erty or facilities located at a military installation to be
15 closed or realigned under this title, with or without reim-
16 bursement, to a military department or other entity (in-
17 cluding a nonappropriated fund instrumentality) within
18 the Department of Defense or the Coast Guard.

19 (D) Before any action may be taken with respect to
20 the disposal of any surplus real property or facility located
21 at any military installation to be closed or realigned under
22 this title, the Secretary of Defense shall consult with the
23 Governor of the State and the heads of the local govern-
24 ments concerned for the purpose of considering any plan

1 for the use of such property by the local community con-
2 cerned.

3 (E) If a military installation to be closed, realigned,
4 or placed in an inactive status under this title includes
5 a road used for public access through, into, or around the
6 installation, the Secretary of Defense shall consult with
7 the Governor of the State and the heads of the local gov-
8 ernments concerned for the purpose of considering the
9 continued availability of the road for public use after the
10 installation is closed, realigned, or placed in an inactive
11 status.

12 (3)(A) Not later than 6 months after the date of ap-
13 proval of the closure or realignment of a military installa-
14 tion under this title, the Secretary, in consultation with
15 the redevelopment authority with respect to the installa-
16 tion, shall—

17 (i) inventory the personal property located at
18 the installation; and

19 (ii) identify the items (or categories of items) of
20 such personal property that the Secretary deter-
21 mines to be related to real property and anticipates
22 will support the implementation of the redevelop-
23 ment plan with respect to the installation.

1 (B) If no redevelopment authority referred to in sub-
2 paragraph (A) exists with respect to an installation, the
3 Secretary shall consult with—

4 (i) the local government in whose jurisdiction
5 the installation is wholly located; or

6 (ii) a local government agency or State govern-
7 ment agency designated for the purpose of such con-
8 sultation by the chief executive officer of the State
9 in which the installation is located.

10 (C)(i) Except as provided in subparagraphs (E) and
11 (F), the Secretary may not carry out any of the activities
12 referred to in clause (ii) with respect to an installation
13 referred to in that clause until the earlier of—

14 (I) one week after the date on which the rede-
15 velopment plan for the installation is submitted to
16 the Secretary;

17 (II) the date on which the redevelopment au-
18 thority notifies the Secretary that it will not submit
19 such a plan;

20 (III) twenty-four months after the date of ap-
21 proval of the closure or realignment of the installa-
22 tion; or

23 (IV) ninety days before the date of the closure
24 or realignment of the installation.

1 (ii) The activities referred to in clause (i) are activi-
2 ties relating to the closure or realignment of an installa-
3 tion to be closed or realigned under this title as follows:

4 (I) The transfer from the installation of items
5 of personal property at the installation identified in
6 accordance with subparagraph (A).

7 (II) The reduction in maintenance and repair of
8 facilities or equipment located at the installation
9 below the minimum levels required to support the
10 use of such facilities or equipment for nonmilitary
11 purposes.

12 (D) Except as provided in paragraph (4), the Sec-
13 retary may not transfer items of personal property located
14 at an installation to be closed or realigned under this title
15 to another installation, or dispose of such items, if such
16 items are identified in the redevelopment plan for the in-
17 stallation as items essential to the reuse or redevelopment
18 of the installation. In connection with the development of
19 the redevelopment plan for the installation, the Secretary
20 shall consult with the entity responsible for developing the
21 redevelopment plan to identify the items of personal prop-
22 erty located at the installation, if any, that the entity de-
23 sires to be retained at the installation for reuse or redevel-
24 opment of the installation.

1 (E) This paragraph shall not apply to any personal
2 property located at an installation to be closed or realigned
3 under this title if the property—

4 (i) is required for the operation of a unit, func-
5 tion, component, weapon, or weapons system at an-
6 other installation;

7 (ii) is uniquely military in character, and is
8 likely to have no civilian use (other than use for its
9 material content or as a source of commonly used
10 components);

11 (iii) is not required for the reutilization or rede-
12 velopment of the installation (as jointly determined
13 by the Secretary and the redevelopment authority);

14 (iv) is stored at the installation for purposes of
15 distribution (including spare parts or stock items);
16 or

17 (v)(I) meets known requirements of an author-
18 ized program of another Federal department or
19 agency for which expenditures for similar property
20 would be necessary, and

21 (II) is the subject of a written request by the
22 head of the department or agency.

23 (F) Notwithstanding subparagraphs (C)(i) and (D),
24 the Secretary may carry out any activity referred to in
25 subparagraph (C)(ii) or (D) if the Secretary determines

1 that the carrying out of such activity is in the national
2 security interest of the United States.

3 (4)(A) The Secretary may transfer real property and
4 personal property located at a military installation to be
5 closed or realigned under this title to the redevelopment
6 authority with respect to the installation for purposes of
7 job generation on the installation.

8 (B) The transfer of property located at a military in-
9 stallation under subparagraph (A) may be for consider-
10 ation at or below the estimated fair market value or with-
11 out consideration. The determination of such consider-
12 ation may account for the economic conditions of the local
13 affected community and the estimated costs to redevelop
14 the property. The Secretary may accept, as consideration,
15 a share of the revenues that the redevelopment authority
16 receives from third-party buyers or lessees from sales and
17 long-term leases of the conveyed property, consideration
18 in kind (including goods and services), real property and
19 improvements, or such other consideration as the Sec-
20 retary considers appropriate. The transfer of property lo-
21 cated at a military installation under subparagraph (A)
22 may be made for consideration below the estimated fair
23 market value or without consideration only if the redev-
24 opment authority with respect to the installation—

1 (i) agrees that the proceeds from any sale or
2 lease of the property (or any portion thereof) re-
3 ceived by the redevelopment authority during at
4 least the first seven years after the date of the initial
5 transfer of property under subparagraph (A) shall
6 be used to support the economic redevelopment of,
7 or related to, the installation; and

8 (ii) executes the agreement for transfer of the
9 property and accepts control of the property within
10 a reasonable time after the date of the property dis-
11 posal record of decision or finding of no significant
12 impact under the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.).

14 (C) For purposes of subparagraph (B)(i), the use of
15 proceeds from a sale or lease described in such subpara-
16 graph to pay for, or offset the costs of, public investment
17 on or related to the installation for any of the following
18 purposes shall be considered a use to support the economic
19 redevelopment of, or related to, the installation:

20 (i) Road construction.

21 (ii) Transportation management facilities.

22 (iii) Storm and sanitary sewer construction.

23 (iv) Police and fire protection facilities and
24 other public facilities.

25 (v) Utility construction.

1 (vi) Building rehabilitation.

2 (vii) Historic property preservation.

3 (viii) Pollution prevention equipment or facili-
4 ties.

5 (ix) Demolition.

6 (x) Disposal of hazardous materials generated
7 by demolition.

8 (xi) Landscaping, grading, and other site or
9 public improvements.

10 (xii) Planning for or the marketing of the devel-
11 opment and reuse of the installation.

12 (D) The Secretary may recoup from a redevelopment
13 authority such portion of the proceeds from a sale or lease
14 described in subparagraph (B) as the Secretary deter-
15 mines appropriate if the redevelopment authority does not
16 use the proceeds to support economic redevelopment of,
17 or related to, the installation for the period specified in
18 subparagraph (B).

19 (E)(i) The Secretary may transfer real property at
20 an installation approved for closure or realignment under
21 this title (including property at an installation approved
22 for realignment which will be retained by the Department
23 of Defense or another Federal agency after realignment)
24 to the redevelopment authority for the installation if the
25 redevelopment authority agrees to lease, directly upon

1 transfer, one or more portions of the property transferred
2 under this subparagraph to the Secretary or to the head
3 of another department or agency of the Federal Govern-
4 ment. Subparagraph (B) shall apply to a transfer under
5 this subparagraph.

6 (ii) A lease under clause (i) shall be for a term of
7 not to exceed 50 years, but may provide for options for
8 renewal or extension of the term by the department or
9 agency concerned.

10 (iii) A lease under clause (i) may not require rental
11 payments by the United States.

12 (iv) A lease under clause (i) shall include a provision
13 specifying that if the department or agency concerned
14 ceases requiring the use of the leased property before the
15 expiration of the term of the lease, the remainder of the
16 lease term may be satisfied by the same or another depart-
17 ment or agency of the Federal Government using the prop-
18 erty for a use similar to the use under the lease. Exercise
19 of the authority provided by this clause shall be made in
20 consultation with the redevelopment authority concerned.

21 (v) Notwithstanding clause (iii), if a lease under
22 clause (i) involves a substantial portion of the installation,
23 the department or agency concerned may obtain facility
24 services for the leased property and common area mainte-
25 nance from the redevelopment authority or the redevel-

1 ment authority's assignee as a provision of the lease. The
2 facility services and common area maintenance shall be
3 provided at a rate no higher than the rate charged to non-
4 Federal tenants of the transferred property. Facility serv-
5 ices and common area maintenance covered by the lease
6 shall not include—

7 (I) municipal services that a State or local gov-
8 ernment is required by law to provide to all land-
9 owners in its jurisdiction without direct charge; or

10 (II) firefighting or security-guard functions.

11 (F) The transfer of personal property under subpara-
12 graph (A) shall not be subject to the provisions of sub-
13 chapters II and III of chapter 5 of title 40, United States
14 Code, if the Secretary determines that the transfer of such
15 property is necessary for the effective implementation of
16 a redevelopment plan with respect to the installation at
17 which such property is located.

18 (G) The provisions of section 120(h) of the Com-
19 prehensive Environmental Response, Compensation, and
20 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
21 any transfer of real property under this paragraph.

22 (H) The Secretary may require any additional terms
23 and conditions in connection with a transfer under this
24 paragraph as such Secretary considers appropriate to pro-
25 tect the interests of the United States.

1 (5)(A) Except as provided in subparagraphs (B) and
2 (C), the Secretary shall take such actions as the Secretary
3 determines necessary to ensure that final determinations
4 under paragraph (1) regarding whether another depart-
5 ment or agency of the Federal Government has identified
6 a use for any portion of a military installation to be closed
7 or realigned under this title, or will accept transfer of any
8 portion of such installation, are made not later than 6
9 months after the date of approval of closure or realign-
10 ment of that installation.

11 (B) The Secretary may, in consultation with the rede-
12 velopment authority with respect to an installation, post-
13 pone making the final determinations referred to in sub-
14 paragraph (A) with respect to the installation for such pe-
15 riod as the Secretary determines appropriate if the Sec-
16 retary determines that such postponement is in the best
17 interests of the communities affected by the closure or re-
18 alignment of the installation.

19 (C)(i) Before acquiring non-Federal real property as
20 the location for a new or replacement Federal facility of
21 any type, the head of the Federal agency acquiring the
22 property shall consult with the Secretary regarding the
23 feasibility and cost advantages of using Federal property
24 or facilities at a military installation closed or realigned
25 or to be closed or realigned under this title as the location

1 for the new or replacement facility. In considering the
2 availability and suitability of a specific military installa-
3 tion, the Secretary and the head of the Federal agency
4 involved shall obtain the concurrence of the redevelopment
5 authority with respect to the installation and comply with
6 the redevelopment plan for the installation.

7 (ii) Not later than 30 days after acquiring non-Fed-
8 eral real property as the location for a new or replacement
9 Federal facility, the head of the Federal agency acquiring
10 the property shall submit to Congress a report containing
11 the results of the consultation under clause (i) and the
12 reasons why military installations referred to in such
13 clause that are located within the area to be served by
14 the new or replacement Federal facility or within a 200-
15 mile radius of the new or replacement facility, whichever
16 area is greater, were considered to be unsuitable or un-
17 available for the site of the new or replacement facility.

18 (6)(A) The disposal of buildings and property located
19 at installations approved for closure or realignment under
20 this title shall be carried out in accordance with this para-
21 graph.

22 (B)(i) Not later than the date on which the Secretary
23 of Defense completes the final determinations referred to
24 in paragraph (5) relating to the use or transferability of

1 any portion of an installation covered by this paragraph,
2 the Secretary shall—

3 (I) identify the buildings and property at the
4 installation for which the Department of Defense
5 has a use, for which another department or agency
6 of the Federal Government has identified a use, or
7 of which another department or agency will accept
8 a transfer;

9 (II) take such actions as are necessary to iden-
10 tify any building or property at the installation not
11 identified under subclause (I) that is excess property
12 or surplus property;

13 (III) submit to the Secretary of Housing and
14 Urban Development and to the redevelopment au-
15 thority for the installation (or the chief executive of-
16 ficer of the State in which the installation is located
17 if there is no redevelopment authority for the instal-
18 lation at the completion of the determination de-
19 scribed in the stem of this sentence) information on
20 any building or property that is identified under sub-
21 clause (II); and

22 (IV) publish in the Federal Register and in a
23 newspaper of general circulation in the communities
24 in the vicinity of the installation information on the

1 buildings and property identified under subclause
2 (II).

3 (ii) Upon the recognition of a redevelopment author-
4 ity for an installation covered by this paragraph, the Sec-
5 retary of Defense shall publish in the Federal Register and
6 in a newspaper of general circulation in the communities
7 in the vicinity of the installation information on the rede-
8 velopment authority.

9 (C)(i) State and local governments, representatives of
10 the homeless, and other interested parties located in the
11 communities in the vicinity of an installation covered by
12 this paragraph shall submit to the redevelopment author-
13 ity for the installation a notice of the interest, if any, of
14 such governments, representatives, and parties in the
15 buildings or property, or any portion thereof, at the instal-
16 lation that are identified under subparagraph (B)(i)(II).
17 A notice of interest under this clause shall describe the
18 need of the government, representative, or party concerned
19 for the buildings or property covered by the notice.

20 (ii) The redevelopment authority for an installation
21 shall assist the governments, representatives, and parties
22 referred to in clause (i) in evaluating buildings and prop-
23 erty at the installation for purposes of this subparagraph.

24 (iii) In providing assistance under clause (ii), a rede-
25 velopment authority shall—

1 (I) consult with representatives of the homeless
2 in the communities in the vicinity of the installation
3 concerned; and

4 (II) undertake outreach efforts to provide infor-
5 mation on the buildings and property to representa-
6 tives of the homeless, and to other persons or enti-
7 ties interested in assisting the homeless, in such
8 communities.

9 (iv) It is the sense of Congress that redevelopment
10 authorities should begin to conduct outreach efforts under
11 clause (iii)(II) with respect to an installation as soon as
12 is practicable after the date of approval of closure or re-
13 alignment of the installation.

14 (D)(i) State and local governments, representatives
15 of the homeless, and other interested parties shall submit
16 a notice of interest to a redevelopment authority under
17 subparagraph (C) not later than the date specified for
18 such notice by the redevelopment authority.

19 (ii) The date specified under clause (i) shall be—

20 (I) in the case of an installation for which a re-
21 development authority has been recognized as of the
22 date of the completion of the determinations referred
23 to in paragraph (5), not earlier than 3 months and
24 not later than 6 months after the date of publication
25 of such determination in a newspaper of general cir-

1 culation in the communities in the vicinity of the in-
2 stallation under subparagraph (B)(i)(IV); and

3 (II) in the case of an installation for which a
4 redevelopment authority is not recognized as of such
5 date, not earlier than 3 months and not later than
6 6 months after the date of the recognition of a rede-
7 velopment authority for the installation.

8 (iii) Upon specifying a date for an installation under
9 this subparagraph, the redevelopment authority for the in-
10 stallation shall—

11 (I) publish the date specified in a newspaper of
12 general circulation in the communities in the vicinity
13 of the installation concerned; and

14 (II) notify the Secretary of Defense of the date.

15 (E)(i) In submitting to a redevelopment authority
16 under subparagraph (C) a notice of interest in the use
17 of buildings or property at an installation to assist the
18 homeless, a representative of the homeless shall submit the
19 following:

20 (I) A description of the homeless assistance
21 program that the representative proposes to carry
22 out at the installation.

23 (II) An assessment of the need for the program.

24 (III) A description of the extent to which the
25 program is or will be coordinated with other home-

1 less assistance programs in the communities in the
2 vicinity of the installation.

3 (IV) A description of the buildings and property
4 at the installation that are necessary in order to
5 carry out the program.

6 (V) A description of the financial plan, the or-
7 ganization, and the organizational capacity of the
8 representative to carry out the program.

9 (VI) An assessment of the time required in
10 order to commence carrying out the program.

11 (ii) A redevelopment authority may not release to the
12 public any information submitted to the redevelopment au-
13 thority under clause (i)(V) without the consent of the rep-
14 resentative of the homeless concerned unless such release
15 is authorized under Federal law and under the law of the
16 State and communities in which the installation concerned
17 is located.

18 (F)(i) The redevelopment authority for each installa-
19 tion covered by this paragraph shall prepare a redevelop-
20 ment plan for the installation. The redevelopment author-
21 ity shall, in preparing the plan, consider the interests in
22 the use to assist the homeless of the buildings and prop-
23 erty at the installation that are expressed in the notices
24 submitted to the redevelopment authority under subpara-
25 graph (C).

1 (ii)(I) In connection with a redevelopment plan for
2 an installation, a redevelopment authority and representa-
3 tives of the homeless shall prepare legally binding agree-
4 ments that provide for the use to assist the homeless of
5 buildings and property, resources, and assistance on or off
6 the installation. The implementation of such agreements
7 shall be contingent upon the decision regarding the dis-
8 posal of the buildings and property covered by the agree-
9 ments by the Secretary of Defense under subparagraph
10 (K) or (L).

11 (II) Agreements under this clause shall provide for
12 the reversion to the redevelopment authority concerned, or
13 to such other entity or entities as the agreements shall
14 provide, of buildings and property that are made available
15 under this paragraph for use to assist the homeless in the
16 event that such buildings and property cease being used
17 for that purpose.

18 (iii) A redevelopment authority shall provide oppor-
19 tunity for public comment on a redevelopment plan before
20 submission of the plan to the Secretary of Defense and
21 the Secretary of Housing and Urban Development under
22 subparagraph (G).

23 (iv) A redevelopment authority shall complete prepa-
24 ration of a redevelopment plan for an installation and sub-
25 mit the plan under subparagraph (G) not later than 9

1 months after the date specified by the redevelopment au-
2 thority for the installation under subparagraph (D).

3 (G)(i) Upon completion of a redevelopment plan
4 under subparagraph (F), a redevelopment authority shall
5 submit an application containing the plan to the Secretary
6 of Defense and to the Secretary of Housing and Urban
7 Development.

8 (ii) A redevelopment authority shall include in an ap-
9 plication under clause (i) the following:

10 (I) A copy of the redevelopment plan, including
11 a summary of any public comments on the plan re-
12 ceived by the redevelopment authority under sub-
13 paragraph (F)(iii).

14 (II) A copy of each notice of interest of use of
15 buildings and property to assist the homeless that
16 was submitted to the redevelopment authority under
17 subparagraph (C), together with a description of the
18 manner, if any, in which the plan addresses the in-
19 terest expressed in each such notice and, if the plan
20 does not address such an interest, an explanation
21 why the plan does not address the interest.

22 (III) A summary of the outreach undertaken by
23 the redevelopment authority under subparagraph
24 (C)(iii)(II) in preparing the plan.

1 (IV) A statement identifying the representatives
2 of the homeless and the homeless assistance plan-
3 ning boards, if any, with which the redevelopment
4 authority consulted in preparing the plan, and the
5 results of such consultations.

6 (V) An assessment of the manner in which the
7 redevelopment plan balances the expressed needs of
8 the homeless and the need of the communities in the
9 vicinity of the installation for economic redevel-
10 opment and other development.

11 (VI) Copies of the agreements that the redevel-
12 opment authority proposes to enter into under sub-
13 paragraph (F)(ii).

14 (H)(i) Not later than 60 days after receiving a rede-
15 velopment plan under subparagraph (G), the Secretary of
16 Housing and Urban Development shall complete a review
17 of the plan. The purpose of the review is to determine
18 whether the plan, with respect to the expressed interest
19 and requests of representatives of the homeless—

20 (I) takes into consideration the size and nature
21 of the homeless population in the communities in the
22 vicinity of the installation, the availability of existing
23 services in such communities to meet the needs of
24 the homeless in such communities, and the suit-
25 ability of the buildings and property covered by the

1 plan for the use and needs of the homeless in such
2 communities;

3 (II) takes into consideration any economic im-
4 pact of the homeless assistance under the plan on
5 the communities in the vicinity of the installation;

6 (III) balances in an appropriate manner the
7 needs of the communities in the vicinity of the in-
8 stallation for economic redevelopment and other de-
9 velopment with the needs of the homeless in such
10 communities;

11 (IV) was developed in consultation with rep-
12 resentatives of the homeless and the homeless assist-
13 ance planning boards, if any, in the communities in
14 the vicinity of the installation; and

15 (V) specifies the manner in which buildings and
16 property, resources, and assistance on or off the in-
17 stallation will be made available for homeless assist-
18 ance purposes.

19 (ii) It is the sense of Congress that the Secretary of
20 Housing and Urban Development shall, in completing the
21 review of a plan under this subparagraph, take into con-
22 sideration and be receptive to the predominant views on
23 the plan of the communities in the vicinity of the installa-
24 tion covered by the plan.

1 (iii) The Secretary of Housing and Urban Develop-
2 ment may engage in negotiations and consultations with
3 a redevelopment authority before or during the course of
4 a review under clause (i) with a view toward resolving any
5 preliminary determination of the Secretary that a redevel-
6 opment plan does not meet a requirement set forth in that
7 clause. The redevelopment authority may modify the rede-
8 velopment plan as a result of such negotiations and con-
9 sultations.

10 (iv) Upon completion of a review of a redevelopment
11 plan under clause (i), the Secretary of Housing and Urban
12 Development shall notify the Secretary of Defense and the
13 redevelopment authority concerned of the determination of
14 the Secretary of Housing and Urban Development under
15 that clause.

16 (v) If the Secretary of Housing and Urban Develop-
17 ment determines as a result of such a review that a rede-
18 velopment plan does not meet the requirements set forth
19 in clause (i), a notice under clause (iv) shall include—

20 (I) an explanation of that determination; and

21 (II) a statement of the actions that the redevel-
22 opment authority must undertake in order to ad-
23 dress that determination.

24 (I)(i) Upon receipt of a notice under subparagraph
25 (H)(iv) of a determination that a redevelopment plan does

1 not meet a requirement set forth in subparagraph (H)(i),
2 a redevelopment authority shall have the opportunity to—

3 (I) revise the plan in order to address the deter-
4 mination; and

5 (II) submit the revised plan to the Secretary of
6 Defense and the Secretary of Housing and Urban
7 Development.

8 (ii) A redevelopment authority shall submit a revised
9 plan under this subparagraph to such Secretaries, if at
10 all, not later than 90 days after the date on which the
11 redevelopment authority receives the notice referred to in
12 clause (i).

13 (J)(i) Not later than 30 days after receiving a revised
14 redevelopment plan under subparagraph (I), the Secretary
15 of Housing and Urban Development shall review the re-
16 vised plan and determine if the plan meets the require-
17 ments set forth in subparagraph (H)(i).

18 (ii) The Secretary of Housing and Urban Develop-
19 ment shall notify the Secretary of Defense and the redevel-
20 opment authority concerned of the determination of the
21 Secretary of Housing and Urban Development under this
22 subparagraph.

23 (K)(i) Upon receipt of a notice under subparagraph
24 (H)(iv) or (J)(ii) of the determination of the Secretary of
25 Housing and Urban Development that a redevelopment

1 plan for an installation meets the requirements set forth
2 in subparagraph (H)(i), the Secretary of Defense shall dis-
3 pose of the buildings and property at the installation.

4 (ii) For purposes of carrying out an environmental
5 assessment of the closure or realignment of an installa-
6 tion, the Secretary of Defense shall treat the redevelop-
7 ment plan for the installation (including the aspects of the
8 plan providing for disposal to State or local governments,
9 representatives of the homeless, and other interested par-
10 ties) as part of the proposed Federal action for the instal-
11 lation.

12 (iii) The Secretary of Defense shall dispose of build-
13 ings and property under clause (i) in accordance with the
14 record of decision or other decision document prepared by
15 the Secretary in accordance with the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
17 preparing the record of decision or other decision docu-
18 ment, the Secretary shall give substantial deference to the
19 redevelopment plan concerned.

20 (iv) The disposal under clause (i) of buildings and
21 property to assist the homeless shall be without consider-
22 ation.

23 (v) In the case of a request for a conveyance under
24 clause (i) of buildings and property for public benefit
25 under section 550 of title 40, United States Code, or sec-

1 tions 47151 through 47153 of title 49, United States
2 Code, the sponsoring Federal agency shall use the eligi-
3 bility criteria set forth in such section or subchapter II
4 of chapter 471 of title 49, United States Code (as the case
5 may be) to determine the eligibility of the applicant and
6 use proposed in the request for the public benefit convey-
7 ance. The determination of such eligibility should be made
8 before submission of the redevelopment plan concerned
9 under subparagraph (G).

10 (L)(i) If the Secretary of Housing and Urban Devel-
11 opment determines under subparagraph (J) that a revised
12 redevelopment plan for an installation does not meet the
13 requirements set forth in subparagraph (H)(i), or if no
14 revised plan is so submitted, that Secretary shall—

15 (I) review the original redevelopment plan sub-
16 mitted to that Secretary under subparagraph (G),
17 including the notice or notices of representatives of
18 the homeless referred to in clause (ii)(II) of that
19 subparagraph;

20 (II) consult with the representatives referred to
21 in subclause (I), if any, for purposes of evaluating
22 the continuing interest of such representatives in the
23 use of buildings or property at the installation to as-
24 sist the homeless;

1 (III) request that each such representative sub-
2 mit to that Secretary the items described in clause
3 (ii); and

4 (IV) based on the actions of that Secretary
5 under subclauses (I) and (II), and on any informa-
6 tion obtained by that Secretary as a result of such
7 actions, indicate to the Secretary of Defense the
8 buildings and property at the installation that meet
9 the requirements set forth in subparagraph (H)(i).

10 (ii) The Secretary of Housing and Urban Develop-
11 ment may request under clause (i)(III) that a representa-
12 tive of the homeless submit to that Secretary the following:

13 (I) A description of the program of such rep-
14 resentative to assist the homeless.

15 (II) A description of the manner in which the
16 buildings and property that the representative pro-
17 poses to use for such purpose will assist the home-
18 less.

19 (III) Such information as that Secretary re-
20 quires in order to determine the financial capacity of
21 the representative to carry out the program and to
22 ensure that the program will be carried out in com-
23 pliance with Federal environmental law and Federal
24 law against discrimination.

1 (IV) A certification that police services, fire
2 protection services, and water and sewer services
3 available in the communities in the vicinity of the in-
4 stallation concerned are adequate for the program.

5 (iii) Not later than 90 days after the date of the re-
6 ceipt of a revised plan for an installation under subpara-
7 graph (J), the Secretary of Housing and Urban Develop-
8 ment shall—

9 (I) notify the Secretary of Defense and the re-
10 development authority concerned of the buildings
11 and property at an installation under clause (i)(IV)
12 that the Secretary of Housing and Urban Develop-
13 ment determines are suitable for use to assist the
14 homeless; and

15 (II) notify the Secretary of Defense of the ex-
16 tent to which the revised plan meets the criteria set
17 forth in subparagraph (H)(i).

18 (iv)(I) Upon notice from the Secretary of Housing
19 and Urban Development with respect to an installation
20 under clause (iii), the Secretary of Defense shall dispose
21 of buildings and property at the installation in consulta-
22 tion with the Secretary of Housing and Urban Develop-
23 ment and the redevelopment authority concerned.

24 (II) For purposes of carrying out an environmental
25 assessment of the closure or realignment of an installa-

1 tion, the Secretary of Defense shall treat the redevelop-
2 ment plan submitted by the redevelopment authority for
3 the installation (including the aspects of the plan pro-
4 viding for disposal to State or local governments, rep-
5 resentatives of the homeless, and other interested parties)
6 as part of the proposed Federal action for the installation.
7 The Secretary of Defense shall incorporate the notification
8 of the Secretary of Housing and Urban Development
9 under clause (iii)(I) as part of the proposed Federal action
10 for the installation only to the extent, if any, that the Sec-
11 retary of Defense considers such incorporation to be ap-
12 propriate and consistent with the best and highest use of
13 the installation as a whole, taking into consideration the
14 redevelopment plan submitted by the redevelopment au-
15 thority.

16 (III) The Secretary of Defense shall dispose of build-
17 ings and property under subclause (I) in accordance with
18 the record of decision or other decision document prepared
19 by the Secretary in accordance with the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
21 preparing the record of decision or other decision docu-
22 ment, the Secretary shall give deference to the redevelop-
23 ment plan submitted by the redevelopment authority for
24 the installation.

1 (IV) The disposal under subclause (I) of buildings
2 and property to assist the homeless shall be without con-
3 sideration.

4 (V) In the case of a request for a conveyance under
5 subclause (I) of buildings and property for public benefit
6 under section 550 of title 40, United States Code, or sec-
7 tions 47151 through 47153 of title 49, United States
8 Code, the sponsoring Federal agency shall use the eligi-
9 bility criteria set forth in such section or subchapter II
10 of chapter 471 of title 49, United States Code (as the case
11 may be) to determine the eligibility of the applicant and
12 use proposed in the request for the public benefit convey-
13 ance. The determination of such eligibility should be made
14 before submission of the redevelopment plan concerned
15 under subparagraph (G).

16 (M)(i) In the event of the disposal of buildings and
17 property of an installation pursuant to subparagraph (K)
18 or (L), the redevelopment authority for the installation
19 shall be responsible for the implementation of and compli-
20 ance with agreements under the redevelopment plan de-
21 scribed in that subparagraph for the installation.

22 (ii) If a building or property reverts to a redevelop-
23 ment authority under such an agreement, the redevelop-
24 ment authority shall take appropriate actions to secure,
25 to the maximum extent practicable, the utilization of the

1 building or property by other homeless representatives to
2 assist the homeless. A redevelopment authority may not
3 be required to utilize the building or property to assist
4 the homeless.

5 (N) The Secretary of Defense may postpone or ex-
6 tend any deadline provided for under this paragraph in
7 the case of an installation covered by this paragraph for
8 such period as the Secretary considers appropriate if the
9 Secretary determines that such postponement is in the in-
10 terests of the communities affected by the closure or re-
11 alignment of the installation. The Secretary shall make
12 such determinations in consultation with the redevelop-
13 ment authority concerned and, in the case of deadlines
14 provided for under this paragraph with respect to the Sec-
15 retary of Housing and Urban Development, in consulta-
16 tion with the Secretary of Housing and Urban Develop-
17 ment.

18 (O) For purposes of this paragraph, the term “com-
19 munities in the vicinity of the installation”, in the case
20 of an installation, means the communities that constitute
21 the political jurisdictions (other than the State in which
22 the installation is located) that comprise the redevelop-
23 ment authority for the installation.

24 (P) For purposes of this paragraph, the term “other
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the
2 installation under section 550 of title 40, United States
3 Code, or sections 47151 through 47153 of title 49, United
4 States Code, whether or not the parties assist the home-
5 less.

6 (7)(A) Subject to subparagraph (C), the Secretary
7 may enter into agreements (including contracts, coopera-
8 tive agreements, or other arrangements for reimburse-
9 ment) with local governments for the provision of police
10 or security services, fire protection services, airfield oper-
11 ation services, or other community services by such gov-
12 ernments at military installations to be closed under this
13 title, or at facilities not yet transferred or otherwise dis-
14 posed of in the case of installations closed under this title,
15 if the Secretary determines that the provision of such serv-
16 ices under such agreements is in the best interests of the
17 Department of Defense.

18 (B) The Secretary may exercise the authority pro-
19 vided under this paragraph without regard to the provi-
20 sions of chapter 146 of title 10, United States Code.

21 (C) The Secretary may not exercise the authority
22 under subparagraph (A) with respect to an installation
23 earlier than 180 days before the date on which the instal-
24 lation is to be closed.

1 (D) The Secretary shall include in a contract for serv-
2 ices entered into with a local government under this para-
3 graph a clause that requires the use of professionals to
4 furnish the services to the extent that professionals are
5 available in the area under the jurisdiction of such govern-
6 ment.

7 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
8 POLICY ACT OF 1969.—(1) The provisions of the National
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.) shall not apply to the actions of the President, the
11 Commission, and, except as provided in paragraph (2), the
12 Department of Defense in carrying out this title.

13 (2)(A) The provisions of the National Environmental
14 Policy Act of 1969 shall apply to actions of the Depart-
15 ment of Defense under this title (i) during the process of
16 property disposal, and (ii) during the process of relocating
17 functions from a military installation being closed or re-
18 aligned to another military installation after the receiving
19 installation has been selected but before the functions are
20 relocated.

21 (B) In applying the provisions of the National Envi-
22 ronmental Policy Act of 1969 to the processes referred
23 to in subparagraph (A), the Secretary of Defense and the
24 Secretary of the military departments concerned shall not
25 have to consider—

1 (i) the need for closing or realigning the mili-
2 tary installation which has been recommended for
3 closure or realignment by the Commission;

4 (ii) the need for transferring functions to any
5 military installation which has been selected as the
6 receiving installation; or

7 (iii) military installations alternative to those
8 recommended or selected.

9 (3) A civil action for judicial review, with respect to
10 any requirement of the National Environmental Policy Act
11 of 1969 to the extent such Act is applicable under para-
12 graph (2), of any act or failure to act by the Department
13 of Defense during the closing, realigning, or relocating of
14 functions referred to in clauses (i) and (ii) of paragraph
15 (2)(A), may not be brought more than 60 days after the
16 date of such act or failure to act.

17 (d) WAIVER.—The Secretary of Defense may close or
18 realign military installations under this title without re-
19 gard to—

20 (1) any provision of law restricting the use of
21 funds for closing or realigning military installations
22 included in any appropriations or authorization Act;
23 and

24 (2) sections 2662 and 2687 of title 10, United
25 States Code.

1 (e) TRANSFER AUTHORITY IN CONNECTION WITH
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3 (1)(A) Subject to paragraph (2) of this subsection and sec-
4 tion 120(h) of the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9620(h)), the Secretary may enter into an agree-
7 ment to transfer by deed real property or facilities referred
8 to in subparagraph (B) with any person who agrees to
9 perform all environmental restoration, waste management,
10 and environmental compliance activities that are required
11 for the property or facilities under Federal and State laws,
12 administrative decisions, agreements (including schedules
13 and milestones), and concurrences.

14 (B) The real property and facilities referred to in
15 subparagraph (A) are the real property and facilities lo-
16 cated at an installation closed or to be closed, or realigned
17 or to be realigned, under this title that are available exclu-
18 sively for the use, or expression of an interest in a use,
19 of a redevelopment authority under subsection (b)(6)(F)
20 during the period provided for that use, or expression of
21 interest in use, under that subsection. The real property
22 and facilities referred to in subparagraph (A) are also the
23 real property and facilities located at an installation ap-
24 proved for closure or realignment under this title after

1 2001 that are available for purposes other than to assist
2 the homeless.

3 (C) The Secretary may require any additional terms
4 and conditions in connection with an agreement author-
5 ized by subparagraph (A) as the Secretary considers ap-
6 propriate to protect the interests of the United States.

7 (2) A transfer of real property or facilities may be
8 made under paragraph (1) only if the Secretary certifies
9 to Congress that—

10 (A) the costs of all environmental restoration,
11 waste management, and environmental compliance
12 activities otherwise to be paid by the Secretary with
13 respect to the property or facilities are equal to or
14 greater than the fair market value of the property
15 or facilities to be transferred, as determined by the
16 Secretary; or

17 (B) if such costs are lower than the fair market
18 value of the property or facilities, the recipient of
19 the property or facilities agrees to pay the difference
20 between the fair market value and such costs.

21 (3) In the case of property or facilities covered by
22 a certification under paragraph (2)(A), the Secretary may
23 pay the recipient of such property or facilities an amount
24 equal to the lesser of—

1 (A) the amount by which the costs incurred by
2 the recipient of such property or facilities for all en-
3 vironmental restoration, waste, management, and
4 environmental compliance activities with respect to
5 such property or facilities exceed the fair market
6 value of such property or facilities as specified in
7 such certification; or

8 (B) the amount by which the costs (as deter-
9 mined by the Secretary) that would otherwise have
10 been incurred by the Secretary for such restoration,
11 management, and activities with respect to such
12 property or facilities exceed the fair market value of
13 such property or facilities as so specified.

14 (4) As part of an agreement under paragraph (1),
15 the Secretary shall disclose to the person to whom the
16 property or facilities will be transferred any information
17 of the Secretary regarding the environmental restoration,
18 waste management, and environmental compliance activi-
19 ties described in paragraph (1) that relate to the property
20 or facilities. The Secretary shall provide such information
21 before entering into the agreement.

22 (5) Nothing in this subsection shall be construed to
23 modify, alter, or amend the Comprehensive Environmental
24 Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.).

3 (6) Section 330 of the National Defense Authoriza-
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 10
5 U.S.C. 2687 note) shall not apply to any transfer under
6 this subsection to persons or entities described in sub-
7 section (a)(2) of such section 330, except in the case of
8 releases or threatened releases not disclosed pursuant to
9 paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
11 **COUNT 2013.**

12 (a) IN GENERAL.—(1) If the Secretary makes the
13 certifications required under section 2903(b), there shall
14 be established on the books of the Treasury an account
15 to be known as the “Department of Defense Base Closure
16 Account 2013” (in this section referred to as the “Ac-
17 count”). The Account shall be administered by the Sec-
18 retary as a single account.

19 (2) There shall be deposited into the Account—

20 (A) funds authorized for and appropriated to
21 the Account;

22 (B) any funds that the Secretary may, subject
23 to approval in an appropriation Act, transfer to the
24 Account from funds appropriated to the Department
25 of Defense for any purpose, except that such funds

1 may be transferred only after the date on which the
2 Secretary transmits written notice of, and justifica-
3 tion for, such transfer to the congressional defense
4 committees; and

5 (C) except as provided in subsection (d), pro-
6 ceeds received from the lease, transfer, or disposal of
7 any property at a military installation that is closed
8 or realigned under this title.

9 (3) The Account shall be closed at the time and in
10 the manner provided for appropriation accounts under sec-
11 tion 1555 of title 31, United States Code. Unobligated
12 funds which remain in the Account upon closure shall be
13 held by the Secretary of the Treasury until transferred
14 by law after the congressional defense committees receive
15 the final report transmitted under subsection (c)(2).

16 (b) USE OF FUNDS.—(1) The Secretary may use the
17 funds in the Account only for the purposes described in
18 section 2905 with respect to military installations ap-
19 proved for closure or realignment under this title.

20 (2) When a decision is made to use funds in the Ac-
21 count to carry out a construction project under section
22 2905(a) and the cost of the project will exceed the max-
23 imum amount authorized by law for a minor military con-
24 struction project, the Secretary shall notify in writing the
25 congressional defense committees of the nature of, and

1 justification for, the project and the amount of expendi-
2 tures for such project. Any such construction project may
3 be carried out without regard to section 2802(a) of title
4 10, United States Code.

5 (c) REPORTS.—(1)(A) No later than 60 days after
6 the end of each fiscal year in which the Secretary carries
7 out activities under this title using amounts in the Ac-
8 count, the Secretary shall transmit a report to the con-
9 gressional defense committees of—

10 (i) the amount and nature of the deposits into,
11 and the expenditures from, the Account during such
12 fiscal year;

13 (ii) the amount and nature of other expendi-
14 tures made pursuant to section 2905(a) during such
15 fiscal year;

16 (iii) the amount and nature of anticipated de-
17 posits to be made into, and the anticipated expendi-
18 tures to be made from, the Account during the first
19 fiscal year commencing after the submission of the
20 report; and

21 (iv) the amount and nature of anticipated ex-
22 penditures to be made pursuant to section 2905(a)
23 during the first fiscal year commencing after the
24 submission of the report.

1 (B) The report for a fiscal year shall include the fol-
2 lowing:

3 (i) The obligations and expenditures from the
4 Account during the fiscal year, identified by sub-
5 account and installation, for each military depart-
6 ment and Defense Agency.

7 (ii) The fiscal year in which appropriations for
8 such expenditures were made and the fiscal year in
9 which funds were obligated for such expenditures.

10 (iii) Each military construction project for
11 which such obligations and expenditures were made,
12 identified by installation and project title.

13 (iv) A description and explanation of the extent,
14 if any, to which expenditures for military construc-
15 tion projects for the fiscal year differed from pro-
16 posals for projects and funding levels that were in-
17 cluded in the justification transmitted to Congress
18 under section 2907(1), or otherwise, for the funding
19 proposals for the Account for such fiscal year, in-
20 cluding an explanation of—

21 (I) any failure to carry out military con-
22 struction projects that were so proposed; and

23 (II) any expenditures for military construc-
24 tion projects that were not so proposed.

1 (v) An estimate of the net revenues to be re-
2 ceived from property disposals to be completed dur-
3 ing the first fiscal year commencing after the sub-
4 mission of the report at military installations ap-
5 proved for closure or realignment under this title.

6 (2) No later than 60 days after the closure of the
7 Account under subsection (a)(3), the Secretary shall
8 transmit to the congressional defense committees a report
9 containing an accounting of—

10 (A) all the funds deposited into and expended
11 from the Account or otherwise expended under this
12 title with respect to such installations; and

13 (B) any amount remaining in the Account.

14 (d) DISPOSAL OR TRANSFER OF COMMISSARY
15 STORES AND PROPERTY PURCHASED WITH NON-
16 APPROPRIATED FUNDS.—(1) If any real property or facil-
17 ity acquired, constructed, or improved (in whole or in part)
18 with commissary store funds or nonappropriated funds is
19 transferred or disposed of in connection with the closure
20 or realignment of a military installation under this title,
21 a portion of the proceeds of the transfer or other disposal
22 of property on that installation shall be deposited in the
23 reserve account established under section 204(b)(7)(C) of
24 the Defense Authorization Amendments and Base Closure
25 and Realignment Act (10 U.S.C. 2687 note).

1 (2) The amount so deposited shall be equal to the
2 depreciated value of the investment made with such funds
3 in the acquisition, construction, or improvement of that
4 particular real property or facility. The depreciated value
5 of the investment shall be computed in accordance with
6 regulations prescribed by the Secretary.

7 (3) The Secretary may use amounts in the reserve
8 account, without further appropriation, for the purpose of
9 acquiring, constructing, and improving—

10 (A) commissary stores; and

11 (B) real property and facilities for non-
12 appropriated fund instrumentalities.

13 (4) As used in this subsection:

14 (A) The term “commissary store funds” means
15 funds received from the adjustment of, or surcharge
16 on, selling prices at commissary stores fixed under
17 section 2685 of title 10, United States Code.

18 (B) The term “nonappropriated funds” means
19 funds received from a nonappropriated fund instru-
20 mentality.

21 (C) The term “nonappropriated fund instru-
22 mentality” means an instrumentality of the United
23 States under the jurisdiction of the Armed Forces
24 (including the Army and Air Force Exchange Serv-
25 ice, the Navy Resale and Services Support Office,

1 and the Marine Corps exchanges) which is conducted
2 for the comfort, pleasure, contentment, or physical
3 or mental improvement of members of the Armed
4 Forces.

5 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
6 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
7 funds deposited into the Account under subsection (a),
8 funds appropriated to the Department of Defense may not
9 be used for purposes described in section 2905(a)(1)(C).
10 The prohibition in this subsection shall expire upon the
11 closure of the Account under subsection (a)(3).

12 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-
13 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
14 authorized for a military construction project or military
15 family housing project to be carried out using funds in
16 the Account may not be increased or reduced by more than
17 20 percent or \$2,000,000, whichever is less, of the amount
18 specified for the project in the conference report to accom-
19 pany the Military Construction Authorization Act author-
20 izing the project. The scope of work for such a project
21 may not be reduced by more than 25 percent from the
22 scope specified in the most recent budget documents for
23 the projects listed in such conference report.

24 (2) Paragraph (1) shall not apply to a military con-
25 struction project or military family housing project to be

1 carried out using funds in the Account with an estimated
2 cost of less than \$5,000,000, unless the project has not
3 been previously identified in any budget submission for the
4 Account and exceeds the applicable minor construction
5 threshold under section 2805 of title 10, United States
6 Code.

7 (3) The limitation on cost or scope variation in para-
8 graph (1) shall not apply if the Secretary of Defense
9 makes a determination that an increase or reduction in
10 cost or a reduction in the scope of work for a military
11 construction project or military family housing project to
12 be carried out using funds in the Account needs to be
13 made for the sole purpose of meeting unusual variations
14 in cost or scope. If the Secretary makes such a determina-
15 tion, the Secretary shall notify the congressional defense
16 committees of the variation in cost or scope not later than
17 21 days before the date on which the variation is made
18 in connection with the project or, if the notification is pro-
19 vided in an electronic medium pursuant to section 480 of
20 title 10, United States Code, not later than 14 days before
21 the date on which the variation is made. The Secretary
22 shall include the reasons for the variation in the notifica-
23 tion.

1 **SEC. 2907. REPORTS.**

2 (a) **REPORTING REQUIREMENT.**—As part of the
3 budget request for fiscal year 2017 and for each fiscal
4 year thereafter through fiscal year 2028 for the Depart-
5 ment of Defense, the Secretary shall transmit to the con-
6 gressional defense committees—

7 (1) a schedule of the closure actions to be car-
8 ried out under this title in the fiscal year for which
9 the request is made and an estimate of the total ex-
10 penditures required and cost savings to be achieved
11 by each such closure and of the time period in which
12 these savings are to be achieved in each case, to-
13 gether with the Secretary's assessment of the envi-
14 ronmental effects of such actions;

15 (2) a description of the military installations,
16 including those under construction and those
17 planned for construction, to which functions are to
18 be transferred as a result of such closures, together
19 with the Secretary's assessment of the environmental
20 effects of such transfers;

21 (3) a description of the closure actions already
22 carried out at each military installation since the
23 date of the installation's approval for closure under
24 this title and the current status of the closure of the
25 installation, including whether—

1 (A) a redevelopment authority has been
2 recognized by the Secretary for the installation;

3 (B) the screening of property at the instal-
4 lation for other Federal use has been com-
5 pleted; and

6 (C) a redevelopment plan has been agreed
7 to by the redevelopment authority for the in-
8 stallation;

9 (4) a description of redevelopment plans for
10 military installations approved for closure under this
11 title, the quantity of property remaining to be dis-
12 posed of at each installation as part of its closure,
13 and the quantity of property already disposed of at
14 each installation;

15 (5) a list of the Federal agencies that have re-
16 quested property during the screening process for
17 each military installation approved for closure under
18 this title, including the date of transfer or antici-
19 pated transfer of the property to such agencies, the
20 acreage involved in such transfers, and an expla-
21 nation for any delays in such transfers;

22 (6) a list of known environmental remediation
23 issues at each military installation approved for clo-
24 sure under this title, including the acreage affected
25 by these issues, an estimate of the cost to complete

1 such environmental remediation, and the plans (and
2 timelines) to address such environmental remedi-
3 ation; and

4 (7) an estimate of the date for the completion
5 of all closure actions at each military installation ap-
6 proved for closure or realignment under this title.

7 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMIS-**
8 **SION REPORT.**

9 (a) **TERMS OF THE RESOLUTION.**—For purposes of
10 section 2904(b), the term “joint resolution” means only
11 a joint resolution which is introduced within the 10-day
12 period beginning on the date on which the President trans-
13 mits the report to the Congress under section 2903(j),
14 and—

15 (1) which does not have a preamble;

16 (2) the matter after the resolving clause of
17 which is as follows: “That Congress disapproves the
18 recommendations of the Defense Base Closure and
19 Realignment Commission as submitted by the Presi-
20 dent on _____”, the blank space being filled in
21 with the appropriate date; and

22 (3) the title of which is as follows: “Joint reso-
23 lution disapproving the recommendations of the De-
24 fense Base Closure and Realignment Commission.”.

1 (b) REFERRAL.—A resolution described in subsection
2 (a) that is introduced in the House of Representatives
3 shall be referred to the Committee on Armed Services of
4 the House of Representatives. A resolution described in
5 subsection (a) introduced in the Senate shall be referred
6 to the Committee on Armed Services of the Senate.

7 (c) DISCHARGE.—If the committee to which a resolu-
8 tion described in subsection (a) is referred has not re-
9 ported such a resolution (or an identical resolution) by the
10 end of the 20-day period beginning on the date on which
11 the President transmits the report to the Congress under
12 section 2903(j), such committee shall be, at the end of
13 such period, discharged from further consideration of such
14 resolution, and such resolution shall be placed on the ap-
15 propriate calendar of the House involved.

16 (d) CONSIDERATION.—(1) On or after the third day
17 after the date on which the committee to which such a
18 resolution is referred has reported, or has been discharged
19 (under subsection (c)) from further consideration of, such
20 a resolution, it is in order (even though a previous motion
21 to the same effect has been disagreed to) for any Member
22 of the respective House to move to proceed to the consider-
23 ation of the resolution. A member may make the motion
24 only on the day after the calendar day on which the Mem-
25 ber announces to the House concerned the Member's in-

1 tention to make the motion, except that, in the case of
2 the House of Representatives, the motion may be made
3 without such prior announcement if the motion is made
4 by direction of the committee to which the resolution was
5 referred. All points of order against the resolution (and
6 against consideration of the resolution) are waived. The
7 motion is highly privileged in the House of Representatives
8 and is privileged in the Senate and is not debatable. The
9 motion is not subject to amendment, or to a motion to
10 postpone, or to a motion to proceed to the consideration
11 of other business. A motion to reconsider the vote by
12 which the motion is agreed to or disagreed to shall not
13 be in order. If a motion to proceed to the consideration
14 of the resolution is agreed to, the respective House shall
15 immediately proceed to consideration of the joint resolu-
16 tion without intervening motion, order, or other business,
17 and the resolution shall remain the unfinished business of
18 the respective House until disposed of.

19 (2) Debate on the resolution, and on all debatable
20 motions and appeals in connection therewith, shall be lim-
21 ited to not more than 2 hours, which shall be divided
22 equally between those favoring and those opposing the res-
23 olution. An amendment to the resolution is not in order.
24 A motion further to limit debate is in order and not debat-
25 able. A motion to postpone, or a motion to proceed to the

1 consideration of other business, or a motion to recommit
2 the resolution is not in order. A motion to reconsider the
3 vote by which the resolution is agreed to or disagreed to
4 is not in order.

5 (3) Immediately following the conclusion of the de-
6 bate on a resolution described in subsection (a) and a sin-
7 gle quorum call at the conclusion of the debate if re-
8 quested in accordance with the rules of the appropriate
9 House, the vote on final passage of the resolution shall
10 occur.

11 (4) Appeals from the decisions of the Chair relating
12 to the application of the rules of the Senate or the House
13 of Representatives, as the case may be, to the procedure
14 relating to a resolution described in subsection (a) shall
15 be decided without debate.

16 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
17 fore the passage by one House of a resolution of that
18 House described in subsection (a), that House receives
19 from the other House a resolution described in subsection
20 (a), then the following procedures shall apply:

21 (A) The resolution of the other House shall not
22 be referred to a committee and may not be consid-
23 ered in the House receiving it except in the case of
24 final passage as provided in subparagraph (B)(ii).

1 (B) With respect to a resolution described in
2 subsection (a) of the House receiving the resolu-
3 tion—

4 (i) the procedure in that House shall be
5 the same as if no resolution had been received
6 from the other House; but

7 (ii) the vote on final passage shall be on
8 the resolution of the other House.

9 (2) Upon disposition of the resolution received from
10 the other House, it shall no longer be in order to consider
11 the resolution that originated in the receiving House.

12 (f) RULES OF THE SENATE AND HOUSE.—This sec-
13 tion is enacted by Congress—

14 (1) as an exercise of the rulemaking power of
15 the Senate and House of Representatives, respec-
16 tively, and as such it is deemed a part of the rules
17 of each House, respectively, but applicable only with
18 respect to the procedure to be followed in that
19 House in the case of a resolution described in sub-
20 section (a), and it supersedes other rules only to the
21 extent that it is inconsistent with such rules; and

22 (2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-**
4 **THORITY.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (c), during the period beginning on the date of the enact-
7 ment of this Act, and ending on April 15, 2016, this title
8 shall be the exclusive authority for selecting for closure
9 or realignment, or for carrying out any closure or realign-
10 ment of, a military installation inside the United States.

11 (b) RESTRICTION.—Except as provided in subsection
12 (c), none of the funds available to the Department of De-
13 fense may be used, other than under this title, during the
14 period specified in subsection (a)—

15 (1) to identify, through any transmittal to the
16 Congress or through any other public announcement
17 or notification, any military installation inside the
18 United States as an installation to be closed or re-
19 aligned or as an installation under consideration for
20 closure or realignment; or

21 (2) to carry out any closure or realignment of
22 a military installation inside the United States.

23 (c) EXCEPTION.—Nothing in this title affects the au-
24 thority of the Secretary to carry out closures and realign-
25 ments to which section 2687 of title 10, United States

1 Code, is not applicable, including closures and realign-
2 ments carried out for reasons of national security or a
3 military emergency referred to in subsection (c) of such
4 section.

5 **SEC. 2910. DEFINITIONS.**

6 As used in this title:

7 (1) The term “Account” means the Department
8 of Defense Base Closure Account established by sec-
9 tion 2906(a)(1).

10 (2) The term “congressional defense commit-
11 tees” means the Committee on Armed Services and
12 the Committee on Appropriations of the Senate and
13 the Committee on Armed Services and the Com-
14 mittee on Appropriations of the House of Represent-
15 atives.

16 (3) The term “Commission” means the Com-
17 mission established by section 2902.

18 (4) The term “military installation” means a
19 base, camp, post, station, yard, center, homeport fa-
20 cility for any ship, or other activity under the juris-
21 diction of the Department of Defense, including any
22 leased facility. Such term does not include any facil-
23 ity used primarily for civil works, rivers and harbors
24 projects, flood control, or other projects not under

1 the primary jurisdiction or control of the Depart-
2 ment of Defense.

3 (5) The term “realignment” includes any action
4 which both reduces and relocates functions and civil-
5 ian personnel positions but does not include a reduc-
6 tion in force resulting from workload adjustments,
7 reduced personnel or funding levels, or skill imbal-
8 ances.

9 (6) The term “Secretary” means the Secretary
10 of Defense.

11 (7) The term “United States” means the 50
12 States, the District of Columbia, the Commonwealth
13 of Puerto Rico, Guam, the Virgin Islands, American
14 Samoa, and any other commonwealth, territory, or
15 possession of the United States.

16 (8) The term “date of approval”, with respect
17 to a closure or realignment of an installation, means
18 the date on which the authority of Congress to dis-
19 approve a recommendation of closure or realign-
20 ment, as the case may be, of such installation under
21 this title expires.

22 (9) The term “redevelopment authority”, in the
23 case of an installation to be closed or realigned
24 under this title, means any entity (including an enti-
25 ty established by a State or local government) recog-

1 nized by the Secretary of Defense as the entity re-
2 sponsible for developing the redevelopment plan with
3 respect to the installation or for directing the imple-
4 mentation of such plan.

5 (10) The term “redevelopment plan” in the
6 case of an installation to be closed or realigned
7 under this title, means a plan that—

8 (A) is agreed to by the local redevelopment
9 authority with respect to the installation; and

10 (B) provides for the reuse or redevelop-
11 ment of the real property and personal property
12 of the installation that is available for such
13 reuse and redevelopment as a result of the clo-
14 sure or realignment of the installation.

15 (11) The term “representative of the homeless”
16 has the meaning given such term in section
17 501(i)(4) of the Stewart B. McKinney Homeless As-
18 sistance Act (42 U.S.C. 11411(i)(4)).

19 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**
20 **POSES OF OTHER PROVISIONS OF LAW.**

21 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE
22 10.—Section 101(a)(17) of title 10, United States Code,
23 is amended by adding at the end the following new sub-
24 paragraph:

1 “(D) The Defense Base Closure and Realign-
2 ment Act of 2013.”.

3 (b) DEFINITION OF “BASE CLOSURE LAW” IN
4 OTHER LAWS.—

5 (1) Section 131(b) of Public Law 107–249 (10
6 U.S.C. 221 note) is amended by striking “means”
7 and all that follows and inserting “has the meaning
8 given the term ‘base closure law’ in section
9 101(a)(17) of title 10, United States Code.”.

10 (2) Section 1334(k)(1) of the National Defense
11 Authorization Act for Fiscal Year 1994 (Public Law
12 103–160; 10 U.S.C. 2701 note) is amended by add-
13 ing at the end the following new subparagraph:

14 “(C) The Defense Base Closure and Re-
15 alignment Act of 2013.”.

16 (3) Section 2918(a)(1) of the National Defense
17 Authorization Act for Fiscal Year 1994 (Public Law
18 103–160; 10 U.S.C. 2687 note) is amended by add-
19 ing at the end the following new subparagraph:

20 “(C) The Defense Base Closure and Re-
21 alignment Act of 2013.”.

22 **SEC. 2912. CONFORMING AMENDMENTS.**

23 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-
24 tion 2667(e) of title 10, United States Code, is amended—

1 (1) in paragraph (5), by striking “on or after
2 January 1, 2005,” and inserting “from January 1,
3 2005 through December 31, 2005,”; and

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

6 “(6) Money rentals received by the United States
7 from a lease under subsection (g) at a military installation
8 approved for closure or realignment under a base closure
9 law on or after January 1, 2006, shall be deposited into
10 the account established under section 2906 of the Defense
11 Base Closure and Realignment Act of 2013.”.

12 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY
13 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,
14 United States Code, is amended by striking “section 2687
15 of title 10, section 201 of the Defense Authorization
16 Amendments and Base Closure and Realignment Act (10
17 U.S.C. 2687 note), or section 2905 of the Defense Base
18 Closure and Realignment Act of 1990 (10 U.S.C. 2687
19 note)” and inserting “a base closure law, as that term is
20 defined in section 101(a)(17) of title 10,”.

21 (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of
22 title 5, United States Code, is amended by striking “the
23 Defense Base Closure and Realignment Act of 1990 (part
24 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

1 note)” and inserting “a base closure law, as that term is
2 defined in section 101(a)(17) of title 10,”.

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