National Defense Authorization Act for Fiscal Year 2012

[Public Law 112–81]

[As Amended Through P.L. 117–263, Enacted December 23, 2022]

[Currency: This publication is a compilation of the text of Public Law 112-81. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2012".

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

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—SBIR and STTR Reauthorization.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Limitation on procurement of Stryker combat vehicles.
Sec. 112. Limitation on retirement of C-23 aircraft.

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Sec. 113. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.
Sec. 122. Separate procurement line item for certain Littoral Combat Ship mission modules.
Sec. 123. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.
Sec. 124. Extension of Ford-class aircraft carrier construction authority.

Subtitle D—Air Force Programs

Sec. 131. Strategic airlift aircraft force structure.
Sec. 132. Limitations on use of funds to retire B-1 bomber aircraft.
Sec. 133. Limitation on retirement of U-2 aircraft.
Sec. 134. Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft.
Sec. 135. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.
Sec. 136. Procurement of advanced extremely high frequency satellites.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Limitation on availability of funds for acquisition of joint tactical radio system.
Sec. 142. Limitation on availability of funds for Aviation Foreign Internal Defense program.
Sec. 143. F-35 Joint Strike Fighter aircraft.
Sec. 144. Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command.
Sec. 145. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
Sec. 146. Joint Surveillance Target Attack Radar System aircraft re-engining program.
Sec. 147. Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft.
Sec. 148. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
Sec. 149. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on availability of funds for the ground combat vehicle program.
Sec. 212. Limitation on the individual carbine program.
Sec. 213. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.
Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.
Sec. 215. Limitation on obligation of funds for the F-35 Lightning II aircraft program.
Sec. 216. Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program.
Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.
Sec. 218. Limitation on availability of funds for wireless innovation fund.
Sec. 219. Prohibition on delegation of budgeting authority for certain research and educational programs.
Sec. 220. Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram.
Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.

Sec. 222. Advanced rotorcraft flight research and development.
Sec. 223. Preservation and storage of certain property related to F136 propulsion system.

Subtitle C—Missile Defense Programs

Sec. 231. Acquisition accountability reports on the ballistic missile defense system.
Sec. 232. Comptroller General review and assessment of missile defense acquisition programs.
Sec. 233. Homeland defense hedging policy and strategy.
Sec. 234. Ground-based midcourse defense program.
Sec. 235. Limitation on availability of funds for the medium extended air defense system.
Sec. 236. Sense of Congress regarding ballistic missile defense training.

Subtitle D—Reports

Sec. 241. Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics.
Sec. 242. Report and cost assessment of options for Ohio-class replacement ballistic missile submarine.
Sec. 243. Report on the electromagnetic rail gun system.
Sec. 244. Annual comptroller general report on the KC-46A aircraft acquisition program.
Sec. 245. Independent review and assessment of cryptographic modernization program.
Sec. 246. Report on increased budget items.

Subtitle E—Other Matters

Sec. 251. Repeal of requirement for Technology Transition Initiative.
Sec. 252. Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.
Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 254. National defense education program.
Sec. 255. Laboratory facilities, Hanover, New Hampshire.
Sec. 256. Sense of Congress on active matrix organic light emitting diode technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.
Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the national defense.
Sec. 313. Discharge of wastes at sea generated by ships of the Armed Forces.
Sec. 314. Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs.
Sec. 315. Energy-efficient technologies in contracts for logistics support of contingency operations.
Sec. 316. Health assessment reports required when waste is disposed of in open-air burn pits.
Sec. 317. Streamlined annual report on defense environmental programs.
Sec. 318. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 319. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.
Sec. 320. Fire suppression agents.

Subtitle C—Logistics and Sustainment

Sec. 321. Definition of depot-level maintenance and repair.
Sec. 322. Designation of military arsenal facilities as Centers of Industrial and Technical Excellence.

Sec. 323. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.
Sec. 324. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.
Sec. 325. Modification of requirements relating to minimum capital investment for certain depots.
Sec. 326. Reports on depot-related activities.
Sec. 327. Core depot-level maintenance and repair capabilities.

Subtitle D—Readiness

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.
Sec. 332. Review of proposed structures affecting navigable airspace.

Subtitle E—Reports

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.
Sec. 342. Additional matters for inclusion in and modified deadline for the annual report on operational energy.
Sec. 343. Study on Air Force test and training range infrastructure.
Sec. 344. Study on training range infrastructure for special operations forces.
Sec. 345. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.
Sec. 346. Study on United States force posture in the United States Pacific Command area of responsibility.
Sec. 347. Study on overseas basing presence of United States forces.
Sec. 348. Inclusion of assessment of joint military training and force allocations in quadrennial defense review and national military strategy.
Sec. 349. Modification of report on procurement of military working dogs.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.
Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.
Sec. 353. Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services.
Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle G—Other Matters

Sec. 361. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.
Sec. 362. Comptroller General review of space-available travel on military aircraft.
Sec. 363. Authority to provide information for maritime safety of forces and hydrographic support.
Sec. 364. Deposit of reimbursed funds under reciprocal fire protection agreements.
Sec. 365. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
Sec. 366. Ratemaking procedures for Civil Reserve Air Fleet contracts.
Sec. 367. Policy on Active Shooter Training for certain law enforcement personnel.
Sec. 368. Procurement of tents or other temporary structures.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

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 2012 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 POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
Sec. 502. General officer and flag officer reform.
Sec. 503. National Defense University outplacement waiver.
Sec. 504. Voluntary retirement incentive matters.

Subtitle B—Reserve Component Management

Sec. 511. Leadership of National Guard Bureau.
Sec. 512. Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.
Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
Sec. 514. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 515. Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency.
Sec. 516. Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands.
Sec. 517. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).
Sec. 518. Consideration of reserve component officers for appointment to certain command positions.
Sec. 519. Report on termination of military technician as a distinct personnel management category.

Subtitle C—General Service Authorities

Sec. 521. Sense of Congress on the unique nature, demands, and hardships of military service.
Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
Sec. 523. Protected communications by members of the Armed Forces and prohibition of retaliatory personnel actions.
Sec. 524. Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion.
Sec. 525. Expansion of regular enlisted members covered by early discharge authority.
Sec. 526. Extension of voluntary separation pay and benefits authority.
Sec. 527. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.
Sec. 528. Designation of persons authorized to direct disposition of remains of members of the Armed Forces.
Sec. 529. Matters covered by preseparation counseling for members of the Armed Forces and their spouses.
Sec. 530. Conversion of high-deployment allowance from mandatory to authorized.
Sec. 531. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 532. Policy on military recruitment and enlistment of graduates of secondary schools.
Sec. 533. Department of Defense suicide prevention program.

Subtitle D—Military Justice and Legal Matters

Sec. 541. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.
Sec. 542. Authority to compel production of documentary evidence.
Sec. 543. Clarification of application and extent of direct acceptance of gifts authority.

Sec. 544. Freedom of conscience of military chaplains with respect to the performance of marriages.

Subtitle E—Member Education and Training Opportunities and Administration

Sec. 551. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.
Sec. 552. Enhancement of authorities on joint professional military education.
Sec. 553. Temporary authority to waive maximum age limitation on admission to the military service academies.
Sec. 554. Enhancement of administration of the United States Air Force Institute of Technology.
Sec. 555. Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the Armed Forces in associate degree programs of the Community College of the Air Force in order to complete degree program.
Sec. 556. Reserve component mental health student stipend.
Sec. 557. Fiscal year 2012 administration and report on the Troops-to-Teachers Program.
Sec. 558. Pilot program on receipt of civilian credentialing for skills required for military occupational specialties.
Sec. 559. Report on certain education assistance programs.

Subtitle F—Armed Forces Retirement Home

Sec. 561. Control and administration by Secretary of Defense.
Sec. 562. Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.
Sec. 563. Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.
Sec. 564. Administrators, Ombudsmen, and staff of facilities.
Sec. 565. Revision of fee requirements.
Sec. 566. Revision of inspection requirements.
Sec. 567. Repeal of obsolete transitional provisions and technical, conforming, and clerical amendments.

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

Sec. 571. Impact aid for children with severe disabilities.
Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 573. Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies.
Sec. 574. Revision to membership of Department of Defense Military Family Readiness Council.
Sec. 575. Reemployment rights following certain National Guard duty.
Sec. 576. Expansion of Operation Hero Miles.
Sec. 577. Report on Department of Defense autism pilot and demonstration projects.
Sec. 578. Comptroller General of the United States report on Department of Defense military spouse employment programs.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 581. Access of sexual assault victims to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 582. Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense.
Sec. 583. Director of Sexual Assault Prevention and Response Office.
Sec. 584. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 585. Training and education programs for sexual assault prevention and response program.
Sec. 586. Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

Subtitle I—Other Matters

Sec. 588. Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities.
Sec. 589. Military adaptive sports program.
Sec. 590. Enhancement and improvement of Yellow Ribbon Reintegration Program.
Sec. 591. Army National Military Cemeteries.
Sec. 592. Inspection of military cemeteries under jurisdiction of the military departments.
Sec. 593. Authorization for award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War.
Sec. 594. Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War.
Sec. 595. Review regarding award of Medal of Honor to Jewish American World War I veterans.
Sec. 596. Report on process for expedited determination of disability of members of the Armed Forces with certain disabling conditions.
Sec. 597. Comptroller General study of military necessity of Selective Service System and alternatives.
Sec. 598. Evaluation of issues affecting disposition of remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
Sec. 602. Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay.

Subtitle C—Travel and Transportation Allowances Generally

Sec. 621. One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

Sec. 631. Consolidation and reform of travel and transportation authorities of the uniformed services.
Sec. 632. Transition provisions.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat.
Sec. 642. Access of military exchange stores system to credit available through Federal Financing Bank.
Sec. 643. Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House.

Subtitle F—Disability, Retired Pay and Survivor Benefits

Sec. 651. Death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Subtitle G—Other Matters

Sec. 661. Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty.
Sec. 662. Report on incentives for recruitment and retention of health care professionals.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Annual enrollment fees for certain retirees and dependents.
Sec. 702. Mental health assessments for members of the Armed Forces deployed in support of a contingency operation.
Sec. 703. Behavioral health support for members of the reserve components of the Armed Forces.
Sec. 704. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.
Sec. 705. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States.
Sec. 706. Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation.
Sec. 707. Provision of rehabilitative equipment under Wounded Warrior Act.
Sec. 708. Transition enrollment of uniformed services family health plan medicare-eligible retirees to TRICARE for life.

Subtitle B—Health Care Administration

Sec. 711. Codification and improvement of procedures for mental health evaluations for members of the Armed Forces.
Sec. 712. Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States.
Sec. 713. Expansion of State licensure exception for certain health care professionals.
Sec. 714. Clarification on confidentiality of medical quality assurance records.
Sec. 715. Maintenance of the adequacy of provider networks under the TRICARE program.
Sec. 716. Review of the administration of the military health system.
Sec. 717. Limitation on availability of funds for the future electronic health records program.

Subtitle C—Reports and Other Matters

Sec. 721. Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra.
Sec. 722. Treatment of wounded warriors.
Sec. 723. Report on research and treatment of post-traumatic stress disorder.
Sec. 724. Report on memorandum regarding traumatic brain injuries.
Sec. 725. Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
Sec. 726. Comptroller General report on contract health care staffing for military medical treatment facilities.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B.
Sec. 802. Revision to law relating to disclosures to litigation support contractors.
Sec. 803. Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts.
Sec. 804. Extension of availability of funds in the Defense Acquisition Workforce Development Fund.
Sec. 805. Defense Contract Audit Agency annual report.
Sec. 806. Inclusion of data on contractor performance in past performance databases for source selection decisions.

Sec. 807. Implementation of recommendations of Defense Science Board Task Force on Improvements to Service Contracting. [1]
Sec. 808. Temporary limitation on aggregate annual amount available for contract services.
Sec. 809. Annual report on single-award task and delivery order contracts.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Calculation of time period relating to report on critical changes in major automated information systems.
Sec. 812. Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days.
Sec. 813. Extension of sunset date for certain protests of task and delivery order contracts.
Sec. 814. Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation.
Sec. 815. Rights in technical data and validation of proprietary data restrictions.
Sec. 816. Covered contracts for purposes of requirements on contractor business systems.
Sec. 817. Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense.
Sec. 818. Detection and avoidance of counterfeit electronic parts.
Sec. 819. Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009.
Sec. 820. Inclusion of contractor support requirements in Department of Defense planning documents.
Sec. 821. Amendment relating to buying tents, tarpaulins, or covers from American sources.
Sec. 822. Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms.
Sec. 823. Prohibition on collection of political information.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

Sec. 831. Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased.
Sec. 832. Assessment, management, and control of operating and support costs for major weapon systems.
Sec. 833. Clarification of responsibility for cost analyses and targets for contract negotiation purposes.
Sec. 834. Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs.
Sec. 835. Management of developmental test and evaluation for major defense acquisition programs.
Sec. 836. Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries.
Sec. 837. Competition in maintenance and sustainment of subsystems of major weapon systems.
Sec. 838. Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program.
Sec. 839. Implementation of acquisition strategy for Evolved Expendable Launch Vehicle.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

Sec. 841. Prohibition on contracting with the enemy in the United States Central Command theater of operations.
Sec. 842. Additional access to contractor and subcontractor records in the United States Central Command theater of operations.

[1] Section 807 was repealed by section 812(b)(22) of division A of Public Law 115–232 without providing for a corresponding amendment to strike the items relating to such section in both table of contents.

Sec. 843. Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn.
Sec. 844. Competition and review of contracts for property or services in support of a contingency operation.
Sec. 845. Inclusion of associated support services in rapid acquisition and deployment procedures for supplies.
Sec. 846. Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.

Subtitle E—Defense Industrial Base Matters

Sec. 851. Assessment of the defense industrial base pilot program.
Sec. 852. Strategy for securing the defense supply chain and industrial base.[2]
Sec. 853. Assessment of feasability and advisability of establishment of rare earth material inventory.
Sec. 854. Department of Defense assessment of industrial base for night vision image intensification sensors.
Sec. 855. Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

Subtitle F—Other Matters

Sec. 861. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.
Sec. 862. Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs.[3]
Sec. 863. Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels.
Sec. 864. Acquisition workforce improvements.
Sec. 865. Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries.
Sec. 866. Three-year extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 867. Five-year extension of Department of Defense Mentor-Protege Program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revision of defense business systems requirements.
Sec. 902. Qualifications for appointments to the position of Deputy Secretary of Defense.
Sec. 903. Designation of Department of Defense senior official with principal responsibility for airship programs.
Sec. 904. Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces.
Sec. 905. Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests.
Sec. 906. Sense of Congress on use of modeling and simulation in Department of Defense activities.
Sec. 907. Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO.
Sec. 908. Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills.

Subtitle B—Space Activities

Sec. 911. Harmful interference to Department of Defense Global Positioning System.
Sec. 912. Authority to designate increments or blocks of satellites as major subprograms subject to acquisition reporting requirements.

[2] Section 852 was repealed by section 812(b)(55) of division A of Public Law 115–232 without providing for a corresponding amendment to strike the items relating to such section in both table of contents

[3] Section 862 was repealed by section 245(e) of Public Law 116–283 without striking the item relating to such section in the table of sections.

Subtitle C—Intelligence-Related Matters

Sec. 921. Report on implementation of recommendations by the Comptroller General on intelligence information sharing.
Sec. 922. Insider threat detection.
Sec. 923. Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions.
Sec. 924. Ozone Widget Framework.
Sec. 925. Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise.
Sec. 926. Facilities for intelligence collection or special operations activities abroad.

Subtitle D—Total Force Management

Sec. 931. General policy for total force management.
Sec. 932. Revisions to Department of Defense civilian personnel management constraints.
Sec. 933. Additional amendments relating to total force management.
Sec. 934. Modifications of annual defense manpower requirements report.
Sec. 935. Revisions to strategic workforce plan.
Sec. 936. Amendments to requirement for inventory of contracts for services.
Sec. 937. Preliminary planning and duration of public-private competitions.
Sec. 938. Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees.

Subtitle E—Quadrennial Roles and Missions and Related Matters

Sec. 941. Chairman of the Joint Chiefs of Staff assessment of contingency plans.
Sec. 942. Quadrennial defense review.

Subtitle F—Other Matters

Sec. 951. Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity.
Sec. 952. Report on United States Special Operations Command structure.
Sec. 953. Strategy to acquire capabilities to detect previously unknown cyber attacks.
Sec. 954. Military activities in cyberspace.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Budgetary effects of this Act.
Sec. 1003. Additional requirements relating to the development of the Financial Improvement and Audit Readiness Plan.
Sec. 1003A. Display of procurement of equipment for the reserve components of the Armed Forces under estimated expenditures for procurement in future-years defense programs.

Subtitle B—Counter-Drug Activities

Sec. 1004. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1005. Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.
Sec. 1006. Two-year extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1007. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.
Sec. 1008. Reporting requirement on expenditures to support foreign counter-drug activities.

Subtitle C—Naval Vessels and Shipyards

Sec. 1011. Budgeting for construction of naval vessels.
Sec. 1012. Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta.
Sec. 1013. Limitation on availability of funds for placing Maritime Prepositioning Ship squadrons on reduced operating status.

Sec. 1014. Report on policies and practices of the Navy for naming the vessels of the Navy.
Sec. 1015. Transfer of certain high-speed ferries to the Navy.
Sec. 1016. Modification of conditions on status of retired aircraft carrier ex-John F. Kennedy.
Sec. 1017. Assessment of stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida.

Subtitle D—Counterterrorism

Sec. 1021. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force.
Sec. 1022. Military custody for foreign al-Qaeda terrorists.
Sec. 1023. Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1024. Procedures for status determinations.
Sec. 1025. Requirement for national security protocols governing detainee communications.
Sec. 1026. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
Sec. 1029. Requirement for consultation regarding prosecution of terrorists.
Sec. 1030. Clarification of right to plead guilty in trial of capital offense by military commission.
Sec. 1031. Counterterrorism operational briefing requirement.
Sec. 1032. National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates.
Sec. 1033. Extension of authority to make rewards for combating terrorism.
Sec. 1034. Amendments relating to the Military Commissions Act of 2009.

Subtitle E—Nuclear Forces

Sec. 1041. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.
Sec. 1042. Plan on implementation of the New START Treaty.
Sec. 1043. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.
Sec. 1044. Sense of Congress on nuclear force reductions.
Sec. 1045. Nuclear force reductions.
Sec. 1046. Nuclear employment strategy of the United States.
Sec. 1047. Comptroller General report on nuclear weapon capabilities and force structure requirements.
Sec. 1048. Report on feasibility of joint replacement fuze program.

Subtitle F—Financial Management

Sec. 1051. Modification of authorities on certification and credential standards for financial management positions in the Department of Defense.
Sec. 1052. Reliability of Department of Defense financial statements.
Sec. 1053. Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense.
Sec. 1054. Tracking implementation of Department of Defense efficiencies.

Subtitle G—Repeal and Modification of Reporting Requirements

Sec. 1061. Repeal of reporting requirements under title 10, United States Code.
Sec. 1062. Repeal of reporting requirements under annual defense authorization acts.
Sec. 1063. Repeal of reporting requirements under other laws.
Sec. 1064. Modification of reporting requirements under title 10, United States Code.
Sec. 1065. Modification of reporting requirements under other titles of the United States Code.

Sec. 1066. Modification of reporting requirements under annual defense authorization acts.
Sec. 1067. Modification of reporting requirements under other laws.

Subtitle H—Studies and Reports

Sec. 1068. Transmission of reports in electronic format.
Sec. 1069. Modifications to annual aircraft procurement plan.
Sec. 1070. Change of deadline for annual report to Congress on National Guard and reserve component equipment.
Sec. 1071. Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons.
Sec. 1072. Implementation plan for whole-of-government vision prescribed in the National Security Strategy.
Sec. 1073. Reports on resolution restrictions on the commercial sale or dissemination of eletro-optical imagery collected by satellites.
Sec. 1074. Report on integration of unmanned aerial systems into the national airspace system.
Sec. 1075. Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.
Sec. 1076. Comptroller General review of medical research and development relating to improved combat casualty care.
Sec. 1077. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.
Sec. 1078. Comptroller General of the United States reports on the major automated information system programs of the Department of Defense.
Sec. 1079. Report on Defense Department analytic capabilities regarding foreign ballistic missile threats.
Sec. 1080. Report on approval and implementation of Air Sea Battle Concept.
Sec. 1080A. Report on costs of units of the reserve components and the active components of the Armed Forces.

Subtitle I—Miscellaneous Authorities and Limitations

Sec. 1081. Defense Institution Capacity Building Program.
Sec. 1082. Exemption from Freedom of Information Act for data files of the military flight operations quality assurance systems of the military departments.
Sec. 1083. Limitation on procurement and fielding of light attack armed reconnaissance aircraft.
Sec. 1084. Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities.
Sec. 1085. Use of State Partnership Program funds for certain purposes.

Subtitle J—Other Matters

Sec. 1086. Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage.
Sec. 1087. Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate.
Sec. 1088. Sense of Congress on application of moratorium on earmarks to this Act.
Sec. 1089. Technical amendment.
Sec. 1090. Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.
Sec. 1091. Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information.
Sec. 1092. Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance.
Sec. 1093. Number of Navy carrier air wings and carrier air wing headquarters.
Sec. 1094. Display of annual budget requirements for organizational clothing and individual equipment.
Sec. 1095. National Rocket Propulsion Strategy.
Sec. 1096. Grants to certain regulated companies for specified energy property not subject to normalization rules.
Sec. 1097. Unmanned aerial systems and national airspace.

Sec. 1098. Modification of dates of Comptroller General of the United States review of executive agreement on joint medical facility demonstration project, North Chicago and Great Lakes, Illinois.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Amendments to Department of Defense personnel authorities.
Sec. 1102. Provisions relating to the Department of Defense performance management system.
Sec. 1103. Repeal of sunset provision relating to direct hire authority at demonstration laboratories.
Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1105. Waiver of certain pay limitations.
Sec. 1106. Services of post-combat case coordinators.
Sec. 1107. Authority to waive maximum-age limit for certain appointments.
Sec. 1108. Sense of Congress relating to pay parity for Federal employees serving at certain remote military installations.
Sec. 1109. Federal internship programs.
Sec. 1110. Extension and expansion of experimental personnel program for scientific and technical personnel.
Sec. 1111. Authority of the Secretaries of the military departments to employ up to 10 persons without pay.
Sec. 1112. Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Subtitle B—Other Matters

Sec. 1121. Modification of beneficiary designation authorities for death gratuity payable upon death of a United States Government employee in service with the Armed Forces.
Sec. 1122. Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program.
Sec. 1123. Extension of continued health benefits.
Sec. 1124. Disclosure of senior mentors.
Sec. 1125. Termination of Joint Safety Climate Assessment System.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Commanders' Emergency Response Program in Afghanistan.
Sec. 1202. Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1205. Two-year extension of authorization for non-conventional assisted recovery capabilities.
Sec. 1206. Support of foreign forces participating in operations to disarm the Lord's Resistance Army.
Sec. 1207. Global Security Contingency Fund.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1212. One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1213. One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1214. Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan.
Sec. 1215. Authority to support operations and activities of the Office of Security Cooperation in Iraq.

Sec. 1216. One-year extension of authority to use funds for reintegration activities in Afghanistan.
Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.
Sec. 1218. Two-year extension of certain reports on Afghanistan.
Sec. 1219. Limitation on availability of amounts for reintegration activities in Afghanistan.
Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.
Sec. 1221. Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan.

Subtitle C—Reports and Other Matters

Sec. 1231. Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.
Sec. 1232. Review and report on Iran's and China's conventional and anti-access capabilities.
Sec. 1233. Report on energy security of the NATO alliance.
Sec. 1234. Comptroller General of the United States report on the National Guard State Partnership Program.
Sec. 1235. Man-portable air-defense systems originating from Libya.
Sec. 1236. Report on military and security developments involving the Democratic People's Republic of Korea.
Sec. 1237. Sense of Congress on non-strategic nuclear weapons and extended deterrence policy.
Sec. 1238. Annual report on military and security developments involving the People's Republic of China.
Sec. 1239. Report on expansion of participation in Euro-NATO Joint Jet Pilot Training program.
Sec. 1240. Report on Russian nuclear forces.
Sec. 1241. Report on progress of the African Union in operationalizing the African Standby Force.
Sec. 1242. Defense cooperation with Republic of Georgia.
Sec. 1243. Prohibition on procurements from Communist Chinese military companies.
Sec. 1244. Sharing of classified United States ballistic missile defense information with the Russian Federation.
Sec. 1245. Imposition of sanctions with respect to the financial sector of Iran.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of cooperative threat reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on availability of funds for cooperative biological engagement program.
Sec. 1304. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Subtitle C—Other Matters

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1422. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.
Sec. 1502. Procurement.
Sec. 1503. Research, development, test, and evaluation.
Sec. 1504. Operation and maintenance.
Sec. 1505. Military personnel.
Sec. 1506. Working capital funds.
Sec. 1507. Defense Health Program.
Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Joint Improvised Explosive Device Defeat Fund.
Sec. 1532. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1533. Availability of funds in Afghanistan Security Forces Fund.
Sec. 1534. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
Sec. 1535. Limitation on availability of funds for Trans Regional Web Initiative.
Sec. 1536. Report on lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq.

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. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2107. Modification of authority to carry out certain fiscal year 2011 projects.
Sec. 2108. Additional authority to carry out certain fiscal year 2012 project.
Sec. 2109. Extension of authorizations of certain fiscal year 2008 projects.
Sec. 2110. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2111. Tour normalization.
Sec. 2112. Technical amendments to correct certain project specifications.
Sec. 2113. Reduction of Army military construction authorization.

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. Extension of authorization of certain fiscal year 2008 project.
Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2207. Guam realignment.
Sec. 2208. Reduction of Navy military construction authorization.

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. Modification of authorization to carry out certain fiscal year 2010 project.
Sec. 2306. Extension of authorization of certain fiscal year 2009 project.
Sec. 2307. Reduction of Air Force military construction authorization.

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.

Subtitle C—Other Matters

Sec. 2421. Reduction of Defense Agencies military construction authorization.

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. Extension of authorization of certain fiscal year 2008 project.
Sec. 2612. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2613. Modification of authority to carry out certain fiscal year 2008 and 2009 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authority to complete specific base closure and realignment recommendations.
Sec. 2704. Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects.
Sec. 2802. Modification of authority to carry out unspecified minor military construction projects.
Sec. 2803. Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects.

Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2805. General military construction transfer authority.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of authority to use Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at Pentagon Reservation.
Sec. 2812. Reporting requirements related to the granting of easements.
Sec. 2813. Limitations on use or development of property in Clear Zone Areas and clarification of authority to limit encroachments.
Sec. 2814. Department of Defense conservation and cultural activities.
Sec. 2815. Exchange of property at military installations.
Sec. 2816. Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.

Subtitle C—Energy Security

Sec. 2821. Consolidation of definitions used in energy security chapter.
Sec. 2822. Consideration of energy security in developing energy projects on military installations using renewable energy sources.
Sec. 2823. Establishment of interim objective for Department of Defense 2025 renewable energy goal.
Sec. 2824. Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies.
Sec. 2825. Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.
Sec. 2826. Submission of annual Department of Defense energy management reports.
Sec. 2827. Requirement for Department of Defense to capture and track data generated in metering Department facilities.
Sec. 2828. Metering of Navy piers to accurately measure energy consumption.
Sec. 2829. Training policy for Department of Defense energy managers.
Sec. 2830. Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification.

Subtitle D—Provisions Related to Guam Realignment

Sec. 2841. Certification of medical care coverage for H-2B temporary workforce on military construction projects on Guam.
Sec. 2842. Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii.
Sec. 2854. Land exchange, Fort Bliss Texas.
Sec. 2855. Land conveyance, former Defense Depot Ogden, Utah.

Subtitle F—Other Matters

Sec. 2861. Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy.
Sec. 2862. Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center.
Sec. 2863. Prohibition on naming Department of Defense real property after a Member of Congress.
Sec. 2864. Notifications of reductions in number of members of the Armed Forces assigned to permanent duty at a military installation.
Sec. 2865. Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy.
Sec. 2866. Report on the Homeowners Assistance Program.
Sec. 2867. Data servers and centers.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Limitation on availability of funds for establishment of centers of excellence on nuclear security outside of the former Soviet Union.
Sec. 3112. Aircraft procurement.
Sec. 3113. Hanford waste tank cleanup program reforms.
Sec. 3114. Recognition and status of National Atomic Testing Museum.

Subtitle C—Reports

Sec. 3121. Repeal of certain report requirements.
Sec. 3122. Progress on nuclear nonproliferation.
Sec. 3123. Reports on role of nuclear security complex sites and potential efficiencies.
Sec. 3124. Net assessment of high-performance computing capabilities of foreign countries.
Sec. 3125. Review and analysis of nuclear waste reprocessing and nuclear reactor technology.

Subtitle D—Other Matters

Sec. 3131. Sense of Congress on the use of savings from excess amounts for certain pension plan contributions.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012.
Sec. 3502. Use of National Defense Reserve Fleet and Ready Reserve Force vessels.
Sec. 3503. Recruitment authority.
Sec. 3504. Ship scrapping reporting requirement.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

DIVISION E—SBIR AND STTR REAUTHORIZATION

TITLE L—SHORT TITLE; DEFINITIONS

Sec. 5001. Short title.
Sec. 5002. Definitions.

TITLE LI—SBIR AND STTR REAUTHORIZATION

Subtitle A—Reauthorization of the SBIR and STTR Programs

Sec. 5101. Extension of termination dates.
Sec. 5102. SBIR and STTR allocation increase.
Sec. 5103. SBIR and STTR award levels.
Sec. 5104. Agency and program flexibility.
Sec. 5105. Elimination of Phase II invitations.
Sec. 5106. Pilot to allow phase flexibility.
Sec. 5107. Participation by firms with substantial investment from multiple venture capital operating companies, hedge funds, or private equity firms in a portion of the SBIR program.
Sec. 5108. SBIR and STTR special acquisition preference.
Sec. 5109. Collaborating with Federal laboratories and research and development centers.
Sec. 5110. Notice requirement.
Sec. 5111. Additional SBIR and STTR awards.

Subtitle B—Outreach and Commercialization Initiatives

Sec. 5121. Technical assistance for awardees.
Sec. 5122. Commercialization Readiness Program at Department of Defense.
Sec. 5123. Commercialization Readiness Pilot Program for civilian agencies.
Sec. 5124. Interagency Policy Committee.
Sec. 5125. Clarifying the definition of “Phase III”.
Sec. 5126. Shortened period for final decisions on proposals and applications.
Sec. 5127. Phase 0 Proof of Concept Partnership pilot program.

Subtitle C—Oversight and Evaluation

Sec. 5131. Streamlining annual evaluation requirements.
Sec. 5132. Data collection from agencies for SBIR.
Sec. 5133. Data collection from agencies for STTR.
Sec. 5134. Public database.
Sec. 5135. Government database.
Sec. 5136. Accuracy in funding base calculations.
Sec. 5137. Continued evaluation by the National Academy of Sciences.
Sec. 5138. Technology insertion reporting requirements.
Sec. 5139. Intellectual property protections.
Sec. 5140. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.
Sec. 5141. Pilot to allow funding for administrative, oversight, and contract processing costs.
Sec. 5142. GAO study with respect to venture capital operating company, hedge fund, and private equity firm involvement.
Sec. 5143. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.
Sec. 5144. Simplified paperwork requirements.

Subtitle D—Policy Directives

Sec. 5151. Conforming amendments to the SBIR and the STTR Policy Directives.

Subtitle E—Other Provisions

Sec. 5161. Report on SBIR and STTR program goals.
Sec. 5162. Competitive selection procedures for SBIR and STTR programs.
Sec. 5163. Loan restrictions.
Sec. 5164. Limitation on pilot programs.
Sec. 5165. Commercialization success.
Sec. 5166. Publication of certain information.
Sec. 5167. Report on enhancement of manufacturing activities.
Sec. 5168. Coordination of the SBIR program and the Experimental Program to Stimulate Competitive Research.

SEC. 3. [10 U.S.C. 101 note] CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Limitation on procurement of Stryker combat vehicles.
Sec. 112. Limitation on retirement of C-23 aircraft.
Sec. 113. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.
Sec. 122. Separate procurement line item for certain Littoral Combat Ship mission modules.
Sec. 123. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.
Sec. 124. Extension of Ford-class aircraft carrier construction authority.

Subtitle D—Air Force Programs

Sec. 131. Strategic airlift aircraft force structure.
Sec. 132. Limitations on use of funds to retire B-1 bomber aircraft.
Sec. 133. Limitation on retirement of U-2 aircraft.
Sec. 134. Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft.
Sec. 135. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.
Sec. 136. Procurement of advanced extremely high frequency satellites.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Limitation on availability of funds for acquisition of joint tactical radio system.
Sec. 142. Limitation on availability of funds for Aviation Foreign Internal Defense program.
Sec. 143. F-35 Joint Strike Fighter aircraft.
Sec. 144. Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command.
Sec. 145. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
Sec. 146. Joint Surveillance Target Attack Radar System aircraft re-engining program.

Sec. 147. Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft.
Sec. 148. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
Sec. 149. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. LIMITATION ON PROCUREMENT OF STRYKER COMBAT VEHICLES.

(a) LIMITATION.—Except as provided by subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for weapons and tracked combat vehicles, Army, the Secretary of the Army may not procure more than 100 Stryker combat vehicles.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification by the Assistant Secretary of the Army for Acquisition, Technology, and Logistics that—

(1) there are validated needs of the Army requiring the waiver;

(2) all Stryker combat vehicles required to fully equip the nine Stryker brigades and to meet other validated requirements regarding the vehicle have been procured or placed on contract for procurement;

(3) the size of the Stryker combat vehicle fleet not assigned directly to Stryker brigade combat teams is essential to maintaining the readiness of Stryker brigade combat teams; and

(4) with respect to the Stryker combat vehicles planned to be procured pursuant to the waiver, cost estimates are complete for the long-term sustainment of the vehicles.

SEC. 112. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C-23 aircraft for which there has been no previously agreed upon transfer of title for such aircraft as of the date of the enactment of this Act, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) SUSTAINMENT.—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated with operating, maintaining, sustaining, and modernizing the aircraft.

(d) AIRLIFT STUDY AND REPORT.—

(1) STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Army, the Director of the National Guard Bureau, each supported commander of a combatant command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following titles 10 and 32, United States Code, missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Time sensitive, direct support to forces consisting of the regular component of the Army and the National Guard.

(C) Disaster response.

(D) Humanitarian assistance.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report containing the study under paragraph (1).

(e) GAO SUFFICIENCY REVIEW.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (d)(1).

(2) REPORT.—The Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AIRFRAMES FOR ARMY UH-60M/HH-60M HELICOPTERS AND NAVY MH-60R/MH-60S HELICOPTERS.

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

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Navy Programs

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

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the

Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of mission avionics and common cockpits for MH-60R/S helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 122. [10 U.S.C. 221 note] SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES.

(a) IN GENERAL.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that a separate, dedicated procurement line item is designated for each covered module that includes the quantity and cost of each such module requested.

(b) FORM.—The Secretary shall ensure that any classified components of covered modules not included in a procurement line item under subsection (a) shall be included in a classified annex.

(c) COVERED MODULE.—In this section, the term "covered module" means, with respect to mission modules of the Littoral Combat Ship, the following modules:

(1) Surface warfare.

(2) Mine countermeasures.

(3) Anti-submarine warfare.

SEC. 123. LIFE-CYCLE COST-BENEFIT ANALYSIS ON ALTERNATIVE MAINTENANCE AND SUSTAINABILITY PLANS FOR THE LITTORAL COMBAT SHIP PROGRAM.

(a) COST-BENEFIT ANALYSIS.—The Secretary of the Navy shall conduct a life-cycle cost-benefit analysis, in accordance with the Office of Management and Budget Circular A-94, comparing alternative maintenance and sustainability plans for the Littoral Combat Ship program.

(b) REPORT.—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis conducted under subsection (a).

SEC. 124. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER CONSTRUCTION AUTHORITY.

Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is amended by striking "three fiscal years" and inserting "four fiscal years".

Subtitle D—Air Force Programs

SEC. 131. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking "October 1, 2009" and inserting "October 1, 2011"; and

(2) by striking "316 aircraft" and inserting "301 aircraft".

SEC. 132. LIMITATIONS ON USE OF FUNDS TO RETIRE B-1 BOMBER AIRCRAFT.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act for fiscal year 2012 for the Department of Defense may be obligated or expended to retire any B-1 bomber aircraft on or before the date on which the Secretary of the Air Force submits to the congressional defense committees the plan described in subsection (b).

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

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

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

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

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

(5) An estimate of the amount of funding required to fully fund the modernization plan described in paragraph (4) for each calendar year through calendar year 2022.

[Section 133 was repealed by section 136(d) of Public Law 115–91.]

SEC. 134. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO THE B-2 BOMBER AIRCRAFT.

Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B-2 bomber aircraft modifications, post-production support, and other charges, $20,000,000 may be available for fiscal year 2012 for research, development, test, and evaluation with respect to a conventional mixed load capability for the B-2 bomber aircraft.

SEC. 135. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO SUPPORT ALTERNATIVE OPTIONS FOR EXTREMELY HIGH FREQUENCY TERMINAL INCREMENT 1 PROGRAM OF RECORD.

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

(b) PLAN TO SECURE PROTECTED COMMUNICATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a plan to provide an extremely high frequency terminal for secure protected communications for the B-2 bomber aircraft and other aircraft.

SEC. 136. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) USE OF INCREMENTAL FUNDING.—With respect to a contract entered into under paragraph (1) for the procurement of advanced extremely high frequency satellites, the Secretary may use incremental funding for a period not to exceed six fiscal years.

(3) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed $3,100,000,000.

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

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program support costs.

(D) Technical support for obsolescence studies.

(c) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

(1) WAIVER.—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees written notification of the adjustment made to the amount set forth in such subsection.

(2) ADJUSTMENT.—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2011.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into an advanced extremely high frequency satellite, as compared to the technology built into such a satellite procured prior to fiscal year 2012, if the Secretary

determines, and certifies to the congressional defense committees, that insertion of the new technology is—

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

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

(d) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2012 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 6.

(e) REPORT.—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract, including the following:

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

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of military satellite communications, including a description of—

(A) the available funds, by year, resulting from such cost savings;

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

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

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

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two advanced extremely high frequency satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

Subtitle E—Joint and Multiservice Matters

SEC. 141. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OF JOINT TACTICAL RADIO SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for other procurement, Army, for covered programs of the joint tactical radio system, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees written certification that the acquisition strategy for the full-rate production of covered programs of such radio system includes full and open competition (as defined in section 2302(3)(D) of title 10, United States Code) that includes commercially developed systems that the Secretary determines are qualified with respect to successful testing by the Army and certification by the National Security Agency.

(b) LRIP.—The limitation under subsection (a) shall not apply to the low-rate initial production of covered programs.

(c) COVERED PROGRAMS.—In this section, the term "covered programs" means, with respect to the joint tactical radio system, the following:

(1) The ground mobile radio.

(2) The handheld, manpack, and small form fit.

SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR AVIATION FOREIGN INTERNAL DEFENSE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the aviation foreign internal defense program, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Commander of the United States Special Operations Command submits the report under subsection (b)(1).

(b) REPORT REQUIRED.—

(1) REPORT.—Not later than March 15, 2012, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report on the aviation foreign internal defense program.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An overall description of the program, including its goals and proposed metrics of performance success.

(B) The results of any analysis of alternatives and efficiencies reviews for contracts awarded for the aviation foreign internal defense program.

(C) An assessment of the advantages and disadvantages of procuring new aircraft, procuring used aircraft, or leasing aircraft to meet mission requirements, including an explanation of any efficiencies and savings.

(D) A comprehensive strategy outlining and justifying the overall projected growth of the aviation foreign internal defense program to satisfy the increased requirements

of the commanders of the geographic combatant commands.

(E) An examination of efficiencies that could be gained by procuring platforms such as those being procured for light mobility aircraft.

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

SEC. 143. F-35 JOINT STRIKE FIGHTER AIRCRAFT.

In entering into a contract for the procurement of aircraft for the sixth and all subsequent low-rate initial production contract lots for the F-35 Lightning II Joint Strike Fighter aircraft, the Secretary of Defense shall ensure each of the following:

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

(2) That the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

SEC. 144. ADDITIONAL OVERSIGHT REQUIREMENTS FOR THE UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) LIMITATION ON MILESTONE B DECISION.—The Commander of the United States Special Operations Command may not make any milestone B acquisition decisions with respect to a covered element until a 30-day period has elapsed after the date on which the Under Secretary of Defense for Acquisition and Sustainment—

(1) conducts the assessment and determination under subsection (b) for the covered element; and

(2) submits to the congressional defense committees a report including—

(A) the determination of the Under Secretary with respect to the appropriate acquisition category for the covered element; and

(B) the validated requirements, independent cost estimate, test and evaluation master plan, and technology readiness assessment described in paragraphs (1) through (4) of subsection (b), respectively.

(b) ASSESSMENT AND DETERMINATION.—With respect to each covered element, the Under Secretary shall conduct an assessment and determination of whether to treat the covered element as a major defense acquisition program. Such assessment shall include—

(1) a requirements validation by the Joint Requirements Oversight Council or the Joint Capabilities Integration and Development system;

(2) an independent cost estimate prepared by the Director of Cost Assessment and Program Evaluation, or other comparable and qualified entity selected by the Director;

(3) a test and evaluation master plan reviewed by the Director of Operational Test and Evaluation; and

(4) a technology readiness assessment reviewed by the Under Secretary of Defense for Research and Engineering.

(c) TECHNOLOGY ROADMAP.—

(1) IN GENERAL.—The Commander shall develop a plan consisting of a technology roadmap for undersea mobility capabilities that includes the following:

(A) A description of the current capabilities provided by covered elements as of the date of the plan.

(B) An identification and description of the requirements of the Commander for future undersea mobility platforms.

(C) An identification of resources necessary to fulfill the requirements identified in subparagraph (B).

(D) A description of the technology readiness levels of any covered element currently under development as of the date of the plan.

(E) An identification of any potential gaps or projected shortfall in capability, along with steps to mitigate any such gap or shortfall.

(F) Any other matters the Commander determines appropriate.

(2) SUBMISSION.—The Commander shall submit to the congressional defense committees the plan under paragraph (1) at the same time as the Under Secretary submits the first report under subsection (a)(2) following the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015.

(d) COVERED ELEMENT DEFINED.—In this section, the term "covered element" means any of the following elements of the undersea mobility acquisition program of the United States Special Operations Command:

(1) The dry combat submersible-light program.

(2) The dry combat submersible-medium program.

(3) The next-generation submarine shelter program.

(4) Any new dry combat submersible developed under the undersea mobility acquisition program of the United States Special Operations Command after the date of the enactment of this Act.

SEC. 145. INCLUSION OF INFORMATION ON APPROVED COMBAT MISSION REQUIREMENTS IN QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENT FUNDS.

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

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

"(A) the title of such Requirement;

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

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

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

SEC. 146. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT RE-ENGINING PROGRAM.

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

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

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

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

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

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

(B) A statement of the amount of such funds that remain in the original budget lines.

(C) A statement of the amount of such funds that were reprogrammed or expired, and in which accounts.

(b) USE OF FUNDS.—The Secretary of the Air Force shall take appropriate actions to ensure that funds authorized to be appropriated by this Act for JSTARS aircraft, and any funds described by subsection (a)(2)(B), are obligated and expended for the purposes for which authorized and appropriated, including, but not limited to, the installation of one engine shipset on an operational JSTARS aircraft.

SEC. 147. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) AUTHORITY.—

(1) EXCHANGE AUTHORITY.—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the "United Kingdom") all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—The aircraft authorized to be transferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) FUNDING FOR PRODUCTION OF AIRCRAFT.—

(1) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) EXCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) IMPLEMENTATION.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled "Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding", which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

SEC. 148. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F-35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F-35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F-35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

SEC. 149. REPORT ON PLAN TO IMPLEMENT WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009 MEASURES WITHIN THE JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

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

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

(2) A schedule for achieving each goal set forth under paragraph (1) for the Joint Strike Fighter aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on availability of funds for the ground combat vehicle program.
Sec. 212. Limitation on the individual carbine program.
Sec. 213. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.
Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.
Sec. 215. Limitation on obligation of funds for the F-35 Lightning II aircraft program.
Sec. 216. Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program.
Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.
Sec. 218. Limitation on availability of funds for wireless innovation fund.
Sec. 219. Prohibition on delegation of budgeting authority for certain research and educational programs.
Sec. 220. Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram.
Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.
Sec. 222. Advanced rotorcraft flight research and development.
Sec. 223. Preservation and storage of certain property related to F136 propulsion system.

Subtitle C—Missile Defense Programs

Sec. 231. Acquisition accountability reports on the ballistic missile defense system.

Sec. 232. Comptroller General review and assessment of missile defense acquisition programs.
Sec. 233. Homeland defense hedging policy and strategy.
Sec. 234. Ground-based midcourse defense program.
Sec. 235. Limitation on availability of funds for the medium extended air defense system.
Sec. 236. Sense of Congress regarding ballistic missile defense training.

Subtitle D—Reports

Sec. 241. Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics.
Sec. 242. Report and cost assessment of options for Ohio-class replacement ballistic missile submarine.
Sec. 243. Report on the electromagnetic rail gun system.
Sec. 244. Annual comptroller general report on the KC-46A aircraft acquisition program.
Sec. 245. Independent review and assessment of cryptographic modernization program.
Sec. 246. Report on increased budget items.

Subtitle E—Other Matters

Sec. 251. Repeal of requirement for Technology Transition Initiative.
Sec. 252. Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.
Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 254. National defense education program.
Sec. 255. Laboratory facilities, Hanover, New Hampshire.
Sec. 256. Sense of Congress on active matrix organic light emitting diode technology.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON AVAILABILITY OF FUNDS FOR THE GROUND COMBAT VEHICLE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Army, for the ground combat vehicle program, not more than 80 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report containing—

(1) the plans of the Secretary to carry out—

(A) a dynamic analysis of alternatives update described in the acquisition decision memorandum issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics on August 17, 2011; and

(B) a separate assessment of selected non-developmental vehicles described in such memorandum; and

(2) a description of the resources the Secretary considers necessary to carry out the plans under paragraph (1), including the amount of funding required in fiscal years 2012 and 2013.

SEC. 212. LIMITATION ON THE INDIVIDUAL CARBINE PROGRAM.

(a) LIMITATION.—Notwithstanding any other provision of law, and except as provided by subsection (b), the individual carbine program may not receive Milestone C approval (as defined in section 2366(e)(8) of title 10, United States Code) until the date on which the Secretary of the Army submits to the congressional defense committees a business case assessment of such program, including, at a minimum, comparisons of the capabilities and costs of—

(1) commercially available weapon systems as of the date of the assessment, including complete weapon systems and kits to apply to existing weapon systems; and

(2) weapon systems that are fielded as of the date of the assessment that include any required improvements.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States.

SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM[4].

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 or fiscal year 2013 for research, development, test, and evaluation, Navy, for the Future Unmanned Carrier-launched Surveillance and Strike system, not more than 75 percent may be obligated or expended until the date that is 60 days after the date on which—

(1) the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense committees that—

(A) such system is required to fill a validated capability gap of the Department of Defense; and

(B) the Council has reviewed and approved the initial capability and development document relating to such system;

(2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits to the congressional defense committees a report containing—

(A) a delineation of threshold and objective key performance parameters;

(B) a certification that the threshold and objective key performance parameters for such system have been established and are achievable; and

(C) a description of the requirements of such system with respect to—

[4] Heading so in law. Section 212(c) of Public Law 112-239 provides for an amendent striking "Future Unmanned Carrier-based Strike System" each place it appears and inserting "Unmanned Carrier-launched Surveillance and Strike system". The amendment probably should have included the section heading.

(i) weapons payload;

(ii) intelligence, reconnaissance, and surveillance equipment;

(iii) electronic attack and electronic protection equipment;

(iv) communications equipment;

(v) range;

(vi) mission endurance for un-refueled and aerial refueled operations;

(vii) low-observability characteristics;

(viii) affordability;

(ix) survivability; and

(x) interoperability with other Navy and joint-service unmanned aerial systems and mission control stations; and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that—

(A) the Secretary of the Navy has completed a comprehensive analysis of alternatives for such system;

(B) the acquisition strategy of the Secretary for the technology development and initial fielding phases of such system is achievable and presents medium, or less, risk with respect to cost, schedule, funding, and testing program;

(C) such acquisition strategy integrates a fair and open competitive acquisition strategy environment for all potential competitors;

(D) the data, information, and lessons learned from the Unmanned Carrier-based Aircraft System of the Navy are sufficiently integrated into the acquisition strategy of the Future Unmanned Carrier-launched Surveillance and Strike system and that the level of concurrency between the programs is prudent and reasonable;

(E) the Secretary has sufficient fiscal resources budgeted in the future years defense plan and extended planning period that supports the acquisition strategy described in subparagraph (B); and

(F) the acquisition strategy—

(i) complies with the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23), and the amendments made by that Act, and Department of Defense Instruction 5000.02; and

(ii) requires the implementation of open architecture standards.

(b) GAO BRIEFING.—Not later than 90 days after the date on which the certifications and report under subsection (a) are received by the congressional defense committees, the Comptroller General of the United States shall brief the congressional defense committees on an evaluation of the acquisition strategy of the Secretary of the Navy for the Unmanned Carrier-launched Surveillance and Strike system.

(c) FORM.—The report required by subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

(d) TECHNOLOGY DEVELOPMENT AND PRELIMINARY DESIGN PHASES.—

(1) CONTRACTORS.—In accordance with paragraph (2), the Secretary of the Navy may not reduce the number of prime contractors working on the Unmanned Carrier-launched Surveillance and Strike system program to one prime contractor for the technology development phase of such program prior to the program achieving the preliminary design review milestone.

(2) PRELIMINARY DESIGN REVIEW.—After the date on which the Unmanned Carrier-launched Surveillance and Strike system program achieves the preliminary design review milestone, the Secretary may not reduce the number of prime contractors working on the program to one prime contractor until—

(A) the preliminary design reviews of the program are completed;

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics assesses the completeness of the preliminary design reviews of the program for each participating prime contractor;

(C) the Under Secretary submits to the congressional defense committees a report that includes—

(i) a summary of the assessment of the preliminary design reviews of the program conducted under subparagraph (B); and

(ii) a certification that each preliminary design review of the program was complete and was not abbreviated when compared to preliminary design reviews conducted for other major defense acquisition programs consistent with the policies specified in Department of Defense Instruction 5000.02; and

(D) a period of 30 days has elapsed following the date on which the Under Secretary submits the report under subparagraph (C).

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR AMPHIBIOUS ASSAULT VEHICLES OF THE MARINE CORPS.

(a) LIMITATIONS.—

(1) LIMITATION ON FUNDING.—Except as provided by subsections (d) and (e), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for procurement, Marine Corps, or research, development, test, and evaluation, Navy, may be obligated or expended for the amphibious programs described in subsection (c) until the date on which the Secretary of the Navy, in coordination with the Commandant of the Marine Corps, submits to the congressional defense committees a report containing—

(A) written certification of the requirements for amphibious assault vehicles of the Marine Corps, based on the needs of the commanders of the combatant commands, relating to—

(i) the distance from the shore needed to begin an amphibious assault;

(ii) the speed at which the vehicle must travel in order to reach the shore in the time required for such assault; and

(iii) the armor requirements for all potential combat environments, including the possible use of appliqué armor; and

(B) the analysis of alternatives conducted under subsection (b)(1).

(2) LIMITATION ON MPC MILESTONE B.—Milestone B approval may not be granted for the Marine Personnel Carrier until 30 days after the date on which the report under paragraph (1) is submitted to the congressional defense committees.

(b) ANALYSIS OF ALTERNATIVES.—

(1) ANALYSIS.—The Secretary of the Navy, in coordination with the Commandant of the Marine Corps, shall conduct an analysis of alternatives of the amphibious assault vehicles described in paragraph (2). With respect to such vehicles, such analysis shall include—

(A) comparisons of the capabilities and total lifecycle ownership costs (including costs with respect to research, development, test, and evaluation, procurement, and operation and maintenance); and

(B) an independent review of the analysis of cost prepared by a federally funded research and development center.

(2) AMPHIBIOUS ASSAULT VEHICLES DESCRIBED.—The amphibious assault vehicles described in this paragraph are amphibious assault vehicles that—

(A) meet the requirements described in subsection (a)(1)(A), including—

(i) an upgraded assault amphibious vehicle 7A1;

(ii) the expeditionary fighting vehicle; and

(iii) a new amphibious combat vehicle; and

(B) include at least one vehicle that is capable of accelerating until the vehicle moves along the top of the water (commonly known as "getting up on plane") and at least one vehicle that is not capable of such acceleration.

(c) AMPHIBIOUS PROGRAMS DESCRIBED.—The amphibious programs described in this subsection are the following:

(1) The assault amphibious vehicle 7A1, program element 206623M.

(2) The Marine Corps assault vehicle, program element 603611M.

(3) The termination of the expeditionary fighting vehicle program.

(d) AAV7A1 IMPROVEMENT PROGRAM.—The limitation in subsection (a)(1) shall not apply to funds made available for procurement, Marine Corps, for the procurement of—

(1) an assault amphibious vehicle 7A1 with—

(A) survivability upgrades under the survivability product improvement program; or

(B) other necessary survivability capabilities that are in response to urgent operational needs; or

(2) improvements to a previously procured assault amphibious vehicle 7A1 that address safety of use, environmental inhabitability, and operational availability.

(e) MARINE CORPS ASSAULT VEHICLE, PROGRAM ELEMENT 603611M.—The limitation in subsection (a)(1) shall not apply to funds made available for research, development, test, and evaluation, Navy, for the Marine Corps assault vehicle, program element 603611M, to—

(1) conduct an analysis of alternatives and supporting analytical activities; or

(2) conduct technology integration development and engineering to—

(A) refine and validate requirements; and

(B) reduce cost, schedule, and technical risk prior to the initiation of the amphibious combat vehicle program.

(f) ASSESSMENT ON HABITABILITY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a habitability assessment with respect to the period of time a member of the Armed Forces can spend in the back of an amphibious assault vehicle that is not "up on plane" while still remaining combat effective. Such assessment shall cover a set of operationally relevant speeds and ranges. The Secretary shall include the results and information from any recently performed tests related to such assessment.

SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR THE F-35 LIGHTNING II AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research and development for the F-35 Lightning II aircraft program, not more that 80 percent may be obligated or expended until the date on which the Secretary of Defense certifies to the congressional defense committees that the acquisition strategy for the F-35 Lightning II aircraft includes a plan for achieving competition throughout operation and sustainment, in accordance with section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 10 U.S.C. 2430 note).

SEC. 216. LIMITATION ON USE OF FUNDS FOR INCREMENT 2 OF B-2 BOMBER AIRCRAFT EXTREMELY HIGH FREQUENCY SATELLITE COMMUNICATIONS PROGRAM.

Of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201 and available for Increment 2 of the B-2 bomber aircraft extremely high frequency satellite communications program, not more than 40 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The certification of the Secretary that—

(A) the United States Government will own the data rights to any extremely high frequency active electronically steered array antenna developed for use as part of a system to support extremely high frequency protected satellite communications for the B-2 bomber aircraft; and

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

(2) A detailed plan setting forth the projected cost and schedule for research, development, and testing on the extremely high frequency active electronically steered array antenna.

SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MANAGEMENT SYSTEM.

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

(1) improvements to the space situational awareness and space command and control capabilities of the United States are necessary; and

(2) the traditional defense acquisition process is not optimal for developing the services-oriented architecture and net-centric environment planned for the Joint Space Operations Center management system.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for release one of the Joint Space Operations Center management system may be obligated or expended until the date on which the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly submit to the congressional defense committees the acquisition strategy for such management system, including—

(1) a description of the acquisition policies and procedures applicable to such management system; and

(2) a description of any additional acquisition authorities necessary to ensure that such management system is able to implement a services-oriented architecture and net-centric environment for space situational awareness and space command and control.

SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR WIRELESS INNOVATION FUND.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the wireless innovation fund within the Defense Advanced Research Projects Agency, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a report on how such fund will be managed and executed, including—

(1) a concept of operation for how such fund will operate, particularly with regards to supporting the interagency community;

(2) a description of—

(A) the governance structure, including how decision-making with interagency partners will be conducted;

(B) the funding mechanism for interagency collaborators;

(C) the metrics for measuring the performance and effectiveness of the program; and

(D) the reporting mechanisms to provide oversight of the fund by the Department of Defense, the interagency partners, and Congress; and

(3) any other matters the Under Secretary considers appropriate.

SEC. 219. PROHIBITION ON DELEGATION OF BUDGETING AUTHORITY FOR CERTAIN RESEARCH AND EDUCATIONAL PROGRAMS.

(a) PROHIBITION ON DELEGATION.—Subsection (a) of section 2362 of title 10, United States Code, is amended—

(1) by striking "The Secretary of Defense" and inserting "(1) The Secretary of Defense"; and

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

"(2) The Secretary of Defense may not delegate or transfer to an individual outside the Office of the Secretary of Defense the authority regarding the programming or budgeting of the program established by this section that is carried out by the Assistant Secretary of Defense for Research and Engineering.".

(b) CONFORMING AMENDMENTS.—Such section 2362 is amended further—

(1) in subsection (b), by striking "established under subsection (a)" and inserting "established by subsection (a)(1)"; and

(2) in subsection (c), by striking "subsection (a)" and inserting "subsection (a)(1)".

SEC. 220. DESIGNATION OF MAIN PROPULSION TURBOMACHINERY OF THE NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the date on which the next-generation long-range strike bomber aircraft receives Milestone A approval, the Secretary of Defense shall designate the development and procurement of the main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as a major subprogram of the next-generation long-range strike bomber aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) COMPETITIVE ACQUISITION STRATEGY.—The Secretary of the Air Force shall develop an acquisition strategy for the major subprogram designated in subsection (a) that is in accordance with subsections (a) and (b) of section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1720; 10 U.S.C. 2430 note).

SEC. 221. DESIGNATION OF ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the electromagnetic aircraft launch development and procurement program as a major subprogram of the CVN-78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code. The Secretary may cease such designation after the date on which the electromagnetic aircraft launch system

is certified as operationally effective and suitable by the Director of Operational Test and Evaluation.

SEC. 222. [10 U.S.C. 2358 note] ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT.

(a) PROGRAM AUTHORIZED.—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, payload, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

(2) To mature advanced rotorcraft technology and obtain flight-test data to—

(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) may include—

(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

(2) flight demonstration of the advanced rotorcraft technology test bed under the experimental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

(d) COMPETITION.—In awarding a contract under this section, the Secretary shall use competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and shall consider a timely offer submitted by a small business concern (as defined in section 2330a(h) of such title) in accordance with the specifications and evaluation factors specified in the solicitation.

SEC. 223. PRESERVATION AND STORAGE OF CERTAIN PROPERTY RELATED TO F136 PROPULSION SYSTEM.

(a) PLAN.—The Secretary of Defense shall develop a plan for the disposition of property owned by the Federal Government that was acquired under the F136 propulsion system development contract. The plan shall—

(1) ensure that the Secretary preserves and stores, uses, or disposes of such property in a manner that—

(A) provides for the long-term sustainment and repair of such property pending the determination by the Department of Defense that such property—

(i) can be used within the F-35 Lightning II aircraft program, in other Government development pro-

grams, or in other contractor-funded development activities;

(ii) can be stored for use in future Government development programs; or

(iii) should be disposed; and

(B) allows for such preservation and storage of identified property to be conducted at either the facilities of the Federal Government or a contractor under such contract; and

(2) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, or research, development, test, and evaluation, Air Force, for the F-35 Lightning II aircraft program may be obligated or expended for activities related to destroying or disposing of the property described in subsection (a) until the date that is 30 days after the date on which the report under subsection (c) is submitted to the congressional defense committees.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plan under subsection (a). That report shall describe how the Secretary intends to obtain maximum benefit to the Federal Government from the investment already made in developing the F136.

Subtitle C—Missile Defense Programs

SEC. 231. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section:

"SEC. 225. [10 U.S.C. 225] ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM

"(a) BASELINES REQUIRED.(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—

"(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

"(B) each designated major subprogram of such program elements.

"(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

"(A) engineering and manufacturing development (or its equivalent); and

"(B) production and deployment.

"(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

"(b) ELEMENTS OF BASELINES. Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

"(1) A comprehensive schedule, including—

"(A) research and development milestones;

"(B) acquisition milestones, including design reviews and key decision points;

"(C) key test events, including ground and flight tests and ballistic missile defense system tests;

"(D) delivery and fielding schedules;

"(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

"(F) planned contract award dates.

"(2) A detailed technical description of—

"(A) the capability to be developed, including hardware and software;

"(B) system requirements, including performance requirements;

"(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

"(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

"(E) how the Director plans to improve the capability over time.

"(3) A cost estimate, including—

"(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

"(B) program acquisition unit costs for the program element;

"(C) average procurement unit costs and program acquisition costs for the program element; and

"(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

"(4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.

"(c) ANNUAL REPORTS ON ACQUISITION BASELINES.(1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

"(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

"(B) Each subsequent report under paragraph (1) shall include—

"(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

"(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

"(I) the initial acquisition baseline for such program element or major subprogram; and

"(II) the acquisition baseline for such program element or major subprogram that was submitted in the report during the previous year.

"(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

"(d) EXCEPTION TO LIMITATION ON REVISION. The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

"(1) a justification for such adjustment or revision;

"(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and

"(3) the effective date of the adjusted or revised acquisition baseline.".

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

"225. Acquisition accountability reports on the ballistic missile defense system.".

(b) CONFORMING AMENDMENTS.—

(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.

(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).

(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.

SEC. 232. COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

(a) COMPTROLLER GENERAL ASSESSMENT.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the annual reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, that cover any of fiscal years 2012 through 2025 and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.

(2) REPORTS.—Not later than March 15, 2013, and each year thereafter through 2026, the Comptroller General shall

submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year, which shall include such findings and recommendations as the Comptroller General considers appropriate.

(3) REVIEW OF EMERGING ISSUES.—In carrying out this subsection, as the Comptroller General determines is warranted, the Comptroller General shall review emerging issues and, in consultation with the congressional defense committees, brief such committees or submit to such committees a report on the findings of the Comptroller General with respect to such review.

(b) ANNUAL REPORTS ON MISSILE DEFENSE EXECUTIVE BOARD ACTIVITIES.—In each of the first three reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, the Director shall include a description of the activities of the Missile Defense Executive Board during the fiscal year preceding the date of the report, including the following:

(1) A list of each meeting of the Board during such year.

(2) The agenda and issues considered at each such meeting.

(3) A description of any decisions or recommendations made by the Board at each such meeting.

(c) REPEAL OF SUPERSEDED REPORTING AUTHORITY.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking subsection (g).

SEC. 233. HOMELAND DEFENSE HEDGING POLICY AND STRATEGY.

(a) REPORT REQUIRED.—In light of the homeland missile defense hedging policy and strategy framework described in the Ballistic Missile Defense Review of 2010, not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the missile defense hedging strategy review for the protection of the homeland of the United States.

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

(1) A description of the findings and conclusions of the strategy review.

(2) A description of the hedging alternatives and capabilities considered by the Secretary.

(3) A summary of the analyses conducted, including the criteria used to assess the alternatives and capabilities described in paragraph (2).

(4) A detailed description of the plans, programs, and the budget profile for implementing the strategy through the future years defense program submitted to Congress under section 221 of title 10, United States Code, with the budget of the President for fiscal year 2013.

(5) The criteria to be used in determining whether and when each item contained in the strategy should be implemented and the schedule and budget profile required to implement each item.

(6) A discussion of the feasibility and advisability of deploying a missile defense site on the East Coast of the United States.

(7) Any other information the Secretary considers necessary.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 234. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.

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

(1) it is essential for the ground-based midcourse defense element of the ballistic missile defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland, throughout its operational service life, against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(2) the Missile Defense Agency should, as its highest priority, determine the root cause of the December 2010 flight-test failure of the ground-based midcourse defense system, design a correction of the problem causing the flight-test failure, and verify through extensive testing that such correction is effective and will allow the ground-based midcourse defense system to reach levels described in paragraph (1);

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

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

(b) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and one year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan of the Department of Defense to correct the problem causing the December 2010 flight-test failure of the ground-based midcourse defense system, and any progress toward the achievement of that plan.

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

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

(B) A detailed discussion of any results obtained from the plan described in subparagraph (A) as of the date of

such report, including diagnostic, design, testing, or manufacturing results.

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

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

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

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

SEC. 235. LIMITATION ON AVAILABILITY OF FUNDS FOR THE MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program, not more than 25 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a plan to use such funds as final obligations under such program for either—

(1) implementing a restructured program of reduced scope; or

(2) contract termination liability costs with respect to the contracts covering the program.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) The plan of the Secretary for using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program for the purposes described in paragraph (1) or (2) of subsection (a).

(2) An explanation of the amount of the total cost for which the United States would be liable with respect to either—

(A) restructuring the program as described in such paragraph (1); or

(B) terminating the contracts covering the program, either unilaterally or multilaterally, as described in such paragraph (2).

(3) An explanation of the terms of any agreement with Germany or Italy (or both) with respect to program restructuring or contract termination.

(4) A description of the program schedule and specific elements of a restructured program to develop, test, and evaluate technologies for possible incorporation into future air and missile defense architectures of the United States.

(5) A description of the specific technologies identified by the Secretary for possible incorporation into future air and missile defense architectures of the United States.

(6) A description of how the Secretary plans to address the future air and missile defense requirements of the Department of Defense in the absence of a fielded medium extended air defense system capability, including a summary of activities, the cost estimate, and the funding profile necessary to sustain and upgrade the Patriot air and missile defense system.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report providing a detailed description of the efforts the Secretary has made with Germany and Italy, including any involvement by the Secretary of State, to agree on ways to minimize the costs to each nation of implementing a restructured program or of unilateral or multilateral contract termination.

SEC. 236. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TRAINING.

It is the sense of Congress that—

(1) progress has been made in improving the integration of ballistic missile defense training across and between combatant commands and military services and identifying the training requirements, capabilities, and resources that the Department of Defense needs for this complex mission that is vital to the protection of the United States and its deployed forces and allies against ballistic missile attacks;

(2) it is important to continue effective and integrated missile defense training to improve the capabilities of the ballistic missile defense system and its elements; and

(3) the Department of Defense should continue to identify the capabilities and resources needed to effectively and adequately integrate training across and between the combatant commands and military services and should continue efforts to improve such training.

Subtitle D—Reports

SEC. 241. EXTENSION OF REQUIREMENTS FOR BIENNIAL ROADMAP AND ANNUAL REVIEW AND CERTIFICATION ON FUNDING FOR DEVELOPMENT OF HYPERSONICS.

Section 218(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2126; 10 U.S.C. 2358 note) is amended by striking "2012" and inserting "2016".

SEC. 242. REPORT AND COST ASSESSMENT OF OPTIONS FOR OHIO-CLASS REPLACEMENT BALLISTIC MISSILE SUBMARINE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Commander of the United States Strategic Command shall jointly submit to the congressional defense committees a report on each of the options described in subsection (b) to replace the Ohio-class ballistic submarine program. The report shall include the following:

(1) An assessment of the procurement cost and total life-cycle costs associated with each option.

(2) An assessment of the ability for each option to meet—

(A) the at-sea requirements of the Commander that are in place as of the date of the enactment of this Act; and

(B) any expected changes in such requirements.

(3) An assessment of the ability for each option to meet—

(A) the nuclear employment and planning guidance in place as of the date of the enactment of this Act; and

(B) any expected changes in such guidance.

(4) A description of the postulated threat and strategic environment used to inform the selection of a final option and how each option provides flexibility for responding to changes in the threat and strategic environment.

(b) OPTIONS CONSIDERED.—The options described in this subsection to replace the Ohio-class ballistic submarine program are as follows:

(1) A fleet of 12 submarines with 16 missile tubes each.

(2) A fleet of 10 submarines with 20 missile tubes each.

(3) A fleet of 10 submarines with 16 missile tubes each.

(4) A fleet of eight submarines with 20 missile tubes each.

(5) Any other options the Secretary and the Commander consider appropriate.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 243. REPORT ON THE ELECTROMAGNETIC RAIL GUN SYSTEM.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the development, future deployment, and operational challenges of the electromagnetic rail gun system of the Navy.

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

(1) An assessment of the various operational problem sets the electromagnetic rail gun system might be used against, including—

(A) naval surface fire support;

(B) anti-surface warfare, including small-boat threats;

(C) cruise missile, ballistic missile, and anti-aircraft defense; and

(D) other missions as defined by the Secretary.

(2) An analysis of the technical challenges in developing the electromagnetic rail gun system, including—

(A) power generation and storage to achieve desired firing rates and ranges;

(B) projectile development;

(C) launcher/bore design and lifetime; and

(D) ship integration challenges.

(3) An identification of existing supporting research programs being executed outside of the Navy that support the development of the electromagnetic rail gun system, as well as

opportunities where collaborative research between the Navy and other research components could accelerate development.

(4) An assessment of possible deployment configurations, including—

(A) for ship-based applications, an identification of candidate ships for initial integration;

(B) for land-based applications, an identification of possible mission sets and locations for early prototyping opportunities; and

(C) other alternative approaches for rapid prototyping.

(5) With respect to the information provided by the Secretary of the Navy under paragraphs (1) through (4), the opinions of the Secretary of the Army, the Commandant of the Marine Corps, the Assistant Secretary of Defense for Research and Engineering, the Director of the Missile Defense Agency, and the Director of the Defense Advanced Research Projects Agency.

(c) INTERIM UPDATE.—Not later than 90 days after the date of the enactment of this Act, the Chief of Naval Research shall provide an update briefing to the congressional defense committees.

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

SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE KC-46A AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2017, the Comptroller General of the United States shall conduct an annual review of the KC-46A aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2012 and ending in 2017, the Comptroller General shall submit to the congressional defense committees a report on the review of the KC-46A aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the KC-46A aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting engineering, manufacturing, development, and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the KC-46A aircraft, the progress and results of—

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

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

(C) An assessment of KC-46A aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the KC-46A aircraft, including whether such strategy is in compliance with acquisition management best-practices

and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the KC-46A aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding budgeted; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Air Force to the baseline documentation of the KC-46A aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the integrated baseline review document;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

SEC. 245. INDEPENDENT REVIEW AND ASSESSMENT OF CRYPTOGRAPHIC MODERNIZATION PROGRAM.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the cryptographic modernization program of the Department of Defense.

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

(1) For each military department and appropriate defense agency, an analysis of the adequacy of the program management structure for executing the cryptographic modernization program, including resources, personnel, requirements generation, and business process metrics.

(2) A description of the acquisition model for each military department and appropriate defense agency, including how the acquisition strategies of programs of record are synchronized with the needs of the cryptographic modernization program.

(3) An analysis of the current funding mechanism, the Information System Security Program, to provide adequate and stable funding to meet cryptographic modernization needs.

(4) An analysis of the ability of the program to deliver capabilities to the user community while complying with the budget and schedule for the program, including the programmatic risks that negatively affect such compliance.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the management of the cryptographic modernization program.

(2) ADDITIONAL EVALUATION REQUIRED.—Not later than 30 days after the date on which the congressional defense committees receive the report required by paragraph (1), the Secretary shall submit to such committees an evaluation by the Secretary of the findings and recommendations contained in such report.

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

SEC. 246. REPORT ON INCREASED BUDGET ITEMS.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report describing the contract award process for each contract described in subsection (b) for which the Secretary will obligate funds authorized for a program element described in subsection (c). In the case of funds that are not yet obligated for any such contract by the end of fiscal year 2012, the Secretary shall describe the process planned for the award of such a contract.

(2) SUBMISSION.—The Secretary shall submit the report required by paragraph (1) not later than December 31, 2012.

(b) CONTRACT DESCRIBED.—For purposes of subsection (a), a contract described in this subsection is a contract awarded using procedures other than competitive procedures pursuant to the exceptions set forth in section 2304(c) of title 10, United States Code, or any other exceptions provided in law or regulation.

(c) PROGRAM ELEMENT DESCRIBED.—(1) For purposes of subsection (a), a program element described in this subsection is a program element funded—

(A) with amounts authorized to be appropriated by section 201; and

(B) in a total amount that is more than the amount requested for such program element by the President in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012.

(2) For purposes of paragraph (1)(B), the total amount referred to in such paragraph does not include funds transferred into such program element that were included elsewhere in the budget referred to in such paragraph.

Subtitle E—Other Matters

SEC. 251. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) IN GENERAL.—

(1) REPEAL.—Section 2359a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2359a.

(b) [10 U.S.C. 2359a note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2013.

SEC. 252. CONTRACTOR COST-SHARING IN PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.

Section 243 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4178; 10 U.S.C. 2358 note) is amended—

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

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

"(b) COST-SHARING. Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system either—

"(1) for the development of program protection strategies for the system; or

"(2) for the design and incorporation of exportability features into the system,

shall include a cost-sharing provision that requires the contractor to bear at least one-half of the cost of such activities.".

SEC. 253. EXTENSION OF AUTHORITY FOR MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking "October 1, 2013" and inserting "September 30, 2016".

SEC. 254. NATIONAL DEFENSE EDUCATION PROGRAM.

If the total amount authorized to be appropriated by this Act for the National Defense Education Program for fiscal year 2012 is less than the amount requested by the President for such program in the budget submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, the Secretary of Defense may not derive the difference between such amounts from the K-12 component of such program.

SEC. 255. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the "Secretary") may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) DESCRIPTION OF REAL PROPERTY.—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary

easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) AMOUNT PAID FOR PROPERTY.—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) REVOLVING FUND.—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 256. SENSE OF CONGRESS ON ACTIVE MATRIX ORGANIC LIGHT EMITTING DIODE TECHNOLOGY.

It is the sense of Congress that—

(1) active matrix organic light emitting diode (in this section referred to as "OLED") technology displays have the potential to reduce the size, weight, and energy consumption of both dismounted and mounted systems of the Armed Forces;

(2) the United States has a limited OLED manufacturing industry;

(3) to ensure a reliable domestic source of OLED displays, the Secretary of Defense can use existing programs, including the ManTech program, to support the reduction of the costs and risks related to OLED manufacturing technologies; and

(4) the reduction of such costs and risks of OLED manufacturing has the potential to enable the affordable production and sustainment of future weapon systems, as well as the affordable transition of new technologies that can enhance capabilities of current force systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.
Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the national defense.
Sec. 313. Discharge of wastes at sea generated by ships of the Armed Forces.
Sec. 314. Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs.
Sec. 315. Energy-efficient technologies in contracts for logistics support of contingency operations.
Sec. 316. Health assessment reports required when waste is disposed of in open-air burn pits.
Sec. 317. Streamlined annual report on defense environmental programs.
Sec. 318. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 319. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.
Sec. 320. Fire suppression agents.

Subtitle C—Logistics and Sustainment

Sec. 321. Definition of depot-level maintenance and repair.
Sec. 322. Designation of military arsenal facilities as Centers of Industrial and Technical Excellence.
Sec. 323. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.
Sec. 324. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.
Sec. 325. Modification of requirements relating to minimum capital investment for certain depots.
Sec. 326. Reports on depot-related activities.
Sec. 327. Core depot-level maintenance and repair capabilities.

Subtitle D—Readiness

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.
Sec. 332. Review of proposed structures affecting navigable airspace.

Subtitle E—Reports

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.
Sec. 342. Additional matters for inclusion in and modified deadline for the annual report on operational energy.
Sec. 343. Study on Air Force test and training range infrastructure.
Sec. 344. Study on training range infrastructure for special operations forces.
Sec. 345. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.
Sec. 346. Study on United States force posture in the United States Pacific Command area of responsibility.
Sec. 347. Study on overseas basing presence of United States forces.
Sec. 348. Inclusion of assessment of joint military training and force allocations in quadrennial defense review and national military strategy.
Sec. 349. Modification of report on procurement of military working dogs.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.
Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.
Sec. 353. Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services.
Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle G—Other Matters

Sec. 361. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.
Sec. 362. Comptroller General review of space-available travel on military aircraft.
Sec. 363. Authority to provide information for maritime safety of forces and hydrographic support.
Sec. 364. Deposit of reimbursed funds under reciprocal fire protection agreements.
Sec. 365. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
Sec. 366. Ratemaking procedures for Civil Reserve Air Fleet contracts.
Sec. 367. Policy on Active Shooter Training for certain law enforcement personnel.
Sec. 368. Procurement of tents or other temporary structures.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environmental Provisions

SEC. 311. DESIGNATION OF SENIOR OFFICIAL OF JOINT CHIEFS OF STAFF FOR OPERATIONAL ENERGY PLANS AND PROGRAMS AND OPERATIONAL ENERGY BUDGET CERTIFICATION.

Section 138c of title 10, United States Code, is amended—

(1) in subsection (d)—

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

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff."; and

(2) in subsection (e)(4), by striking "10 days" and inserting "30 days".

SEC. 312. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED FACILITIES USED FOR THE NATIONAL DEFENSE.

(a) IMPROVEMENTS TO ACT.—The Sikes Act (16 U.S.C. 670 et seq.) is amended as follows:

(1) DEFINITIONS.—Section 100 (16 U.S.C. 670) is amended—

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

(B) by inserting after paragraph (1) the following new paragraphs:

"(2) STATE. The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

"(3) STATE-OWNED NATIONAL GUARD INSTALLATION. The term 'State-owned National Guard installation' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.".

(2) FUNDING OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Section 101 (16 U.S.C. 670a) is amended—

(A) in subsection (a)(1)(B)—

(i) by inserting "(i)" before "To facilitate"; and

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

"(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard in-

stallation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.";

(B) in subsection (a)(2), by inserting "or State-owned National Guard installation" after "military installation" both places it appears;

(C) in subsection (a)(3)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by inserting "(A)" before "Consistent";

(iii) in subparagraph (A), as designated by clause (ii) of this subparagraph, by inserting "and State-owned National Guard installations" after "military installations" the first place it appears;

(iv) in clause (i) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by striking "military installations" and inserting "such installations";

(v) in clause (ii) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by inserting "on such installations" after "resources"; and

(vi) by adding at the end the following subparagraph:

"(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.";

(D) in subsection (b), by inserting "and State-owned National Guard installations" after "military installations" the first place it appears;

(E) in subparagraphs (G) and (I) of subsection (b)(1), by striking "military installation" each place it appears and inserting "installation"; and

(F) in subsection (b)(3), by inserting ", in the case of a military installation," after "(3) may".

(3) COOPERATIVE AGREEMENTS.—Section 103a(a) (16 U.S.C. 670c-1(a)) is amended—

(A) in paragraph (1), by striking "Department of Defense installations" and inserting "military installations and State-owned National Guard installations"; and

(B) in paragraph (2), by striking "Department of Defense installation" and inserting "military installation or State-owned National Guard installation".

(b) SECTION AND SUBSECTION HEADINGS.—Such Act is further amended as follows:

(1) Section 101 (16 U.S.C. 670a) is amended—

(A) by inserting at the beginning the following:

"SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION";

(B) by striking "sec. 101.";

(C) in subsection (c), by inserting "Prohibitions on Sale and Lease of Lands Unless Effects Compatible With Plan.—" after "(c)";

(D) in subsection (d), by inserting "Implementation and Enforcement of Integrated Natural Resources Management Plans.—" after "(d)";

(E) in subsection (e)—

(i) by inserting "Applicability of Other Laws.—" after "(e)"; and

(ii) by inserting a comma after "Code".

(2) Section 102 (16 U.S.C. 670b) is amended—

(A) by inserting at the beginning the following:

"SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS";

(B) by striking "sec. 102." and inserting "(a) Integrated Natural Resources Management Plan.—"; and

(C) by striking "agency:" and all that follows through "possession" and inserting" agency.

"(b) APPLICABILITY OF OTHER LAWS. Possession".

(3) Section 103a (16 U.S.C. 670c-1) is further amended—

(A) by inserting at the beginning the following:

"SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS";

(B) by striking "sec. 103a.";

(C) in subsection (a), by inserting "Authority of Secretary of Military Department.—" after "(a)"; and

(D) in subsection (c), by inserting "Availability of Funds; Agreements Under Other Laws.—" after "(c)".

(4) Section 104 (16 U.S.C. 670d) is amended—

(A) by inserting at the beginning the following:

"SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL"; and

(B) by striking "sec. 104.".

(5) Section 105 (16 U.S.C. 670e) is amended—

(A) by inserting at the beginning the following:

"SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS"; and

(B) by striking "sec. 105.".

(6) Section 108 (16 U.S.C. 670f) is amended—

(A) by inserting at the beginning the following:

"SEC. 108. APPROPRIATIONS AND EXPENDITURES";

(B) by striking "sec. 108.";

(C) in subsection (a), by inserting "Expenditures of Collected Funds Under Integrated Natural Resources Management Plans.—" after "(a)";

(D) in subsection (b), by inserting "Authorization of Appropriations to Secretary of Defense.—" after "(b)";

(E) in subsection (c), by inserting "Authorization of Appropriations to Secretary of the Interior.—" after "(c)"; and

(F) in subsection (d), by inserting "Use of Other Conservation or Rehabilitation Authorities.—" after "(d)".

(7) Section 201 (16 U.S.C. 670g) is amended—

(A) by inserting at the beginning the following:

"SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS";

(B) by striking "sec. 201.";

(C) in subsection (a), by inserting "Programs Required.—" after "(a)"; and

(D) in subsection (b), by inserting "Implementation of Programs.—" after "(b)".

(8) Section 202 (16 U.S.C. 670h) is amended—

(A) by inserting at the beginning the following:

"SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS";

(B) by striking "sec. 202.";

(C) in subsection (a), by inserting "Development of Plans.—" after "(a)";

(D) in subsection (b), by inserting "Consistency With Overall Land Use and Management Plans; Hunting, Trapping, and Fishing.—" after "(b)";

(E) in subsection (c), by inserting "Cooperative Agreements by State Agencies for Implementation of Programs.—" after "(c)"; and

(F) in subsection (d), by inserting "State Agency Agreements Not Cooperative Agreements Under Other Provisions.—" after "(d)".

(9) Section 203 (16 U.S.C. 670i) is amended—

(A) by inserting at the beginning the following:

"SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS";

(B) by striking "sec. 203.";

(C) in subsection (a), by inserting "Agreements to Require Stamps.—" after "(a)"; and

(D) in subsection (b)—

(i) by inserting "Conditions for Agreements.—" after "(b)"; and

(ii) by moving paragraph (3) 2 ems to the right, so that the left-hand margin aligns with that of paragraph (2).

(10) Section 204 (16 U.S.C. 670j) is amended—

(A) by inserting at the beginning the following:

"SEC. 204. ENFORCEMENT PROVISIONS";

(B) by striking "sec. 204.";

(C) in subsection (a), by inserting "Violations and Penalties.—" after "(a)";

(D) in subsection (b), by inserting "Enforcement Powers and Proceedings.—" after "(b)"; and

(E) in subsection (c), by inserting "Seizure and Forfeiture.—" after "(c)"; and

(F) in subsection (d), by inserting "Applicability of Customs Laws.—" after "(d)".

(11) Section 205 (16 U.S.C. 670k) is amended—

(A) by inserting at the beginning the following:

"SEC. 205. DEFINITIONS"; and

(B) by striking "sec. 205.".

(12) Section 206 (16 U.S.C. 670l) is amended—

(A) by inserting at the beginning the following:

"SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES"; and

(B) by striking "sec. 206.".

(13) Section 207 (16 U.S.C. 670m) is amended—

(A) by inserting at the beginning the following:

"SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS"; and

(B) by striking "sec. 207.".

(14) Section 209 (16 U.S.C. 670o) is amended—

(A) by inserting at the beginning the following:

"SEC. 209. AUTHORIZATION OF APPROPRIATIONS";

(B) by striking "sec. 209.";

(C) in subsection (a), by inserting "Functions and Responsibilities of Secretary of the Interior.—" after "(a)";

(D) in subsection (b), by inserting "Functions and Responsibilities of Secretary of Agriculture.—" after "(b)";

(E) in subsection (c), by inserting "Use of Other Conservation or Rehabilitation Authorities.—" after "(c)"; and

(F) in subsection (d), by inserting "Contract Authority.—" after "(d)".

(c) CODIFICATION OF CHANGE OF NAME.—Section 204(b) of such Act (16 U.S.C. 670j) is amended by striking "magistrate" both places it appears and inserting "magistrate judge".

(d) [16 U.S.C. 670n] REPEAL OF OBSOLETE SECTION.—Section 208 of such Act is repealed, and section 209 of such Act (16 U.S.C. 670o) is redesignated as section 208.

SEC. 313. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.

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

"(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

"(A) a ship of the Armed Forces described in paragraph (2); or

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

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

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

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

"(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply

to all ships referred to in subsection (a) other than those described in paragraph (2).

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

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

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

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

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

"(III) With regard to a submersible, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy.

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

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

"(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

"(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

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

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

"(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea. In the event that there is such a discharge, the discharge shall be reported to the Secretary, with respect to the Coast Guard, or the Secretary concerned.

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

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

(1) in paragraph (1), by striking "Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)" and inserting "subsection (b)"; and

(2) in paragraph (2), by inserting "and subsection (b)(3)(B)(i) of this section" after "Annex V to the Convention".

SEC. 314. MODIFICATION TO THE RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF DEFENSE FOR OPERATIONAL ENERGY, PLANS, AND PROGRAMS.

(a) MODIFICATION OF RESPONSIBILITIES.—Section 138(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Assistant Secretary, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—

"(A) lead the alternative fuel activities of the Department of Defense and oversee the investments of the Department in such activities;

"(B) make recommendations to the Secretary regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense;

"(C) establish guidelines and prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense;

"(D) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal agencies to advance alternative fuel development to the benefit of the Department of Defense; and

"(E) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (e)(4).".

(b) REPORTING REQUIREMENT.—Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) A description of the alternative fuel initiatives of the Department of Defense, including funding and expenditures by account and activity for the preceding fiscal year, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.".

SEC. 315. [10 U.S.C. 2911 note] ENERGY-EFFICIENT TECHNOLOGIES IN CONTRACTS FOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.

(a) ENERGY PERFORMANCE MASTER PLAN.—The energy performance master plan for the Department of Defense developed under section 2911 of title 10, United States Code, shall specifically address the application of energy-efficient or energy reduction technologies or processes meeting the requirements of subsection (b) in logistics support contracts for contingency operations. In accordance with the requirements of such section, the plan shall include goals, metrics, and incentives for achieving energy efficiency in such contracts.

(b) REQUIREMENTS FOR ENERGY TECHNOLOGIES AND PROCESSES.—Energy-efficient and energy reduction technologies or processes described in subsection (a) are technologies or processes that meet the following criteria:

(1) The technology or process achieves long-term savings for the Government by reducing overall demand for fuel and other sources of energy in contingency operations.

(2) The technology or process does not disrupt the mission, the logistics, or the core requirements in the contingency operation concerned.

(3) The technology or process is able to integrate seamlessly into the existing infrastructure in the contingency operation concerned.

(c) REGULATIONS AND GUIDANCE.—The Under Secretary of Defense for Acquisition and Sustainment shall issue such regulations and guidance as may be needed to implement the requirements of this section and ensure that goals established pursuant to subsection (a) are met. Such regulations or guidance shall consider the lifecycle cost savings associated with the energy technology or process being offered by a vendor for defense logistics support and oblige the offeror to demonstrate the savings achieved over traditional technologies.

(d) REPORT.—The annual report required by section 2925(b) of title 10, United States Code, shall include information on the progress in the implementation of this section, including savings achieved by the Department resulting from such implementation.

(e) DEFINITIONS.—In this section:

(1) The term "defense logistics support contract" means a contract for services, or a task order under such a contract, awarded by the Department of Defense to provide logistics support during times of military mobilizations, including contingency operations, in any amount greater than the simplified acquisition threshold.

(2) The term "contingency operation" has the meaning provided in section 101(a)(13) of title 10, United States Code.

SEC. 316. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

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

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

"(c) HEALTH ASSESSMENT REPORTS. Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

"(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

"(2) A copy of the methodology used to determine the health risks described in paragraph (1).

"(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.".

SEC. 317. STREAMLINED ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS.

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

"SEC. 2711. [10 U.S.C. 2711] ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS

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

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

"(A) Information on the Environmental Restoration Program, including the following:

"(i) The total number of sites in the Environmental Restoration Program.

"(ii) The number of sites in the Environmental Restoration Program that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding fiscal year.

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

"(iv) The Secretary's assessment of the overall progress of the Environmental Restoration Program.

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

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

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

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

"(iv) The Secretary's assessment of the overall progress of the MMRP.

"(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

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

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

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

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

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

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

"(1) the term 'environmental quality program' means a program of activities relating to environmental compliance, conservation, pollution prevention, and other activities relating to environmental quality as the Secretary may designate; and

"(2) the term 'major activities' with respect to an environmental program means—

"(A) environmental compliance activities;

"(B) conservation activities; and

"(C) pollution prevention activities.".

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

"2711. Annual report on defense environmental programs.".

SEC. 318. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

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

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

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

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

SEC. 319. REQUIREMENTS RELATING TO AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

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

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

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

SEC. 320. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).".

Subtitle C—Logistics and Sustainment

SEC. 321. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460 of title 10, United States Code, is amended to read as follows:

"SEC. 2460. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR

"In this chapter, the term 'depot-level maintenance and repair'—

"(1) means any action performed on materiel or software in the conduct of inspection, repair, overhaul, or the modification or rebuild of end-items, assemblies, subassemblies, and parts, that—

"(A) requires extensive industrial facilities, specialized tools and equipment, or uniquely experienced and trained personnel that are not available in lower echelon-level maintenance activities; and

"(B) is a function and, as such, is independent of any location or funding source and may be performed in the public or private sectors (including the performance of interim contract support or contract logistic support arrangements); and

"(2) includes—

"(A) the fabrication of parts, testing, and reclamation, as necessary;

"(B) the repair, adaptive modifications or upgrades, change events made to operational software, integration and testing; and

"(C) in the case of either hardware or software modifications or upgrades, the labor associated with the application of the modification.".

SEC. 322. DESIGNATION OF MILITARY ARSENAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting "or military arsenal facility" after "depot-level activity".

SEC. 323. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN COOPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.

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

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

(b) REPORT.—Section 328(b)(2)(A) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 66; 10 U.S.C. 4544 note) is amended by striking "the advisability" and all that follows through the end and inserting "the effect of the use of such authority on the rates charged by each Army industrial facility when bidding on contracts for the Army or for a Defense agency and providing recommendations to improve the ability of each category of Army industrial facility (as defined in section 4544(j) of title 10, United States Code) to compete for such contracts;".

SEC. 324. [10 U.S.C. 2228 note] IMPLEMENTATION OF CORRECTIVE ACTIONS RESULTING FROM CORROSION STUDY OF THE F-22 AND F-35 AIRCRAFT.

(a) IMPLEMENTATION; CONGRESSIONAL BRIEFING.—Not later than January 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall implement the recommended actions described in subsection (b) and provide to the congressional defense committees a briefing on the actions taken by the Under Secretary to implement such recommended actions.

(b) RECOMMENDED ACTIONS.—The recommended actions described in this subsection are the following four recommended actions included in the report of the Government Accountability Office report numbered GAO-11-117R and titled "Defense Management: DOD Needs to Monitor and Assess Corrective Actions Resulting from Its Corrosion Study of the F-35 Joint Strike Fighter":

(1) The documentation of program-specific recommendations made as a result of the corrosion study described in subsection (d) with regard to the F-35 and F-22 aircraft and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken with respect to such aircraft in response to such recommendations.

(2) The documentation of program-specific recommendations made as a result of such corrosion study with regard to the other weapon systems identified in the study, specifically the CH-53K helicopter, the Joint High Speed Vessel, the Broad Area Maritime Surveillance Unmanned Aircraft System, and the Joint Light Tactical Vehicle, and the establishment of a process for monitoring and assessing the effectiveness of the corrosion prevention and control programs implemented for such weapons systems in response to such recommendations.

(3) The documentation of Air Force-specific and Navy-specific recommendations made as a result of such corrosion study and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Air Force and the Navy in response to such recommendations.

(4) The documentation of Department of Defense-wide recommendations made as a result of such corrosion study, the implementation of any needed changes in policies and practices to improve corrosion prevention and control in new systems acquired by the Department, and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Department in response to such recommendations.

(c) DEADLINE FOR COMPLIANCE.—Not later than December 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the directors of the F-35 and F-22 program offices, the directors of the program offices for the weapons systems referred to in subsection (b)(2), the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy, shall—

(1) take whatever steps necessary to comply with the recommendations documented pursuant to the required implementation under subsection (a) of the recommended actions described in subsection (b); or

(2) submit to the congressional defense committees written justification of why compliance was not feasible or achieved.

(d) CORROSION STUDY.—The corrosion study described in this subsection is the study required in House Report 111-166 accompanying H.R. 2647 of the 111th Congress conducted by the Office of the Director of Corrosion Policy and Oversight of the Office of the Secretary of Defense and titled "Corrosion Evaluation of the F-22 Raptor and F-35 Lightning II Joint Strike Fighter".

SEC. 325. MODIFICATION OF REQUIREMENTS RELATING TO MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "maintenance, repair, and overhaul" after "combined";

(2) in subsection (b)—

(A) by striking "includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support" and inserting "includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support"; and

(B) by inserting before the period at the end the following: ", but does not include funds spent for sustainment of existing facilities, infrastructure, or equipment".

(3) in subsection (d), by adding at the end the following new subparagraph:

"(E) A table showing the funded workload performed by each covered depot for the preceding three fiscal years and actual investment funds allocated to each depot for the period covered by the report."; and

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

"(I) Tooele Army Depot, Utah.".

SEC. 326. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde, and Reset Program for the equipment used in support of Operations New Dawn and Enduring Freedom and the status of the overall supply chain management for depot-level activities.

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

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Secretary plans to take to

meet the demand requirements of the military departments.

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

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

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

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

(b) REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, MILITARY COMMAND STRUCTURE, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, military command structure, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

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

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), an examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

SEC. 327. CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.

(a) IN GENERAL.—Section 2464 of title 10, United States Code, is amended to read as follows:

"SEC. 2464. CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES

"(a) NECESSITY FOR CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.(1) It is essential for national security that the Department of Defense maintain a core depot-level maintenance and repair capability, as defined by this title, in support of mission-essential weapon systems or items of military equipment needed to directly support combatant command operational requirements and enable the armed forces to execute the strategic, contingency, and emergency plans prepared by the Department of Defense, as required under section 153(a) of this title.

"(2) This core depot-level maintenance and repair capability shall be Government-owned and Government-operated, including the use of Government personnel and Government-owned and Government-operated equipment and facilities, throughout the lifecycle of the weapon system or item of military equipment involved to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

"(3)(A) Except as provided in subsection (c), the Secretary of Defense shall identify and establish the core depot-level maintenance and repair capabilities and capacity required in paragraph (1).

"(B) Core depot-level maintenance and repair capabilities and capacity, including the facilities, equipment, associated logistics capabilities, technical data, and trained personnel, shall be established not later than four years after a weapon system or item of military equipment achieves initial operational capability or is fielded in support of operations.

"(4) The Secretary of Defense shall assign Government-owned and Government-operated depot-level maintenance and repair facilities of the Department of Defense sufficient workload to ensure cost efficiency and technical competence in peacetime, while preserving the ability to provide an effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

"(b) WAIVER AUTHORITY.(1) The Secretary of Defense may waive the requirement in subsection (a)(3) if the Secretary determines that—

"(A) the weapon system or item of military equipment is not an enduring element of the national defense strategy;

"(B) in the case of nuclear aircraft carrier refueling, fulfilling the requirement is not economically feasible; or

"(C) it is in the best interest of national security.

"(2) The Secretary of a military department may waive the requirement in subsection (a)(3) for special access programs if such a waiver is determined to be in the best interest of the United States.

"(3) The determination to waive requirements in accordance with paragraph (1) or (2) shall be documented and notification submitted to Congress with justification for the waiver within 30 days of issuance.

"(c) APPLICABILITY TO COMMERCIAL ITEMS.(1) The requirement in subsection (a)(3) shall not apply to items determined to be commercial items.

"(2) The first time a weapon system or other item of military equipment described in subsection (a) is determined to be a commercial item for the purposes of the exception under subsection (c), the Secretary of Defense shall submit to Congress a notification of the determination, together with the justification for the determination. The justification for the determination shall include, at a minimum, the following:

"(A) The estimated percentage of commonality of parts of the version of the item that is sold or leased in the commercial marketplace and the version of the item to be purchased by the Department of Defense.

"(B) The value of any unique support and test equipment and tools needed to support the military requirements if the item were maintained by the Department of Defense.

"(C) A comparison of the estimated life-cycle depot-level maintenance and repair support costs that would be incurred by the Government if the item were maintained by the private sector with the estimated life-cycle depot-level maintenance support costs that would be incurred by the Government if the item were maintained by the Department of Defense.

"(3) In this subsection, the term 'commercial item' means an end-item, assembly, subassembly, or part sold or leased in substantial quantities to the general public and purchased by the Department of Defense without modification in the same form that they are sold in the commercial marketplace, or with minor modifications to meet Federal Government requirements.

"(d) LIMITATION ON CONTRACTING.(1) Except as provided in paragraph (2), performance of workload needed to maintain a core depot-level maintenance and repair capability identified by the Secretary under subsection (a)(3) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or

any successor administrative regulation or policy (hereinafter in this section referred to as 'OMB Circular A-76').

"(2) The Secretary of Defense may waive paragraph (1) in the case of any such depot-level maintenance and repair capability and provide that performance of the workload needed to maintain that capability shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary and shall be based on a determination by the Secretary that Government performance of the workload is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of any such workload is no longer required for national defense reasons.

"(3)(A) A waiver under paragraph (2) may not take effect until the expiration of the first period of 30 days of continuous session of Congress that begins on or after the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

"(B) For the purposes of subparagraph (A)—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(e) BIENNIAL CORE REPORT. Not later than April 1 on each even-numbered year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (except for the Coast Guard), for the subsequent fiscal year the following:

"(1) The core depot-level maintenance and repair capability requirements and sustaining workloads, organized by work breakdown structure, expressed in direct labor hours.

"(2) The corresponding workloads necessary to sustain core depot-level maintenance and repair capability requirements, expressed in direct labor hours and cost.

"(3) In any case where core depot-level maintenance and repair capability requirements exceed or are expected to exceed sustaining workloads, a detailed rationale for the shortfall and a plan either to correct, or mitigate, the effects of the shortfall.

"(f) ANNUAL CORE REPORT. In 2013 and each year thereafter, not later than 60 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard), for the fiscal year preceding the fiscal year during which the report is submitted, each of the following:

"(1) The core depot-level maintenance and repair capability requirements identified in subsection (a)(3).

"(2) The workload required to cost-effectively support such requirements.

"(3) To the maximum extent practicable, the additional workload beyond the workloads identified under subsection (a)(4) needed to ensure that not more than 50 percent of the non-exempt depot maintenance funding is expended for performance by non-Federal governmental personnel in accordance with section 2466 of this title.

"(4) The allocation of workload for each Center of Industrial and Technical Excellence as designated in accordance with section 2474 of this title.

"(5) The depot-level maintenance and repair capital investments required to be made in order to ensure compliance with subsection (a)(3) by not later than four years after achieving initial operational capacity.

"(6) The outcome of a reassessment of continuation of a waiver granted under subsection (b).

"(g) COMPTROLLER GENERAL REVIEW. The Comptroller General shall review each report required under subsections (e) and (f) for completeness and compliance and provide findings and recommendations to the congressional defense committees not later than 60 days after the report is submitted to Congress.".

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

"2464. Core depot-level maintenance and repair capabilities.".

Subtitle D—Readiness

SEC. 331. MODIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS OF FUNDS.

The second sentence of subsection (g) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) by striking "shall be available" and inserting "shall remain available until expended"; and

(2) by inserting before the period at the end the following: "or to conduct studies of potential measures to mitigate such impacts".

SEC. 332. REVIEW OF PROPOSED STRUCTURES AFFECTING NAVIGABLE AIRSPACE.

Section 44718 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) REVIEW OF AERONAUTICAL STUDIES. The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.".

Subtitle E—Reports

SEC. 341. ANNUAL CERTIFICATION AND MODIFICATIONS OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) ANNUAL CERTIFICATION.—Section 2229 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) ANNUAL CERTIFICATION.(1) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees certification in writing that the prepositioned stocks of each of the military departments meet all operations plans, in both fill and readiness, that are in effect as of the date of the submission of the certification.

"(2) If, for any year, the Secretary cannot certify that any of the prepositioned stocks meet such operations plans, the Secretary shall include with the certification for that year a list of the operations plans affected, a description of any measures that have been taken to mitigate any risk associated with prepositioned stock shortfalls, and an anticipated timeframe for the replenishment of the stocks.

"(3) A certification under this subsection shall be in an unclassified form but may have a classified annex.".

(b) ANNUAL REPORT.—Section 2229a(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

"(8) A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.

"(9) An efficiency strategy for limited shelf-life medical stock replacement.

"(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

"(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

"(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.".

SEC. 342. ADDITIONAL MATTERS FOR INCLUSION IN AND MODIFIED DEADLINE FOR THE ANNUAL REPORT ON OPERATIONAL ENERGY.

Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (F), as redesignated by section 314, as subparagraph (G); and

(2) by inserting after subparagraph (E), as added by such section, the following new subparagraph (F):

"(F) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.".

SEC. 343. STUDY ON AIR FORCE TEST AND TRAINING RANGE INFRASTRUCTURE.

(a) STUDY.—

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

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

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

(b) REPORTS.—

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

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

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

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

(C) identify potential issues and threats related to the sustainability of the test and training infrastructure, including electromagnetic spectrum encroachment, overall bandwidth availability, and protection of classified information;

(D) assess coordination among ranges and local, state, regional, and Federal entities involved in land use planning, and develop recommendations on how to improve communication and coordination of such entities;

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

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

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

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

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

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

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

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

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

(4) RULE OF CONSTRUCTION.—The reports submitted under this section shall not be construed as meeting the requirements of section 2815(d) of the Military Construction Author-

ization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852).

SEC. 344. STUDY ON TRAINING RANGE INFRASTRUCTURE FOR SPECIAL OPERATIONS FORCES.

(a) STUDY.—

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

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

(A) procedures and priorities for joint use and training on ranges operated by the military services, and to assess the requirements needed to support combined arms training on the ranges; and

(B) requirements and proposed investments to meet special operations training requirements through 2025.

(b) REPORTS.—

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

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

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

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

(C) identify issues and challenges related to the availability and sustainability of the existing training ranges used by special operations forces, including support of a full spectrum of operations and protection of classified missions and tactics;

(D) assess coordination among ranges and local, State, regional, and Federal entities involved in land use planning and the protection of ranges from encroachment;

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

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

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

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

SEC. 345. GUIDANCE TO ESTABLISH NON-TACTICAL WHEELED VEHICLE AND EQUIPMENT SERVICE LIFE EXTENSION PROGRAMS TO ACHIEVE COST SAVINGS.

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

SEC. 346. STUDY ON UNITED STATES FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives, shall commission an independent assessment of United States security interests in the United States Pacific Command area of responsibility. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) A review of current and emerging United States national security interests in the United States Pacific Command area of responsibility.

(B) A review of current United States military force posture and deployment plans of the United States Pacific Command.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the designated private entity shall provide an unclassified report, with a classified annex, containing its findings to the Secretary of Defense. Not later than 90 days after the date of receipt of the report, the Secretary of Defense shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 301 for operation and maintenance for Defense-wide activities, up to $1,000,000, shall be made available for the completion of the study required under this section.

SEC. 347. STUDY ON OVERSEAS BASING PRESENCE OF UNITED STATES FORCES.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall commission an independent assessment of the overseas basing presence of United States forces.

(b) CONDUCT OF ASSESSMENT.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) should include, but not be limited to, the following:

(1) An assessment of the location and number of United States forces required to be forward based outside the United States in order to meet the National Military Strategy, 2010, the quadrennial defense review, and the engagement strategies and operational plans of the combatant commands.

(2) An assessment of—

(A) the current condition and capacity of the available military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges; and

(B) the cost of maintaining such infrastructure.

(3) A determination of the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas.

(4) A determination of the amounts paid by the United States in direct payments to foreign countries for the use of facilities, ranges, and lands.

(5) An assessment of the advisability of the retention, closure, or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas, in light of potential fiscal constraints on the Department of Defense and emerging national security requirements in coming years.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary an unclassified report, with a classified annex (if appropriate), containing its findings as a result of the assessment. Not later than 90 days after the date of receipt of the report, the Secretary shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301 and available for operation and maintenance for De-

fense-wide activities as specified in the funding table in section 4301, up to $2,000,000 shall be made available for the completion of the assessment required by subsection (a).

SEC. 348. [10 U.S.C. 118b note] INCLUSION OF ASSESSMENT OF JOINT MILITARY TRAINING AND FORCE ALLOCATIONS IN QUADRENNIAL DEFENSE REVIEW AND NATIONAL MILITARY STRATEGY.

The assessments of the National Military Strategy conducted by the Chairman of the Joint Chiefs of Staff under section 153(b) of this title, and the quadrennial roles and missions review pursuant to section 118b of this title, shall include an assessment of joint military training and force allocations to determine—

(1) the compliance of the military departments with the joint training, doctrine, and resource allocation recommendations promulgated by the Joint Chiefs of Staff; and

(2) the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by Joint Forces Command.

SEC. 349. MODIFICATION OF REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.

Subsection (c) of section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading by striking "Annual Report" and inserting "Biennial Report";

(2) by striking "annually thereafter for each of the following five years" and inserting "biennially thereafter";

(3) by striking "for the fiscal year preceding" and inserting "for the two fiscal years preceding";

(4) by striking the second sentence; and

(5) by striking "for the fiscal year covered by the report" and inserting "for the period covered by the report".

Subtitle F—Limitations and Extension of Authority

SEC. 351. ADOPTION OF MILITARY WORKING DOG BY FAMILY OF DECEASED OR SERIOUSLY WOUNDED MEMBER OF THE ARMED FORCES WHO WAS THE DOG'S HANDLER.

Section 2583 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by inserting after "extraordinary circumstances" the following: ", including circumstances under which the handler of a military working dog is killed in action, dies of wounds received in action, or is medically retired as a result of injuries received in action,"; and

(2) in subsection (c), by adding at the end the following: "If the Secretary of the military department concerned determines that an adoption is justified under subsection (a)(2) under circumstances under which the handler of a military working dog is wounded in action, the dog may be made available for adoption only by the handler. If the Secretary of the military department concerned determines that such an adoption is justified under circumstances under which the handler of a military

working dog is killed in action or dies of wounds received in action, the military working dog shall be made available for adoption only by a parent, child, spouse, or sibling of the deceased handler.".

SEC. 352. PROHIBITION ON EXPANSION OF THE AIR FORCE FOOD TRANSFORMATION INITIATIVE.

The Secretary of the Air Force may not expand the Air Force food transformation initiative (hereinafter referred to as the "initiative") to include any base other than the six bases initially included in the pilot program until the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative. Such report shall include the following:

(1) A description of the effects of the initiative on all employees who are paid through nonappropriated funds.

(2) A description of the training programs being developed to assist the transition for all employees affected by the initiative.

(3) An explanation of how appropriated and non-appropriated funds used in the initiative are being tracked to ensure that such funds remain segregated.

(4) An estimate of the cost savings and efficiencies associated with the initiative, and an explanation of how such savings are achieved.

(5) An assessment of increases in food prices at both the appropriated facilities on the military bases participating in the initiative as of the date of the enactment of this Act and the non-appropriated funded facilities on such bases.

(6) A plan for addressing any recommendations made by the Comptroller General of the United States following the Comptroller General's review of the initiative.

SEC. 353. DESIGNATION AND LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THE MIGRATION OF ARMY ENTERPRISE EMAIL SERVICES.

(a) DESIGNATION.—The Secretary of the Army shall designate the effort to consolidate its enterprise email services a formal acquisition program with the Army acquisition executive as the milestone decision authority. The Secretary of the Army may not delegate the authority under this subsection.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the migration to enterprise email services by the Department of the Army may be obligated or expended until the date that is 30 days after the date on which the Secretary of Army submits to the congressional defense committees a report on the acquisition strategy for the acquisition program designated under subsection (a), including certification that existing and planned efforts for the program comply with all existing regulations pertaining to competition. The report shall include each of the following:

(1) A description of the formal acquisition oversight body established.

(2) An assessment by the acquisition oversight body of the sufficiency and completeness of the current validated requirements and analysis of alternatives.

(3) In any instances where the validated requirements or analysis of alternatives has been determined to be insufficient, a plan for remediation.

(4) An assessment by the Army Audit Agency to determine the cost savings and cost avoidance expected from each of the alternatives to be considered.

(5) An assessment of the technical challenges to implementing the selected approach, including a security assessment.

(6) A certification by the Secretary of the Army that the selected approach for moving forward is in the best technical and financial interests of the Army and provides for the maximum amount of competition possible in accordance with section 2302(3)(D) of title 10, United States Code.

(7) A detailed accounting of the funding expended by the program as of the date of the enactment of this Act, as well as an estimate of the funding needed to complete the selected approach.

(c) REPORT BY CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense shall submit to the congressional defense committees a report on Department of Defense plans for enterprise email. Such report shall include—

(1) an assessment of how the migration of the Army's email system to the Defense Information Services Agency fits within the Department's strategic information technology plans;

(2) a description of how the Chief Information Officer is addressing the email capabilities of the other military departments, including plans for consolidating the email services of the other military departments; and

(3) a description of the degree to which fair and open competition will be or has been used to modernize the existing infrastructure to which the Army is migrating its email services, including a roadmap detailing when elements of the architecture will be upgraded over time.

SEC. 354. ONE-YEAR EXTENSION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO ARMY FOR CERTAIN PRODUCT IMPROVEMENTS.

Section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 68) is amended by striking "October 1, 2013" and inserting "October 1, 2014".

Subtitle G—Other Matters

SEC. 361. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

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

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

"(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION, SMALL AMMUNITION COMPONENTS, AND FIRED CARTRIDGE CASES. Small arms ammunition and small ammunition components which are in excess of military requirements, and intact fired small arms cartridge cases shall be made available for commercial sale. Such small arms ammunition, small arms ammunition components, and intact fired cartridge cases shall not be demilitarized, destroyed, or disposed of, unless in excess of commercial demands or certified by the Secretary of Defense as unserviceable or unsafe. This provision shall not apply to ammunition, ammunition components, or fired cartridge cases stored or expended outside the continental United States (OCONUS).

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

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

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

"(e) DEFINITIONS. In this section:

"(1) SMALL ARMS AMMUNITION. The term 'small arms ammunition' means ammunition or ordnance for firearms up to and including .50 caliber and for shotguns.

"(2) SMALL ARMS AMMUNITION COMPONENTS. The term 'small arms ammunition components' means components, parts, accessories, and attachments associated with small arms ammunition.

"(3) FIRED CARTRIDGE CASES. The term 'fired cartridge cases' means expended small arms cartridge cases (ESACC).".

SEC. 362. COMPTROLLER GENERAL REVIEW OF SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(b) ELEMENTS.—The review required under subsection (a) shall include the following elements:

(1) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(2) Estimates of the effect on availability based on future projections.

(3) A discussion of the logistical and managements problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(4) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(5) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title; and

(B) unremarried widows and widowers of active or reserve component members of the Armed Forces.

(6) Other factors relating to the efficiency and cost effectiveness of space-available travel.

SEC. 363. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.

(a) AUTHORITY.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 669—MARITIME SAFETY OF FORCES

"Sec.
"7921. Safety and effectiveness information; hydrographic information.

"SEC. 7921. [10 U.S.C. 7921] SAFETY AND EFFECTIVENESS INFORMATION; HYDROGRAPHIC INFORMATION

"(a) SAFETY AND EFFECTIVENESS INFORMATION.(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

"(A) marine data collection;

"(B) numerical weather and ocean prediction; and

"(C) forecasting of hazardous weather and ocean conditions.

"(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

"(b) HYDROGRAPHIC INFORMATION. The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item:

"669. Maritime Safety of Forces".

7921

SEC. 364. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 5 of the Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended to read as follows:

"(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

SEC. 365. CLARIFICATION OF THE AIRLIFT SERVICE DEFINITIONS RELATIVE TO THE CIVIL RESERVE AIR FLEET.

(a) CLARIFICATION.—Section 41106 of title 49, United States Code, is amended—

(1) in subsections (a)(1), (b), and (c), by striking "transport category aircraft" each place it appears and inserting "CRAF-eligible aircraft"; and

(2) in subsection (c), by striking "that has aircraft in the civil reserve air fleet" and inserting "referred to in subsection (a)".

(b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(e) CRAF-ELIGIBLE AIRCRAFT DEFINED. In this section, 'CRAF-eligible aircraft' means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.".

SEC. 366. RATEMAKING PROCEDURES FOR CIVIL RESERVE AIR FLEET CONTRACTS.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

"SEC. 9511a. [10 U.S.C. 9511a] CIVIL RESERVE AIR FLEET CONTRACTS: PAYMENT RATE

"(a) AUTHORITY. The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program.

"(b) REGULATIONS. The Secretary of Defense shall prescribe regulations for purposes of subsection (a). The Secretary may exclude from the applicability of those regulations any airlift services contract made through the use of competitive procedures.

"(c) COMMITMENT OF AIRCRAFT AS A BUSINESS FACTOR. The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

"(d) INAPPLICABLE PROVISIONS OF LAW. An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9511 the following new item:

"9511a. Civil Reserve Air Fleet contracts: payment rate.".

(c) [10 U.S.C. 9511a note] INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 367. POLICY ON ACTIVE SHOOTER TRAINING FOR CERTAIN LAW ENFORCEMENT PERSONNEL.

The Secretary of Defense shall establish policy and promulgate guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations shall receive Active Shooter Training as described in finding 4.3 of the document entitled "Protecting the Force: Lessons From Fort Hood".

SEC. 368. [10 U.S.C. 2302 note] PROCUREMENT OF TENTS OR OTHER TEMPORARY STRUCTURES.

(a) IN GENERAL.—In procuring tents or other temporary structures for use by the Armed Forces, and in establishing or maintaining an alternative source for such tents and structures, the Secretary of Defense shall award contracts that provide the best value to the United States. In determining the best value to the United States under this section, the Secretary shall consider the total lifecycle costs of such tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures.

(b) INTERAGENCY PROCUREMENT.—The requirements of this section shall apply to any agency or department of the United States that procures tents or other temporary structures on behalf of the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

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 2012 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.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

(1) The Army, 562,000.
(2) The Navy, 325,700.
(3) The Marine Corps, 202,100.
(4) The Air Force, 332,800.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 547,400.
"(2) For the Navy, 325,700.
"(3) For the Marine Corps, 202,100.
"(4) For the Air Force, 332,800.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

(1) The Army National Guard of the United States, 358,200.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,200.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,700.
(6) The Air Force Reserve, 71,400.
(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

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

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,337.

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

(5) The Air National Guard of the United States, 14,833.

(6) The Air Force Reserve, 2,662.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,777.

(4) For the Air National Guard of the United States, 22,509.

SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

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

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2012, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

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

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

During fiscal year 2012, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
Sec. 502. General officer and flag officer reform.
Sec. 503. National Defense University outplacement waiver.
Sec. 504. Voluntary retirement incentive matters.

Subtitle B—Reserve Component Management

Sec. 511. Leadership of National Guard Bureau.

Sec. 512. Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.
Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
Sec. 514. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 515. Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency.
Sec. 516. Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands.
Sec. 517. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).
Sec. 518. Consideration of reserve component officers for appointment to certain command positions.
Sec. 519. Report on termination of military technician as a distinct personnel management category.

Subtitle C—General Service Authorities

Sec. 521. Sense of Congress on the unique nature, demands, and hardships of military service.
Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
Sec. 523. Protected communications by members of the Armed Forces and prohibition of retaliatory personnel actions.
Sec. 524. Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion.
Sec. 525. Expansion of regular enlisted members covered by early discharge authority.
Sec. 526. Extension of voluntary separation pay and benefits authority.
Sec. 527. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.
Sec. 528. Designation of persons authorized to direct disposition of remains of members of the Armed Forces.
Sec. 529. Matters covered by preseparation counseling for members of the Armed Forces and their spouses.
Sec. 530. Conversion of high-deployment allowance from mandatory to authorized.
Sec. 531. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 532. Policy on military recruitment and enlistment of graduates of secondary schools.
Sec. 533. Department of Defense suicide prevention program.

Subtitle D—Military Justice and Legal Matters

Sec. 541. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.
Sec. 542. Authority to compel production of documentary evidence.
Sec. 543. Clarification of application and extent of direct acceptance of gifts authority.
Sec. 544. Freedom of conscience of military chaplains with respect to the performance of marriages.

Subtitle E—Member Education and Training Opportunities and Administration

Sec. 551. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.
Sec. 552. Enhancement of authorities on joint professional military education.
Sec. 553. Temporary authority to waive maximum age limitation on admission to the military service academies.
Sec. 554. Enhancement of administration of the United States Air Force Institute of Technology.
Sec. 555. Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the Armed Forces in associate degree programs of the Community College of the Air Force in order to complete degree program.
Sec. 556. Reserve component mental health student stipend.

Sec. 557. Fiscal year 2012 administration and report on the Troops-to-Teachers Program.
Sec. 558. Pilot program on receipt of civilian credentialing for skills required for military occupational specialties.
Sec. 559. Report on certain education assistance programs.

Subtitle F—Armed Forces Retirement Home

Sec. 561. Control and administration by Secretary of Defense.
Sec. 562. Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.
Sec. 563. Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.
Sec. 564. Administrators, Ombudsmen, and staff of facilities.
Sec. 565. Revision of fee requirements.
Sec. 566. Revision of inspection requirements.
Sec. 567. Repeal of obsolete transitional provisions and technical, conforming, and clerical amendments.

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

Sec. 571. Impact aid for children with severe disabilities.
Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 573. Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies.
Sec. 574. Revision to membership of Department of Defense Military Family Readiness Council.
Sec. 575. Reemployment rights following certain National Guard duty.
Sec. 576. Expansion of Operation Hero Miles.
Sec. 577. Report on Department of Defense autism pilot and demonstration projects.
Sec. 578. Comptroller General of the United States report on Department of Defense military spouse employment programs.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 581. Access of sexual assault victims to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 582. Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense.
Sec. 583. Director of Sexual Assault Prevention and Response Office.
Sec. 584. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 585. Training and education programs for sexual assault prevention and response program.
Sec. 586. Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

Subtitle I—Other Matters

Sec. 588. Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities.
Sec. 589. Military adaptive sports program.
Sec. 590. Enhancement and improvement of Yellow Ribbon Reintegration Program.
Sec. 591. Army National Military Cemeteries.
Sec. 592. Inspection of military cemeteries under jurisdiction of the military departments.
Sec. 593. Authorization for award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War.
Sec. 594. Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War.
Sec. 595. Review regarding award of Medal of Honor to Jewish American World War I veterans.
Sec. 596. Report on process for expedited determination of disability of members of the Armed Forces with certain disabling conditions.
Sec. 597. Comptroller General study of military necessity of Selective Service System and alternatives.

Sec. 598. Evaluation of issues affecting disposition of remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by striking the items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Marine Corps in the grades of major, lieutenant colonel, and colonel, respectively, and inserting the following new items:

"10,000	2,802	1,615	633
12,500	3,247	1,768	658
15,000	3,691	1,922	684
17,500	4,135	2,076	710
20,000	4,579	2,230	736
22,500	5,024	2,383	762
25,000	5,468	2,537	787".

SEC. 502. GENERAL OFFICER AND FLAG OFFICER REFORM.

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEPTION TO DISTRIBUTION LIMITS.—

(1) REMOVAL OF POSITIONS.—Subsection (b) of section 525 of title 10, United States Code, is amended to read as follows:

"(b) The limitations of subsection (a) do not include the following:

"(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

"(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.".

(2) [10 U.S.C. 525 note] EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(b) LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—

(1) LIMITATION; EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "230" and inserting "231";

(ii) in paragraph (2), by striking "160" and inserting "161";

(iii) in paragraph (3), by striking "208" and inserting "198"; and

(iv) in paragraph (4), by striking "60" and inserting "61"; and

(B) in subsection (b)(2)(C), by striking "76" and inserting "73".

(2) DISTRIBUTION LIMITATION.—Section 525(a) of such title is amended—

(A) in paragraph (1)(B), by striking "45" and inserting "46";

(B) in paragraph (2)(B), by striking "43" and inserting "44";

(C) in paragraph (3)(B), by striking "32" and inserting "33"; and

(D) in paragraph (4)(C), by striking "22" and inserting "23".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on October 1, 2013.

(B) MARINE CORPS OFFICERS.—The amendments made by paragraphs (1)(A)(iv) and (2)(D) shall take effect on October 1, 2012.

(c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGNMENTS FROM AUTHORIZED STRENGTH LIMITATION.—

(1) EXCLUSION.—Subsection (b) of section 526 of such title is amended by striking "324" and inserting "310".

(2) [10 U.S.C. 526 note] EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(d) ELIMINATION OF COMPLETE EXCLUSION FOR OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS.—

(1) ELIMINATION OF CURRENT BROAD EXCLUSION.—Section 528 of such title is amended by striking subsections (b), (c), and (d) and inserting the following new subsections:

"(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA. When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

"(c) ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA. When the position of Associate Director of Military Affairs, Central Intelligence Agency, or any successor position, is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

"(d) OFFICERS SERVING IN OFFICE OF DNI. When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general officer or flag officer of

the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time.".

(2) CLERICAL AMENDMENTS.—

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

"SEC. 528. OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS: MILITARY STATUS; APPLICATION OF DISTRIBUTION AND STRENGTH LIMITATIONS; PAY AND ALLOWANCES".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

"528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.".

SEC. 503. NATIONAL DEFENSE UNIVERSITY OUTPLACEMENT WAIVER.

(a) WAIVER AUTHORITY FOR OFFICERS NOT DESIGNATED AS JOINT QUALIFIED OFFICERS.—Subsection (b) of section 663 of title 10, United States Code, is amended—

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

(2) in paragraph (2)—

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

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

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

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

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

SEC. 504. VOLUNTARY RETIREMENT INCENTIVE MATTERS.

(a) ADDITIONAL VOLUNTARY RETIREMENT INCENTIVE AUTHORITY.—

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

"SEC. 638b. [10 U.S.C. 638b] VOLUNTARY RETIREMENT INCENTIVE

"(a) INCENTIVE FOR VOLUNTARY RETIREMENT FOR CERTAIN OFFICERS. The Secretary of Defense may authorize the Secretary of a military department to provide a voluntary retirement incentive payment in accordance with this section to an officer of the armed

forces under that Secretary's jurisdiction who is specified in subsection (c) as being eligible for such a payment.

"(b) LIMITATIONS.(1) Any authority provided the Secretary of a military department under this section shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.

"(2) The total number of officers who may be provided a voluntary retirement incentive payment under this section may not exceed 675 officers.

"(c) ELIGIBLE OFFICERS.(1) Except as provided in paragraph (2), an officer of the armed forces is eligible for a voluntary retirement incentive payment under this section if the officer—

"(A) has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;

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

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

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

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

"(2) The following officers are not eligible for a voluntary retirement incentive payment under this section:

"(A) An officer being evaluated for disability under chapter 61 of this title.

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

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

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

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

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

"(e) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.(1) Except as provided in paragraph (2), a member of the armed forces who, after having received all or part of a voluntary retirement incentive under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule

of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary retirement incentive received.

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

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

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

"638b. Voluntary retirement incentive.".

(b) [10 U.S.C. 1293 note] REINSTATEMENT OF CERTAIN TEMPORARY EARLY RETIREMENT AUTHORITY.—

(1) REINSTATEMENT.—Subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(A) by inserting "(1)" before "the period"; and

(B) by inserting before the period at the end the following: ", and (2) the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 and ending on December 31, 2018".

(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

"(c) INAPPLICABILITY OF CERTAIN PROVISIONS.

"(1) INCREASED RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE. The provisions of section 4464 of this Act (10 U.S.C. 1143a note) shall not apply with respect to a member or former member retired by reason of eligibility under this section during the active force drawdown period specified in subsection (i)(2).

"(2) COAST GUARD AND NOAA. During the period specified in subsection (i)(2), this section does not apply as follows:

"(A) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1293 note).

"(B) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104-106; 10 U.S.C. 1293 note).".

(3) COORDINATION WITH OTHER SEPARATION PROVISIONS.—Such section is further amended—

(A) in subsection (g), by striking ", 1174a, or 1175" and inserting "or 1175a"; and

(B) in subsection (h)—

(i) in the subsection heading, by striking "SSB or VSI" and inserting "SSB, VSI, or VSP";

(ii) by inserting before the period at the end of the first sentence the following: "or who before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 was separated from active duty pursuant to an agreement entered into under section 1175a of such title"; and

(iii) in the second sentence, by striking "under section 1174a or 1175 of title 10, United States Code".

Subtitle B—Reserve Component Management

SEC. 511. LEADERSHIP OF NATIONAL GUARD BUREAU.

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (d) of section 10502 of title 10, United States Code, is amended to read as follows:

"(d) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.(1) The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.

"(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.".

(2) SUCCESSION.—Subsection (e) of such section is amended to read as follows:

"(e) SUCCESSION.(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

"(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.".

(3) EXCLUSION FOR CHIEF OF NATIONAL GUARD BUREAU FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525 of such title is amended—

(A) in subsection (b)(1), by striking subparagraph (D); and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(b) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) REDESIGNATION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Subsection (a)(1) of section 10505 of such title is amended by striking "Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from" and inserting "Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from".

(2) ELIGIBILITY REQUIREMENTS.—Subsection (a)(1) of such section is further amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(B) in subparagraph (E), as so redesignated, by striking "colonel" and inserting "brigadier general"; and

(C) by inserting after subparagraph (A) the following new subparagraphs:

"(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

"(C) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;".

(3) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (c) of such section is amended to read as follows:

"(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.(1) The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

"(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Vice Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.".

(c) CONFORMING AMENDMENTS REGARDING REFERENCES TO DIRECTOR.—

(1) CROSS REFERENCES IN SECTION 10505.—Section 10505 of such title is further amended—

(A) in subsection (a)—

(i) in paragraphs (2), (3), and (4), by striking "Director of the Joint Staff" each place in appears and inserting "Vice Chief"; and

(ii) in paragraph (3)(B), by striking "as the Director" and inserting "as the Vice Chief"; and

(B) in subsection (b), by striking "Director of the Joint Staff" and inserting "Vice Chief".

(2) CROSS REFERENCES IN SECTION 10506.—Section 10506(a)(1) of such title is amended by striking "Chief of the National Guard Bureau and the Director of the Joint Staff" and inserting "Chief and Vice Chief".

(3) [10 U.S.C. 10505 note] OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 10505 of such title is amended to read as follows:

"SEC. 10505. VICE CHIEF OF THE NATIONAL GUARD BUREAU".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

"10505. Vice Chief of the National Guard Bureau.".

(e) [10 U.S.C. 10505 note] TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505 of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3), the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.

SEC. 512. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Chief of the National Guard Bureau.".

(b) DUTIES AS MEMBER OF JOINT CHIEFS OF STAFF.—Section 10502 of such title is amended—

(1) by redesignating subsections (d) and (e), as amended by section 511(a), as subsections (e) and (f), respectively; and

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

"(d) MEMBER OF JOINT CHIEFS OF STAFF. As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.".

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

Section 1142(a)(3)(B) of title 10, United States Code, is amended by inserting "or in the event a member of a reserve component is being demobilized under circumstances in which (as determined by the Secretary concerned) operational requirements make the 90-day requirement under subparagraph (A) unfeasible," after "or separation date,".

SEC. 514. CLARIFICATION OF APPLICABILITY OF AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

(a) DISCRETIONARY DEFERRAL OF MANDATORY SEPARATION.—Section 10216(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "Authority for" before "Deferral of Mandatory Separation";

(2) by striking "shall implement" and inserting "may each implement";

(3) by inserting ", at the discretion of the Secretary concerned," after "so as to allow"; and

(4) by striking "for officers".

(b) CONFORMING AMENDMENT.—Section 10218(a)(3)(A)(i) of such title is amended by striking "if qualified be appointed" and inserting "if qualified may be appointed".

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) AUTHORITY.—

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

"SEC. 12304a. [10 U.S.C. 12304a] ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE: ORDER TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY

"(a) AUTHORITY. When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor's request.

"(b) EXCLUSION FROM STRENGTH LIMITATIONS. Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

"(c) TERMINATION OF DUTY. Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.".

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

"12304a. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.".

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting "12304a," after "12304,".

(c) [32 U.S.C. 317 note] USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

SEC. 516. AUTHORITY FOR ORDER TO ACTIVE DUTY OF UNITS OF THE SELECTED RESERVE FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 515, is further amended by inserting after section 12304a the following new section:

"SEC. 12304b. [10 U.S.C. 12304b] SELECTED RESERVE: ORDER TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS

"(a) AUTHORITY. When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission in support of a combatant command, the Secretary may, subject to subsection (b), order any unit of the Selected Reserve (as defined in section 10143(a) of this title), without the consent of the members, to active duty for not more than 365 consecutive days.

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

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

"(B) the budget information on such costs includes a description of the mission for which such units are anticipated to

be ordered to active duty and the anticipated length of time of the order of such units to active duty on an involuntary basis.

"(2) Not more than 60,000 members of the reserve components of the armed forces may be on active duty under this section at any one time.

"(c) EXCLUSION FROM STRENGTH LIMITATIONS. Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.

"(d) NOTICE TO CONGRESS. Whenever the Secretary of a military department orders any unit of the Selected Reserve to active duty under subsection (a), such Secretary shall submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of such unit.

"(e) TERMINATION OF DUTY. Whenever any unit of the Selected Reserve is ordered to active duty under subsection (a), the service of all units so ordered to active duty may be terminated—

"(1) by order of the Secretary of the military department concerned; or

"(2) by law.

"(f) RELATIONSHIP TO WAR POWERS RESOLUTION. Nothing contained in this section shall be construed as amending or limiting the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).

"(g) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY. In determining which units of the Selected Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

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

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

"(3) family responsibilities; and

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

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

"(i) DEFENSE BUDGET MATERIALS DEFINED. In this section, the term 'defense budget materials' has the meaning given that term in section 231(g)(2) of this title.".

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

"12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.".

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

(1) by inserting "named" before "operational mission"; and

(2) by striking "365 days" and inserting "365 consecutive days".

SEC. 517. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).

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

"(i) RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIAN (DUAL STATUS). A reserve officer of the Army or Air Force employed as a military technician (dual status) under section 10216 of this title who has been retained beyond the mandatory removal date for years of service pursuant to subsection (f) of such section or section 14702(a)(2) of this title is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.".

SEC. 518. [10 U.S.C. 164 note] CONSIDERATION OF RESERVE COMPONENT OFFICERS FOR APPOINTMENT TO CERTAIN COMMAND POSITIONS.

Whenever officers of the Armed Forces are considered for appointment to the position of Commander, Army North Command or Commander, Air Force North Command, fully qualified officers of the National Guard and the Reserves shall be considered for appointment to such position.

SEC. 519. REPORT ON TERMINATION OF MILITARY TECHNICIAN AS A DISTINCT PERSONNEL MANAGEMENT CATEGORY.

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

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

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

(2) identify various means for the management by the Department of the transition of military technicians to a system that relies on traditional personnel categories of active duty personnel, reserve component personnel, and civilian personnel, and for the management of any effects of that transition on the pay and benefits of current military technicians (including means for mitigating or avoiding such effects in the course of such transition);

(3) determine whether military technicians who are employed at the commencement of the transition described in paragraph (2) should remain as technicians, whether with or without a military status, until separation or retirement, rather than transitioned to such a traditional personnel category;

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

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

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

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

(8) ensure the involvement and input of military technicians (dual status).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

Subtitle C—General Service Authorities

SEC. 521. SENSE OF CONGRESS ON THE UNIQUE NATURE, DEMANDS, AND HARDSHIPS OF MILITARY SERVICE.

It is the sense of Congress that—

(1) section 8 (clauses 12, 13, and 14) of Article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces;

(2) there is no constitutional right to serve in the Armed Forces;

(3) pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces;

(4) the primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise;

(5) the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense;

(6) success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion;

(7) one of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual members of the Armed Forces that make the combat effective-

ness of a military unit greater than the sum of the combat effectiveness of individual unit members;

(8) military life is fundamentally different from civilian life in that—

(A) the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion require that the military community, while subject to civilian control, exist as a specialized society; and

(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society;

(9) the standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces;

(10) those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty;

(11) the pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment;

(12) the worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy; and

(13) the Armed Forces must maintain personnel policies that are intended to recruit and retain only those persons whose presence in the Armed Forces serves the needs of the Armed Forces, contributes to the accomplishment of the missions of the Armed Forces, and maintains the high standards of the Armed Forces for morale, good order and discipline, and unit cohesion that are the essence of military capability.

SEC. 522. POLICY ADDRESSING DWELL TIME AND MEASUREMENT AND DATA COLLECTION REGARDING UNIT OPERATING TEMPO AND PERSONNEL TEMPO.

(a) POLICY ADDRESSING DWELL TIME.—Subsection (a) of section 991 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall prescribe a policy that addresses the amount of dwell time a member of the armed forces or unit remains at the member's or unit's permanent duty station or home port, as the case may be, between deployments.".

(b) UNIT OPERATING TEMPO AND PERSONNEL TEMPO RECORDKEEPING.—Subsection (c) of such section is amended to read as follows:

"(c) RECORDKEEPING.(1) The Secretary of Defense shall—

"(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;

"(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

"(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting, and evaluation of Department of Defense programs and policies.

"(2) The data collection repository shall be able to identify—

"(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

"(B) the duration of their participation.

"(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

"(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);

"(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

"(C) the number of months each member received the allowance (or would have received it in the case of members described in the parenthetical phrase in subparagraph (A)); and

"(D) the total amount expended on the allowance.

"(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.".

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

"(f) OTHER DEFINITIONS. In this section:

"(1)(A) Subject to subparagraph (B), the term 'dwell time' means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.

"(B) The Secretary of Defense may modify the definition of dwell time specified in subparagraph (A). If the Secretary establishes a different definition of such term, the Secretary shall transmit the new definition to Congress.

"(2) The term 'operating tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

"(3) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides.".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 991 of such title is amended to read as follows:

"SEC. 991. MANAGEMENT OF DEPLOYMENTS OF MEMBERS AND MEASUREMENT AND DATA COLLECTION OF UNIT OPERATING AND PERSONNEL TEMPO".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 50 of such title is amended by striking the item relating to section 991 and inserting the following new item:

"991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo.".

SEC. 523. PROTECTED COMMUNICATIONS BY MEMBERS OF THE ARMED FORCES AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

Section 1034(c)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) A threat by another member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, Federal, or civilian property.".

SEC. 524. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the determination includes a favorable recommendation for the award of the Medal of Honor, the Secretary of Defense, instead of the Secretary concerned, shall make the submission under this subsection.".

SEC. 525. EXPANSION OF REGULAR ENLISTED MEMBERS COVERED BY EARLY DISCHARGE AUTHORITY.

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

SEC. 526. EXTENSION OF VOLUNTARY SEPARATION PAY AND BENEFITS AUTHORITY.

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

SEC. 527. PROHIBITION ON DENIAL OF REENLISTMENT OF MEMBERS FOR UNSUITABILITY BASED ON THE SAME MEDICAL CONDITION FOR WHICH THEY WERE DETERMINED TO BE FIT FOR DUTY.

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

(b) CONFORMING AMENDMENT.—Subsection (c)(3) of such section is amended by inserting "or denial of reenlistment" after "to warrant administrative separation".

(c) CLERICAL AMENDMENTS.—

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

"SEC. 1214a. MEMBERS DETERMINED FIT FOR DUTY IN PHYSICAL EVALUATION BOARD: PROHIBITION ON INVOLUNTARY ADMINISTRATIVE SEPARATION OR DENIAL OF REENLISTMENT DUE TO UNSUITABILITY BASED ON MEDICAL CONDITIONS CONSIDERED IN EVALUATION".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1214a and inserting the following new item:

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

SEC. 528. DESIGNATION OF PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.

Section 1482(c) of title 10, United States Code, is amended—

(1) by striking "Only the" in the matter preceding paragraph (1) and inserting "The";

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) in paragraph (5), as so redesignated, by striking "clauses (1)-(3)" and inserting "paragraphs (1) through (4)"; and

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.".

SEC. 529. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking "job placement counseling for the spouse" and inserting "inclusion of the spouse, at the discretion of the member and the spouse, when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs";

(2) in paragraph (9), by inserting before the period the following: ", including information on budgeting, saving, credit, loans, and taxes";

(3) in paragraph (10), by striking "and employment" and inserting ", employment, and financial";

(4) by striking paragraph (16) and inserting the following new paragraph:

"(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices."; and

(5) in paragraph (17), by inserting before the period the following: ", and information regarding the means by which the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits".

SEC. 530. CONVERSION OF HIGH-DEPLOYMENT ALLOWANCE FROM MANDATORY TO AUTHORIZED.

(a) CONVERSION.—Section 436(a) of title 37, United States Code, is amended by striking "shall pay" and inserting "may pay".

(b) [37 U.S.C. 436 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 531. EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) DURATION OF PROGRAM AUTHORITY.—Subsection (l) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 701 note) is amended to read as follows:

"(l) DURATION OF PROGRAM AUTHORITY. No member of the Armed Forces may be released from active duty under a pilot program conducted under this section after December 31, 2015.".

(b) CONTINUATION OF ANNUAL LIMITATION ON SELECTION OF PARTICIPANTS.—Subsection (c) of such section is amended by striking "each of calendar years 2009 through 2012" and inserting "a calendar year".

(c) ADDITIONAL REPORTS REQUIRED.—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking "June 1, 2011, and June 1, 2013" and inserting "June 1 of 2011, 2013, 2015, and 2017"; and

(2) in paragraph (2), by striking "March 1, 2016" and inserting "March 1, 2019".

SEC. 532. [10 U.S.C. 503 note] POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.—

(1) EQUAL TREATMENT.—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965).

(2) COVERED GRADUATES.—Paragraph (1) applies with respect to person who—

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

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

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

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

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

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

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

SEC. 533. DEPARTMENT OF DEFENSE SUICIDE PREVENTION PROGRAM.

(a) [10 U.S.C. 1071 note] PROGRAM ENHANCEMENT.—The Secretary of Defense shall take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the Armed Forces from their initial enlistment or appointment through their final retirement or separation.

(b) [10 U.S.C. 1071 note] COOPERATIVE EFFORT.—The Secretary of Defense shall develop suicide prevention information and resources in consultation with—

(1) the Secretary of Veterans Affairs, the National Institute of Mental Health, and the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services; and

(2) to the extent appropriate, institutions of higher education and other public and private entities, including international entities, with expertise regarding suicide prevention.

(c) PRESEPARATION COUNSELING REGARDING SUICIDE PREVENTION RESOURCES.—Section 1142(b)(8) of title 10, United States Code, is amended by inserting before the period the following: "and the availability to the member and dependents of suicide prevention resources following separation from the armed forces".

Subtitle D—Military Justice and Legal Matters

SEC. 541. REFORM OF OFFENSES RELATING TO RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) RAPE AND SEXUAL ASSAULT GENERALLY.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended as follows:

(1) REVISED OFFENSE OF RAPE.—Subsection (a) is amended to read as follows:

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

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

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

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

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

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

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

(2) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120B.—Subsections (b), (d), (f), (g), (i), (j), and (o) are repealed.

(3) REVISED OFFENSE OF SEXUAL ASSAULT.—Subsection (c) is redesignated as subsection (b) and is amended to read as follows:

"(b) SEXUAL ASSAULT. Any person subject to this chapter who—

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

"(A) threatening or placing that other person in fear;

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

"(C) making a fraudulent representation that the sexual act serves a professional purpose; or

"(D) inducing a belief by any artifice, pretense, or concealment that the person is another person;

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

"(3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—

"(A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

"(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person;

is guilty of sexual assault and shall be punished as a court-martial may direct.".

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

(A) by striking "engages in" and inserting "commits"; and

(B) by striking "with" and inserting "upon".

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

(A) by striking "engages in" and inserting "commits";

(B) by striking "with" and inserting "upon"; and

(C) by striking "subsection (c) (aggravated sexual assault)" and inserting "subsection (b) (sexual assault)".

(6) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120C.—Subsections (k), (l), (m), and (n) are repealed.

(7) PROOF OF THREAT.—Subsection (p) is redesignated as subsection (e) and is amended—

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

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

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

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

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

(9) PROVISIONS RELATING TO AFFIRMATIVE DEFENSES.—Subsections (r) and (s) are repealed.

(10) DEFINITIONS.—Subsection (t) is redesignated as subsection (g) and is amended—

(A) in paragraph (1)—

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

(ii) in subparagraph (B)—

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

(II) by striking "a hand or finger" and inserting "any part of the body";

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

"(2) SEXUAL CONTACT. The term 'sexual contact' means—

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

"(B) any touching, or causing another person to touch, either directly or through the clothing, any body part of

any person, if done with an intent to arouse or gratify the sexual desire of any person.

Touching may be accomplished by any part of the body.".

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

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

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

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

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

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

"(5) FORCE. The term 'force' means—

"(A) the use of a weapon;

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

"(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

"(6) UNLAWFUL FORCE. The term 'unlawful force' means an act of force done without legal justification or excuse.";

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

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

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

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

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

(i) by inserting "(A)" before "The term";

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

(iii) by striking "accused's" in the third sentence;

(iv) by inserting "or social or sexual" before "relationship" in the fourth sentence;

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

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

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

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

"(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions."; and

(L) by striking paragraphs (15) and (16).

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

"SEC. 920. ART. 120. RAPE AND SEXUAL ASSAULT GENERALLY".

(b) RAPE AND SEXUAL ASSAULT OF A CHILD.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after section 920a (article 120a) the following new section (article):

"SEC. 920b. [10 U.S.C. 920b] ART. 120B. RAPE AND SEXUAL ASSAULT OF A CHILD

"(a) RAPE OF A CHILD. Any person subject to this chapter who—

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

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

"(A) using force against any person;

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

"(C) rendering that child unconscious; or

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

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

"(b) SEXUAL ASSAULT OF A CHILD. Any person subject to this chapter who commits a sexual act upon a child who has attained the age of 12 years is guilty of sexual assault of a child and shall be punished as a court-martial may direct.

"(c) SEXUAL ABUSE OF A CHILD. Any person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

"(d) AGE OF CHILD.

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

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

"(e) PROOF OF THREAT. In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

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

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

"(h) DEFINITIONS. In this section:

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

"(2) FORCE. The term 'force' means—

"(A) the use of a weapon;

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

"(C) inflicting physical harm.

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

"(3) THREATENING OR PLACING THAT CHILD IN FEAR. The term 'threatening or placing that child in fear' means a communication or action that is of sufficient consequence to cause the child to fear that non-compliance will result in the child or another person being subjected to the action contemplated by the communication or action.

"(4) CHILD. The term 'child' means any person who has not attained the age of 16 years.

"(5) LEWD ACT. The term 'lewd act' means—

"(A) any sexual contact with a child;

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

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

"(D) any indecent conduct, intentionally done with or in the presence of a child, including via any communica-

tion technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.".

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

"SEC. 920c. [10 U.S.C. 920c] ART. 120C. OTHER SEXUAL MISCONDUCT

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

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

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

"(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2);

is guilty of an offense under this section and shall be punished as a court-martial may direct.

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

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

"(d) DEFINITIONS. In this section:

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

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

"(3) REASONABLE EXPECTATION OF PRIVACY. The term 'under circumstances in which that other person has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured; or

"(B) circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.

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

"(5) DISTRIBUTE. The term 'distribute' means delivering to the actual or constructive possession of another, including transmission by electronic means.

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

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

(1) STATUTE OF LIMITATIONS.—Subparagraph (B) of section 843(b)(2) (article 43(b)(2)) is amended—

(A) in clause (i), by striking "section 920 of this title (article 120)" and inserting "section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)"; and

(B) in clause (v)—

(i) by striking "indecent assault"; and

(ii) by striking "or liberties with a child".

(2) MURDER.—Paragraph (4) of section 918 (article 118) is amended by striking "aggravated sexual assault," and all that follows through "with a child," and inserting "sexual assault, sexual assault of a child, aggravated sexual contact, sexual abuse of a child,".

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter X of such chapter (the Uniform Code of Military Justice) is amended by striking the items relating to sections 920 and 920a (articles 120 and 120a) and inserting the following new items:

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

(f) [10 U.S.C. 843 note] EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act and shall apply with respect to offenses committed on or after such effective date.

SEC. 542. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY EVIDENCE.

(a) EFFECT OF REFUSAL TO APPEAR OR TESTIFY.—Section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

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

(B) in paragraph (2)—

(i) by striking "duly paid or tendered the fees and mileage of a witness" and inserting "provided a means for reimbursement from the Government for fees and mileage"; and

(ii) by inserting before the semicolon the following: "or, in the case of extraordinary hardship, is advanced such fees and mileage"; and

(2) in subsection (c), by striking "or board" and inserting "board, or convening authority".

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by striking "subpenaed" both places it appears and inserting "subpoenaed".

(c) [10 U.S.C. 847 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to subpoenas issued after the date of the enactment of this Act.

SEC. 543. CLARIFICATION OF APPLICATION AND EXTENT OF DIRECT ACCEPTANCE OF GIFTS AUTHORITY.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "or" at the end of paragraph (1);

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

(C) by inserting after paragraph (1) the following new paragraph:

"(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or";

(2) in subsection (c), by striking "paragraph (1) or (2) of subsection (c)" and inserting "paragraph (1), (2) or (3) of subsection (b)"; and

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

"(e) APPLICATION OF CERTAIN REGULATIONS. To the extent provided in the regulations issued under subsection (a) to implement subsection (b)(2), the regulations shall apply to the acceptance of gifts received after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001.".

SEC. 544. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

Subtitle E—Member Education and Training Opportunities and Administration

SEC. 551. EMPLOYMENT SKILLS TRAINING FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE TRANSITIONING TO CIVILIAN LIFE.

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

"(e) EMPLOYMENT SKILLS TRAINING.(1) The Secretary of a military department may carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training, includ-

ing apprenticeship programs, to help prepare such members for employment in the civilian sector.

"(2) A member of the armed forces is an eligible member for purposes of a program under this subsection if the member—

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

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

"(3) Any program under this subsection shall be carried out in accordance with regulations prescribed by the Secretary of Defense.".

SEC. 552. ENHANCEMENT OF AUTHORITIES ON JOINT PROFESSIONAL MILITARY EDUCATION.

(a) AUTHORITY TO CREDIT MILITARY GRADUATES OF THE NATIONAL DEFENSE INTELLIGENCE COLLEGE WITH COMPLETION OF JPME PHASE I.—

(1) JOINT PROFESSIONAL MILITARY EDUCATION PHASE I.—Section 2154(a)(1) of title 10, United States Code, is amended by inserting "or at a joint intermediate level school" before the period at the end.

(2) JOINT INTERMEDIATE LEVEL SCHOOL DEFINED.—Section 2151(b) of such title is amended by adding at the end the following new paragraph:

"(3) The term 'joint intermediate level school' includes the National Defense Intelligence College.".

(b) [10 U.S.C. 2155 note] PILOT PROGRAM ON JPME PHASE II ON OTHER-THAN-IN RESIDENCE BASIS.—

(1) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of offering a program of instruction for Phase II joint professional military education (JPME II) on an other than in-residence basis.

(2) LOCATION.—The pilot program authorized by this subsection shall be carried out at the headquarters of not more than two combatant commands selected by the Secretary for purposes of the pilot program.

(3) PROGRAM OF INSTRUCTION.—The program of instruction offered under the pilot program authorized by this subsection shall meet the requirements of section 2155 of title 10, United States Code.

(4) REPORT.—Not later than one year before completion of the pilot program authorized by this subsection, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(A) The number of students enrolled at each location under the pilot program.

(B) The number of students who successfully completed the program of instruction under the pilot program and were awarded credit for Phase II joint professional military education.

(C) The assessment of the Secretary regarding the feasibility and advisability of expanding the pilot program to

the headquarters of additional combatant commands, or of making the pilot program permanent, and a statement of the legislative or administrative actions required to implement such assessment.

(5) SUNSET.—The authority in this subsection to carry out the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 553. [10 U.S.C. 4346 note] TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE MILITARY SERVICE ACADEMIES.

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

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

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

(b) MAXIMUM AGE FOR RECEIPT OF WAIVER.—A waiver may not be granted under this section if the candidate would pass the candidate's twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy pursuant to the waiver.

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

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

(e) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under this section expires on September 30, 2016.

SEC. 554. ENHANCEMENT OF ADMINISTRATION OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) IN GENERAL.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

"SEC. 9314b. [10 U.S.C. 9314b] UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: ADMINISTRATION

"(a) COMMANDANT.

"(1) SELECTION. The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

"(2) ELIGIBILITY. The Commandant shall be one of the following:

"(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

"(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

"(3) TERM FOR CIVILIAN COMMANDANT. An individual selected for the position of Commandant under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

"(b) PROVOST AND ACADEMIC DEAN.

"(1) IN GENERAL. There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

"(2) TERM. An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

"(3) COMPENSATION. The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by inserting after the item relating to section 9314a the following new item:

"9314b. United States Air Force Institute of Technology: administration.".

SEC. 555. ENROLLMENT OF CERTAIN SERIOUSLY WOUNDED, ILL, OR INJURED FORMER OR RETIRED ENLISTED MEMBERS OF THE ARMED FORCES IN ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE IN ORDER TO COMPLETE DEGREE PROGRAM.

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

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

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

"(c) SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a former or retired enlisted

member of the armed forces who at the time of the person's separation from active duty—

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

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

"(2) For purposes of this subsection, a person who may be categorized as seriously wounded, ill, or injured is a person with a serious injury or illness (as that term is defined in section 1602(8) of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note)).

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

"(4) The Secretary may not pay the tuition for participation in a program of higher education under subsection (a)(1) of a person participating in such program pursuant to an authorization under paragraph (1).".

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

(c) [10 U.S.C. 9315 note] EFFECTIVE DATE.—Subsection (c) of section 9315 of title 10, United States Code (as added by subsection (a)(2)), shall apply to persons covered by paragraph (1) of such subsection who are categorized by the Secretary concerned as seriously wounded, ill, or injured after September 11, 2001. With respect to any such person who is separated from active duty during the period beginning on September 12, 2001, and ending on the date of the enactment of this Act, the 10-year period specified in paragraph (3) of such subsection shall be deemed to commence on the date of the enactment of this Act.

SEC. 556. RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.

(a) RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.—Section 16201 of title 10, United States Code, is amended—

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

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

"(f) MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES.(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

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

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

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

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

"(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based

upon the person's health profession, following satisfactory completion of the educational and intern programs; and

"(iii) participate in a residency program if required for clinical licensure in a mental health profession skill; and

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

"(2) Under the agreement—

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

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

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Selected Reserve; and

"(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided.".

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

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

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

SEC. 557. FISCAL YEAR 2012 ADMINISTRATION AND REPORT ON THE TROOPS-TO-TEACHERS PROGRAM.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) REPORT.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(1) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the pro-

gram during the period covered by the future-years defense program submitted to Congress during 2011.

(2) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(3) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(4) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(5) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(6) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(7) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(2) TROOPS-TO-TEACHERS PROGRAM.—The term "Troops-to-Teachers Program" means the Troops-to-Teachers Program authorized by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SEC. 558. [10 U.S.C. 2015 note] PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three military occupational specialities or duty speciality codes for coverage under the pilot program;

(2) consider utilizing industry-recognized certifications or licensing standards for civilian occupational skills comparable to the specialties or codes so designated; and

(3) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialities or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) DURATION.—The Secretary shall complete the pilot program by not later than five years after the date of the commencement of the pilot program.

(d) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison of the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion in the expansion.

SEC. 559. REPORT ON CERTAIN EDUCATION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the education assistance programs under sections 1784a and 2007 of title 10, United States Code.

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

(1) A description of the effect of the programs on recruiting and retention within the Armed Forces.

(2) An analysis of other programs that provide benefits similar to those provided through the programs, including the use of education assistance programs under chapters 30 and 33 of title 38, United States Code, for education and training pursued by members of the Armed Forces serving on active duty while they are off-duty.

(3) A description of the effects of modifying the programs to require members of the Armed Forces and dependents participating in the programs to pay an appropriate percentage of their education expenses with the Secretary of the military department concerned paying the remaining percentage of such expenses, with the intent of ensuring that members and their dependents give due consideration to their educational needs before enrolling in the programs.

(4) A description of the costs of the programs to the Department of Defense, including the following elements for each institution of higher education that received funds under the programs during any of fiscal years 2009, 2010, 2011:

(A) The name and location of the institution of higher education.

(B) Whether the institution is a public, non-profit, or for-profit institution.

(C) The amount of funds received by the institution in each such fiscal year.

(D) The number of members of the Armed Forces and dependents who received education at the institution during each such fiscal year.

(E) The average amount of funds members and dependents received under the programs.

(5) A description of the education outcomes for members of the Armed Forces and dependents participating in the program during fiscal years, 2009, 2010, 2011, including the following:

(A) Credit accumulation.

(B) Completion of education on-time or within 150 percent of on-time.

(C) Completion of a degree.

(D) Loan defaults, if applicable.

(6) A description of the feasibility and desirability of requiring institutions of higher learning, as a requirement for participation in the programs, to report to the Secretary of Defense, as well as disclose, provide, and make publicly available through electronic or other means to members of the Armed Forces participating in the programs, the following information about their programs prior to enrollment:

(A) When applicable, qualifications for examination, certification, or licensure required as a precondition for employment in the occupation or skill for which the program is represented to prepare the student, and whether the program meets those requirements.

(B) The normal and average time to completion of the program. Normal time to completion means the amount of time it would take a full-time student to complete the program.

(C) The completion, graduation, and dropout rates of students for the institution.

(D) Information concerning average student indebtedness for each program resulting from Federal, private, and institutional loans.

(E) Whether the institution participates, or is eligible to participate, under in financial aid programs under title IV of the Higher Education Act of 1965.

Subtitle F—Armed Forces Retirement Home

SEC. 561. CONTROL AND ADMINISTRATION BY SECRETARY OF DEFENSE.

Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by adding at the end the following new paragraph:

"(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense.".

SEC. 562. SENIOR MEDICAL ADVISOR OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) ADVISORY RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR.—Subsection (b) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) by striking "(1) The"; and inserting "The";

(2) by striking paragraph (2); and

(3) by striking "and the Chief Operating Officer" and all that follows through the period at the end and inserting the following:" the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

"(1) medical administrative matters at each facility of the Retirement Home; and

"(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home.".

(b) RELATED DUTIES.—Subsection (c) of such section is amended by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

"(3) Periodically visit each facility of the Retirement Home to review—

"(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

"(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

"(4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Under Secretary of Defense for Personnel and Readiness.".

SEC. 563. ESTABLISHMENT OF ARMED FORCES RETIREMENT HOME ADVISORY COUNCIL AND RESIDENT ADVISORY COMMITTEES.

(a) REPLACEMENT OF LOCAL BOARDS OF TRUSTEES.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is

amended by striking section 1516 and inserting the following new sections:

"SEC. 1516. [24 U.S.C. 416] ADVISORY COUNCIL

"(a) ESTABLISHMENT. The Retirement Home shall have an Advisory Council, to be known as the 'Armed Forces Retirement Home Advisory Council'. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

"(b) DUTIES.(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

"(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

"(3) In carrying out its functions, the Advisory Council shall—

"(A) provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home; and

"(B) make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate.

"(c) COMPOSITION.(1) The Advisory Council shall consist of at least 15 members, each of whom shall be a full or part-time Federal employee or a member of the Armed Forces.

"(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

"(3) The Advisory Council shall include the following members:

"(A) One member who is an expert in nursing home or retirement home administration and financing.

"(B) One member who is an expert in gerontology.

"(C) One member who is an expert in financial management.

"(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

"(E) The Chairpersons of the Resident Advisory Committees.

"(F) One enlisted representative of the Services' Retiree Advisory Council.

"(G) The senior noncommissioned officer of one of the Armed Forces.

"(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

"(I) One senior judge advocate from one of the Armed Forces.

"(J) One senior representative of one of the chief personnel officers of the Armed Forces.

"(K) Such other members as the Secretary of Defense may designate.

"(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

"(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council.

"(d) TERM OF SERVICE.(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

"(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

"(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

"(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

"(e) VACANCIES. A vacancy in the Advisory Council shall be filled in the manner in which the original designation was made. A member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor. A vacancy in the Advisory Council shall not affect its authority to perform its duties.

"(f) COMPENSATION.(1) Except as provided in paragraph (2), a member of the Advisory Council shall—

"(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Advisory Council; and

"(B) while away from home or regular place of business in the performance of services for the Advisory Council, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

"(2) A member of the Advisory Council who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving as a member of the Advisory Council.

"SEC. 1516A. [24 U.S.C. 416a] RESIDENT ADVISORY COMMITTEES

"(a) ESTABLISHMENT AND PURPOSE.(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement Home established to provide a forum for all residents to

express their needs, ideas, and interests through elected representatives of their respective floor or area.

"(2) A Resident Advisory Committee—

"(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

"(B) provides a means to communicate policy and general information between residents and management.

"(b) ELECTION PROCESS. The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

"(c) CHAIRPERSON.(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.

"(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

"(d) MEETINGS. At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly.".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 1502 of such Act (24 U.S.C. 401) is amended—

(A) by striking paragraph (2);

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

(C) by inserting after paragraph (2) (as so redesignated) the following new paragraphs:

"(3) The term 'Advisory Council' means the Armed Forces Retirement Home Advisory Council established under section 1516.

"(4) The term 'Resident Advisory Committee' means an elected body of residents at a facility of the Retirement Home established under section 1516A.".

(2) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) of such Act (24 U.S.C. 415(c)(2)) is amended by striking ", including the Local Boards of those facilities".

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "Local Board for the facility or the resident advisory committee or council" and inserting "Advisory Council or the Resident Advisory Committee"; and

(ii) in paragraph (3), by striking "Local Board for the facility, the resident advisory committee or council" and inserting "Advisory Council, the Resident Advisory Committee";

(B) in subsection (c)(1), by striking "Local Board for the facility" and inserting "Advisory Council"; and

(C) in subsection (e)(1), by striking "Local Board for the facility" and inserting "Advisory Council".

SEC. 564. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking "a Director, a Deputy Director, and an Associate Director" and inserting "an Administrator and an Ombudsman";

(2) in subsections (b) and (c)—

(A) by striking "Director" in each subsection heading and inserting "Administrator"; and

(B) by striking "Director" each place it appears and inserting "Administrator";

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated—

(A) by striking "Associate Director" in the subsection heading and inserting "Ombudsman"; and

(B) by striking "Associate Director" in paragraphs (1) and (2) and inserting "Ombudsman";

(5) in subsection (e), as so redesignated—

(A) by striking "Associate Director.—" in the subsection heading and inserting "Ombudsman.—(1)";

(B) by striking "Associate Director" and inserting "Ombudsman";

(C) by striking "Director and Deputy Director" and inserting "Administrator";

(D) by striking "Director may" and inserting "Administrator may"; and

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

"(2) The Ombudsman may provide information to the Administrator, the Chief Operating Officer, the Senior Medical Advisor, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness.";

(6) in subsection (f), as so redesignated, by striking "Director" each place it appears and inserting "Administrator"; and

(7) in subsection (g), as so redesignated—

(A) by striking "Directors" in the subsection heading and inserting "Administrators";

(B) in paragraph (1), by striking "Directors" and inserting "Administrators"; and

(C) in paragraph (2), by striking "a Director" and inserting "an Administrator".

(b) CONFORMING AMENDMENTS.—

(1) [24 U.S.C. 411] REFERENCES TO DIRECTOR.—Sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) of such Act are amended by striking "Director" each place it appears and inserting "Administrator".

(2) REFERENCES TO DIRECTORS.—Sections 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b), 420(c)) are amended by striking "Directors" and inserting "Administrators".

SEC. 565. REVISION OF FEE REQUIREMENTS.

(a) LIMITATION ON MAXIMUM MONTHLY AMOUNT OF FEES.—Subsection (c)(3) of section 1514 of the Armed Forces Retirement

Home Act of 1991 (24 U.S.C. 414) is amended by striking the last sentence.

(b) REPEAL OF FORMER TRANSITIONAL FEE STRUCTURES.—Such section is further amended by striking subsection (d).

SEC. 566. REVISION OF INSPECTION REQUIREMENTS.

Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended—

(1) in subsection (b)(1)—

(A) by striking "In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization," and inserting "Not less often than once every three years,";

(B) by striking "of that facility" and inserting "of each facility of the Retirement Home"; and

(C) by inserting "long-term care," after "assisted living,";

(2) in subsection (c)—

(A) in paragraph (1), by striking "45 days" and inserting "90 days"; and

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

"(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report."; and

(3) in subsection (e)(1)—

(A) by striking "45 days" and inserting "60 days"; and

(B) by striking "Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer" and inserting "Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor".

SEC. 567. REPEAL OF OBSOLETE TRANSITIONAL PROVISIONS AND TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B of the Armed Forces Retirement Home Act of 1991, consisting of sections 1531, 1532, and 1533 relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home (24 U.S.C. 431, 432, 433), is repealed.

(b) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419(a)(2)) is amended by striking "Retirement Home Board" and inserting "Chief Operating Officer".

(2) TITLE 10.—

(A) DEFENSE OF CERTAIN SUITS.—Section 1089(g)(3) of title 10, United States Code, is amended by striking "Armed Forces Retirement Home Board" and inserting "Chief Operating Officer of the Armed Forces Retirement Home".

(B) FINES AND FORFEITURES.—Section 2772(b) of title 10, United States Code, is amended by striking "Armed Forces Retirement Home Board" and inserting "Chief Operating Officer of the Armed Forces Retirement Home".

(c) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 note) is amended to read as follows:

"SEC. 1501. SHORT TITLE; TABLE OF CONTENTS".

(2) SECTION 1513.—The heading of section 1513 of such Act (24 U.S.C. 413) is amended to read as follows:

"SEC. 1513. SERVICES PROVIDED TO RESIDENTS".

(3) SECTION 1513A.—The heading of section 1513A of such Act (24 U.S.C. 413a) is amended to read as follows:

"SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS".

(4) SECTION 1517.—The heading of section 1517 of such Act (24 U.S.C. 417) is amended to read as follows:

"SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES".

(5) SECTION 1518.—The heading of section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS".

(6) PUNCTUATION.—The headings of sections 1512 and 1520 of such Act (24 U.S.C. 412, 420) are amended by adding a period at the end.

(d) PART A HEADER.—The heading for part A is repealed.

(e) TABLE OF CONTENTS.—The table of contents in section 1501(b) of such Act is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

"Sec. 1513. Services provided to residents.
"Sec. 1513A. Oversight of health care provided to residents.";

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following:

"Sec. 1516. Advisory Council.
"Sec. 1516A. Resident Advisory Committees.
"Sec. 1517. Administrators, Ombudsmen, and staff of facilities.
"Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors."; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

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

SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2012 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF AUTHORITIES ON TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

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

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

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

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

"(ii) Training for teachers.

"(iii) Academic strategies to increase academic achievement.

"(iv) Curriculum development.

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

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

(b) THREE-YEAR EXTENSION.—Paragraph (3) of such section is amended by striking "September 30, 2013" and inserting "September 30, 2016".

SEC. 574. REVISION TO MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

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

"(b) MEMBERS.(1) The Council shall consist of the following members:

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

"(B) The following persons, who shall be appointed or designated by the Secretary of Defense:

"(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

"(ii) One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

"(iii) One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member.

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

"(D) The senior enlisted advisor from each of the Army, Navy, Marine Corps, and Air Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors.

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

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

"(B) The term on the Council of the members appointed under subparagraph (C) of paragraph (1) shall be three years.".

SEC. 575. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking "or" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

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

"(F) ordered to full-time National Guard duty (other than for training) under section 502(f)(2)(A) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.".

SEC. 576. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

"(b) TRAVEL BENEFIT DEFINED. In this section, the term 'travel benefit' means—

"(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

"(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.".

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking "the air or surface carrier" and inserting "the business entity referred to in subsection (b)";

(2) by striking "the surface carrier" and inserting "the business entity"; and

(3) by striking "the carrier" and inserting "the business entity".

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking "the air carrier or surface carrier" and inserting "the business entity referred to in subsection (b)".

(d) STYLISTIC AMENDMENTS.—

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

"SEC. 2613. ACCEPTANCE OF FREQUENT TRAVELER MILES, CREDITS, POINTS, AND TICKETS: USE TO FACILITATE REST AND RECUPERATION TRAVEL OF DEPLOYED MEMBERS AND THEIR FAMILIES".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

"2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.".

SEC. 577. REPORT ON DEPARTMENT OF DEFENSE AUTISM PILOT AND DEMONSTRATION PROJECTS.

(a) REPORT REQUIRED.—Not later than March 14, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on all pilot and demonstration projects and all other efforts being conducted by the Department of Defense on autism services.

(b) MATTERS COVERED.—At a minimum, the report under subsection (a) shall include an assessment of the demand for autism treatment services by military families, including the intensity and volumes of use across specific diagnoses and age groups and the availability of qualified providers of such treatment services.

SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) All current Department of Defense military spouse employment programs, and the efficacy and effectiveness of each such program.

(2) The types of military spouse employment programs that have been considered or used in the past by the Department.

(3) The ways in which military spouse employment programs have changed in recent years.

(4) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(5) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(6) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(7) The total funding available to the Department for each military spouse employment program and the amount obligated by the Department for each such program.

(8) The number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in a Department military spouse employment program, as a whole and for each military spouse employment program.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department military spouse employment programs.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 581. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL ASSISTANCE AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) [10 U.S.C. 1565b note] LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel pursuant to section 1044 of title 10, United States Code.

(b) ASSISTANCE AND REPORTING.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1565a the following new section:

"SEC. 1565b. [10 U.S.C. 1565b] VICTIMS OF SEXUAL ASSAULT: ACCESS TO LEGAL ASSISTANCE AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES

"(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault may be provided the following:

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

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

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

"(2) A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member or dependent shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.

"(3) Legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates under paragraph (1) shall be available to a member or dependent regard-

less of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.

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

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

"(A) A Sexual Assault Response Coordinator.

"(B) A Sexual Assault Victim Advocate.

"(C) Healthcare personnel specifically identified in the regulations required by paragraph (1).".

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

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

SEC. 582. CONSIDERATION OF APPLICATION FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT OR RELATED OFFENSE.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

"SEC. 673. [10 U.S.C. 673] CONSIDERATION OF APPLICATION FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER FOR MEMBERS ON ACTIVE DUTY WHO ARE THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE

"(a) TIMELY CONSIDERATION AND ACTION. The Secretary concerned shall provide for timely determination and action on an application for consideration of a change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920, 920a, or 920c of this title (article 120, 120a, or 120c) so as to reduce the possibility of retaliation against the member for reporting the sexual assault or other offense.

"(b) REGULATIONS. The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense. These guidelines shall provide that the application submitted by a member described in subsection (a) for a change of station or unit transfer must be approved or disapproved by the member's commanding officer within 72 hours of the submission of the application. Additionally, if the application is disapproved by the commanding officer, the member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the member, and that decision must be made within 72 hours of submission of the request for review.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

"673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault or related offense.".

SEC. 583. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

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

SEC. 584. [10 U.S.C. 1561 note] SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ASSIGNMENT OF COORDINATORS.—

(1) ASSIGNMENT REQUIREMENTS.—At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. An additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) AVAILABILITY FOR RESERVE COMPONENT MEMBERS.—The Secretary of the military department concerned shall ensure the timely access to a Sexual Assault Response Coordinator by any member of the National Guard or Reserve who—

(A) is the victim of a sexual assault during the performance of duties as a member of the National Guard or Reserves; or

(B) is the victim of a sexual assault committed by a member of the National Guard or Reserves.

(3) ELIGIBLE PERSONS.—On and after October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator.

(b) ASSIGNMENT OF VICTIM ADVOCATES.—

(1) ASSIGNMENT REQUIREMENTS.—At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. An additional Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) ELIGIBLE PERSONS.—On and after October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate.

(c) TRAINING AND CERTIFICATION.—

(1) TRAINING AND CERTIFICATION PROGRAM.—As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordi-

nators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

(2) CONSULTATION.—In developing the curriculum and other components of the program, the Secretary of Defense shall work with experts outside of the Department of Defense who are experts in victim advocacy and sexual assault prevention and response training.

(3) EFFECTIVE DATE.—On and after October 1, 2013, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a) or Victim Advocate under subsection (b), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

(d) AUTHORIZATIONS FOR DOD SAFE HELPLINE.—

(1) PROVIDING SUPPORT AND RECEIVING OFFICIAL REPORTS.—DoD Safe Helpline (or any successor service to DoD Safe Helpline, if any, as identified by the Secretary of Defense) is authorized to provide crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact the DoD Safe Helpline or other reports as directed by the Secretary of Defense.

(2) TRAINING AND OVERSIGHT.—DoD Safe Helpline staff shall have specialized training and appropriate certification to support eligible adult sexual assault victims.

(3) ELIGIBILITY AND PROCEDURES.—The Secretary of Defense shall prescribe regulations regarding eligibility for DoD Safe Helpline services, procedures for providing crisis intervention and support, and accepting reports.

(4) ELECTRONIC RECEIPT OF OFFICIAL REPORTS OF ADULT SEXUAL ASSAULTS.—DoD Safe Helpline shall provide the ability to receive reports of adult sexual assaults through the DoD Safe Helpline website and mobile phone applications, in a secure manner consistent with appropriate protection of victim privacy, and may offer other methods of receiving electronic submission of adult sexual assault reports, as appropriate, in a manner that appropriately protects victim privacy.

(5) TYPES OF REPORTS.—Reports of sexual assault from eligible adult sexual assault victims received by DoD Safe Helpline (or a successor as determined by the Secretary of Defense) shall include unrestricted and restricted reports, or other reports as directed by the Secretary of Defense.

(6) OPTION FOR ENTRY INTO THE CATCH A SERIAL OFFENDER SYSTEM.—An individual making a restricted report (or a relevant successor type of report or other type of appropriate report, as determined by the Secretary of Defense) to the DoD Safe Helpline (or a successor as determined by the Secretary of Defense) shall have the option to submit information related to their report to the Catch a Serial Offender system (or its

successor or similar system as determined by the Secretary of Defense).

(e) DEFINITIONS.—In this section:

(1) The term "armed forces" means the Army, Navy, Air Force, and Marine Corps.

(2) The term "sexual assault prevention and response program" has the meaning given such term in section 1601(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note).

SEC. 585. [10 U.S.C. 1561 note] TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

(1) DEVELOPMENT OF CURRICULUM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. In developing the curriculum, the Secretary shall work with experts outside of the Department of Defense who are experts in sexual assault prevention and response training.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

(d) COMMANDERS' TRAINING.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module in the training for new or prospective com-

manders at all levels of command. The training shall be tailored to the responsibilities and leadership requirements of members of the Armed Forces as they are assigned to command positions. Such training shall include the following:

(1) Fostering a command climate that does not tolerate sexual assault.

(2) Fostering a command climate in which persons assigned to the command are encouraged to intervene to prevent potential incidents of sexual assault.

(3) Fostering a command climate that encourages victims of sexual assault to report any incident of sexual assault.

(4) Understanding the needs of, and the resources available to, the victim after an incident of sexual assault.

(5) Use of military criminal investigative organizations for the investigation of alleged incidents of sexual assault.

(6) Available disciplinary options, including court-martial, non-judicial punishment, administrative action, and deferral of discipline for collateral misconduct, as appropriate.

(e) EXPLANATION TO BE INCLUDED IN INITIAL ENTRY AND ACCESSION TRAINING.—

(1) REQUIREMENT.—The Secretary of Defense shall require that the matters specified in paragraph (2) be carefully explained to each member of the Army, Navy, Air Force, and Marine Corps at the time of (or within fourteen duty days after)—

(A) the member's initial entrance on active duty; or

(B) the member's initial entrance into a duty status with a reserve component.

(2) MATTERS TO BE EXPLAINED.—This subsection applies with respect to the following:

(A) Department of Defense policy with respect to sexual assault.

(B) The resources available with respect to sexual assault reporting and prevention and the procedures to be followed by a member seeking to access those resources.

SEC. 586. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON RETENTION AND ACCESS TO EVIDENCE AND RECORDS RELATING TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) [10 U.S.C. 1561 note] COMPREHENSIVE POLICY ON RETENTION AND ACCESS TO RECORDS.—Not later than October 1, 2012, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

(b) [10 U.S.C. 1561 note] OBJECTIVES.—The comprehensive policy required by subsection (a) shall include policies and procedures (including systems of records) necessary to ensure preservation of records and evidence for periods of time that ensure that members of the Armed Forces and veterans of military service who were the victims of sexual assault during military service are able to substantiate claims for veterans benefits, to support criminal or civil prosecutions by military or civil authorities, and for such purposes relating to the documentation of the incidence of sexual as-

sault in the Armed Forces as the Secretary of Defense considers appropriate.

(c) [10 U.S.C. 1561 note] ELEMENTS.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall consider, at a minimum, the following matters:

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

(2) Criteria for collection and retention of records.

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

(4) Length of time records, including Department of Defense Forms 2910 and 2911, and evidence must be retained, except that—

(A) the length of time physical evidence and forensic evidence must be retained shall be not less than five years; and

(B) the length of time documentary evidence relating to sexual assaults must be retained shall be not less than the length of time investigative records relating to reports of sexual assaults of that type (restricted or unrestricted reports) must be retained.

(5) Locations where records must be stored.

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

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

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

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

(10) Education and training on record retention requirements.

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

(d) [10 U.S.C. 1561 note] UNIFORM APPLICATION TO MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) COPY OF RECORDS OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of all prepared records of the proceedings of the court-martial shall be given to the victim of the offense if the

victim testified during the proceedings. The records of the proceedings shall be provided without charge and as soon as the records are authenticated. The victim shall be notified of the opportunity to receive the records of the proceedings.".

(e)[5] RETURN OF PERSONAL PROPERTY UPON COMPLETION OF RELATED PROCEEDINGS IN UNRESTRICTED REPORTING CASES.—Notwithstanding subsection (c)(4)(A), personal property retained as evidence in connection with an incident of sexual assault involving a member of the Armed Forces may be returned to the rightful owner of such property after the conclusion of all legal, adverse action, and administrative proceedings related to such incident.

(f) RETURN OF PERSONAL PROPERTY IN RESTRICTED REPORTING CASES.—(1) The Secretary of Defense shall prescribe procedures under which a victim who files a restricted report on an incident of sexual assault may request, at any time, the return of any personal property of the victim obtained as part of the sexual assault forensic examination.

(2) The procedures shall ensure that—

(A) a request of a victim under paragraph (1) may be made on a confidential basis and without affecting the restricted nature of the restricted report; and

(B) at the time of the filing of the restricted report, a Sexual Assault Response Coordinator or Sexual Assault Prevention and Response Victim Advocate—

(i) informs the victim that the victim may request the return of personal property as described in paragraph (1); and

(ii) advises the victim that such a request for the return of personal property may negatively impact a subsequent case adjudication, if the victim later decides to convert the restricted report to an unrestricted report.

(3) Except with respect to personal property returned to a victim under this subsection, nothing in this subsection shall affect the requirement to retain a sexual assault forensic examination (SAFE) kit for the period specified in subsection (c)(4)(A).

Subtitle I—Other Matters

SEC. 588. DEPARTMENT OF DEFENSE AUTHORITY TO CARRY OUT PERSONNEL RECOVERY REINTEGRATION AND POST-ISOLATION SUPPORT ACTIVITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1056 the following new section:

"SEC. 1056a. [10 U.S.C. 1056a] REINTEGRATION OF RECOVERED DEPARTMENT OF DEFENSE PERSONNEL; POST-ISOLATION SUPPORT ACTIVITIES FOR OTHER RECOVERED PERSONNEL

"(a) REINTEGRATION AND SUPPORT AUTHORIZED. The Secretary of Defense may carry out the following:

"(1) Reintegration activities for recovered persons who are Department of Defense personnel.

[5] Two subsection (e)s' are so in law.

"(2) Post-isolation support activities for or on behalf of other recovered persons who are officers or employees of the United States Government, military or civilian officers or employees of an allied or coalition partner of the United States, or other United States or foreign nationals.

"(b) ACTIVITIES AUTHORIZED.(1) The activities authorized by subsection (a) for or on behalf of a recovered person may include the following:

"(A) The provision of food, clothing, necessary medical support, and essential sundry items for the recovered person.

"(B) In accordance with regulations prescribed by the Secretary of Defense, travel and transportation allowances for not more than three family members, or other designated individuals, determined by the commander or head of a military medical treatment facility to be beneficial for the reintegration of the recovered person and whose presence may contribute to improving the physical and mental health of the recovered person.

"(C) Transportation or reimbursement for transportation in connection with the attendance of the recovered person at events or functions determined by the commander or head of a military medical treatment facility to contribute to the physical and mental health of the recovered person.

"(2) Medical support may be provided under paragraph (1)(A) to a recovered person who is not a member of the armed forces for not more than 20 days.

"(c) DEFINITIONS. In this section:

"(1) The term 'post-isolation support', in the case of a recovered person, means—

"(A) the debriefing of the recovered person following a separation as described in paragraph (2);

"(B) activities to promote or support the physical and mental health of the recovered person following such a separation; and

"(C) other activities to facilitate return of the recovered person to military or civilian life as expeditiously as possible following such a separation.

"(2) The term 'recovered person' means an individual who is returned alive from separation (whether as an individual or a group) while participating in or in association with a United States-sponsored military activity or mission in which the individual was detained in isolation or held in captivity by a hostile entity.

"(3) The term 'reintegration', in the case of a recovered person, means—

"(A) the debriefing of the recovered person following a separation as described in paragraph (2);

"(B) activities to promote or support for the physical and mental health of the recovered person following such a separation; and

"(C) other activities to facilitate return of the recovered person to military duty or employment with the Department of Defense as expeditiously as possible following such a separation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1056 the following new item:

"1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.".

SEC. 589. MILITARY ADAPTIVE SPORTS PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2564 the following new section:

"SEC. 2564a. [10 U.S.C. 2564a] PROVISION OF ASSISTANCE FOR ADAPTIVE SPORTS PROGRAMS FOR MEMBERS OF THE ARMED FORCES

"(a) PROGRAM AUTHORIZED.(1) The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.

"(2) In establishing the military adaptive sports program, the Secretary of Defense shall—

"(A) consult with the Secretary of Veterans Affairs; and

"(B) avoid duplicating programs conducted by the Secretary of Veterans Affairs under section 521A of title 38.

"(b) PROVISION OF ASSISTANCE; PURPOSE.(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of planning, developing, managing, and implementing adaptive sports programming for members described in subsection (a).

"(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.

"(c) USE OF ASSISTANCE. Assistance provided under the military adaptive sports program shall be used—

"(1) for the purposes specified in subsection (b); and

"(2) for such related activities and expenses as the Secretary of Defense may authorize.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2564 the following new item:

"2564a. Provision of assistance for adaptive sports programs for members of the armed forces.".

SEC. 590. ENHANCEMENT AND IMPROVEMENT OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) INCLUSION OF PROGRAMS OF OUTREACH IN PROGRAM.—Subsection (b) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended by inserting "(including programs of outreach)" after "informational events and activities".

(b) RESTATEMENT OF FUNCTIONS OF CENTER FOR EXCELLENCE IN REINTEGRATION AND INCLUSION IN FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN PROGRAMS OF OUTREACH.—Subsection

(d)(2) of such section is amended by striking the second, third, and fourth sentences and inserting the following:" The Center shall have the following functions:

"(A) To collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs.

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

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

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

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

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

(d) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

"(k) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH. For purposes of this section, the activities and services provided under programs of outreach may include personalized and substantive care coordination services targeted specifically to individual members of the Armed Forces and their families.".

SEC. 591. ARMY NATIONAL MILITARY CEMETERIES.

(a) MANAGEMENT RESPONSIBILITIES AND OVERSIGHT.—

(1) IN GENERAL.—Title 10, United States Code, is amended by inserting after chapter 445 the following new chapter:

"CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES

"Sec.
"4721. Authority and responsibilities of the Secretary of the Army.
"4722. Interment and inurnment policy.
"4723. Advisory committee on Arlington National Cemetery.
"4724. Executive Director.
"4725. Superintendents.
"4726. Oversight and inspections.

"SEC. 4721. [10 U.S.C. 4721] AUTHORITY AND RESPONSIBILITIES OF THE SECRETARY OF THE ARMY

"(a) GENERAL AUTHORITY. The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army

National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

"(b) ARMY NATIONAL MILITARY CEMETERIES. The Army National Military Cemeteries (in this chapter referred to as the 'Cemeteries') consist of the following:

"(1) Arlington National Cemetery in Arlington, Virginia.

"(2) The United States Soldiers' and Airmen's Home National Cemetery in the District of Colombia.

"(c) ADMINISTRATIVE JURISDICTION. The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

"(d) REGULATIONS AND OTHER POLICIES. The Secretary of the Army shall prescribe such regulations and policies as may be necessary to administer the Cemeteries.

"(e) BUDGETARY AND REPORTING REQUIREMENTS. The Secretary of the Army shall submit to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

"SEC. 4722. [10 U.S.C. 4722] INTERMENT AND INURNMENT POLICY

"(a) ELIGIBILITY DETERMINATIONS GENERALLY.(1) The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.

"(2) The Secretary of the Army, with the approval of the Secretary of Defense, shall establish policy and procedures for reviewing and determining requests for exceptions to interment and inurnment eligibility policy, which shall include a requirement, before granting the request for an exception, for notification of the Committees on Armed Services and the Committees on Veterans Affairs of the Senate and the House of Representatives.

"(b) REMOVAL OF REMAINS. Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of the Army may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

"(c) COVERED PERSONS. Except as provided in subsection (d), the persons whose remains may be removed pursuant to subsection (b) are the deceased spouse, a minor child, and, in the discretion of the Secretary of the Army, an unmarried adult child of a member eligible for interment or inurnment in the Cemeteries.

"(d) EXCEPTIONS. The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

"(1) who is missing in action;

"(2) whose remains have not been recovered or identified;

"(3) whose remains were buried at sea, whether by the choice of the person or otherwise;

"(4) whose remains were donated to science; or

"(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

"SEC. 4723. [10 U.S.C. 4723] ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY

"(a) APPOINTMENT. The Secretary of the Army shall appoint an advisory committee on Arlington National Cemetery.

"(b) ROLE. The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

"(c) REPORTS AND RECOMMENDATIONS. The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

"(d) SUBMISSION TO CONGRESS. Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.

"SEC. 4724. [10 U.S.C. 4724] EXECUTIVE DIRECTOR

"(a) APPOINTMENT AND QUALIFICATIONS.(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

"(2) The Executive Director reports directly to the Secretary.

"(b) RESPONSIBILITIES. The Executive Director is responsible for the following:

"(1) Exercising authority, direction and control over all aspects of the Cemeteries.

"(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

"(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

"(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

"(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

"(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

"(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

"(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

"(9) Providing recommendations regarding any request for an exception to interment and inurnment eligibility policy.

"(10) Supervising the superintendents of the Cemeteries.

"SEC. 4725. [10 U.S.C. 4725] SUPERINTENDENTS

"(a) APPOINTMENT AND QUALIFICATIONS. An individual serving as the superintendent of one of the Cemeteries should have, as determined by the Secretary of the Army—

"(1) experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

"(2) experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

"(b) DUTIES. The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

"SEC. 4726. [10 U.S.C. 4726] OVERSIGHT AND INSPECTIONS

"(a) INSPECTIONS REQUIRED. The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. The inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

"(b) SUBMISSION OF RESULTS. Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.".

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 445 the following new item:

"446. Army National Military Cemeteries".

4721

(b) DIGITIZATION OF ARLINGTON NATIONAL CEMETERY INTERMENT AND INURNMENT RECORDS.—

(1) DEADLINE FOR CONVERSION AND USE.—Not later than June 1, 2012, all records related to interments and inurnments at Arlington National Cemetery shall be converted to a digitized format. Thereafter, use of the digitized format shall be the method by which all subsequent records related to interments and inurnments at Arlington National Cemetery are preserved and utilized.

(2) DIGITIZED FORMAT DEFINED.—In this subsection, the term "digitized format" refers to the use of an electronic database for recordkeeping and includes the full accounting of all

records of each specific gravesite and niche location at Arlington National Cemetery and the identification of the individual interred or inurned at each specific gravesite and niche location.

(c) ADDITIONAL INSPECTION REQUIREMENT.—During fiscal years 2013 and 2015, the Inspector General of the Department of Defense shall conduct an inspection of—

(1) Arlington National Cemetery in Arlington, Virginia; and

(2) the United States Soldiers' and Airmen's Home National Cemetery in the District of Colombia.

SEC. 592. INSPECTION OF MILITARY CEMETERIES UNDER JURISDICTION OF THE MILITARY DEPARTMENTS.

(a) INSPECTION AND RECOMMENDATIONS REQUIRED.—The Inspector General of each military department shall conduct an inspection of each military cemetery under the jurisdiction of that military department and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

(b) ELEMENTS OF INSPECTION.—The inspection of military cemeteries conducted by the Inspector General of a military department under subsection (a) shall include an assessment of the following:

(1) The adequacy of the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by the military cemeteries under the jurisdiction of that military department and the adherence of such military cemeteries to such statutes, policies, and regulations.

(2) The system employed to fully account for and accurately identify the remains interred or inurned in such military cemeteries.

(3) The contracts and contracting processes and oversight of those contracts and processes with regard to compliance with Department of Defense and military department guidelines.

(4) The history and adequacy of the oversight conducted by the Secretary of the military department over such military cemeteries and the adequacy of corrective actions taken as a result of that oversight.

(5) The statutory and policy guidance governing the authorization for the Secretary of the military department to operate such military cemeteries and an assessment of the budget and appropriations structure and history of such military cemeteries.

(6) Such other matters as the Inspector General considers to be appropriate.

(c) INSPECTION OF ADDITIONAL CEMETERIES.—

(1) INSPECTION REQUIRED.—In addition to the inspections required by subsection (a), the Inspector General of the Department of Defense shall conduct an inspection of a statistically valid sample of cemeteries located at current or former military installations inside and outside the United States that are under the jurisdiction of the military departments for the pur-

pose of obtaining an assessment of the adequacy of and adherence to the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by those cemeteries.

(2) EXCLUSION.—Paragraph (1) does not apply to the cemeteries maintained by the American Battle Monuments Commission and the military cemeteries identified in subsection (e).

(d) SUBMISSION OF INSPECTION RESULTS AND CORRECTIVE ACTION PLANS.—

(1) MILITARY CEMETERY INSPECTIONS.—Not later than May 15, 2012, the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings of the inspections of the military cemeteries conducted under subsection (a);

(B) the recommendations of the Inspectors General of the military departments based on such inspections; and

(C) a plan for corrective action.

(2) INSPECTION OF ADDITIONAL CEMETERIES.—Not later than June 29, 2013, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the inspections conducted under subsection (c) and the recommendations of the Inspector General based on such inspections. Not later than October 1, 2013, the Secretaries of the military departments shall submit to such committees a plan for corrective action.

(e) MILITARY CEMETERY DEFINED.—In subsections (a) and (b), the term "military cemetery" means the cemeteries that are under the jurisdiction of a Secretary of a military department at the following locations:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 593. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

SEC. 594. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

SEC. 595. [10 U.S.C. 3741 note] REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service of each Jewish American World War I veteran described in subsection (b) to determine whether such veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service is to be reviewed under subsection (a) are any Jewish American World War I veterans awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award are submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) that the award of the Medal of Honor to a veteran is warranted, the Secretary shall submit to the Secretary of Defense a recommendation that the Medal of Honor be awarded posthumously to the veteran.

(d) WORLD WAR I DEFINED.—In this section, the term "World War I" means the period beginning on April 6, 1917, and ending on November 11, 1918.

SEC. 596. REPORT ON PROCESS FOR EXPEDITED DETERMINATION OF DISABILITY OF MEMBERS OF THE ARMED FORCES WITH CERTAIN DISABLING CONDITIONS.

(a) IN GENERAL.—Not later than September 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect to members of the Armed Forces, including regular members and members of the reserve components, who suffer from certain disabling diseases or conditions. If the establishment of such a process is considered feasible and advisable, the report shall set forth such recommendations for legislative and administrative action as the

Secretary considers appropriate for the establishment of such process.

(b) REQUIREMENTS FOR REPORT.—

(1) EVALUATION OF APPROPRIATE ELEMENTS OF SIMILAR FEDERAL PROGRAMS.—In preparing the report required by subsection (a), the Secretary of Defense shall evaluate elements of programs for expedited determinations of disability that are currently carried out by other departments and agencies of the Federal Government, including the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration.

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

SEC. 597. COMPTROLLER GENERAL STUDY OF MILITARY NECESSITY OF SELECTIVE SERVICE SYSTEM AND ALTERNATIVES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

(1) to assess the necessity of the Selective Service System to the Department of Defense in meeting future military manpower requirements that are in excess of the ability of the all-volunteer force; and

(2) to determine the fiscal and national security impacts of—

(A) disestablishing the Selective Service System;

(B) putting the Selective Service System into a deep standby mode, defined as retaining only personnel sufficient to conduct necessary functions, to include maintaining the registration database; and

(C) requiring the Department of Defense, or other Federal department, upon disestablishment of the Selective Service System and repeal of registration requirements, to assume responsibility for securing the Selective Service System registration data bases, and keeping them updated.

(b) ADDITIONAL CONSIDERATIONS FOR EACH OPTION.—As part of considering the impacts of disestablishment of the Selective Service System, putting it into a deep standby mode, or transferring responsibilities as described in subsection (a)(2)(C), the Comptroller General shall provide for each option—

(1) an estimate of the annual cost or savings of each option to the Federal government; and

(2) the feasibility, cost, and time required for each option—

(A) to reestablish the capability to meet the Selective Service System mission, as it existed before disestablishment; and

(B) to provide the Department of Defense the required number of conscripts for training, should conscription be authorized by Congress.

(c) SPECIAL CONSIDERATIONS REGARDING REGISTRATION.—The study shall also include an assessment of the feasibility, cost, and time required to meet registration requirements by—

(1) using existing Federal and State government institutions as an alternative to Selective Service registration to

maintain an accurate, comprehensive database of Americans who, according to existing Selective Service System registration requirements, would be subject to conscription should conscription be authorized; and

(2) integrating various alternative registration databases for use in connection with conscription and provide a means to keep updated and accurate the Selective Service System database under each of the options described in subsection (a)(2).

(d) SUBMISSION OF RESULTS.—Not later than May 1, 2012, the Comptroller General shall submit the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

SEC. 598. EVALUATION OF ISSUES AFFECTING DISPOSITION OF REMAINS OF AMERICAN SAILORS KILLED IN THE EXPLOSION OF THE KETCH U.S.S. INTREPID IN TRIPOLI HARBOR ON SEPTEMBER 4, 1804.

(a) EVALUATION REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the Navy shall conduct an evaluation of the following issues with respect to the disposition of the remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804:

(1) The feasibility of recovery of the remains based on historical information, factual considerations, costs, and precedential effect.

(2) The ability to make identifications of the remains within a two-year period based on conditions and facts that would have to exist for positive scientific identification of the remains.

(3) The diplomatic and inter-governmental issues that would have to be addressed in order to provide for exhuming and removing the remains consistent with the sovereignty of the Libyan government.

(b) PARTICIPATION AND CONSULTATION.—The Secretary of Defense and the Secretary of the Navy shall conduct the evaluation under subsection (a) with the participation of the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command and in consultation with the Secretary of State.

(c) SUBMISSION OF RECOMMENDATION.—Upon completion of the evaluation as required by subsection (a), the Secretary of Defense and the Secretary of State shall submit to the Committees on Armed Services of the Senate and the House of Representatives their recommendation regarding the proposal to exhume, identify, and relocate the remains of the American sailors referred to in such subsection and the reasons supporting their recommendation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Sec. 602. Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay.

Subtitle C—Travel and Transportation Allowances Generally

Sec. 621. One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

Sec. 631. Consolidation and reform of travel and transportation authorities of the uniformed services.
Sec. 632. Transition provisions.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat.
Sec. 642. Access of military exchange stores system to credit available through Federal Financing Bank.
Sec. 643. Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House.

Subtitle F—Disability, Retired Pay and Survivor Benefits

Sec. 651. Death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Subtitle G—Other Matters

Sec. 661. Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty.
Sec. 662. Report on incentives for recruitment and retention of health care professionals.

Subtitle A—Pay and Allowances

SEC. 601. RESUMPTION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2012".

SEC. 602. LODGING ACCOMMODATIONS FOR MEMBERS ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP.

(a) EXTENSION TO PRECOMMISSIONING UNIT SAILORS.—Subsection (a) of section 7572 of title 10, United States Code, is amended—

(1) by inserting "or assigned to duty in connection with commissioning or fitting out of a ship" after "sea duty"; and

(2) by inserting ", because the ship is under construction and is not yet habitable," after "because of repairs".

(b) EXTENSION TO ENLISTED MEMBERS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking "After the expiration of the authority provided in subsection (b), an officer" and inserting "A member";

(B) by striking "officer's quarters" and inserting "member's quarters";

(C) by striking "obtaining quarters" and inserting "obtaining housing"; and

(D) by striking "the officer" and inserting "the member";

(2) in paragraph (2)—

(A) by striking "an officer" both places it appears and inserting "a member";

(B) by striking "quarters" and inserting "housing"; and

(C) by striking "officer's grade" and inserting "member's grade"; and

(3) in paragraph (3)—

(A) by striking "an officer" and inserting "a member"; and

(B) by striking "quarters" and inserting "housing".

(c) SHIPYARDS AFFECTED BY BRAC 2005.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on board a ship because the ship is under construction and is not yet habitable, or because of other conditions that make the member's quarters uninhabitable, for expenses incurred in obtaining housing, but only when the Navy is unable to furnish the member with lodging accommodations under subsection (a).

"(2) The total amount that a member may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for housing of a member without dependents of that member's grade.

"(3) A member without dependents, or a member who resides with dependents while assigned to duty in connection with commissioning or fitting out of a ship at one of the locations specified in paragraph (1), may not be reimbursed under this subsection.

"(4) The Secretary may prescribe regulations to carry out this subsection.".

(d) CONFORMING AMENDMENTS.—

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

"SEC. 7572. QUARTERS: ACCOMMODATIONS IN PLACE FOR MEMBERS ON SEA DUTY OR ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 649 of such title is amended by striking the

item relating to section 7572 and inserting the following new item:

"7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship.".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2011" and inserting "December 31, 2012":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

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

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

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

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

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

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2011" and inserting "December 31, 2012":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2011" and inserting "December 31, 2012":

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

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

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

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

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

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

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

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

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2011" and inserting "December 31, 2012":

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

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

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2011" and inserting "December 31, 2012":

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

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

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

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

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

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

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

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

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

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2011" and inserting "December 31, 2012":

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

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

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

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

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

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

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

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

SEC. 616. MODIFICATION OF QUALIFYING PERIOD FOR PAYMENT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND HAZARDOUS DUTY SPECIAL PAY.

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

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

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

"(b) SPECIAL PAY AMOUNT.(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for qualifying service during a day or portion of a day shall be the amount equal to 1/30th of the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

"(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) for such service in an amount not to exceed the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

"(3) The maximum monthly amount of special pay payable to a member under this subsection for any month is $225.".

(3) in subsection (c)(1), by inserting "for any day (or portion of a day) of" before "not more than three additional months"; and

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

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

"(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

"(i) shall prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; or

"(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in

any given month not to exceed such entire amount); and

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

Subtitle C—Travel and Transportation Allowances Generally

SEC. 621. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE TRAVEL EXPENSES FOR INACTIVE-DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCE.

Section 408a(e) of title 37, United States Code, is amended by striking "December 31, 2011" and inserting "December 31, 2012".

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

SEC. 631. [37 U.S.C. 451 note] CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.

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

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

"CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

"Sec.

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

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

""SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

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

""SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

"471. Travel authorities transition expiration date.
"472. Definitions and other incorporated provisions of chapter 7.
"474. Travel and transportation allowances: general.
"474a. Travel and transportation allowances: temporary lodging expenses.
"474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
"475. Travel and transportation allowances: per diem while on duty outside the continental United States.
"475a. Travel and transportation allowances: departure allowances.
"476. Travel and transportation allowances: dependents; baggage and household effects.
"476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
"476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
"476c. Travel and transportation allowances: members assigned to a vessel under construction.
"477. Travel and transportation allowances: dislocation allowance.
"478. Travel and transportation allowances: travel within limits of duty station.
"478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
"479. Travel and transportation allowances: house trailers and mobile homes.
"480. Travel and transportation allowances: miscellaneous categories.
"481. Travel and transportation allowances: administrative provisions.
"481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
"481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
"481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
"481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
"481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
"481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.
"481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.
"481i. Travel and transportation allowances: parking expenses.
"481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
"481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.
"481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.
"484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
"488. Allowance for recruiting expenses.
"489. Travel and transportation allowances: minor dependent schooling.
"490. Travel and transportation: dependent children of members stationed overseas.
"491. Benefits for certain members assigned to the Defense Intelligence Agency.
"492. Travel and transportation: members escorting certain dependents.
"494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
"495. Funeral honors duty: allowance.

"SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

"SEC. 451. [37 U.S.C. 451] DEFINITIONS

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

"(1) The term 'administering Secretary' or 'administering Secretaries' means the following:

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

"(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

"(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

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

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

"(A) A member of the uniformed services.

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

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

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

"(E) A Senior Reserve Officers' Training Corps cadet or midshipman.

"(F) An applicant or rejected applicant for enlistment.

"(G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.

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

"(i) Transportation of survivors to attend burial services or transfer of deceased members after death overseas as provided in section 481f of this title.

"(ii) Transportation of designated individuals incident to the hospitalization of members as provided in section 481h of this title.

"(iii) Transportation of designated individuals incident to the repatriation of members as provided in section 481j of this title.

"(iv) Transportation of non-medical attendants as provided in section 481k of this title.

"(v) Transportation of designated individuals to attend Yellow Ribbon Reintegration Program events as provided in section 481l of this title.

"(vi) Transportation of a person with regard to a single event when the administering Secretary determines that the travel is necessary to ensure fairness and equity, respond to emergency or humanitarian cir-

cumstances, or serve the best interests of the Government.

"(3) The term 'family member', with respect to a member of the uniformed services, means the following:

"(A) A dependent, as defined in section 401(a) of this title.

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

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

"(D) A sibling of the member.

"(E) A former spouse of the member.

"(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES. In this subchapter and subchapter II:

"(1) The term 'official travel' means the following:

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

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

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

"(D) Local travel in or around the temporary duty or permanent duty station.

"(E) Other travel as authorized or ordered by the administering Secretary.

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

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

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

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

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

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

"(8) The term 'relocation allowances' means the costs associated with relocating a member of the uniformed services and the member's dependents between an old and new temporary

or permanent duty assignment location or other authorized location.

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

"SEC. 452. [37 U.S.C. 452] ALLOWABLE TRAVEL AND TRANSPORTATION: GENERAL AUTHORITIES

"(a) IN GENERAL. Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

"(b) SPECIFIC CIRCUMSTANCES. The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

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

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

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

"(4) Recruiting duties for the armed forces.

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

"(6) Rest and recuperative leave.

"(7) Convalescent leave.

"(8) Reenlistment leave.

"(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

"(10) Ready Reserve muster duty.

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

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

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

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

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

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

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

"(c) MATTERS INCLUDED. Travel and transportation allowances which may be provided under subsection (a) include the following:

"(1) Allowances for transportation, lodging, and meals.

"(2) Dislocation or relocation allowances paid in connection with a change in a member's temporary or permanent duty assignment location.

"(3) Other related miscellaneous expenses.

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

"(1) as an actual expense;

"(2) as an authorized allowance;

"(3) in-kind; or

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

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

"(f) ADVANCE PAYMENTS. An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

"(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES. Any unauthorized travel or transportation expense is not the responsibility of the United States.

"(h) RELATIONSHIP TO OTHER AUTHORITIES. The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

"SEC. 453. [37 U.S.C. 453] ALLOWABLE TRAVEL AND TRANSPORTATION: SPECIFIC AUTHORITIES

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

"(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION. An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

"(c) MOVEMENT OF PERSONAL PROPERTY.(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

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

"(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under sec-

tion 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

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

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

"(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES. An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

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

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

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

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

"(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES. A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

"SEC. 454. [37 U.S.C. 454] TRAVEL AND TRANSPORTATION: PILOT PROGRAMS

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

"(1) Alternative methods for performing and reimbursing travel.

"(2) Means for limiting the need for travel.

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

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

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

"(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

"(c) REPORTS.(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

"(A) The purpose of the pilot program.

"(B) The duration of the pilot program.

"(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

"(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

"(A) A description of results of the pilot program.

"(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

"(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED. In this section, the term 'congressional defense committees' has the meaning given that term in section 101(a)(16) of title 10.

"SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

"SEC. 461. [37 U.S.C. 461] RELATIONSHIP TO OTHER TRAVEL AND TRANSPORTATION AUTHORITIES

"An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

"SEC. 462. [37 U.S.C. 462] TRAVEL AND TRANSPORTATION ALLOWANCES PAID TO MEMBERS THAT ARE UNAUTHORIZED OR IN EXCESS OF AUTHORIZED AMOUNTS: REQUIREMENT FOR REPAYMENT

"(a) REPAYMENT REQUIRED. Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

"(b) EXCEPTION. The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

"(c) EFFECT OF BANKRUPTCY. An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

"SEC. 463. [37 U.S.C. 463] PROGRAMS OF COMPLIANCE; ELECTRONIC PROCESSING OF TRAVEL CLAIMS

"(a) PROGRAMS OF COMPLIANCE. The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

"(b) ELEMENTS. The programs of compliance under subsection (a) shall—

"(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other means as the administering Secretaries may establish for purposes of the programs of compliance; and

"(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

"(c) ELECTRONIC PROCESSING OF TRAVEL CLAIMS.(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

"(2) The administering Secretary, or the Secretary's designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

"(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

"SEC. 464. [37 U.S.C. 464] REGULATIONS

"This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.

"SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

"SEC. 471. [37 U.S.C. 471] TRAVEL AUTHORITIES TRANSITION EXPIRATION DATE

"In this subchapter, the term 'travel authorities transition expiration date' means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

"SEC. 472. [37 U.S.C. 472] DEFINITIONS AND OTHER INCORPORATED PROVISIONS OF CHAPTER 7

"(a) DEFINITIONS. The provisions of section 401 of this title apply to this subchapter.

"(b) OTHER PROVISIONS. The provisions of sections 421 and 423 of this title apply to this subchapter.".

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 411g of title 37, United States Code, is repealed.

(d) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 454, and redesignated as section 455.

(2) TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a, 409, 410, 411, 411a through 411f, 411h through 411l, 428 through 432, 434, and 435 of such title are transferred (in that order) to chapter 8 of such title, as added by subsection (b), inserted after section 472, and redesignated as follows:

Section:	Redesignated Section:
404	474
404a	474a
404b	474b
405	475
405a	475a
406	476
406a	476a
406b	476b
406c	476c
407	477
408	478
408a	478a
409	479
410	480
411	481
411a	481a
411b	481b
411c	481c
411d	481d
411e	481e
411f	481f
411h	481h
411i	481i
411j	481j
411k	481k
411l	481l
428	488

429	489
430	490
432	492
434	494
435	495

(3) TRANSFER OF SECTION 554.—Section 554 of such title is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 481l (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

(e) SUNSET OF OLD-LAW AUTHORITIES.—Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by paragraphs (2) and (3) of subsection (c), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

"(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(2) Section 474a is amended by adding at the end the following new subsection:

"(f) TERMINATION. No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.".

(3) Section 474b is amended by adding at the end the following new subsection:

"(e) TERMINATION. No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.".

(4) Section 475 is amended by adding at the end the following new subsection:

"(f) TERMINATION. During and after the travel authorities expiration date, no per diem may be paid under this section for any period.".

(5) Section 475a is amended by adding at the end the following new subsection:

"(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.".

(6) Section 476 is amended by adding at the end the following new subsection:

"(n) No transportation, reimbursement, allowance, or per diem may be provided under this section—

"(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

"(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.".

(7) Section 476a is amended—

(A) by inserting "(a) Authority.—" before "Under uniform regulations"; and

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

"(b) TERMINATION. No transportation or travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(8) Section 476b is amended by adding at the end the following new subsection:

"(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(9) Section 476c is amended by adding at the end the following new subsection:

"(e) TERMINATION. No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(10) Section 477 is amended by adding at the end the following new subsection:

"(i) TERMINATION. No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.".

(11) Section 478 is amended by adding at the end the following new subsection:

"(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(12) Section 479 is amended by adding at the end the following new subsection:

"(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.".

(13) Section 480 is amended by adding at the end the following new subsection:

"(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(14) Section 481 is amended by adding at the end the following new subsection:

"(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.".

(15) Section 481a is amended by adding at the end the following new subsection:

"(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.".

(16) Section 481b is amended by adding at the end the following new subsection:

"(d) TERMINATION. No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.".

(17) Section 481c is amended by adding at the end the following new subsection:

"(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment

may be made under this section for transportation that begins after that date.".

(18) Section 481d is amended by adding at the end the following new subsection:

"(d) No transportation may be provided under this section after the travel authorities transition expiration date.".

(19) Section 481e is amended by adding at the end the following new subsection:

"(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(20) Section 481f is amended by adding at the end the following new subsection:

"(h) TERMINATION. No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(21) Section 481h is amended by adding at the end the following new subsection:

"(e) TERMINATION. No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(22) Section 481i is amended by adding at the end the following new subsection:

"(c) TERMINATION. No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.".

(23) Section 481j is amended by adding at the end the following new subsection:

"(e) TERMINATION. No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(24) Section 481k is amended by adding at the end the following new subsection:

"(e) TERMINATION. No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(25) Section 481l is amended by adding at the end the following new subsection:

"(e) TERMINATION. No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(26) Section 484 is amended by adding at the end the following new subsection:

"(k) No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.".

(27) Section 488 is amended—

(A) by inserting "(a) Authority.—" before "In addition"; and

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

"(b) TERMINATION. No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.".

(28) Section 489 is amended—

(A) by inserting "(a) Authority.—" before "Under regulations"; and

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

"(b) TERMINATION. No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(29) Section 490 is amended by adding at the end the following new subsection:

"(g) TERMINATION. No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(30) Section 492 is amended by adding at the end the following new subsection:

"(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.".

(31) Section 494 is amended by adding at the end the following new subsection:

"(d) TERMINATION. No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.".

(32) Section 495 is amended by adding at the end the following new subsection:

"(c) TERMINATION. No allowance may be paid under this section for any day after the travel authorities transition expiration date.".

(f) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 7 of such title is amended to read as follows: "**CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES**".

(2) TABLE OF CHAPTERS.—The table of chapters preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following:

"7. Allowances Other Than Travel and Transportation Allowances
"401
"8. Travel and Transportation Allowances
"451"

(3) TABLES OF SECTIONS.—

(A) The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(B) The table of sections at the beginning of chapter 10 of such title is amended by striking the item relating to section 554.

(4) CROSS-REFERENCES.—

(A) [10 U.S.C. 1174a] Any section of title 10, 32, or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by subsection (d) is amended so as to conform the reference to the section number of the section as so redesignated.

(B) [2 U.S.C. 906;5] Any reference in a provision of law other than a section of title 10, 32, or 37, United States Code, to a section of title 37 that is transferred and

redesignated by subsection (d) is deemed to refer to the section as so redesignated.

SEC. 632. [37 U.S.C. 451 note] TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 631(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act.

(e) TRANSITION PERIOD.—In this section, the term "transition period" means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. DISCRETION OF THE SECRETARY OF THE NAVY TO SELECT CATEGORIES OF MERCHANDISE TO BE SOLD BY SHIP STORES AFLOAT.

Section 7604(c) of title 10, United States Code, is amended by striking "shall" and inserting "may".

SEC. 642. ACCESS OF MILITARY EXCHANGE STORES SYSTEM TO CREDIT AVAILABLE THROUGH FEDERAL FINANCING BANK.

Section 2487 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) ACCESS OF EXCHANGE STORES SYSTEM TO FEDERAL FINANCING BANK. To facilitate the provision of in-store credit to patrons of the exchange stores system while reducing the costs of providing such credit, the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges may issue and sell their obligations to the Federal Financing Bank as provided in section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285).".

Subtitle F—Disability, Retired Pay and Survivor Benefits

SEC. 651. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: "or while staying at the Reserve's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training".

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person's residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.".

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;".

(c) [10 U.S.C. 1475 note] EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

Subtitle G—Other Matters

SEC. 661. REPORT ON BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS TRANSITIONING BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY.

(a) STUDY.—The Secretary of Defense shall conduct a study on the implications for the monthly amount of basic allowance for housing of the transitions of members of the Army National Guard of the United States and Air National Guard of the United States as follows:

(1) From active duty under title 10, United States Code, to full-time National Guard duty under title 32, United States Code.

(2) From full-time National Guard duty under title 32, United States Code, to active duty under title 10, United States Code.

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

(1) take into account all potential variations of circumstance involving housing location, basic allowance for housing rates, duration of service, duration of break in service, and duty status;

(2) take into account all current applicable policies, practices, and regulations;

(3) assess potential modifications of policy and law, and develop recommendations for modifications of policy and law if determined appropriate; and

(4) take into account the welfare of members of the Armed Forces and their families when developing recommendations, if any, under paragraph (3).

(c) REPORT.—Not later than five months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including a description of the manner in which each matter specified in subsection (b) was met, and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS.

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. Such report shall—

(1) identify the positions in most critical need for additional health care professionals, including—

(A) the number of physicians needed; and

(B) whether additional behavioral health professionals are needed to treat members of the Armed Forces for post traumatic stress disorder and traumatic brain injury; and

(2) recommend incentives for healthcare professionals with more than 20 years of clinical experience to join the active or

reserve components, including changes in age or length of service requirements to qualify for partial retired pay for non-regular service.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Annual enrollment fees for certain retirees and dependents.
Sec. 702. Mental health assessments for members of the Armed Forces deployed in support of a contingency operation.
Sec. 703. Behavioral health support for members of the reserve components of the Armed Forces.
Sec. 704. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.
Sec. 705. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States.
Sec. 706. Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation.
Sec. 707. Provision of rehabilitative equipment under Wounded Warrior Act.
Sec. 708. Transition enrollment of uniformed services family health plan medicare-eligible retirees to TRICARE for life.

Subtitle B—Health Care Administration

Sec. 711. Codification and improvement of procedures for mental health evaluations for members of the Armed Forces.
Sec. 712. Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States.
Sec. 713. Expansion of State licensure exception for certain health care professionals.
Sec. 714. Clarification on confidentiality of medical quality assurance records.
Sec. 715. Maintenance of the adequacy of provider networks under the TRICARE program.
Sec. 716. Review of the administration of the military health system.
Sec. 717. Limitation on availability of funds for the future electronic health records program.

Subtitle C—Reports and Other Matters

Sec. 721. Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra.
Sec. 722. Treatment of wounded warriors.
Sec. 723. Report on research and treatment of post-traumatic stress disorder.
Sec. 724. Report on memorandum regarding traumatic brain injuries.
Sec. 725. Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
Sec. 726. Comptroller General report on contract health care staffing for military medical treatment facilities.

Subtitle A—Improvements to Health Benefits

SEC. 701. ANNUAL ENROLLMENT FEES FOR CERTAIN RETIREES AND DEPENDENTS.

(a) ANNUAL ENROLLMENT FEES.—Section 1097(e) of title 10, United States Code, is amended—

(1) by striking "The Secretary of Defense" and inserting "(1) The Secretary of Defense";

(2) by striking "A premium," and inserting "Except as provided by paragraph (2), a premium,"; and

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

"(2) Beginning October 1, 2012, the Secretary of Defense may only increase in any year the annual enrollment fees described in paragraph (1) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.".

(b) [10 U.S.C. 1097 note] CLARIFICATION OF APPLICATION FOR FISCAL YEAR 2013.—The Secretary of Defense shall determine the maximum enrollment fees for TRICARE Prime under section 1097(e)(2) of title 10, United States Code, as added by subsection (a), for fiscal year 2013 and thereafter as if the enrollment fee for each enrollee during fiscal year 2012 was the amount charged to an enrollee who enrolled for the first time during such fiscal year.

SEC. 702. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) MENTAL HEALTH EXAMINATIONS DURING A DEPLOYMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

"SEC. 1074m. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION

"(a) MENTAL HEALTH ASSESSMENTS.(1) The Secretary of Defense shall provide a person-to-person mental health assessment for each member of the armed forces who is deployed in support of a contingency operation as follows:

"(A) Once during the period beginning 120 days before the date of the deployment.

"(B) Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

"(C) Subject to subsection (d), not later than once during each of—

"(i) the period beginning 180 days after the date of redeployment from the contingency operation and ending one year after such redeployment date; and

"(ii) the period beginning 18 months after such redeployment date and ending 30 months after such redeployment date.

"(2) A mental health assessment is not required for a member of the armed forces under subparagraph (B) and (C) of paragraph (1) if the Secretary determines that—

"(A) the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

"(B) providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or put members or operational objectives at risk.

"(b) PURPOSE. The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members described in subsection (a) in

order to determine which such members are in need of additional care and treatment for such health conditions.

"(c) ELEMENTS.(1) The mental health assessments provided pursuant to this section shall—

"(A) be performed by personnel trained and certified to perform such assessments and may be performed—

"(i) by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks; and

"(ii) by personnel at private facilities in accordance with section 1074(c) of this title;

"(B) include a person-to-person dialogue between members described in subsection (a) and the professionals or personnel described by subparagraph (A), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

"(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns;

"(D) be provided in a consistent manner across the military departments; and

"(E) include a review of the health records of the member that are related to each previous deployment of the member or other relevant activities of the member while serving in the armed forces, as determined by the Secretary.

"(2) The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the armed forces, including examinations under section 1074f of this title, as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

"(d) CESSATION OF ASSESSMENTS. No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the armed forces.

"(e) SHARING OF INFORMATION.(1) The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the armed forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this section, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the armed forces during the transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

"(2) Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this

subsection. Any such protocol shall be consistent with the following:

"(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note), including section 1614 of such Act (122 Stat. 443; 10 U.S.C. 1071 note).

"(B) Section 1720F of title 38.

"(3) Before each mental health assessment is conducted under subsection (a), the Secretary of Defense shall ensure that the member is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

"(f) REGULATIONS.(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

"(2) Not later than 270 days after the date of the issuance of the regulations prescribed under paragraph (1), the Secretary shall notify the congressional defense committees of the implementation of the regulations by the military departments.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074l the following new item:

"1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation.".

(3) [10 U.S.C. 1074m note] REGULATIONS.—The Secretary of Defense shall prescribe an interim final rule with respect to the amendment made by paragraph (1), effective not later than 90 days after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Section 708 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2376; 10 U.S.C. 1074f note) is repealed.

SEC. 703. BEHAVIORAL HEALTH SUPPORT FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) MENTAL HEALTH ASSESSMENTS.—Section 1074a of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i);

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

"(h)(1) The Secretary of Defense may provide to any member of the reserve components performing inactive-duty training during scheduled unit training assemblies access to mental health assessments with a licensed mental health professional who shall be available for referrals during duty hours on the premises of the principal duty location of the member's unit.

"(2) Mental health services provided to a member under this subsection shall be at no cost to the member."; and

(3) in subsection (i), as redesignated by paragraph (1), by striking "medical and dental readiness" and inserting "medical, dental, and behavioral health readiness".

(b) [10 U.S.C. 10101 note] BEHAVIORAL HEALTH SUPPORT.—

(1) IN GENERAL.—Each member of a reserve component of the Armed Forces participating in annual training or individual duty training shall have access, while so participating, to the behavioral health support programs for members of the reserve components described in paragraph (2).

(2) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs for members of the reserve components described in this paragraph shall include one or any combination of the following:

(A) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(B) Programs providing training on suicide prevention and post-suicide response.

(C) Psychological health programs.

(D) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(3) FUNDING.—Behavioral health support programs provided to members of the reserve components under this subsection shall be provided using amounts made available for operation and maintenance for the reserve components.

(4) STATE DEFINED.—In this subsection, the term "State" has the meaning given that term in section 10001 of title 10, United States Code.

SEC. 704. PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"SEC. 1078b. PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES

"(a) IN GENERAL.(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

"(2) An individual described in this paragraph is the following:

"(A) A member of the uniformed services or dependent—

"(i) who is receiving outpatient medical care at a military medical treatment facility; and

"(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

"(B) A member of the uniformed services or dependent—

"(i) who is a family member of an infant receiving inpatient medical care at a military medical treatment facility;

"(ii) who provides care to the infant while the infant receives such inpatient medical care; and

"(iii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of providing such care to the infant.

"(C) A member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member or dependent described in subparagraph (A) or (B).

"(b) REGULATIONS. The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.".

(c) [10 U.S.C. 1078b note] EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 705. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR COMMAND-SPONSORED DEPENDENTS OF MEMBERS ASSIGNED TO REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2)(A) Except as provided by subparagraph (E), for purposes of paragraph (1), required medical attention of a dependent includes, in the case of a dependent authorized to accompany a member at a location described in that paragraph, obstetrical anesthesia services for childbirth equivalent to the obstetrical anesthesia services for childbirth available in a military treatment facility in the United States.

"(B) In the case of a dependent at a remote location outside the continental United States who elects services described in subparagraph (A) and for whom air transportation would be needed to travel under paragraph (1) to the nearest appropriate medical facility in which adequate medical care is available, the Secretary may authorize the dependent to receive transportation under that paragraph to the continental United States and be treated at the military treatment facility that can provide appropriate obstetrical services that is nearest to the closest port of entry into the continental United States from such remote location.

"(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation by reason of this paragraph.

"(D) The total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent by reason of this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to that dependent under paragraph (1) if the transportation and expenses were provided to that dependent without regard to this paragraph.

"(E) The Secretary may not provide transportation to a dependent under this paragraph if the Secretary determines that—

"(i) the dependent would otherwise receive obstetrical anesthesia services at a military treatment facility; and

"(ii) such facility, in carrying out the required number of necessary obstetric cases, would not maintain competency of its obstetrical staff unless the facility provides such services to such dependent.

"(F) The authority under this paragraph shall expire on September 30, 2016.".

SEC. 706. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS WITH EXTENSION OF ACTIVE DUTY FOLLOWING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C), or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.".

SEC. 707. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

"(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.

"(1) IN GENERAL. Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

"(2) CONSULTATION. In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.".

SEC. 708. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) by striking "If a covered beneficiary" and inserting "(1) Except as provided in paragraph (2), if a covered beneficiary"; and

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

"(2) After September 30, 2012, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll

in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2012.".

Subtitle B—Health Care Administration

SEC. 711. CODIFICATION AND IMPROVEMENT OF PROCEDURES FOR MENTAL HEALTH EVALUATIONS FOR MEMBERS OF THE ARMED FORCES.

(a) CODIFICATION AND IMPROVEMENT OF PROCEDURES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090 the following new section:

"SEC. 1090a. COMMANDING OFFICER AND SUPERVISOR REFERRALS OF MEMBERS FOR MENTAL HEALTH EVALUATIONS

"(a) REGULATIONS. The Secretary of Defense shall prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations. The regulations shall incorporate the requirements set forth in subsections (b), (c), and (d) and such other matters as the Secretary considers appropriate.

"(b) REDUCTION OF PERCEIVED STIGMA. The regulations required by subsection (a) shall, to the greatest extent possible—

"(1) seek to eliminate perceived stigma associated with seeking and receiving mental health services, promoting the use of mental health services on a basis comparable to the use of other medical and health services; and

"(2) clarify the appropriate action to be taken by commanders or supervisory personnel who, in good faith, believe that a subordinate may require a mental health evaluation.

"(c) PROCEDURES FOR INPATIENT EVALUATIONS. The regulations required by subsection (a) shall provide that, when a commander or supervisor determines that it is necessary to refer a member of the armed forces for a mental health evaluation—

"(1) the health evaluation shall only be conducted in the most appropriate clinical setting, in accordance with the least restrictive alternative principle; and

"(2) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit the member pursuant to the referral for a mental health evaluation to be conducted on an inpatient basis.

"(d) PROHIBITION ON USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS. The regulations required by subsection (a) shall provide that no person may refer a member of the armed forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of this title, and applicable regulations. For purposes of this subsection, such communication shall also include a communication to any appropriate authority in the chain of command of the member.

"(e) DEFINITIONS. In this section:

"(1) The term 'mental health professional' means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric clinical nurse specialist.

"(2) The term 'mental health evaluation' means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the state of mental health of a member of the armed forces.

"(3) The term 'least restrictive alternative principle' means a principle under which a member of the armed forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting—

"(A) that is no more restrictive than is conducive to the most effective form of treatment; and

"(B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090 the following new item:

"1090a. Commanding officer and supervisor referrals of members for mental health evaluations.".

(b) CONFORMING REPEAL.—Section 546 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2416; 10 U.S.C. 1074 note) is repealed.

SEC. 712. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking "not later than" and all that follows and inserting the following:" as follows:

"(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

"(2) In the case of any other services, by not later than one year after the services are provided.".

SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) EXPANSION.—Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "at any location" before "in any State"; and

(B) by striking "regardless" and all that follows through the period at the end and inserting "regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties."; and

(2) in paragraph (2), by striking "member of the armed forces" and inserting "member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health

care institution or location specially designated by the Secretary for this purpose".

(b) [10 U.S.C. 1094 note] REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

SEC. 714. CLARIFICATION ON CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Section 1102(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "any activity carried out" and inserting "any peer review activity carried out"; and

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

"(4) The term 'peer review' means any assessment of the quality of medical care carried out by a health care professional, including any such assessment of professional performance, any patient safety program root cause analysis or report, or any similar activity described in regulations prescribed by the Secretary under subsection (i).".

(b) [10 U.S.C. 1102 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2012.

SEC. 715. MAINTENANCE OF THE ADEQUACY OF PROVIDER NETWORKS UNDER THE TRICARE PROGRAM.

Section 1097b(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall, to the extent practicable, maintain adequate networks of providers, including institutional, professional, and pharmacy. For the purpose of determining whether network providers under such provider network agreements are subcontractors for purposes of the Federal Acquisition Regulation or any other law, a TRICARE managed care support contract that includes the requirement to establish, manage, or maintain a network of providers may not be considered to be a contract for the performance of health care services or supplies on the basis of such requirement.".

SEC. 716. REVIEW OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.

(a) PROHIBITION ON RESTRUCTURE OR REORGANIZATION.—

(1) IN GENERAL.—The Secretary of Defense may not restructure or reorganize the military health system until a 120-day period has elapsed following the date on which the report under subsection (b)(3) is submitted by the Comptroller General of the United States to the congressional defense committees.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report that includes the following:

(A) A description of each of the options developed and considered by the task force established by the Deputy Secretary of Defense to review the governance model options for the military health system (in this section referred to as the "task force").

(B) The goals to be achieved by restructure or reorganization and the principles upon which they are based.

(C) A description of how each option would affect readiness, quality of care, and beneficiary satisfaction.

(D) An explanation of the costs of each option so considered.

(E) An analysis of the strengths and weaknesses of each option.

(F) An estimate of the cost savings, if any, to be achieved by each option compared to the military health system in place on the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—The Comptroller General of the United States shall carry out a review of the options described under subsection (a)(2)(A) and the recommendations made by the task force.

(2) ELEMENTS.—The review under paragraph (1) shall include the following:

(A) An analysis of the strengths and weaknesses of each option.

(B) A comparison of each option to each of the governance models for the military health system adopted as of October 1, 1991.

(C) An estimate of the costs to implement each option.

(D) An estimate of the cost savings, if any, to be achieved by each option compared to the military health system in place on the date of the enactment of this Act.

(3) REPORT.—Not later than 180 days after the date on which the Secretary submits the report under subsection (a)(2), the Comptroller General shall submit to the congressional defense committees a report on the review.

SEC. 717. LIMITATION ON AVAILABILITY OF FUNDS FOR THE FUTURE ELECTRONIC HEALTH RECORDS PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement, research, development, test, and evaluation, or operation and maintenance of the future electronic health records program, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report addressing—

(1) an architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable;

(2) the process for selecting investments in information technology that support the architecture described in paragraph (1);

(3) the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4249);

(4) the role of the Interagency Program Office to manage or oversee efforts with respect to the future electronic health records program; and

(5) any other matters the Secretary considers appropriate.

(b) FUTURE ELECTRONIC HEALTH RECORDS PROGRAM DEFINED.—In this section, the term "future electronic health records program" means the programs of the Department of Defense referred to as the "EHR way ahead" and the "virtual lifetime electronic record".

Subtitle C—Reports and Other Matters

SEC. 721. MODIFICATION OF AUTHORITIES ON SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) SCOPE OF CERTAIN SURVEYS.—Subsection (a)(3)(A) of section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 190; 10 U.S.C. 1073 note) is amended by striking "2011" and inserting "2015".

(b) FREQUENCY OF SUBMITTAL OF GAO REVIEWS.—Subsection (b)(2) of such section is amended by striking "bi-annual basis" and inserting "biennial basis".

SEC. 722. [10 U.S.C. 1071 note] TREATMENT OF WOUNDED WARRIORS.

The Secretary of Defense may establish a program to enter into partnerships to enable coordinated, rapid clinical evaluation and the application of evidence-based treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries, that will address the priorities of the Armed Forces with respect to retention and readiness.

SEC. 723. REPORT ON RESEARCH AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify, and improve the diagnosis of, post-traumatic stress disorder.

SEC. 724. REPORT ON MEMORANDUM REGARDING TRAUMATIC BRAIN INJURIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the implementation of the policy of the Department of Defense related to the management of concussion and mild traumatic brain injury in the deployed setting;

(2) the effectiveness of such policy with respect to identifying and treating blast-related concussive injuries; and

(3) the effect of such policy on operational effectiveness in theater.

SEC. 725. COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of women-specific health services and treatment for female members of the Armed Forces.

(b) ELEMENTS.—The review required by subsection (a) shall address, at a minimum, the following:

(1) The need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces.

(2) The access to and efficacy of existing women-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).

(3) The availability of women-specific services and treatment for female members of the Armed Forces who experience sexual assault or sexual abuse.

(4) The access to and need for military medical treatment facilities to provide for the women-specific health care needs of female members of the Armed Forces.

(5) The access to and efficacy of women-specific breast cancer services and programs with respect to outreach, prevention, and treatment.

(6) The need for further clinical research on the women-specific health care needs of female members of the Armed Forces who served in a combat zone.

(7) An assessment of the policies, procedures, and programs of the Department of Defense that include specific force health protection and access to care for female members of the Armed Forces as an element of readiness.

(c) REPORT.—Not later than March 31, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review required by subsection (a).

SEC. 726. COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

(a) REPORT.—Not later than March 31, 2013, the Comptroller General of the United States shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the contracting activities of the military departments with respect to providing health care professional services to members of the Armed Forces, dependents, and retirees.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A review of the contracting practices used by the military departments to provide health care professional services by civilian providers.

(2) An assessment of whether the contracting practices described in paragraph (1) are the most cost effective means to provide necessary care.

(3) A determination of—

(A) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in military medical treatment facilities or other on-base facilities; and

(B) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in off-base private facilities.

(4) A comparison of the cost associated with the provision of care by contract health care professionals described in subparagraphs (A) and (B) of paragraph (3).

(5) An assessment of whether or not consolidating health care staffing requirements for military medical treatment facilities and other on-base clinics in defined geographic areas (including regions or catchment areas) would achieve economies of scale and cost savings or avoidance with respect to contracting for health care professionals.

(6) An assessment of whether private sector entities that provide health care professional staff on a contract basis to military medical treatment facilities and other on-base clinics meet certain basic standards of professionalism, including those described in section 732(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2297).

(7) An assessment of the acquisition training and experience of the contracting officers or other personnel within military medical treatment facilities that award or administer contracts regarding the services of health care professionals.

(8) Any recommendations the Comptroller General considers appropriate regarding improving the contracting activities of the military departments with respect to providing health care professional services.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B.
Sec. 802. Revision to law relating to disclosures to litigation support contractors.
Sec. 803. Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts.
Sec. 804. Extension of availability of funds in the Defense Acquisition Workforce Development Fund.
Sec. 805. Defense Contract Audit Agency annual report.
Sec. 806. Inclusion of data on contractor performance in past performance databases for source selection decisions.
Sec. 807. Implementation of recommendations of Defense Science Board Task Force on Improvements to Service Contracting.
Sec. 808. Temporary limitation on aggregate annual amount available for contract services.
Sec. 809. Annual report on single-award task and delivery order contracts.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Calculation of time period relating to report on critical changes in major automated information systems.
Sec. 812. Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days.
Sec. 813. Extension of sunset date for certain protests of task and delivery order contracts.
Sec. 814. Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation.
Sec. 815. Rights in technical data and validation of proprietary data restrictions.

Sec. 816. Covered contracts for purposes of requirements on contractor business systems.
Sec. 817. Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense.
Sec. 818. Detection and avoidance of counterfeit electronic parts.
Sec. 819. Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009.
Sec. 820. Inclusion of contractor support requirements in Department of Defense planning documents.
Sec. 821. Amendment relating to buying tents, tarpaulins, or covers from American sources.
Sec. 822. Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms.
Sec. 823. Prohibition on collection of political information.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

Sec. 831. Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased.
Sec. 832. Assessment, management, and control of operating and support costs for major weapon systems.
Sec. 833. Clarification of responsibility for cost analyses and targets for contract negotiation purposes.
Sec. 834. Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs.
Sec. 835. Management of developmental test and evaluation for major defense acquisition programs.
Sec. 836. Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries.
Sec. 837. Competition in maintenance and sustainment of subsystems of major weapon systems.
Sec. 838. Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program.
Sec. 839. Implementation of acquisition strategy for Evolved Expendable Launch Vehicle.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

Sec. 841. Prohibition on contracting with the enemy in the United States Central Command theater of operations.
Sec. 842. Additional access to contractor and subcontractor records in the United States Central Command theater of operations.
Sec. 843. Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn.
Sec. 844. Competition and review of contracts for property or services in support of a contingency operation.
Sec. 845. Inclusion of associated support services in rapid acquisition and deployment procedures for supplies.
Sec. 846. Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.

Subtitle E—Defense Industrial Base Matters

Sec. 851. Assessment of the defense industrial base pilot program.
Sec. 852. Strategy for securing the defense supply chain and industrial base.
Sec. 853. Assessment of feasability and advisability of establishment of rare earth material inventory.
Sec. 854. Department of Defense assessment of industrial base for night vision image intensification sensors.
Sec. 855. Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

Subtitle F—Other Matters

Sec. 861. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.

Sec. 862. Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs.[6]
Sec. 863. Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels.
Sec. 864. Acquisition workforce improvements.
Sec. 865. Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries.
Sec. 866. Three-year extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 867. Five-year extension of Department of Defense Mentor-Protege Program.

Subtitle A—Acquisition Policy and Management

SEC. 801. REQUIREMENTS RELATING TO CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES FOR MILESTONE A AND MILESTONE B AND ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.

(a) ADDITIONAL MILESTONE A REQUIREMENTS.—

(1) ADDITIONAL ITEMS OF CERTIFICATION.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(A) in paragraph (2), by striking "core competency" and inserting "function";

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

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) that a determination of applicability of core depot-level maintenance and repair capabilities requirements has been made;"; and

(D) in paragraph (6) (as so redesignated), by striking "develop and procure" and inserting "develop, procure, and sustain".

(2) DEFINITION.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(7) The term 'core depot-level maintenance and repair capabilities' means the core depot-level maintenance and repair capabilities identified under section 2464(a) of this title.".

(b) ADDITIONAL MILESTONE B REQUIREMENTS.—

(1) ADDITIONAL ITEM OF CERTIFICATION.—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

(A) by redesignating subparagraph (E) as subparagraph (G);

(B) by striking "and" at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraphs:

"(E) life-cycle sustainment planning, including corrosion prevention and mitigation planning, has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and dis-

[6] Section 862 was repealed by section 245(e) of Public Law 116–283 without striking the item relating to such section in the table of sections.

posal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated;

"(F) an estimate has been made of the requirements for core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities and the associated sustaining workloads required to support such requirements; and".

(2) DEFINITION.—Subsection (g) of such section is amended by striking paragraph (5) (relating to Key Decision Point B) and inserting the following new paragraph (5):

"(5) The term 'core logistics capabilities' means the core logistics capabilities identified under section 2464(a) of this title.".

(c) [10 U.S.C. 2366a note] REQUIREMENTS PRIOR TO LOW-RATE INITIAL PRODUCTION.—Prior to entering into a contract for low-rate initial production of a major defense acquisition program, the Secretary of Defense shall ensure that the detailed requirements for core logistics capabilities and the associated sustaining workloads required to support such requirements, have been defined.

(d) [10 U.S.C. 2366a note] GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance implementing the amendments made by subsections (a) and (b), and subsection (c), in a manner that is consistent across the Department of Defense.

(e) ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.—

(1) AMENDMENTS TO SECTION 2366A.—Section 2366a of title 10, United States Code, is amended—

(A) in the section heading, by striking "OR KEY DECISION POINT A";

(B) in subsection (a), in the matter preceding paragraph (1), by striking ", or Key Decision Point A approval in the case of a space program," and by striking ", or Key Decision Point B approval in the case of a space program,"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "(or Key Decision Point A approval in the case of a space program)"; and

(ii) in paragraph (2)(C)(ii), by striking ", or Key Decision Point A approval in the case of a space program,".

(2) AMENDMENTS TO SECTION 2366B.—Section 2366b of such title is amended—

(A) in the section heading, by striking "OR KEY DECISION POINT B";

(B) in subsection (a), in the matter preceding paragraph (1), by striking ", or Key Decision Point B approval in the case of a space program,"; and

(C) in subsections (b)(2) and (d)(1), by striking "(or Key Decision Point B approval in the case of a space program)" each place it appears.

(3) AMENDMENTS TO TABLE OF SECTIONS.—The items relating to sections 2366a and 2366b in the table of sections at the

beginning of chapter 139 of such title are amended to read as follows:

"2366a. Major defense acquisition programs: certification required before Milestone A approval.
"2366b. Major defense acquisition programs: certification required before Milestone B approval.".

(4) ADDITIONAL CONFORMING AMENDMENTS.—Section 2433a(c)(1) of such title is amended by striking ", or Key Decision Point approval in the case of a space program," each place it appears in subparagraphs (B) and (C).

SEC. 802. REVISION TO LAW RELATING TO DISCLOSURES TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—

(1) REVISED AUTHORITY TO COVER DISCLOSURES UNDER LITIGATION SUPPORT CONTRACTS.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

"SEC. 129d. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS

"(a) DISCLOSURE AUTHORITY. An officer or employee of the Department of Defense may disclose sensitive information to a litigation support contractor if—

"(1) the disclosure is for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; and

"(2) under a contract with the Government, the litigation support contractor agrees to and acknowledges—

"(A) that sensitive information furnished will be accessed and used only for the purposes stated in the relevant contract;

"(B) that the contractor will take all precautions necessary to prevent disclosure of the sensitive information provided to the contractor;

"(C) that such sensitive information provided to the contractor under the authority of this section shall not be used by the contractor to compete against a third party for Government or non-Government contracts; and

"(D) that the violation of subparagraph (A), (B), or (C) is a basis for the Government to terminate the litigation support contract of the contractor.

"(b) DEFINITIONS. In this section:

"(1) The term 'litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support.

"(2) The term 'sensitive information' means confidential commercial, financial, or proprietary information, technical data, or other privileged information.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

"129d. Disclosure to litigation support contractors.".

(b) REPEAL OF SUPERSEDED PROVISIONS ENACTED IN PUBLIC LAW 111-383.—Section 2320 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking "subsection (a)" and all that follows through "a covered Government" and inserting "subsection (a), allowing a covered Government"; and

(B) by striking subparagraph (B); and

(2) by striking subsection (g).

SEC. 803. EXTENSION OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST LIMITATIONS UNDER DEFENSE CONTRACTS.

(a) CERTAIN COMPENSATION NOT ALLOWABLE UNDER DEFENSE CONTRACTS.—Subsection (e)(1)(P) of section 2324 of title 10, United States Code, is amended—

(1) by striking "senior executives of contractors" and inserting "any contractor employee"; and

(2) by adding before the period at the end the following: ", except that the Secretary of Defense may establish one or more narrowly targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has continued access to needed skills and capabilities".

(b) CONFORMING AMENDMENT.—Subsection (l) of such section is amended by striking paragraph (5).

(c) [10 U.S.C. 2324 note] EFFECTIVE DATE.—The amendments made by this section shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into on or after December 31, 2011.

SEC. 804. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) AVAILABILITY.—Paragraph (6) of section 1705(e) of title 10, United States Code, is amended to read as follows:

"(6) DURATION OF AVAILABILITY. Amounts credited to the Fund in accordance with subsection (d)(2), transferred to the Fund pursuant to subsection (d)(3), appropriated to the Fund, or deposited to the Fund shall remain available for obligation in the fiscal year for which credited, transferred, appropriated, or deposited and the two succeeding fiscal years.".

(b) [10 U.S.C. 1705 note] EFFECTIVE DATE.—Paragraph (6) of such section, as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act.

SEC. 805. DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.

(a) DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2313 the following new section:

"SEC. 2313a. DEFENSE CONTRACT AUDIT AGENCY: ANNUAL REPORT

"(a) REQUIRED REPORT. The Director of the Defense Contract Audit Agency shall prepare an annual report of the activities of the Agency during the previous fiscal year. The report shall include, at a minimum—

"(1) a description of significant problems, abuses, and deficiencies encountered during the conduct of contractor audits;

"(2) statistical tables showing—

"(A) the total number of audit reports completed and pending;

"(B) the priority given to each type of audit;

"(C) the length of time taken for each type of audit;

"(D) the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs); and

"(E) an assessment of the number and types of audits pending for a period longer than allowed pursuant to guidance of the Defense Contract Audit Agency;

"(3) a summary of any recommendations of actions or resources needed to improve the audit process; and

"(4) any other matters the Director considers appropriate.

"(b) SUBMISSION OF ANNUAL REPORT. Not later than March 30 of each year, the Director shall submit to the congressional defense committees the report required by subsection (a).

"(c) PUBLIC AVAILABILITY. Not later than 60 days after the submission of an annual report to the congressional defense committees under subsection (b), the Director shall make the report available on the publicly available website of the Agency or such other publicly available website as the Director considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2313 the following new item:

"2313a. Defense Contract Audit Agency: annual report.".

SEC. 806. [10 U.S.C. 2302 note] INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR SOURCE SELECTION DECISIONS.

(a) STRATEGY ON INCLUSION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used for making source selection decisions.

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall revise the Defense Supplement to the Federal Acquisition Regulation to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Under Secretary of Defense for Acquisition and Sustainment pursuant to this section, including an assessment of the extent to which such actions have achieved the objectives of this section.

[Section 807 was repealed by section 812(b)(22) of division A of Public Law 115–232.]

SEC. 808. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2012, 2013, 2014, or 2015 may not exceed the total amount requested for the Department for contract services in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105(b) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) EXCEPTION.—Notwithstanding the limitation in subsection (a), the total amount obligated by the Department for contract services in fiscal year 2012, 2013, 2014, or 2015 may exceed the amount otherwise provided pursuant to subsection (a) by an amount elected by the Secretary of Defense that is not greater than the cost of any increase in such fiscal year in the number of civilian billets at the Department that has been approved by the Secretary over the number of such billets at the Department in fiscal year 2010.

(c) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance to the military departments and the Defense Agencies on implementation of this section. The guidance shall, at a minimum—

(1) require the Secretaries of the military departments and the heads of the Defense Agencies to eliminate any contractor positions identified by the military department or Defense Agency concerned as being responsible for the performance of inherently governmental functions;

(2) require the Secretaries of the military departments and the heads of the Defense Agencies to reduce by 10 percent per fiscal year in each of fiscal years 2012 and 2013 the funding of the military department or Defense Agency concerned for—

(A) staff augmentation contracts; and

(B) contracts for the performance of functions closely associated with inherently governmental functions; and

(3) assign responsibility to the management officials designated pursuant to section 2330 of title 10, United States Code, and section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3378; 10 U.S.C. 2330 note) to provide oversight and ensure the implementation of the requirements of this section during fiscal years 2012, 2013, 2014, and 2015.

(d) DEFINITIONS.—In this section:

(1) The term "contract services" has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) The term "function closely associated with inherently governmental functions" has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term "staff augmentation contracts" means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including, but not limited to, contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(4) The term "transfers from funding for overseas contingency operations" means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2012, 2013, 2014, or 2015.

(e) CARRYOVER OF REDUCTIONS REQUIRED.—If the reductions required by subsection (c)(2) for fiscal years 2012 and 2013 are not implemented, the amounts remaining for those reductions in fiscal years 2012 and 2013 shall be implemented in fiscal year 2015.

(f) USE OF OTHER DATA.—For purposes of compliance with subparagraphs (A) and (B) of subsection (c)(2), the Secretaries of the military departments and the heads of the Defense Agencies may use other available sources of data, such as advisory and assistance services information collected for purposes of the annual budget submission of the Department of Defense, to corroborate data from the annual inventory of contractor services required in section 2330a of title 10, United States Code. Any discrepancy identified between the inventory data and the data from other available sources shall be resolved and reported to the congressional defense committees.

SEC. 809. ANNUAL REPORT ON SINGLE-AWARD TASK AND DELIVERY ORDER CONTRACTS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Paragraph (2) of section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2611; 10 U.S.C. 2306a note) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(C) with respect to any determination pursuant to section 2304a(d)(3)(D) of title 10, United States Code, that because of exceptional circumstances it is necessary in the public interest to award a task or delivery order contract with an estimated value in excess of $100,000,000 to a single source, an explanation of the basis for the determination.".

(2) CONFORMING AMENDMENT.—The heading of such section is amended by striking "With Price or Value Greater Than $15,000,000".

(b) REPEAL OF CASE-BY-CASE REPORTING REQUIREMENT.—Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) by striking subparagraph (B);

(2) by striking "(A)";

(3) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively; and

(4) in subparagraph (B), as redesignated by paragraph (3), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. CALCULATION OF TIME PERIOD RELATING TO REPORT ON CRITICAL CHANGES IN MAJOR AUTOMATED INFORMATION SYSTEMS.

Section 2445c(d)(2)(A) of title 10, United States Code, is amended to read as follows:

"(A) the automated information system or information technology investment failed to achieve a full deployment decision within five years after the Milestone A decision for the program or, if there was no Milestone A decision, the date when the preferred alternative is selected for the program (excluding any time during which program activity is delayed as a result of a bid protest);".

SEC. 812. CHANGE IN DEADLINE FOR SUBMISSION OF SELECTED ACQUISITION REPORTS FROM 60 TO 45 DAYS.

Section 2432(f) of title 10, United States Code, is amended by striking "60" and inserting "45".

SEC. 813. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Paragraph (3) of section 4106(f) of title 41, United States Code, is amended to read as follows:

"(3) EFFECTIVE PERIOD. Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.".

SEC. 814. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDAN VEHICLES AND ADJUSTMENT OF THRESHOLD FOR INFLATION.

(a) CLARIFICATION OF AUTHORITY.—Section 2253(a)(2) of title 10, United States Code, is amended by striking "vehicles" and inserting "passenger sedans".

(b) [41 U.S.C. 1908 note] ADJUSTMENT FOR INFLATION.—The Department of Defense representative to the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall ensure that the threshold established in section 2253 of title 10, United States Code, for the acquisition of right-hand drive passenger sedans is included on the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of section 1908 of title 41, United States Code, and is adjusted pursuant to such provision, as appropriate.

SEC. 815. RIGHTS IN TECHNICAL DATA AND VALIDATION OF PROPRIETARY DATA RESTRICTIONS.

(a) RIGHTS IN TECHNICAL DATA.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D)(i)—

(i) in subclause (I), by striking "or" at the end;

(ii) by redesignating subclause (II) as subclause (III); and

(iii) by inserting after subclause (I) the following new subclause (II):

"(II) is necessary for the segregation of an item or process from, or the reintegration of that item or process (or a physically or functionally equivalent item or process) with, other items or processes; or";

(B) in paragraph (2)(E), by striking "and shall be based" and all that follows through "such rights shall" and inserting ". The United States shall have government purpose rights in such technical data, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such regulations, that negotiation of different rights in such technical data would be in the best interest of the United States. The establishment of any such negotiated rights shall"; and

(C) in paragraph (3), by striking "for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)" and inserting "for the purposes of the definitions under this paragraph"; and

(2) in subsection (b)—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period and inserting a semicolon; and

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

"(9) providing that, in addition to technical data that is already subject to a contract delivery requirement, the United States may require at any time the delivery of technical data that has been generated or utilized in the performance of a contract, and compensate the contractor only for reasonable costs incurred for having converted and delivered the data in the required form, upon a determination that—

"(A) the technical data is needed for the purpose of reprocurement, sustainment, modification, or upgrade (including through competitive means) of a major system or subsystem thereof, a weapon system or subsystem thereof, or any noncommercial item or process; and

"(B) the technical data—

"(i) pertains to an item or process developed in whole or in part with Federal funds; or

"(ii) is necessary for the segregation of an item or process from, or the reintegration of that item or process (or a physically or functionally equivalent item or process) with, other items or processes; and

"(10) providing that the United States is not foreclosed from requiring the delivery of the technical data by a failure to challenge, in accordance with the requirements of section 2321(d) of this title, the contractor's assertion of a use or release restriction on the technical data.".

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321(d)(2) of such title is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "Except as provided in subparagraph (C)" and all that follows through "three-year period" and inserting "A challenge to a use or release restriction asserted by the contractor in accordance with applicable regulations may not be made under paragraph (1) after the end of the six-year period";

(B) in clause (ii), by striking "or" at the end;

(C) in clause (iii) by striking the period and inserting "; or"; and

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

"(iv) are the subject of a fraudulently asserted use or release restriction.";

(2) in subparagraph (B), by striking "three-year period" each place it appears and inserting "six-year period"; and

(3) by striking subparagraph (C).

(c) [10 U.S.C. 2320 note] EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(1)(C) shall take effect on January 7, 2011, immediately after the enactment of the Ike Skelton National Defense Au-

thorization Act for Fiscal Year 2011 (Public Law 111-383), to which such amendment relates.

SEC. 816. COVERED CONTRACTS FOR PURPOSES OF REQUIREMENTS ON CONTRACTOR BUSINESS SYSTEMS.

Paragraph (3) of section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4312; 10 U.S.C. 2302 note) is amended to read as follows:

"(3) The term 'covered contract' means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.".

SEC. 817. COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS FOR PURPOSES OF INTERNAL CONTROLS OF NON-DEFENSE AGENCIES FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by striking "with the requirements" and all that follows and inserting" with the following:

"(1) The Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies.

"(2) Laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made by the Department of Defense through other Federal agencies.".

SEC. 818. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) [10 U.S.C. 2302 note] ASSESSMENT OF DEPARTMENT OF DEFENSE POLICIES AND SYSTEMS.—The Secretary of Defense shall conduct an assessment of Department of Defense acquisition policies and systems for the detection and avoidance of counterfeit electronic parts.

(b) [10 U.S.C. 2302 note] ACTIONS FOLLOWING ASSESSMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary shall, based on the results of the assessment required by subsection (a)—

(1) establish Department-wide definitions of the terms "counterfeit electronic part" and "suspect counterfeit electronic part", which definitions shall include previously used parts represented as new;

(2) issue or revise guidance applicable to Department components engaged in the purchase of electronic parts to implement a risk-based approach to minimize the impact of counterfeit electronic parts or suspect counterfeit electronic parts on the Department, which guidance shall address requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining counterfeit electronic parts and suspect counterfeit electronic parts, and taking corrective actions (including actions to recover costs as described in subsection (c)(2));

(3) issue or revise guidance applicable to the Department on remedial actions to be taken in the case of a supplier who

has repeatedly failed to detect and avoid counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures;

(4) establish processes for ensuring that Department personnel who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department contains counterfeit electronic parts or suspect counterfeit electronic parts provide a report in writing within 60 days to appropriate Government authorities and to the Government-Industry Data Exchange Program (or a similar program designated by the Secretary); and

(5) establish a process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted in accordance with the processes under paragraph (4).

(c) [10 U.S.C. 2302 note] REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) covered contractors who supply electronic parts or products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under Department contracts, unless—

(i) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts that has been reviewed and approved by the Department of Defense pursuant to subsection (e)(2)(B);

(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation or were obtained by the covered contractor in accordance with regulations described in paragraph (3); and

(iii) the covered contractor discovers the counterfeit electronic parts or suspect counterfeit electronic parts and provides timely notice to the Government pursuant to paragraph (4).

(3) SUPPLIERS MEETING ANTICOUNTERFEITING REQUIREMENTS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that the Department and Department contractors and subcontractors at all tiers—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from suppliers identified as suppliers that meet anticounterfeiting requirements in accordance with regulations issued pursuant to subparagraph (C) or (D) and that obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers;

(ii) obtain electronic parts that are not in production or currently available in stock from suppliers identified as suppliers that meet anticounterfeiting requirements in accordance with regulations issued pursuant to subparagraph (C) or (D); and

(iii) obtain electronic parts from alternate suppliers if such parts are not available from original manufacturers, their authorized dealers, or suppliers identified as suppliers that meet anticounterfeiting requirements in accordance with regulations prescribed pursuant to subparagraph (C) or (D);

(B) establish requirements for notification of the Department, and for inspection, testing, and authentication of electronic parts that the Department or a Department contractor or subcontractor obtains from any source other than a source described in clause (i) or (ii) of subparagraph (A), if obtaining the electronic parts in accordance with such clauses is not possible;

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department contractors and subcontractors to identify and use additional suppliers that meet anticounterfeiting requirements, provided that—

(i) the standards and processes for identifying such suppliers comply with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such suppliers as provided in paragraph (2); and

(iii) the selection of such suppliers is subject to review, audit, and approval by appropriate Department officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or

material contained in supplies purchased by the Department, or purchased by a contractor or subcontractor for delivery to, or on behalf of, the Department, contains counterfeit electronic parts or suspect counterfeit electronic parts report in writing within 60 days to appropriate Government authorities and the Government-Industry Data Exchange Program (or a similar program designated by the Secretary).

(5) CONSTRUCTION OF COMPLIANCE WITH REPORTING REQUIREMENT.—A Department contractor or subcontractor that provides a written report required under this subsection shall not be subject to civil liability on the basis of such reporting, provided the contractor or subcontractor made a reasonable effort to determine that the end item, component, part, or material concerned contained counterfeit electronic parts or suspect counterfeit electronic parts.

(d) [10 U.S.C. 2302 note] INSPECTION PROGRAM.—The Secretary of Homeland Security shall establish and implement a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(e) [10 U.S.C. 2302 note] IMPROVEMENT OF CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program to enhance contractor detection and avoidance of counterfeit electronic parts.

(2) ELEMENTS.—The program implemented pursuant to paragraph (1) shall—

(A) require covered contractors that supply electronic parts or systems that contain electronic parts to establish policies and procedures to eliminate counterfeit electronic parts from the defense supply chain, which policies and procedures shall address—

(i) the training of personnel;

(ii) the inspection and testing of electronic parts;

(iii) processes to abolish counterfeit parts proliferation;

(iv) mechanisms to enable traceability of parts;

(v) the use of suppliers that meet applicable anticounterfeiting requirements;

(vi) the reporting and quarantining of counterfeit electronic parts and suspect counterfeit electronic parts;

(vii) methodologies to identify suspect counterfeit parts and to rapidly determine if a suspect counterfeit part is, in fact, counterfeit;

(viii) the design, operation, and maintenance of systems to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(ix) the flow down of counterfeit avoidance and detection requirements to subcontractors; and

(B) establish processes for the review and approval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, which processes shall be comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2302 note).

(f) [10 U.S.C. 2302 note] DEFINITIONS.—In subsections (a) through (e) of this section:

(1) The term "covered contractor" has the meaning given that term in section 893(f)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

(2) The term "electronic part" means an integrated circuit, a discrete electronic component (including, but not limited to, a transistor, capacitor, resistor, or diode), or a circuit assembly.

[Subsection (g) was repealed by section 812(b)(5) of division A of Public Law 115–232.]

(h) TRAFFICKING IN INHERENTLY DANGEROUS GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended to read as follows:

"SEC. 2320. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES

"(a) OFFENSES. Whoever intentionally—

"(1) traffics in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services,

"(2) traffics in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive, or

"(3) traffics in goods or services knowing that such good or service is a counterfeit military good or service the use, malfunction, or failure of which is likely to cause serious bodily injury or death, the disclosure of classified information, impairment of combat operations, or other significant harm to a combat operation, a member of the Armed Forces, or to national security,

or attempts or conspires to violate any of paragraphs (1) through (3) shall be punished as provided in subsection (b).

"(b) PENALTIES.

"(1) IN GENERAL. Whoever commits an offense under subsection (a)—

"(A) if an individual, shall be fined not more than $2,000,000 or imprisoned not more than 10 years, or both, and, if a person other than an individual, shall be fined not more than $5,000,000; and

"(B) for a second or subsequent offense under subsection (a), if an individual, shall be fined not more than $5,000,000 or imprisoned not more than 20 years, or both, and if other than an individual, shall be fined not more than $15,000,000.

"(2) SERIOUS BODILY INJURY OR DEATH.

"(A) SERIOUS BODILY INJURY. Whoever knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of subsection (a), if an individual, shall be fined not more than $5,000,000 or imprisoned for not more than 20 years, or both, and if other than an individual, shall be fined not more than $15,000,000.

"(B) DEATH. Whoever knowingly or recklessly causes or attempts to cause death from conduct in violation of subsection (a), if an individual, shall be fined not more than $5,000,000 or imprisoned for any term of years or for life, or both, and if other than an individual, shall be fined not more than $15,000,000.

"(3) COUNTERFEIT MILITARY GOODS OR SERVICES. Whoever commits an offense under subsection (a) involving a counterfeit military good or service—

"(A) if an individual, shall be fined not more than $5,000,000, imprisoned not more than 20 years, or both, and if other than an individual, be fined not more than $15,000,000; and

"(B) for a second or subsequent offense, if an individual, shall be fined not more than $15,000,000, imprisoned not more than 30 years, or both, and if other than an individual, shall be fined not more than $30,000,000.

"(c) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION. Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.

"(d) DEFENSES. All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act shall be applicable in a prosecution under this section. In a prosecution under this section, the defendant shall have the burden of proof, by a preponderance of the evidence, of any such affirmative defense.

"(e) PRESENTENCE REPORT.(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate goods or services affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such goods or services; and

"(C) the legal representatives of such producers, sellers, and holders.

"(f) DEFINITIONS. For the purposes of this section—

"(1) the term 'counterfeit mark' means—

"(A) a spurious mark—

"(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers,

badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

"(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

"(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

"(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or

"(B) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the Lanham Act are made available by reason of section 220506 of title 36;

but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation;

"(2) the term 'financial gain' includes the receipt, or expected receipt, of anything of value;

"(3) the term 'Lanham Act' means the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (15 U.S.C. 1051 et seq.);

"(4) the term 'counterfeit military good or service' means a good or service that uses a counterfeit mark on or in connection with such good or service and that—

"(A) is falsely identified or labeled as meeting military specifications, or

"(B) is intended for use in a military or national security application; and

"(5) the term 'traffic' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.

"(g) LIMITATION ON CAUSE OF ACTION. Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.

"(h) REPORT TO CONGRESS.(1) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of this title), criminal infringement of copyrights (as defined in section 2319 of this title), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of this title), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of this title):

"(A) The number of open investigations.

"(B) The number of cases referred by the United States Customs Service.

"(C) The number of cases referred by other agencies or sources.

"(D) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.

"(2)(A) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

"(i) The number of infringement cases in these categories: audiovisual (videos and films); audio (sound recordings); literary works (books and musical compositions); computer programs; video games; and, others.

"(ii) The number of online infringement cases.

"(iii) The number and dollar amounts of fines assessed in specific categories of dollar amounts. These categories shall be: no fines ordered; fines under $500; fines from $500 to $1,000; fines from $1,000 to $5,000; fines from $5,000 to $10,000; and fines over $10,000.

"(iv) The total amount of restitution ordered in all copyright infringement cases.

"(B) In this paragraph, the term 'online infringement cases' as used in paragraph (2) means those cases where the infringer—

"(i) advertised or publicized the infringing work on the Internet; or

"(ii) made the infringing work available on the Internet for download, reproduction, performance, or distribution by other persons.

"(C) The information required under subparagraph (A) shall be submitted in the report required in fiscal year 2005 and thereafter.

"(i) TRANSSHIPMENT AND EXPORTATION. No goods or services, the trafficking in of which is prohibited by this section, shall be

transshipped through or exported from the United States. Any such transshipment or exportation shall be deemed a violation of section 42 of an Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' or the 'Lanham Act').".

SEC. 819. MODIFICATION OF CERTAIN REQUIREMENTS OF THE WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.

(a) REPEAL OF CERTIFICATION OF COMPLIANCE OF CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS WITH ACTIONS ON TREATMENT OF SYSTEMIC PROBLEMS BEFORE MILESTONE APPROVAL.—Subsection (c) of section 204 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1723; 10 U.S.C. 2366a note) is repealed.

(b) WAIVER OF REQUIREMENT TO REVIEW PROGRAMS RECEIVING WAIVER OF CERTAIN CERTIFICATION REQUIREMENTS.—Section 2366b(d) of title 10, United States Code, is amended by adding the following new paragraph:

"(3) The requirement in paragraph (2)(B) shall not apply to a program for which a certification was required pursuant to section 2433a(c) of this title if the milestone decision authority—

"(A) determines in writing that—

"(i) the program has reached a stage in the acquisition process at which it would not be practicable to meet the certification component that was waived; and

"(ii) the milestone decision authority has taken appropriate alternative actions to address the underlying purposes of such certification component; and

"(B) submits the written determination, and an explanation of the basis for the determination, to the congressional defense committees.".

SEC. 820. INCLUSION OF CONTRACTOR SUPPORT REQUIREMENTS IN DEPARTMENT OF DEFENSE PLANNING DOCUMENTS.

(a) ELEMENTS IN QDR REPORTS TO CONGRESS.—Section 118(d) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

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

"(F) the roles and responsibilities that would be discharged by contractors.";

(2) in paragraph (6), by striking "manpower and sustainment" and inserting "manpower, sustainment, and contractor support"; and

(3) in paragraph (8), by inserting ", and the scope of contractor support," after "Defense Agencies".

(b) CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESSMENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.—

(1) ASSESSMENTS UNDER CONTINGENCY PLANNING.—Paragraph (3) of subsection (a) of section 153 of such title is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Identifying the support functions that are likely to require contractor performance under those contingency plans, and the risks associated with the assignment of such functions to contractors.".

(2) ASSESSMENTS UNDER ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—Paragraph (4)(E) of such subsection is amended by inserting "and contractor support" after "area of manpower".

(3) ASSESSMENTS FOR BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—Subsection (d) of such section is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(I) Assessment of the requirements for contractor support of the armed forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support."; and

(B) in paragraph (3)(B), by striking "and the levels of support from allies and other friendly nations" and inserting "the levels of support from allies and other friendly nations, and the levels of contractor support".

SEC. 821. AMENDMENT RELATING TO BUYING TENTS, TARPAULINS, OR COVERS FROM AMERICAN SOURCES.

Section 2533a(b)(1)(C) of title 10, United States Code, is amended by inserting "(and the structural components thereof)" after "tents".

SEC. 822. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FROM FOREIGN SOURCES FOR THE PRODUCTION OF UNIFORMS.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

SEC. 823. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2335. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION

"(a) PROHIBITION ON REQUIRING SUBMISSION OF POLITICAL INFORMATION. The head of an agency may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

"(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with the award of a contract for procurement of property or services; or

"(2) during the course of contract performance as part of the process associated with modifying a contract or exercising a contract option.

"(b) SCOPE. The prohibition under this section applies to the procurement of commercial items, the procurement of commercial-off-the-shelf-items, and the non-commercial procurement of supplies, property, services, and manufactured items, irrespective of contract vehicle, including contracts, purchase orders, task or deliver orders under indefinite delivery/indefinite quantity contracts, blanket purchase agreements, and basic ordering agreements.

"(c) RULE OF CONSTRUCTION. Nothing in this section shall be construed as—

"(1) waiving, superseding, restricting, or limiting the application of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) or preventing Federal regulatory or law enforcement agencies from collecting or receiving information authorized by law; or

"(2) precluding the Defense Contract Audit Agency from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to section 2324 of this title.

"(d) DEFINITIONS. In this section:

"(1) CONTRACTOR. The term 'contractor' includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

"(2) POLITICAL INFORMATION. The term 'political information' means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for Federal office, party affiliation, and voting history. Each of the terms 'contribution', 'expenditure', 'independent expenditure', 'candidate', 'election', 'electioneering communication', and 'Federal office' has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2334 the following new item:

"2335. Prohibition on collection of political information.".

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. WAIVER OF REQUIREMENTS RELATING TO NEW MILESTONE APPROVAL FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The requirements of subparagraphs (B) and (C) of paragraph (1) shall not apply to a program or subprogram if—

"(i) the Milestone Decision Authority determines in writing, on the basis of a cost assessment and root cause analysis conducted pursuant to subsection (a), that—

"(I) but for a change in the quantity of items to be purchased under the program or subprogram, the program acquisition unit cost or procurement unit cost for the program or subprogram would not have increased by a percentage equal to or greater than the cost growth thresholds for the program or subprogram set forth in subparagraph (B); and

"(II) the change in quantity of items described in subclause (I) was not made as a result of an increase in program cost, a delay in the program, or a problem meeting program requirements;

"(ii) the Secretary determines in writing that the cost to the Department of Defense of complying with such requirements is likely to exceed the benefits to the Department of complying with such requirements; and

"(iii) the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title—

"(I) a copy of the written determination under clause (i) and an explanation of the basis for the determination; and

"(II) a copy of the written determination under clause (ii) and an explanation of the basis for the determination.

"(B) The cost growth thresholds specified in this subparagraph are as follows:

"(i) In the case of a major defense acquisition program or designated major defense subprogram, a percentage increase in the program acquisition unit cost for the program or subprogram of—

"(I) 5 percent over the program acquisition unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

"(II) 10 percent over the program acquisition unit cost for the program or subprogram as shown

in the original Baseline Estimate for the program or subprogram.

"(ii) In the case of a major defense acquisition program or designated major defense subprogram that is a procurement program, a percentage increase in the procurement unit cost for the program or subprogram of—

"(I) 5 percent over the procurement unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

"(II) 10 percent over the procurement unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.".

[Section 832 was repealed by section 836(b)(1) of Public Law 115–91.]

SEC. 833. CLARIFICATION OF RESPONSIBILITY FOR COST ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.

Section 2334(e) of title 10, United States Code, is amended—

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

(2) in paragraph (1)—

(A) by striking "shall provide that—" and all that follows through "cost estimates" and inserting "shall provide that cost estimates";

(B) by striking "; and" and inserting a period; and

(C) by redesignating subparagraph (B) as paragraph (2) and moving such paragraph two ems to the left;

(3) in paragraph (2), as redesignated by paragraph (2) of this section, by striking "cost analyses and targets" and inserting "The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Director of Cost Assessment and Program Evaluation, develop policies, procedures, and guidance to ensure that cost analyses and targets";

(4) in paragraph (3), as redesignated by paragraph (1) of this section, by striking "issued by the Director of Cost Assessment and Program Evaluation" and inserting "issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)"; and

(5) in paragraph (5), as redesignated by paragraph (1) of this section, by striking "paragraph (3)" and inserting "paragraph (4)".

SEC. 834. MODIFICATION OF REQUIREMENTS FOR GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 812(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4264; 10 U.S.C. 2430 note) is amended—

(1) by striking "manufacturing readiness levels" each place it appears and inserting "manufacturing readiness levels or other manufacturing readiness standards";

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

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) provide for the tailoring of manufacturing readiness levels or other manufacturing readiness standards to address the unique characteristics of specific industry sectors or weapon system portfolios;".

SEC. 835. MANAGEMENT OF DEVELOPMENTAL TEST AND EVALUATION FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) [10 U.S.C. 1701 note] CHIEF DEVELOPMENTAL TESTER.—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2330), as amended by section 805(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-181; 123 Stat. 2403), is further amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) Chief developmental tester.".

(b) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Section 139b of title 10, United States Code, is amended—

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

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

"(c) SUPPORT OF MDAPS BY CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.

"(1) SUPPORT. The Secretary of Defense shall require that each major defense acquisition program be supported by—

"(A) a chief developmental tester; and

"(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

"(2) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER. The chief developmental tester for a major defense acquisition program shall be responsible for—

"(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

"(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and

"(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

"(3) RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION. The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

"(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

"(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

"(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.".

SEC. 836. [22 U.S.C. 2767 note] ASSESSMENT OF RISK ASSOCIATED WITH DEVELOPMENT OF MAJOR WEAPON SYSTEMS TO BE PROCURED UNDER COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.

(a) ASSESSMENT OF RISK REQUIRED.—

(1) IN GENERAL.—Not later than two days after the President transmits a certification to Congress pursuant to section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)) regarding a proposed cooperative project agreement that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system, the Secretary of Defense shall submit to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a risk assessment of the proposed cooperative project.

(2) PREPARATION.—The Secretary shall prepare each report required by paragraph (1) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering, and the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(b) ELEMENTS.—The risk assessment on a cooperative project under subsection (a) shall include the following:

(1) An assessment of the design, technical, manufacturing, and integration risks associated with developing and procuring the weapon system to be procured under the cooperative project.

(2) A statement identifying any termination liability that would be incurred under the development contract to be entered into under subsection (a)(1), and a statement of the extent to which such termination liability would not be fully funded by appropriations available or sought in the fiscal year in which the agreement for the cooperative project is signed on behalf of the United States.

(3) An assessment of the advisability of incurring any unfunded termination liability identified under paragraph (2) given the risks identified in the assessment under paragraph (1).

(4) A listing of which, if any, requirements associated with the oversight and management of a major defense acquisition program (as prescribed under Department of Defense Instruction 5000.02 or related authorities) will be waived, or in any way modified, in carrying out the development contract to be

entered into under (a)(1), and a full explanation why such requirements need to be waived or modified.

(c) DEFINITIONS.—In this section:

(1) The term "engineering and manufacturing development" has the meaning given that term in Department of Defense Instruction 5000.02.

(2) The term "major weapon system" has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 837. COMPETITION IN MAINTENANCE AND SUSTAINMENT OF SUBSYSTEMS OF MAJOR WEAPON SYSTEMS.

Section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1721; 10 U.S.C. 2430 note) is amended—

(1) in the subsection heading, by striking "Operation and Sustainment of Major Weapon Systems" and inserting "Maintenance and Sustainment of Major Weapon Systems and Subsystems";

(2) by inserting "or subsystem of a major weapon system" after "a major weapon system"; and

(3) by inserting ", or for components needed for such maintenance and sustainment," after "such maintenance and sustainment".

SEC. 838. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition and Sustainment—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

SEC. 839. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) IN GENERAL.—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional committees specified in subsection (c) the following information:

(1) A description of how the strategy of the Department of Defense to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

(c) CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

[Section 841 was repealed by section 841(m)(1) of division A of Public Law 113–291.]

SEC. 842. [10 U.S.C. 2313 note] ADDITIONAL ACCESS TO CONTRACTOR AND SUBCONTRACTOR RECORDS IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) DEPARTMENT OF DEFENSE CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department of Defense that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the Secretary, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds available under the contract, grant, or cooperative agreement—

(A) are not subject to extortion or corruption; and

(B) are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the Commander of the United States Central Command, that there is reason to believe that funds available under the contract, grant, or cooperative agreement concerned may have been subject to extortion or corruption or may have been provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(4) FLOWDOWN.—A clause described in paragraph (2) shall also be required in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of $100,000.

(b) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken, Any report under this subsection may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term "contingency operation" has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) The term "covered contract, grant, or cooperative agreement" means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations in support of a contingency operation.

(d) SUNSET.—

(1) IN GENERAL.—The clause described by subsection (a)(2) shall not be required in any contract, grant, or cooperative agreement that is awarded after the date that is three years after the date of the enactment of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

(2) CONTINUING EFFECT OF CLAUSES INCLUDED BEFORE SUNSET.—Any clause described by subsection (a)(2) that is included in a contract, grant, or cooperative agreement pursuant to this section before the date specified in paragraph (1) shall remain in effect in accordance with its terms.

SEC. 843. [10 U.S.C. 2302 note] REACH-BACK CONTRACTING AUTHORITY FOR OPERATION ENDURING FREEDOM AND OPERATION NEW DAWN.

(a) AUTHORITY TO DESIGNATE LEAD CONTRACTING ACTIVITY.—The Under Secretary of Defense for Acquisition and Sustainment may designate a single contracting activity inside the United States to act as the lead contracting activity with authority for use of domestic capabilities in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn. The contracting activity so designated shall be known as the "lead reach-back contracting authority" for such operations.

(b) LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-UNITED-STATES-THRESHOLDS.—The head of the contracting authority designated pursuant to subsection (a) may, when awarding a contract inside the United States for performance in the theater of operations for Operation Enduring Freedom or Operation New Dawn, use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner and to the same extent as if the contract were to be awarded and performed outside the United States.

(c) DEFINITIONS.—In this section:

(1) The term "overseas increased micro-purchase threshold" means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(2) The term "overseas increased simplified acquisition threshold" means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

SEC. 844. [10 U.S.C. 2302 note] COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CONTRACTING GOALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish goals for competition in contracts awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation; and

(2) develop processes by which to measure and monitor such competition, including in task-order categories for services, construction, and supplies.

(b) ANNUAL REVIEW OF CERTAIN CONTRACTS.—For each year the Logistics Civil Augmentation Program contract, or other similar omnibus contract awarded by the Secretary of Defense for the

procurement of property or services to be used outside the United States in support of a contingency operation, is in force, the Secretary shall require a competition advocate of the Department of Defense to conduct an annual review of each such contract.

(c) ANNUAL REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.—Section 863(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (110-181; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph:

"(F) Percentage of contracts awarded on a competitive basis as compared to established goals for competition in contingency contracting actions.".

SEC. 845. [10 U.S.C. 2302 note] INCLUSION OF ASSOCIATED SUPPORT SERVICES IN RAPID ACQUISITION AND DEPLOYMENT PROCEDURES FOR SUPPLIES.

(a) INCLUSION.—Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking "supplies" each place it appears (other than subsections (a)(1)(B) and (f)) and inserting "supplies and associated support services".

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

"(g) ASSOCIATED SUPPORT SERVICES DEFINED. In this section, the term 'associated support services' means training, operation, maintenance, and support services needed in connection with the deployment of supplies to be acquired pursuant to the authority of this section. The term does not include functions that are inherently governmental or otherwise exempted from private sector performance.".

(c) LIMITATION ON AVAILABILITY OF AUTHORITY.—The authority to acquire associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, shall not take effect until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 846. JOINT URGENT OPERATIONAL NEEDS FUND TO RAPIDLY MEET URGENT OPERATIONAL NEEDS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2216 the following new section:

"SEC. 2216a. RAPIDLY MEETING URGENT NEEDS: JOINT URGENT OPERATIONAL NEEDS FUND

"(a) ESTABLISHMENT. There is established in the Treasury an account to be known as the 'Joint Urgent Operational Needs Fund' (in this section referred to as the 'Fund').

"(b) ELEMENTS. The Fund shall consist of the following:

"(1) Amounts appropriated to the Fund.

"(2) Amounts transferred to the Fund.

"(3) Any other amounts made available to the Fund by law.

"(c) USE OF FUNDS.(1) Amounts in the Fund shall be available to the Secretary of Defense for capabilities that are determined by the Secretary, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

"(2) The Secretary shall establish a merit-based process for identifying equipment, supplies, services, training, and facilities suitable for funding through the Fund.

"(3) Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section pursuant to a congressional earmark, as defined in clause 9 of Rule XXI of the Rules of the House of Representatives, or a congressionally directed spending item, as defined in paragraph 5 of Rule XLIV of the Standing Rules of the Senate.

"(d) TRANSFER AUTHORITY.(1) Amounts in the Fund may be transferred by the Secretary of Defense from the Fund to any of the following accounts of the Department of Defense to accomplish the purpose stated in subsection (c):

"(A) Operation and maintenance accounts.

"(B) Procurement accounts.

"(C) Research, development, test, and evaluation accounts.

"(2) Upon determination by the Secretary that all or part of the amounts transferred from the Fund under paragraph (1) are not necessary for the purpose for which transferred, such amounts may be transferred back to the Fund.

"(3) The transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount so transferred.

"(4) The transfer authority provided by paragraphs (1) and (2) is in addition to any other transfer authority available to the Department of Defense by law.

"(e) SUNSET. The authority to make expenditures or transfers from the Fund shall expire on the last day of the third fiscal year that begins after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2216 the following new item:

"2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.".

(b) [10 U.S.C. 2216a note] LIMITATION ON COMMENCEMENT OF EXPENDITURES FROM FUND.—No expenditure may be made from the Joint Urgent Operational Needs Fund established by section 2216a of title 10, United States Code (as added by subsection (a)), until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act

for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4256; 10 U.S.C. 2302 note).

Subtitle E—Defense Industrial Base Matters

SEC. 851. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE PILOT PROGRAM.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the defense industrial base pilot program of the Department of Defense.

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

(1) A quantitative and qualitative analysis of the effectiveness of the defense industrial base pilot program.

(2) An assessment of the legal, policy, or regulatory challenges associated with effectively executing the pilot program.

(3) Recommendations for changes to the legal, policy, or regulatory framework for the pilot program to make it more effective.

(4) A description of any plans to expand the pilot program, including to other sectors beyond the defense industrial base.

(5) An assessment of the potential legal, policy, or regulatory challenges associated with expanding the pilot program.

(6) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

[Section 852 was repealed by section 812(b)(55) of division A of Public Law 115–232.]

SEC. 853. ASSESSMENT OF FEASABILITY AND ADVISABILITY OF ESTABLISHMENT OF RARE EARTH MATERIAL INVENTORY.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency Strategic Materials shall submit to the Secretary of Defense an assessment of the feasibility and advisability of establishing an inventory of rare earth materials necessary to ensure the long-term availability of such rare earth materials. The assessment shall—

(1) identify and describe the steps necessary to create an inventory of rare earth materials, including oxides, metals, alloys, and magnets, to support national defense requirements and ensure reliable sources of such materials for defense purposes;

(2) provide a detailed cost-benefit analysis of creating such an inventory in accordance with Office of Management and Budget Circular A-94;

(3) provide an analysis of the potential market effects, including effects on the pricing and commercial availability of such rare earth materials, associated with creating such an inventory;

(4) identify and describe the mechanisms available to the Administrator to make such an inventory accessible, including by purchase, to entities requiring such rare earth materials to support national defense requirements, including producers of end items containing rare earth materials;

(5) provide a detailed explanation of the ability of the Administrator to authorize the sale of excess materials to support a Rare Earth Material Stockpile Inventory Program;

(6) analyze any potential requirements to amend or revise the Defense Logistics Agency Strategic Materials Annual Material Plan for Fiscal Year 2012 and subsequent years to reflect an inventory of rare earth materials to support national defense requirements;

(7) identify and describe the steps necessary to develop or maintain a competitive, multi-source supply-chain to avoid reliance on a single source of supply;

(8) identify and describe supply sources considered by the Administrator to be reliable, including an analysis of the capabilities of such sources to produce such materials in forms required for military applications in the next five years, as well as the security of upstream supply for these sources of material; and

(9) include such other considerations and recommendations as necessary to support the establishment of such inventory.

(b) FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the assessment is submitted under subsection (a), the Secretary of Defense shall submit to the congressional defense committees—

(A) the findings and recommendations from the assessment required under subsection (a);

(B) a description of any actions the Secretary intends to take regarding the plans, strategies, policies, regulations, or resourcing of the Department of Defense as a result of the findings and recommendations from such assessment; and

(C) any recommendations for legislative or regulatory changes needed to ensure the long-term availability of such rare earth materials.

(c) DEFINITIONS.—In this section:

(1) The term "rare earth" means any of the following chemical elements in any of their physical forms or chemical combinations and alloys:

(A) Scandium.
(B) Yttrium.
(C) Lanthanum.
(D) Cerium.
(E) Praseodymium.
(F) Neodymium.
(G) Promethium.
(H) Samarium.
(I) Europium.
(J) Gadolinium.
(K) Terbium.

(L) Dysprosium.
(M) Holmium.
(N) Erbium.
(O) Thulium.
(P) Ytterbium.
(Q) Lutetium.

(2) The term "capability" means the required facilities, manpower, technological knowledge, and intellectual property necessary for the efficient and effective production of rare earth materials.

SEC. 854. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources;

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

SEC. 855. TECHNICAL AMENDMENT RELATING TO RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY.

Section 139c(b)(12) of title 10, United States Code, is amended by striking "titles I and II" and inserting "titles I and III".

Subtitle F—Other Matters

SEC. 861. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.

(a) EXCLUSIVE JURISDICTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(6) Jurisdiction over any action described in paragraph (1) arising out of a maritime contract, or a solicitation for a proposed maritime contract, shall be governed by this section and shall not be subject to the jurisdiction of the district courts of the United States under the Suits in Admiralty Act (chapter 309 of title 46) or the Public Vessels Act (chapter 311 of title 46).".

(b) [28 U.S.C. 1491 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any cause of action filed on or after the first day of the first month beginning more than 30 days after the date of the enactment of this Act.

[Section 862 of the National Defense Authorization Act for Fiscal Year 2012 was repealed by section 245(e) of Public Law 116-283.]

SEC. 863. SENSE OF CONGRESS AND REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ALTERNATIVE FUELS.

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

(1) The procurement of alternative fuels by the Department of Defense through the use of long-term contracts can provide stability for industry, which could attract investment needed to develop alternative fuel sources.

(2) In appropriate circumstances, and with appropriate protections, the use of long-term contracts for alternative fuels can be in the best interest of the Department if the costs of these contracts are competitive with other fuel contracts.

(3) The Department has asked for the authority to enter into long-term contracts for alternative fuels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should continue to pursue long-term contracting authority for alternative fuels, as well as traditional fuels, if the contracts will satisfy military requirements and result in equal or less cost to the Department over their duration.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of alternative fuels, including advanced biofuels. The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of alternative fuels, including advanced biofuels, of sufficient length to reduce the impact to the Department of future price or supply

shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

SEC. 864. ACQUISITION WORKFORCE IMPROVEMENTS.

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: "The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.";

(2) by striking "The Associate Administrator shall be located in the Federal Acquisition Institute (or its successor)." and inserting "The Associate Administrator shall be located in the Office of Federal Procurement Policy.";

(3) in paragraph (4), by striking "; and" and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

"(5) implementing workforce programs under subsections (f) through (l) of section 1703 of this title; and".

(b) FEDERAL ACQUISITION INSTITUTE.—

(1) IN GENERAL.—Division B of subtitle I of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

"CHAPTER 12—FEDERAL ACQUISITION INSTITUTE

"Sec.
"1201. Federal Acquisition Institute.

"SEC. 1201. FEDERAL ACQUISITION INSTITUTE

"(a) IN GENERAL. There is established a Federal Acquisition Institute (FAI) in order to—

"(1) foster and promote the development of a professional acquisition workforce Government-wide;

"(2) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

"(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

"(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

"(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

"(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

"(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

"(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

"(9) facilitate, to the extent requested by agencies, interagency intern and training programs;

"(10) collaborate with other civilian agency acquisition training programs to leverage training supporting all members of the civilian agency acquisition workforce;

"(11) assist civilian agencies with their acquisition and capital planning efforts; and

"(12) perform other career management or research functions as directed by the Administrator.

"(b) BUDGET RESOURCES AND AUTHORITY.

"(1) IN GENERAL. The Administrator shall recommend to the Administrator of General Services sufficient budget resources and authority for the Federal Acquisition Institute to support Government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

"(2) ACQUISITION WORKFORCE TRAINING FUND. Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator under paragraph (1).

"(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.

"(1) REPORTING TO ADMINISTRATOR. The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator.

"(2) COMPOSITION. The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

"(3) DUTIES. The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

"(A) meets its statutory requirements;

"(B) meets the needs of the Federal acquisition workforce;

"(C) implements appropriate programs;

"(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

"(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

"(F) works closely with the Defense Acquisition University.

"(4) RECOMMENDATIONS. The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

"(d) DIRECTOR. The Director of the Federal Acquisition Institute shall be appointed by, be subject to the direction and control of, and report directly to the Administrator.

"(e) ANNUAL REPORT. The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of subtitle I of such title is amended by inserting after the item relating to chapter 11 the following new item:

"12. Federal Acquisition Institute". 1201.

(3) CONFORMING AMENDMENT.—Paragraph (5) of section 1122(a) of such title is amended to read as follows:

"(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.".

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking "The Administrator shall" and inserting the following:

"(A) IN GENERAL. The Administrator shall"; and

(B) by adding at the end the following:

"(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION. The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

"(i) developing and modifying acquisition certification programs;

"(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

"(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

"(iv) developing career path information for certified professionals to encourage retention in government positions;

"(v) coordinating with the Office of Personnel Management for human capital efforts; and

"(vi) managing rotation assignments to support opportunities to apply skills included in certification."; and

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

"(l) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS. All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.".

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking "to support the training of the acquisition workforce of the executive agencies" and inserting "to support the activities set forth in section 1201(a) of this title"; and

(2) in paragraph (6), by striking "ensure that amounts collected" and all that follows through the end of the paragraph (as amended by section 526 of division C of Public Law 112–74 (125 Stat. 914)) and inserting "ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title.".

(e) [41 U.S.C. 1201 note] RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

SEC. 865. MODIFICATION OF DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS ON ENTRY INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO AND OTHER FRIENDLY ORGANIZATIONS AND COUNTRIES.

Section 2350a(b)(2) of title 10, United States Code, is amended by striking "and to one other official of the Department of Defense" and inserting ", the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineering".

SEC. 866. THREE-YEAR EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) THREE-YEAR EXTENSION.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking "December 31, 2011" and inserting "December 31, 2014".

(b) ADDITIONAL REPORT.—Subsection (f) of such section is amended by inserting "and March 1, 2012," after "March 1, 1994,".

SEC. 867. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking "September 30, 2011" and inserting "September 30, 2015"; and

(2) in paragraph (2), by striking "September 30, 2014" and inserting "September 30, 2018".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revision of defense business systems requirements.
Sec. 902. Qualifications for appointments to the position of Deputy Secretary of Defense.

Sec. 903. Designation of Department of Defense senior official with principal responsibility for airship programs.
Sec. 904. Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces.
Sec. 905. Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests.
Sec. 906. Sense of Congress on use of modeling and simulation in Department of Defense activities.
Sec. 907. Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO.
Sec. 908. Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills.

Subtitle B—Space Activities

Sec. 911. Harmful interference to Department of Defense Global Positioning System.
Sec. 912. Authority to designate increments or blocks of satellites as major subprograms subject to acquisition reporting requirements.

Subtitle C—Intelligence-Related Matters

Sec. 921. Report on implementation of recommendations by the Comptroller General on intelligence information sharing.
Sec. 922. Insider threat detection.
Sec. 923. Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions.
Sec. 924. Ozone Widget Framework.
Sec. 925. Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise.
Sec. 926. Facilities for intelligence collection or special operations activities abroad.

Subtitle D—Total Force Management

Sec. 931. General policy for total force management.
Sec. 932. Revisions to Department of Defense civilian personnel management constraints.
Sec. 933. Additional amendments relating to total force management.
Sec. 934. Modifications of annual defense manpower requirements report.
Sec. 935. Revisions to strategic workforce plan.
Sec. 936. Amendments to requirement for inventory of contracts for services.
Sec. 937. Preliminary planning and duration of public-private competitions.
Sec. 938. Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees.

Subtitle E—Quadrennial Roles and Missions and Related Matters

Sec. 941. Chairman of the Joint Chiefs of Staff assessment of contingency plans.
Sec. 942. Quadrennial defense review.

Subtitle F—Other Matters

Sec. 951. Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity.
Sec. 952. Report on United States Special Operations Command structure.
Sec. 953. Strategy to acquire capabilities to detect previously unknown cyber attacks.
Sec. 954. Military activities in cyberspace.

Subtitle A—Department of Defense Management

SEC. 901. REVISION OF DEFENSE BUSINESS SYSTEMS REQUIREMENTS.

Section 2222 of title 10, United States Code, is amended to read as follows:

"SEC. 2222. DEFENSE BUSINESS SYSTEMS: ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

"(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE BUSINESS SYSTEM PROGRAMS. Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense business system program that will have a total cost in excess of $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title unless—

"(1) the appropriate pre-certification authority for the covered defense business system program has determined that—

"(A) the defense business system program is in compliance with the enterprise architecture developed under subsection (c) and appropriate business process re-engineering efforts have been undertaken to ensure that—

"(i) the business process supported by the defense business system program is or will be as streamlined and efficient as practicable; and

"(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

"(B) the defense business system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

"(C) the defense business system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

"(2) the covered defense business system program has been reviewed and certified by the investment review board established under subsection (g); and

"(3) the certification of the investment review board under paragraph (2) has been approved by the Defense Business Systems Management Committee established by section 186 of this title.

"(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS. The obligation of Department of Defense funds for a covered defense business system program that has not been certified and approved in accordance with subsection (a) is a violation of section 1341(a)(1)(A) of title 31.

"(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.(1) The Secretary of Defense, acting through the Defense Business Systems Management Committee, shall develop—

"(A) an enterprise architecture, known as the defense business enterprise architecture, to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with

the policies and procedures established by the Director of the Office of Management and Budget; and

"(B) a transition plan for implementing the defense business enterprise architecture.

"(2) The Secretary of Defense shall delegate responsibility and accountability for the defense business enterprise architecture content, including unambiguous definitions of functional processes, business rules, and standards, as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

"(B) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support financial management activities or strategic planning and budgeting activities of the Department of Defense.

"(C) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support human resource management activities of the Department of Defense.

"(D) The Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support information technology infrastructure or information assurance activities of the Department of Defense.

"(E) The Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for developing and maintaining the defense business enterprise architecture as well as integrating business operations covered by subparagraphs (A) through (D).

"(d) COMPOSITION OF ENTERPRISE ARCHITECTURE. The defense business enterprise architecture developed under subsection (c)(1)(A) shall include the following:

"(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

"(A) comply with all applicable law, including Federal accounting, financial management, and reporting requirements;

"(B) routinely produce timely, accurate, and reliable business and financial information for management purposes;

"(C) integrate budget, accounting, and program information and systems; and

"(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

"(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

"(3) A target defense business systems computing environment, compliant with the defense business enterprise architecture, for each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.

"(e) COMPOSITION OF TRANSITION PLAN. The transition plan developed under subsection (c)(1)(B) shall include the following:

"(1) A listing of the new systems that are expected to be needed to complete the defense business enterprise architecture, along with each system's time-phased milestones, performance measures, financial resource needs, and risks or challenges to integration into the business enterprise architecture.

"(2) A listing of the defense business systems existing as of September 30, 2011 (known as 'legacy systems') that will not be part of the defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

"(3) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the target defense business systems computing environment described in subsection (d)(3), together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture, including time-phased milestones, performance measures, and financial resource needs.

"(f) DESIGNATION OF APPROPRIATE PRE-CERTIFICATION AUTHORITIES AND SENIOR OFFICIALS.(1) For purposes of subsections (a) and (g), the appropriate pre-certification authority for a defense business system program is as follows:

"(A) In the case of an Army program, the Chief Management Officer of the Army.

"(B) In the case of a Navy program, the Chief Management Officer of the Navy.

"(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

"(D) In the case of a program of a Defense Agency, the Director, or equivalent, of such Defense Agency, unless otherwise approved by the Deputy Chief Management Officer of the Department of Defense.

"(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Deputy Chief Management Officer of the Department of Defense.

"(2) For purposes of subsection (g), the appropriate senior official of the Department of Defense for the functions and activities supported by a covered defense business system is as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of any defense business system the primary purpose of which is to support ac-

quisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

"(B) The Under Secretary of Defense (Comptroller), in the case of any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

"(C) The Under Secretary of Defense for Personnel and Readiness, in the case of any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

"(D) The Chief Information Officer of the Department of Defense, in the case of any defense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

"(E) The Deputy Chief Management Officer of the Department of Defense, in the case of any defense business system the primary purpose of which is to support any activity of the Department of Defense not covered by subparagraphs (A) through (D).

"(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.(1) The Secretary of Defense shall require the Deputy Chief Management Officer of the Department of Defense, not later than March 15, 2012, to establish an investment review board and investment management process, consistent with section 11312 of title 40, to review and certify the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense business systems programs. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

"(2) The review of defense business systems programs under the investment management process shall include the following:

"(A) Review and approval by an investment review board of each covered defense business system program before the obligation of funds on the system in accordance with the requirements of subsection (a).

"(B) Periodic review, but not less than annually, of all covered defense business system programs, grouped in portfolios of defense business systems.

"(C) Representation on each investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representation from each of the following:

"(i) The appropriate pre-certification authority for the defense business system under review.

"(ii) The appropriate senior official of the Department of Defense for the functions and activities supported by the defense business system under review.

"(iii) The Chief Information Officer of the Department of Defense.

"(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system programs depending on scope, complexity, and cost.

"(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

"(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary of Defense and the Defense Business Systems Management Committee, as required by section 186(c) of this title, and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

"(h) BUDGET INFORMATION. In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

"(1) Identification of each defense business system program for which funding is proposed in that budget.

"(2) Identification of all funds, by appropriation, proposed in that budget for each such program, including—

"(A) funds for current services (to operate and maintain the system covered by such program); and

"(B) funds for business systems modernization, identified for each specific appropriation.

"(3) For each such program, identification of the appropriate pre-certification authority and senior official of the Department of Defense designated under subsection (f).

"(4) For each such program, a description of each approval made under subsection (a)(3) with regard to such program.

"(i) CONGRESSIONAL REPORTS. Not later than March 15 of each year from 2012 through 2016, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. Each report shall—

"(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

"(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

"(B) specific actions on the defense business system programs submitted for certification under such subsection;

"(2) identify the number of defense business system programs so certified;

"(3) identify any covered defense business system program during the preceding fiscal year that was not approved under subsection (a), and the reasons for the lack of approval;

"(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems programs; and

"(5) include a copy of the most recent report of the Chief Management Officer of each military department on implemen-

tation of business transformation initiatives by such department in accordance with section 908 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4569; 10 U.S.C. 2222 note).

"(j) DEFINITIONS. In this section:

"(1) The term 'defense business system' means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

"(2) The term 'covered defense business system program' means any defense business system program that is expected to have a total cost in excess of $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.

"(3) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44.

"(4) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40.

"(5) The term 'national security system' has the meaning given that term in section 3542(b)(2) of title 44.".

SEC. 902. QUALIFICATIONS FOR APPOINTMENTS TO THE POSITION OF DEPUTY SECRETARY OF DEFENSE.

Section 132(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: "The Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience.".

SEC. 903. [10 U.S.C. 113 note] DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.

SEC. 904. [10 U.S.C. 167 note] MEMORANDA OF AGREEMENT ON IDENTIFICATION AND DEDICATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES TO FULFILL CERTAIN REQUIREMENTS OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT.—By not later than 180 days after the date of the enactment of this Act and annually thereafter, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command that identifies or establishes processes and associated milestones by which numbers and types of enabling capabili-

ties of the general purpose forces of the Armed Forces under the jurisdiction of such Secretary can be identified and dedicated to fulfill the training and operational requirements of special operations forces under the United States Special Operations Command.

(b) FORMAT.—Such agreements may be accomplished in an annex to existing memoranda of agreement or through separate memoranda of agreement.

SEC. 905. ASSESSMENT OF DEPARTMENT OF DEFENSE ACCESS TO NON-UNITED STATES CITIZENS WITH SCIENTIFIC AND TECHNICAL EXPERTISE VITAL TO THE NATIONAL SECURITY INTERESTS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of current and potential mechanisms to permit the Department of Defense to employ non-United States citizens with critical scientific and technical skills that are vital to the national security interests of the United States.

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

(1) An identification of the critical scientific and technical skills that are vital to the national security interests of the United States and are anticipated to be in short supply over the next 10 years, and an identification of the military positions and civilian positions of the Department of Defense that require such skills.

(2) An identification of mechanisms and incentives for attracting persons who are non-United States citizens with such skills to such positions, including the expedited extension of United States citizenship.

(3) An identification and assessment of any concerns associated with the provision of security clearances to such persons.

(4) An identification and assessment of any concerns associated with the employment of such persons in civilian positions in the United States defense industrial base, including in positions in which United States citizenship, a security clearance, or both are a condition of employment.

(c) REPORTS.—

(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by subsection (a).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(A) The results of the assessment.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

SEC. 906. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including

acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

SEC. 908. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

[Section 911 was repealed by section 1698(d) of division A of Public Law 114-328.**]**

Subtitle B—Space Activities

SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF SATELLITES AS MAJOR SUBPROGRAMS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.

Section 2430a(a)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" before "If the Secretary of Defense determines"; and

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

"(B) If the Secretary of Defense determines that a major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks, the Secretary may designate each such increment or block as a major subprogram for the purposes of acquisition reporting under this chapter.".

Subtitle C—Intelligence-Related Matters

SEC. 921. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS BY THE COMPTROLLER GENERAL ON INTELLIGENCE INFORMATION SHARING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and the Comptroller General a report on actions taken by the Secretary in response to the recommendations of the Comptroller General in the report issued on January 22, 2010, titled "Intelligence, Surveillance, and Reconnaissance: Establishing Guidance, Timelines, and Accountability for Integrating Intelligence Data Would Improve Information Sharing"

(GAO-10-265NI), regarding the need to develop guidance, such as a concept of operations, to provide overarching direction and priorities for sharing intelligence information across the defense elements of the intelligence community.

(b) REVIEW OF REPORT.—The Comptroller General shall submit to the appropriate congressional committees a review of the report submitted under subsection (a), including a determination by the Comptroller General as to whether the actions taken by the Secretary of Defense in response to the recommendations referred to in such subsection are consistent with and adequately address such recommendations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees;

(2) the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Select Committee on Intelligence of the Senate.

SEC. 922. [10 U.S.C. 2224 note] INSIDER THREAT DETECTION.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for information sharing protection and insider threat mitigation for the information systems of the Department of Defense to detect unauthorized access to, use of, or transmission of classified or controlled unclassified information.

(b) ELEMENTS.—The program established under subsection (a) shall include the following:

(1) Technology solutions for deployment within the Department of Defense that allow for centralized monitoring and detection of unauthorized activities, including—

(A) monitoring the use of external ports and read and write capability controls;

(B) disabling the removable media ports of computers physically or electronically;

(C) electronic auditing and reporting of unusual and unauthorized user activities;

(D) using data-loss prevention and data-rights management technology to prevent the unauthorized export of information from a network or to render such information unusable in the event of the unauthorized export of such information;

(E) a roles-based access certification system;

(F) cross-domain guards for transfers of information between different networks; and

(G) patch management for software and security updates.

(2) Policies and procedures to support such program, including special consideration for policies and procedures related to international and interagency partners and activities in support of ongoing operations in areas of hostilities.

(3) A governance structure and process that integrates information security and sharing technologies with the policies and procedures referred to in paragraph (2). Such structure and process shall include—

(A) coordination with the existing security clearance and suitability review process;

(B) coordination of existing anomaly detection techniques, including those used in counterintelligence investigation or personnel screening activities; and

(C) updating and expediting of the classification review and marking process.

(4) A continuing analysis of—

(A) gaps in security measures under the program; and

(B) technology, policies, and processes needed to increase the capability of the program beyond the initially established full operating capability to address such gaps.

(5) A baseline analysis framework that includes measures of performance and effectiveness.

(6) A plan for how to ensure related security measures are put in place for other departments or agencies with access to Department of Defense networks.

(7) A plan for enforcement to ensure that the program is being applied and implemented on a uniform and consistent basis.

(c) OPERATING CAPABILITY.—The Secretary shall ensure the program established under subsection (a)—

(1) achieves initial operating capability not later than October 1, 2012; and

(2) achieves full operating capability not later than October 1, 2013.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that includes—

(1) the implementation plan for the program established under subsection (a);

(2) the resources required to implement the program;

(3) specific efforts to ensure that implementation does not negatively impact activities in support of ongoing operations in areas of hostilities;

(4) a definition of the capabilities that will be achieved at initial operating capability and full operating capability, respectively; and

(5) a description of any other issues related to such implementation that the Secretary considers appropriate.

(e) BRIEFING REQUIREMENT.—The Secretary shall provide briefings to the Committees on Armed Services of the House of Representatives and the Senate as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a briefing describing the governance structure referred to in subsection (b)(3).

(2) Not later than 120 days after the date of the enactment of this Act, a briefing detailing the inventory and status of technology solutions deployment referred to in subsection (b)(1), including an identification of the total number of host platforms planned for such deployment, the current number of host platforms that provide appropriate security, and the funding and timeline for remaining deployment.

(3) Not later than 180 days after the date of the enactment of this Act, a briefing detailing the policies and procedures referred to in subsection (b)(2), including an assessment of the effectiveness of such policies and procedures and an assessment of the potential impact of such policies and procedures on information sharing within the Department of Defense and with interagency and international partners.

SEC. 923. EXPANSION OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.

(a) BROADENING OF AUTHORITY.—Section 454 of title 10, United States Code, is amended—

(1) by inserting "(a) Foreign Countries and International Organizations.—" before "The Secretary of Defense"; and

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

"(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS. The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies, and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.".

(b) CONFORMING AMENDMENTS.—

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

"SEC. 454. EXCHANGE OF MAPPING, CHARTING, AND GEODETIC DATA WITH FOREIGN COUNTRIES, INTERNATIONAL ORGANIZATIONS, NONGOVERNMENTAL ORGANIZATIONS, AND ACADEMIC INSTITUTIONS".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 22 of such title is amended by striking the item relating to section 454 and inserting the following new item:

"454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.".

SEC. 924. [10 U.S.C. 2223 note] OZONE WIDGET FRAMEWORK.

(a) MECHANISM FOR INTERNET PUBLICATION OF INFORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS AND APPLICATIONS.—The Chief Information Officer of the Department of Defense, acting through the Director of the Defense Information Systems Agency, shall implement a mechanism to publish and maintain on the public Internet the application programming interface specifications, a developer's toolkit, source code, and such other information on, and resources for, the Ozone Widget Framework (OWF) as the Chief Information Officer considers necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications for use by the Department of Defense and the elements of the intelligence community.

(b) PROCESS FOR VOLUNTARY CONTRIBUTION OF IMPROVEMENTS BY PRIVATE SECTOR.—In addition to the requirement under subsection (a), the Chief Information Officer shall also establish a

process by which private individuals and companies may voluntarily contribute the following:

(1) Improvements to the source code and documentation for the Ozone Widget Framework.

(2) Alternative or compatible implementations of the published application programming interface specifications for the Framework.

(c) ENCOURAGEMENT OF USE AND DEVELOPMENT.—The Chief Information Officer shall, whenever practicable, encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework by the computer industry and commercial information technology vendors, including the development of tools that are compatible with the Framework.

SEC. 925. [10 U.S.C. 137 note] PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (DI2E).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprise-wide query and correlation capability required pursuant to paragraph (1).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

(2) PURPOSE.—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.

(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

(C) To operate across multiple levels of security with data guards.

(D) To operate effectively on both unstructured data and structured data.

(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

(F) To control access to data by means of on-line electronic user credentials, profiles, and authentication.

(3) TERMINATION.—The pilot program conducted under this subsection shall terminate on September 30, 2014.

(c) REPORT.—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

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

SEC. 926. FACILITIES FOR INTELLIGENCE COLLECTION OR SPECIAL OPERATIONS ACTIVITIES ABROAD.

(a) IN GENERAL.—Section 2682 of title 10, United States Code, is amended—

(1) by striking "The maintenance and repair" and inserting "(a) Maintenance and Repair.—Subject to subsection (c), the maintenance and repair";

(2) by designating the second sentence as subsection (b), realigning such subsection so as to be indented two ems from the left margin, and inserting "Jurisdiction.—" before "A real property facility";

(3) in subsection (b), as designated by paragraph (2) of this subsection, by striking "A real property" and inserting "Subject to subsection (c), a real property"; and

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

"(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD. The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.".

Subtitle D—Total Force Management

SEC. 931. GENERAL POLICY FOR TOTAL FORCE MANAGEMENT.

(a) REVISION OF GENERAL PERSONNEL POLICY SECTION.—Section 129a of title 10, United States Code, is amended to read as follows:

"SEC. 129a. GENERAL POLICY FOR TOTAL FORCE MANAGEMENT

"(a) POLICIES AND PROCEDURES. The Secretary of Defense shall establish policies and procedures for determining the most appropriate and cost efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

"(b) RISK MITIGATION OVER COST. In establishing the policies and procedures under subsection (a), the Secretary shall clearly provide that attainment of a Department of Defense workforce sufficiently sized and comprised of the appropriate mix of personnel necessary to carry out the mission of the Department and the core mission areas of the armed forces (as identified pursuant to section 118b of this title) takes precedence over cost.

"(c) DELEGATION OF RESPONSIBILITIES. The Secretary shall delegate responsibility for implementation of the policies and procedures established under subsection (a) as follows:

"(1) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for guidance to implement such policies and procedures.

"(2) The Secretaries of the military departments and the heads of the Defense Agencies shall have overall responsibility for the requirements determination, planning, programming, and budgeting for such policies and procedures.

"(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for ensuring that the defense acquisition system, as defined in section 2545 of this title, is consistent with such policies and procedures and with implementation pursuant to paragraph (1).

"(4) The Under Secretary of Defense (Comptroller) shall be responsible for ensuring that the budget for the Department of Defense is consistent with such policies and procedures. The Under Secretary shall notify the congressional defense committees of any deviations from such policies and procedures that are recommended in the budget.

"(d) USE OF PLAN, INVENTORY, AND LIST. The policies and procedures established by the Secretary under subsection (a) shall specifically require the Department of Defense to use the following when making determinations regarding the appropriate workforce mix necessary to perform its mission:

"(1) The civilian strategic workforce plan (required by section 115b of this title).

"(2) The civilian positions master plan (required by section 1597(c) of this title).

"(3) The inventory of contracts for services required by section 2330a(c) of this title.

"(4) The list of activities required by the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note).

"(e) CONSIDERATIONS IN CONVERTING PERFORMANCE OF FUNCTIONS. If conversion of functions to performance by either Department of Defense civilian personnel or contractor personnel is considered, the Under Secretary of Defense for Personnel and Readiness shall ensure compliance with—

"(1) section 2463 of this title (relating to guidelines and procedures for use of civilian employees to perform Department of Defense functions); and

"(2) section 2461 of this title (relating to public-private competition required before conversion to contractor performance).

"(f) CONSTRUCTION WITH OTHER REQUIREMENTS. Nothing in this title may be construed as authorizing—

"(1) a military department or Defense Agency to directly convert a function to contractor performance without complying with section 2461 of this title;

"(2) the use of contractor personnel for functions that are inherently governmental even if there is a military or civilian personnel shortfall in the Department of Defense;

"(3) restrictions on the use by a military department or Defense Agency of contractor personnel to perform functions closely associated with inherently governmental functions, provided that—

"(A) there are adequate resources to maintain sufficient capabilities within the Department in the functional area being considered for performance by contractor personnel; and

"(B) there is adequate Government oversight of contractor personnel performing such functions;

"(4) the establishment of numerical goals or budgetary savings targets for the conversion of functions to performance by either Department of Defense civilian personnel or for conversion to performance by contractor personnel; or

"(5) the imposition of a civilian hiring freeze that may inhibit the implementation of the policies and procedures established under subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to section 129a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"129a. General policy for total force management.".

SEC. 932. REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after "(1)" the following: "the total force management policies and procedures established under section 129a of this title, (2)"; and

(B) by striking "department and (2)" and inserting "department, and (3)";

(2) in subsection (d), by striking "within that budget activity for which funds are provided for that fiscal year." and inserting "within that budget activity as determined under the total force management policies and procedures established under section 129a of this title."; and

(3) in subsection (e), by striking the sentence beginning with "With respect to".

SEC. 933. ADDITIONAL AMENDMENTS RELATING TO TOTAL FORCE MANAGEMENT.

(a) AMENDMENTS TO SECRETARY OF DEFENSE REPORT.—Section 113(l) of title 10, United States Code, is amended to read as follows:

"(l)(1) The Secretary shall include in the annual report to Congress under subsection (c) the following:

"(A) A comparison of the amounts provided in the defense budget for support and for mission activities for each of the preceding five fiscal years.

"(B) A comparison of the following for each of the preceding five fiscal years:

"(i) The number of military personnel, shown by major occupational category, assigned to support positions or to mission positions.

"(ii) The number of civilian personnel, shown by major occupational category, assigned to support positions or to mission positions.

"(iii) The number of contractor personnel performing support functions.

"(C) An accounting for each of the preceding five fiscal years of the following:

"(i) The number of military and civilian personnel, shown by armed force and by major occupational category, assigned to support positions.

"(ii) The number of contractor personnel performing support functions.

"(D) An identification, for each of the three workforce sectors (military, civilian, and contractor) of the percentage of the total number of personnel in that workforce sector that is providing support to headquarters and headquarters support activities for each of the preceding five fiscal years.

"(2) Contractor personnel shall be determined for purposes of paragraph (1) by using contractor full-time equivalents, based on the inventory required under section 2330a of this title.".

(b) AMENDMENTS RELATING TO CERTAIN GUIDELINES.—Section 1597(b) of title 10, United States Code, is amended by inserting after the first sentence the following: "In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title.".

(c) AMENDMENT TO REQUIREMENTS FOR ACQUISITION OF SERVICES.—Section 863 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4293; 10 U.S.C. 2330 note) is amended by adding at the end of subsection (d) the following new paragraph:

"(9) Considerations relating to total force management policies and procedures established under section 129a of title 10, United States Code.".

SEC. 934. MODIFICATIONS OF ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1); and

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

"(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year; and

"(3) the projected number of contractor personnel full-time equivalents required to provide contract services (as that term

is defined in section 235 of this title) for each component of the Department of Defense for the next fiscal year and the contractor personnel full-time equivalents that provided contract services for each component of the Department of Defense for the prior fiscal year as reported in the inventory of contracts for services required by section 2330a(c) of this title.".

SEC. 935. REVISIONS TO STRATEGIC WORKFORCE PLAN.

(a) REVISION IN REPORTING PERIOD.—

(1) IN GENERAL.—Section 115b of title 10, United States Code, is amended—

(A) in the section heading, by striking "ANNUAL STRATEGIC" and inserting "BIENNIAL STRATEGIC";

(B) in the heading of subsection (a), by striking "Annual" and inserting "Biennial"; and

(C) in subsection (a)(1), by striking "on an annual basis" and inserting "in every even-numbered year".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of such title is amended by striking the item relating to section 115b and inserting the following:

"115b. Biennial strategic workforce plan.".

(b) REVISION IN ASSESSMENT CONTENTS AND PERIOD.—Section 115b(b)(1) of such title is amended—

(1) in subparagraph (A), by striking "seven-year period following the year in which the plan is submitted" and inserting "five-year period corresponding to the current future-years defense program under section 221 of this title"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", as determined under the total force management policies and procedures established under section 129a of this title".

(c) REFERENCE TO SECTION 129A.—Section 115b(c)(2)(D) of such title is amended by inserting before the period at the end the following: "and the policies and procedures established under section 129a of this title".

SEC. 936. AMENDMENTS TO REQUIREMENT FOR INVENTORY OF CONTRACTS FOR SERVICES.

(a) AMENDMENTS RELATING TO INVENTORY.—Section 2330a(c)(1) of title 10, United States Code, is amended—

(1) by inserting after "pursuant to contracts for services" the following: "(and pursuant to contracts for goods to the extent services are a significant component of performance as identified in a separate line item of a contract)";

(2) in subparagraph (A)—

(A) by striking "and" at the end of clause (i); and

(B) by striking clause (ii) and inserting the following:

"(ii) the calculation of contractor full-time equivalents for direct labor, using direct labor hours in a manner that is comparable to the calculation of Department of Defense civilian full-time employees; and

"(iii) the conduct and completion of the annual review required under subsection (e)(1).'; and

(3) in subparagraph (B), by inserting "for requirements relating to acquisition" before the period.

(b) AMENDMENTS RELATING TO REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of such title is amended—

(1) by inserting "and" at the end of paragraph (2);

(2) by striking "; and" at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(c) DEVELOPMENT OF PLAN AND ENFORCEMENT AND APPROVAL MECHANISMS.—Section 2330a of such title is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

"(f) DEVELOPMENT OF PLAN AND ENFORCEMENT AND APPROVAL MECHANISMS. The Secretary of the military department or head of the Defense Agency responsible for activities in the inventory shall develop a plan, including an enforcement mechanism and approval process, to—

"(1) provide for the use of the inventory by the military department or Defense Agency to implement the requirements of section 129a of this title;

"(2) ensure the inventory is used to inform strategic workforce planning;

"(3) facilitate use of the inventory for compliance with section 235 of this title; and

"(4) provide for appropriate consideration of the conversion of activities identified under subsection (e)(3) within a reasonable period of time.".

SEC. 937. PRELIMINARY PLANNING AND DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Section 2461(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by striking ", begins" and inserting "shall be conducted in accordance with guidance and procedures that shall be issued and maintained by the Under Secretary of Defense for Personnel and Readiness and shall begin";

(B) by inserting after "the date on which" the following: "a component of";

(C) by inserting "first" before "obligates";

(D) by inserting "specifically" after "funds";

(E) by inserting "for the preliminary planning effort" after "support"; and

(F) in clause (i), by inserting "a public-private" before "competition"; and

(2) in subparagraph (F)—

(A) by inserting "or Defense Agency" after "military department";

(B) by striking "of such date" and inserting "of the actions intended to be taken during the preliminary planning process";

(C) by inserting "of such actions" after "public notice";

(D) by inserting after "website" the following: "and through other means as determined necessary"; and

(E) by striking "Such date is the first day of preliminary planning for a public-private competition for" and inserting "The date of such announcement shall be used for".

SEC. 938. CONVERSION OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

Section 2463 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (E), and (F), respectively;

(B) by striking subparagraph (A) and inserting the following new subparagraphs (A) and (B):

"(A) is a critical function that—

"(i) is necessary to maintain sufficient Government expertise and technical capabilities; or

"(ii) entails operational risk associated with contractor performance;

"(B) is an acquisition workforce function;"; and

(C) by inserting after subparagraph (C), as redesignated by subparagraph (A), the following new subparagraph (D):

"(D) has been performed by Department of Defense civilian employees at any time during the previous 10-year period;";

(2) by redesignating subsection (e) as subsection (g);

(3) by inserting after subsection (d) the following new subsections (e) and (f):

"(e) DETERMINATIONS RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.(1) Except as provided in paragraph (2), in determining whether a function should be converted to performance by Department of Defense civilian employees, the Secretary of Defense shall—

"(A) develop methodology for determining costs based on the guidance outlined in the Directive-Type Memorandum 09-007 entitled 'Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support' or any successor guidance for the determination of costs when costs are the sole basis for the determination;

"(B) take into consideration any supplemental guidance issued by the Secretary of a military department for determinations affecting functions of that military department; and

"(C) ensure that the difference in the cost of performing the function by a contractor compared to the cost of performing the function by Department of Defense civilian employees would be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function; or

"(ii) $10,000,000.

"(2) Paragraph (1) shall not apply to any function that is inherently governmental or any function described in subparagraph (A), (B), or (C) of subsection (b)(1).

"(f) NOTIFICATION RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS. The Secretary of Defense shall establish procedures for the timely notification of any contractor who performs a function

that the Secretary plans to convert to performance by Department of Defense civilian employees pursuant to subsection (a). The Secretary shall provide a copy of any such notification to the congressional defense committees."; and

(4) in subsection (g), as redesignated by paragraph (2)—

(A) by striking "this section" and all that follows and inserting "this section:"; and

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

"(1) The term 'functions closely associated with inherently governmental functions' has the meaning given that term in section 2383(b)(3) of this title.

"(2) The term 'acquisition function' has the meaning given that term under section 1721(a) of this title.

"(3) The term 'inherently governmental function' has the meaning given that term in the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note).".

Subtitle E—Quadrennial Roles and Missions and Related Matters

SEC. 941. CHAIRMAN OF THE JOINT CHIEFS OF STAFF ASSESSMENT OF CONTINGENCY PLANS.

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "assessment of" and all that follows through the period and inserting: "assessment of—

"(A) the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy; and

"(B) the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of contingency plans of each geographic combatant commander, and the effect of such deficiencies and strengths on strategic plans and on meeting national security objectives and policy."; and

(2) in paragraph (2)—

(A) by inserting after "National Military Strategy is significant," the following, "or that critical deficiencies in force capabilities exist for a contingency plan,"; and

(B) by inserting "or deficiency" before the period at the end.

SEC. 942. QUADRENNIAL DEFENSE REVIEW.

Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

"(4) to make recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

Subtitle F—Other Matters

SEC. 951. ACTIVITIES TO IMPROVE MULTILATERAL, BILATERAL, AND REGIONAL COOPERATION REGARDING CYBERSECURITY.

(a) ESTABLISHMENT OF CYBERSECURITY PROGRAM.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051b the following new section:

"SEC. 1051c. MULTILATERAL, BILATERAL, OR REGIONAL COOPERATION PROGRAMS: ASSIGNMENTS TO IMPROVE EDUCATION AND TRAINING IN INFORMATION SECURITY

"(a) ASSIGNMENTS AUTHORIZED; PURPOSE. The Secretary of Defense may authorize the temporary assignment of a member of the military forces of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

"(b) PAYMENT OF CERTAIN EXPENSES. To facilitate the assignment of a member of a foreign military force to a Department of Defense organization under subsection (a), the Secretary of Defense may pay such expenses in connection with the assignment as the Secretary considers in the national security interests of the United States.

"(c) PROTECTION OF DEPARTMENT CYBERSECURITY. In authorizing the temporary assignment of members of foreign military forces to Department of Defense organizations under subsection (a), the Secretary of Defense shall require the inclusion of adequate safeguards to prevent any compromising of Department information security.

"(d) MULTI-YEAR AVAILABILITY OF FUNDS. Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.

"(e) INFORMATION SECURITY DEFINED. In this section, the term 'information security' refers to—

"(1) the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; and

"(2) the security policies, security procedures, or acceptable use policies with respect to an information system.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051b the following new item:

"1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security.".

(b) REPORT ON EXPANSION OF FELLOWSHIP OPPORTUNITIES.—Not later one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the feasibility and benefits of expanding the fellowship program authorized by section 1051c of title 10, United States Code, as added

by subsection (a), to include ministry of defense officials, security officials, or other civilian officials of foreign countries.

SEC. 952. REPORT ON UNITED STATES SPECIAL OPERATIONS COMMAND STRUCTURE.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a study of the United States Special Operations Command sub-unified structure.

(b) ELEMENTS.—The report required under this section shall include, at a minimum, the following:

(1) Recommendations to revise as necessary the present command structure to better support development and deployment of joint special operations forces and capabilities.

(2) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 953. [10 U.S.C. 2224 note] STRATEGY TO ACQUIRE CAPABILITIES TO DETECT PREVIOUSLY UNKNOWN CYBER ATTACKS.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to augment the cybersecurity strategy of the Department of Defense through the acquisition of advanced capabilities to discover and isolate penetrations and attacks that were previously unknown and for which signatures have not been developed for incorporation into computer intrusion detection and prevention systems and anti-virus software systems.

(b) CAPABILITIES.—

(1) NATURE OF CAPABILITIES.—The capabilities to be acquired under the plan required by subsection (a) shall—

(A) be adequate to enable well-trained analysts to discover the sophisticated attacks conducted by nation-state adversaries that are categorized as "advanced persistent threats";

(B) be appropriate for—

(i) endpoints or hosts;

(ii) network-level gateways operated by the Defense Information Systems Agency where the Department of Defense network connects to the public Internet; and

(iii) global networks owned and operated by private sector Tier 1 Internet Service Providers;

(C) at the endpoints or hosts, add new discovery capabilities to the Host-Based Security System of the Department, including capabilities such as—

(i) automatic blocking of unauthorized software programs and accepting approved and vetted programs;

(ii) constant monitoring of all key computer attributes, settings, and operations (such as registry keys, operations running in memory, security settings, memory tables, event logs, and files); and

(iii) automatic baselining and remediation of altered computer settings and files;

(D) at the network-level gateways and internal network peering points, include the sustainment and enhancement of a system that is based on full-packet capture, session reconstruction, extended storage, and advanced analytic tools, by—

(i) increasing the number and skill level of the analysts assigned to query stored data, whether by contracting for security services, hiring and training Government personnel, or both; and

(ii) increasing the capacity of the system to handle the rates for data flow through the gateways and the storage requirements specified by the United States Cyber Command; and

(E) include the behavior-based threat detection capabilities of Tier 1 Internet Service Providers and other companies that operate on the global Internet.

(2) SOURCE OF CAPABILITIES.—The capabilities to be acquired shall, to the maximum extent practicable, be acquired from commercial sources. In making decisions on the procurement of such capabilities from among competing commercial and Government providers, the Secretary shall take into consideration the needs of other departments and agencies of the Federal Government, State and local governments, and critical infrastructure owned and operated by the private sector for unclassified, affordable, and sustainable commercial solutions.

(c) INTEGRATION AND MANAGEMENT OF DISCOVERY CAPABILITIES.—The plan required by subsection (a) shall include mechanisms for improving the standardization, organization, and management of the security information and event management systems that are widely deployed across the Department of Defense to improve the ability of United States Cyber Command to understand and control the status and condition of Department networks, including mechanisms to ensure that the security information and event management systems of the Department receive and correlate data collected and analyses conducted at the host or endpoint, at the network gateways, and by Internet Service Providers in order to discover new attacks reliably and rapidly.

(d) PROVISION FOR CAPABILITY DEMONSTRATIONS.—The plan required by subsection (a) shall provide for the conduct of demonstrations, pilot projects, and other tests on cyber test ranges and operational networks in order to determine and verify that the capabilities to be acquired pursuant to the plan are effective, practical, and affordable.

(e) REPORT.—Not later than April 1, 2012, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (a). The report shall set forth the plan and include a comprehensive description of the actions being undertaken by the Department to implement the plan.

SEC. 954. [10 U.S.C. 111 note] MILITARY ACTIVITIES IN CYBERSPACE.

Congress affirms that the Department of Defense has the capability, and upon direction by the President may conduct offensive operations in cyberspace to defend our Nation, Allies and interests, subject to—

(1) the policy principles and legal regimes that the Department follows for kinetic capabilities, including the law of armed conflict; and

(2) the War Powers Resolution (50 U.S.C. 1541 et seq.).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Budgetary effects of this Act.
Sec. 1003. Additional requirements relating to the development of the Financial Improvement and Audit Readiness Plan.
Sec. 1003A. Display of procurement of equipment for the reserve components of the Armed Forces under estimated expenditures for procurement in future-years defense programs.

Subtitle B—Counter-Drug Activities

Sec. 1004. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1005. Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.
Sec. 1006. Two-year extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1007. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.
Sec. 1008. Reporting requirement on expenditures to support foreign counter-drug activities.

Subtitle C—Naval Vessels and Shipyards

Sec. 1011. Budgeting for construction of naval vessels.
Sec. 1012. Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta.
Sec. 1013. Limitation on availability of funds for placing Maritime Prepositioning Ship squadrons on reduced operating status.
Sec. 1014. Report on policies and practices of the Navy for naming the vessels of the Navy.
Sec. 1015. Transfer of certain high-speed ferries to the Navy.
Sec. 1016. Modification of conditions on status of retired aircraft carrier ex-John F. Kennedy.
Sec. 1017. Assessment of stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida.

Subtitle D—Counterterrorism

Sec. 1021. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force.
Sec. 1022. Military custody for foreign al-Qaeda terrorists.
Sec. 1023. Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1024. Procedures for status determinations.
Sec. 1025. Requirement for national security protocols governing detainee communications.
Sec. 1026. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
Sec. 1029. Requirement for consultation regarding prosecution of terrorists.

Sec. 1030. Clarification of right to plead guilty in trial of capital offense by military commission.
Sec. 1031. Counterterrorism operational briefing requirement.
Sec. 1032. National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates.
Sec. 1033. Extension of authority to make rewards for combating terrorism.
Sec. 1034. Amendments relating to the Military Commissions Act of 2009.

Subtitle E—Nuclear Forces

Sec. 1041. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.
Sec. 1042. Plan on implementation of the New START Treaty.
Sec. 1043. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.
Sec. 1044. Sense of Congress on nuclear force reductions.
Sec. 1045. Nuclear force reductions.
Sec. 1046. Nuclear employment strategy of the United States.
Sec. 1047. Comptroller General report on nuclear weapon capabilities and force structure requirements.
Sec. 1048. Report on feasibility of joint replacement fuze program.

Subtitle F—Financial Management

Sec. 1051. Modification of authorities on certification and credential standards for financial management positions in the Department of Defense.
Sec. 1052. Reliability of Department of Defense financial statements.
Sec. 1053. Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense.
Sec. 1054. Tracking implementation of Department of Defense efficiencies.

Subtitle G—Repeal and Modification of Reporting Requirements

Sec. 1061. Repeal of reporting requirements under title 10, United States Code.
Sec. 1062. Repeal of reporting requirements under annual defense authorization acts.
Sec. 1063. Repeal of reporting requirements under other laws.
Sec. 1064. Modification of reporting requirements under title 10, United States Code.
Sec. 1065. Modification of reporting requirements under other titles of the United States Code.
Sec. 1066. Modification of reporting requirements under annual defense authorization acts.
Sec. 1067. Modification of reporting requirements under other laws.

Subtitle H—Studies and Reports

Sec. 1068. Transmission of reports in electronic format.
Sec. 1069. Modifications to annual aircraft procurement plan.
Sec. 1070. Change of deadline for annual report to Congress on National Guard and reserve component equipment.
Sec. 1071. Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons.
Sec. 1072. Implementation plan for whole-of-government vision prescribed in the National Security Strategy.
Sec. 1073. Reports on resolution restrictions on the commercial sale or dissemination of eletro-optical imagery collected by satellites.
Sec. 1074. Report on integration of unmanned aerial systems into the national airspace system.
Sec. 1075. Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.
Sec. 1076. Comptroller General review of medical research and development relating to improved combat casualty care.
Sec. 1077. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.
Sec. 1078. Comptroller General of the United States reports on the major automated information system programs of the Department of Defense.

Sec. 1079. Report on Defense Department analytic capabilities regarding foreign ballistic missile threats.
Sec. 1080. Report on approval and implementation of Air Sea Battle Concept.
Sec. 1080A. Report on costs of units of the reserve components and the active components of the Armed Forces.

Subtitle I—Miscellaneous Authorities and Limitations

Sec. 1081. Authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense.
Sec. 1082. Exemption from Freedom of Information Act for data files of the military flight operations quality assurance systems of the military departments.
Sec. 1083. Limitation on procurement and fielding of light attack armed reconnaissance aircraft.
Sec. 1084. Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities.
Sec. 1085. Use of State Partnership Program funds for certain purposes.

Subtitle J—Other Matters

Sec. 1086. Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage.
Sec. 1087. Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate.
Sec. 1088. Sense of Congress on application of moratorium on earmarks to this Act.
Sec. 1089. Technical amendment.
Sec. 1090. Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.
Sec. 1091. Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information.
Sec. 1092. Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance.
Sec. 1093. Number of Navy carrier air wings and carrier air wing headquarters.
Sec. 1094. Display of annual budget requirements for organizational clothing and individual equipment.
Sec. 1095. National Rocket Propulsion Strategy.
Sec. 1096. Grants to certain regulated companies for specified energy property not subject to normalization rules.
Sec. 1097. Unmanned aerial systems and national airspace.
Sec. 1098. Modification of dates of Comptroller General of the United States review of executive agreement on joint medical facility demonstration project, North Chicago and Great Lakes, Illinois.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

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

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(e) NATIONAL NUCLEAR SECURITY ADMINISTRATION.—

(1) TRANSFER AUTHORIZED.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the $7,629,716,000 requested for such activities in the President's budget request for that fiscal year, the Secretary of Defense may transfer, from amounts made available for the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy an amount up to $125,000,000 to be available only for the weapons activities of the National Nuclear Security Administration.

(2) NOTICE TO CONGRESS.—In the event of a transfer under paragraph (1), the Secretary of Defense shall promptly notify Congress of the transfer and shall include in such notice the Department of Defense account or accounts from which the funds are transferred.

(3) TRANSFER AUTHORITY.—The transfer authority provided under this subsection is in addition to any other transfer authority provided under this Act.

SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

SEC. 1003. [10 U.S.C. 2222 note] ADDITIONAL REQUIREMENTS RELATING TO THE DEVELOPMENT OF THE FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.

(a) PLANNING REQUIREMENT.—

(1) IN GENERAL.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010

(Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to support the goal established by the Secretary of Defense that the statement of budgetary resources is validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall include process and control improvements and business systems modernization efforts necessary for the Department of Defense to consistently prepare timely, reliable, and complete financial management information.

(2) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in paragraph (1) shall update the plan required by such paragraph and explain how the Department has progressed toward meeting the milestones established in the plan.

(b) INCLUSION OF SUBORDINATE ACTIVITIES FOR INTERIM MILESTONES.—For each interim milestone established pursuant to section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4306; 10 U.S.C. 2222 note), the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall include a detailed description of the subordinate activities necessary to accomplish each interim milestone, including—

(1) a justification of the time required for each activity;

(2) metrics identifying the progress made within each activity; and

(3) mitigating strategies for milestone timeframe slippages.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress a report relating to the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted in accordance with section 1003 of the National Defense Authorization Act for 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) and section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 121 Stat. 4306; 10 U.S.C. 2222 note).

(2) MATTERS COVERED.—The report shall include a corrective action plan for any identified weaknesses or deficiencies in the execution of the Financial Improvement and Audit Readiness Plan. The corrective action plan shall—

(A) identify near- and long-term measures for resolving any such weaknesses or deficiencies;

(B) assign responsibilities within the Department of Defense to implement such measures;

(C) specify implementation steps for such measures; and

(D) provide timeframes for implementation of such measures.

SEC. 1003A. [10 U.S.C. 221 note] DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

Subtitle B—Counter-Drug Activities

SEC. 1004. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking "2011" and inserting "2012".

(b) [10 U.S.C. 371 note] LIMITATION ON EXERCISE OF AUTHORITY.—The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004, as amended by subsection (a), may not be exercised unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346).

SEC. 1005. THREE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) THREE-YEAR EXTENSION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking "During fiscal years 2002 through 2011" and inserting "During fiscal years 2012 through 2014".

(b) COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting "tribal," after "local,"; and

(ii) in paragraph (2), by striking "State or local" both places it appears and insert "State, local, or tribal"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "State or local" and inserting "State, local, or tribal";

(ii) in paragraph (4), by striking "State, or local" and inserting "State, local, or tribal"; and

(iii) in paragraph (5), by striking "State and local" and inserting "State, local, and tribal".

(2) TRIBAL GOVERNMENT DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(i) DEFINITIONS RELATING TO TRIBAL GOVERNMENTS. In this section:

"(1) The term 'Indian tribe' means a federally recognized Indian tribe.

"(2) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18, United States Code, or held in trust by the United States for the benefit of the Indian tribe.

"(3) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government.".

SEC. 1006. TWO-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4337), is further amended by striking "2012" and inserting "2013".

(b) MAXIMUM AMOUNT OF SUPPORT.—Section (e)(2) of such section, as so amended, is further amended—

(1) by striking "$75,000,000" and inserting "$100,000,000"; and

(2) by striking "2012" and inserting "2013".

(c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section, as most recently amended by section 1024(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4587), is further amended by adding at the end the following new paragraphs:

"(23) Government of Benin.
"(24) Government of Cape Verde.
"(25) Government of The Gambia.
"(26) Government of Ghana.
"(27) Government of Guinea.
"(28) Government of Ivory Coast.
"(29) Government of Jamaica.
"(30) Government of Liberia.
"(31) Government of Mauritania.
"(32) Government of Nicaragua.
"(33) Government of Nigeria.
"(34) Government of Sierra Leone.
"(35) Government of Togo.".

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346), is amended—

(1) in subsection (a), by striking "2011" and inserting "2012"; and

(2) in subsection (c), by striking "2011" and inserting "2012".

SEC. 1008. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-255), as most recently amended by the section 1013 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4347), is further amended by striking "February 15, 2011" and inserting "February 15, 2012".

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.

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

"SEC. 231. BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS: ANNUAL PLAN AND CERTIFICATION

"(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION. The Secretary of Defense shall include with the defense budget materials for a fiscal year—

"(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

"(2) a certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan.

"(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent quadrennial defense review.

"(2) Each such naval vessel construction plan shall include the following:

"(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

"(B) A description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent quadrennial defense review, whichever is applicable under paragraph (1).

"(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

"(c) ASSESSMENT WHEN VESSEL CONSTRUCTION BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS. If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

"(d) CBO EVALUATION. Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

"(e) DEFINITIONS. In this section:

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

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.".

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

"231. Budgeting for construction of naval vessels: annual plan and certification".

SEC. 1012. SENSE OF CONGRESS ON NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.

It is the sense of Congress that the Secretary of the Navy is encouraged to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

SEC. 1013. LIMITATION ON AVAILABILITY OF FUNDS FOR PLACING MARITIME PREPOSITIONING SHIP SQUADRONS ON REDUCED OPERATING STATUS.

No amounts authorized to be appropriated by this Act may be obligated or expended to place a Maritime Prepositioning Ship squadron, or any component thereof, on reduced operating status until the later of the following:

(1) The date on which the Commandant of the Marine Corps submits to the congressional defense committees a report setting forth an assessment of the impact on military readiness of the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status.

(2) The date on which the Chief of Naval Operations submits to the congressional defense committees a report that—

(A) describes the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status; and

(B) sets forth comments of the Chief of Naval Operations on the assessment described in paragraph (1).

(3) The date on which the Secretary of Defense certifies to the congressional defense committees that the risks to readiness of placing such Maritime Prepositioning squadron, or component thereof, on reduced operating status are acceptable.

SEC. 1014. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

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

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

SEC. 1015. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, subject to appropriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed $35,000,000 for the transfer by the Maritime

Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

SEC. 1016. MODIFICATION OF CONDITIONS ON STATUS OF RETIRED AIRCRAFT CARRIER EX-JOHN F. KENNEDY.

Section 1011(c)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2374) is amended by striking "shall require" and all that follows and inserting "may, notwithstanding paragraph (1), demilitarize the vessel in preparation for the transfer.".

SEC. 1017. ASSESSMENT OF STATIONING OF ADDITIONAL DDG-51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG-7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG-7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

Subtitle D—Counterterrorism

SEC. 1021. [10 U.S.C. 801 note] AFFIRMATION OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Congress affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war.

(b) COVERED PERSONS.—A covered person under this section is any person as follows:

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.

(c) DISPOSITION UNDER LAW OF WAR.—The disposition of a person under the law of war as described in subsection (a) may include the following:

(1) Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force.

(2) Trial under chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)).

(3) Transfer for trial by an alternative court or competent tribunal having lawful jurisdiction.

(4) Transfer to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity.

(d) CONSTRUCTION.—Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

(e) AUTHORITIES.—Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

(f) REQUIREMENT FOR BRIEFINGS OF CONGRESS.—The Secretary of Defense shall regularly brief Congress regarding the application of the authority described in this section, including the organizations, entities, and individuals considered to be "covered persons" for purposes of subsection (b)(2).

SEC. 1022. [10 U.S.C. 801 note] MILITARY CUSTODY FOR FOREIGN AL-QAEDA TERRORISTS.

(a) CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.—

(1) IN GENERAL.—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person de-

scribed in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40) in military custody pending disposition under the law of war.

(2) COVERED PERSONS.—The requirement in paragraph (1) shall apply to any person whose detention is authorized under section 1021 who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) DISPOSITION UNDER LAW OF WAR.—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1021(c), except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1028.

(4) WAIVER FOR NATIONAL SECURITY.—The President may waive the requirement of paragraph (1) if the President submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

(b) APPLICABILITY TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.—

(1) UNITED STATES CITIZENS.—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(2) LAWFUL RESIDENT ALIENS.—The requirement to detain a person in military custody under this section does not extend to a lawful resident alien of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States.

(c) IMPLEMENTATION PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall issue, and submit to Congress, procedures for implementing this section.

(2) ELEMENTS.—The procedures for implementing this section shall include, but not be limited to, procedures as follows:

(A) Procedures designating the persons authorized to make determinations under subsection (a)(2) and the process by which such determinations are to be made.

(B) Procedures providing that the requirement for military custody under subsection (a)(1) does not require the interruption of ongoing surveillance or intelligence gathering with regard to persons not already in the custody or control of the United States.

(C) Procedures providing that a determination under subsection (a)(2) is not required to be implemented until after the conclusion of an interrogation which is ongoing at the time the determination is made and does not require the interruption of any such ongoing interrogation.

(D) Procedures providing that the requirement for military custody under subsection (a)(1) does not apply

when intelligence, law enforcement, or other Government officials of the United States are granted access to an individual who remains in the custody of a third country.

(E) Procedures providing that a certification of national security interests under subsection (a)(4) may be granted for the purpose of transferring a covered person from a third country if such a transfer is in the interest of the United States and could not otherwise be accomplished.

(d) AUTHORITIES.—Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after that effective date.

SEC. 1023. [10 U.S.C. 801 note] PROCEDURES FOR PERIODIC DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROCEDURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures for implementing the periodic review process required by Executive Order No. 13567 for individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note).

(b) COVERED MATTERS.—The procedures submitted under subsection (a) shall, at a minimum—

(1) clarify that the purpose of the periodic review process is not to determine the legality of any detainee's law of war detention, but to make discretionary determinations whether or not a detainee represents a continuing threat to the security of the United States;

(2) clarify that the Secretary of Defense is responsible for any final decision to release or transfer an individual detained in military custody at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Executive Order referred to in subsection (a), and that in making such a final decision, the Secretary shall consider the recommendation of a periodic review board or review committee established pursuant to such Executive Order, but shall not be bound by any such recommendation;

(3) clarify that the periodic review process applies to any individual who is detained as an unprivileged enemy belligerent at United States Naval Station, Guantanamo Bay, Cuba, at any time; and

(4) ensure that appropriate consideration is given to factors addressing the need for continued detention of the detainee, including—

(A) the likelihood the detainee will resume terrorist activity if transferred or released;

(B) the likelihood the detainee will reestablish ties with al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners if transferred or released;

(C) the likelihood of family, tribal, or government rehabilitation or support for the detainee if transferred or released;

(D) the likelihood the detainee may be subject to trial by military commission; and

(E) any law enforcement interest in the detainee.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

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

SEC. 1024. [10 U.S.C. 801 note] PROCEDURES FOR STATUS DETERMINATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the procedures for determining the status of persons detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) for purposes of section 1021.

(b) ELEMENTS OF PROCEDURES.—The procedures required by this section shall provide for the following in the case of any unprivileged enemy belligerent who will be held in long-term detention under the law of war pursuant to the Authorization for Use of Military Force:

(1) A military judge shall preside at proceedings for the determination of status of an unprivileged enemy belligerent.

(2) An unprivileged enemy belligerent may, at the election of the belligerent, be represented by military counsel at proceedings for the determination of status of the belligerent.

(c) APPLICABILITY.—The Secretary of Defense is not required to apply the procedures required by this section in the case of a person for whom habeas corpus review is available in a Federal court.

(d) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on any modification of the procedures submitted under this section. The report on any such modification shall be so submitted not later than 60 days before the date on which such modification goes into effect.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

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

SEC. 1025. [10 U.S.C. 801 note] REQUIREMENT FOR NATIONAL SECURITY PROTOCOLS GOVERNING DETAINEE COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a national security protocol governing communications to and from individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), and related issues.

(b) CONTENTS.—The protocol developed pursuant to subsection (a) shall include Department of Defense policies and procedures regarding each of the following:

(1) Detainee access to military or civilian legal representation, or both, including any limitations on such access and the manner in which any applicable legal privileges will be balanced with national security considerations.

(2) Detainee communications with persons other than Federal Government personnel and members of the Armed Forces, including meetings, mail, phone calls, and video teleconferences, including—

(A) any limitations on categories of information that may be discussed or materials that may be shared; and

(B) the process by which such communications or materials are to be monitored or reviewed.

(3) The extent to which detainees may receive visits by persons other than military or civilian representatives.

(4) The measures planned to be taken to implement and enforce the provisions of the protocol.

(c) UPDATES.—The Secretary of Defense shall notify the congressional defense committees of any significant change to the policies and procedures described in the protocol submitted pursuant to subsection (a) not later than 30 days after such change is made.

(d) FORM OF PROTOCOL.—The protocol submitted pursuant to subsection (a) may be submitted in classified form.

SEC. 1026. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term "individual detained at Guantanamo" has the meaning given that term in section 1028(e)(2).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 1034 of the Ike Skelton National Defense Authorization Act for Fiscal Year

2011 (Public Law 111-383; 124 Stat. 4353) is amended by striking subsections (a), (b), and (c).

SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for fiscal year 2012 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

[Section 1028 was repealed by section 1035(f)(1) of division A of Public Law 113–66.]

SEC. 1029. [10 U.S.C. 801 note] REQUIREMENT FOR CONSULTATION REGARDING PROSECUTION OF TERRORISTS.

(a) IN GENERAL.—Before seeking an indictment of, or otherwise charging, an individual described in subsection (b) in a Federal court, the Attorney General shall consult with the Director of National Intelligence and the Secretary of Defense about—

(1) whether the more appropriate forum for prosecution would be a Federal court or a military commission; and

(2) whether the individual should be held in civilian custody or military custody pending prosecution.

(b) APPLICABILITY.—The consultation requirement in subsection (a) applies to—

(1) a person who is subject to the requirements of section 1022, in accordance with a determination made pursuant to subsection (a)(2) of such section; and

(2) any other person who is held in military detention outside of the United States pursuant to the authority affirmed by section 1021.

SEC. 1030. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: “, or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title”; and

(2) in subparagraph (D), by inserting “on the sentence” after “vote was taken”.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such title is amended—

(1) in the first sentence of subsection (b)—

(A) by inserting after “military judge” the following: “, including a charge or specification that has been referred capital,”;

(B) by inserting “by the military judge” after “may be entered”; and

(C) by inserting "by the members" after "vote"; and

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

"(c) PRE-TRIAL AGREEMENTS.(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

"(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.".

[Section 1031 was repealed by section 1042(b) of division A of Public Law 113–66.]

SEC. 1032. [50 U.S.C. 404a note] NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.

(a) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

(b) NATIONAL SECURITY PLANNING GUIDANCE.—

(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and nongovernmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following:

(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

(B) For each specified geographic area, a description, analysis, and discussion of the core problems and contributing issues that allow or could allow al-Qaeda and its vio-

lent extremist affiliates to use the area as a safe haven from which to plan and launch attacks, engage in propaganda, or raise funds and other support, including any ongoing or potential radicalization of the population, or to use the area as a key transit route for personnel, weapons, funding, or other support.

(C) For each specified geographic area, a description of the following:

(i) The feasibility of conducting multilateral programs to train and equip the military forces of relevant countries in the area.

(ii) The authority and funding that would be required to support such programs.

(iii) How such programs would be implemented.

(iv) How such programs would support the national security priorities and interests of the United States and complement other efforts of the United States Government in the area and in other specified geographic areas.

(D) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(E) A description of the role and mission of each Federal department and agency involved in executing the guidance, including the Departments of Defense, Justice, Treasury, and State and the Agency for International Development.

(F) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (D), and the extent to which those gaps can be met through coordination with nongovernmental, international, or private sector organizations, entities, or companies.

(3) REVIEW AND UPDATE OF GUIDANCE.—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

(A) The overall progress made toward achieving the goals listed pursuant to paragraph (2)(D), including an overall assessment of the progress in denying a safe haven to al-Qaeda and its violent extremist affiliates.

(B) The performance of each Federal department and agency involved in executing the guidance.

(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, the President shall submit to the appro-

priate congressional committees a report that contains a detailed summary of the national security planning guidance required under paragraph (1), including any updates thereto.

(B) FORM.—The report may include a classified annex as determined to be necessary by the President.

(C) DEFINITION.—In this paragraph, the term "appropriate congressional committees" means—

(i) the congressional defense committees; and

(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(5) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term "specified geographic area" means any country, subnational territory, or region—

(A) that serves or may potentially serve as a safe haven for al-Qaeda or a violent extremist affiliate of al-Qaeda—

(i) from which to plan and launch attacks, engage in propaganda, or raise funds and other support; or

(ii) for use as a key transit route for personnel, weapons, funding, or other support; and

(B) over which one or more governments or entities exert insufficient governmental or security control to deny al-Qaeda and its violent extremist affiliates the ability to establish a large scale presence.

SEC. 1033. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

Section 127b of title 10, United States Code, is amended—

(1) in subsection (c)(3)(C), by striking "September 30, 2011" and inserting "September 30, 2013"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "December" and inserting "February"; and

(B) in paragraph (2)—

(i) in subparagraph (C)(ii), by inserting "and the recipient's geographic location" after "reward"; and

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

"(E) A description of the status of program implementation in each geographic combatant command.

"(F) A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar rewards programs administered by the United States Government.

"(G) An assessment of the effectiveness of the program in meeting its objectives.".

SEC. 1034. AMENDMENTS RELATING TO THE MILITARY COMMISSIONS ACT OF 2009.

(a) REFERENCE TO HOW CHARGES ARE MADE.—Section 949a(b)(2)(C) of title 10, United States Code, is amended by striking "preferred" in clauses (i) and (ii) and inserting "sworn".

(b) JUDGES OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 949b(b) of such title is amended—

(1) in paragraph (1)(A), by striking "a military appellate judge or other duly appointed judge under this chapter on" and inserting "a judge on";

(2) in paragraph (2), by striking "a military appellate judge on" and inserting "a judge on"; and

(3) in paragraph (3)(B), by striking "an appellate military judge or a duly appointed appellate judge on" and inserting "a judge on".

(c) PANELS OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 950f(a) of such title is amended by striking "appellate military judges" in the second sentence and inserting "judges on the Court".

(d) REVIEW OF FINAL JUDGMENTS BY UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT.—

(1) CLARIFICATION OF MATTER SUBJECT TO REVIEW.—Subsection (a) of section 950g of such title is amended by inserting "as affirmed or set aside as incorrect in law by" after "where applicable,".

(2) CLARIFICATION ON TIME FOR SEEKING REVIEW.—Subsection (c) of such section is amended—

(A) in the matter preceding paragraph (1), by striking "by the accused" and all that follows through "which—" and inserting "in the Court of Appeals—";

(B) in paragraph (1)—

(i) by inserting "not later than 20 days after the date on which" after "(1)"; and

(ii) by striking "on the accused or on defense counsel" and inserting "on the parties"; and

(C) in paragraph (2)—

(i) by inserting "if" after "(2)"; and

(ii) by inserting before the period the following: ", not later than 20 days after the date on which such notice is submitted".

Subtitle E—Nuclear Forces

SEC. 1041. BIENNIAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding after section 490 the following new section:

"SEC. 490a. BIENNIAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM

"(a) BIENNIAL ASSESSMENTS.(1) For each even-numbered year, each covered official shall assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

"(2) The systems described in this paragraph are the following:

"(A) Each type of delivery platform for nuclear weapons.

"(B) The nuclear command and control system.

"(b) BIENNIAL REPORT.(1) Not later than December 1 of each even-numbered year, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

"(2) Each report under paragraph (1) shall include the following:

"(A) The results of the assessment.

"(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

"(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

"(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

"(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

"(c) REPORT TO PRESIDENT AND CONGRESS.(1) Not later than March 1 of each year following a year for which a report under subsection (b) is submitted, the Secretary of Defense shall submit to the President a report containing—

"(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

"(B) any comments that the Secretary considers appropriate with respect to each such report;

"(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

"(D) any other information that the Secretary considers appropriate.

"(2) Not later than March 15 of each year during which a report under paragraph (1) is submitted, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

"(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

"(d) COVERED OFFICIAL DEFINED. In this section, the term 'covered official' means—

"(1) the Commander of the United States Strategic Command;

"(2) the Director of the Strategic Systems Program of the Navy; and

"(3) the Commander of the Global Strike Command of the Air Force.".

(b) [10 U.S.C. 490a note] INITIAL ASSESSMENT AND REPORTS.—Not later than 30 days after the date of enactment of this Act, each covered official, as such term is defined in subsection (d) of section 492 of title 10, United States Code, shall conduct an initial assessment as described by subsection (a) of such section and submit an initial report as described by subsection (b) of such section. The requirements of subsection (c) of such section shall apply with respect to the report submitted under this subsection.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 490 the following new item:

"490a. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.".

SEC. 1042. PLAN ON IMPLEMENTATION OF THE NEW START TREATY.

(a) PLAN REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of the nuclear force structure of the United States under the New START Treaty, including—

(A) the composition of intercontinental ballistic missiles, submarine launched ballistic missiles, and bombers;

(B) the planned composition of the types and quantity of warheads for each delivery vehicle described in subparagraph (A);

(C) the number of nondeployed and retired warheads; and

(D) the plans for maintaining the flexibility of the nuclear force structure within the limits of the New START Treaty.

(2) A description of changes necessary to implement the reductions, limitations, and verification and transparency measures contained in the New START Treaty, including—

(A) how each military department plans to implement such changes; and

(B) an identification of any programmatic, operational, or policy effects resulting from such changes.

(3) The total costs associated with the reductions, limitations, and verification and transparency measures contained in the New START Treaty, and the funding profile by year and program element.

(4) An implementation schedule and associated key decision points.

(5) A description of options for and feasibility of accelerating the implementation of the New START Treaty, including a description of any potential cost savings, benefits, or risks resulting from such acceleration.

(6) Any other information the Secretary considers necessary.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the plan is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan.

(d) FORM.—The plan under subsection (a) and the review under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) NEW START TREATY DEFINED.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1043. ANNUAL REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.

[Section 1043 of was amended, transferred to chapter 24 of title 10, US Code, and redesignated as section 492a by section 1665 of division A of Public Law 116–92.**]**

SEC. 1044. SENSE OF CONGRESS ON NUCLEAR FORCE REDUCTIONS.

It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

SEC. 1045. [50 U.S.C. 2523b] NUCLEAR FORCE REDUCTIONS.

[Section 1045 was transferred to chapter 24 of title 10, USC and redesignated as section 494 and further amended by section 1033(b)(1) of division A of Public Law 112-239.**]**

SEC. 1046. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES.

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

(1) any future modification to the nuclear employment strategy of the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States; and

(2) the oversight responsibility of Congress includes oversight of the nuclear employment strategy of the United States and that therefore the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and House of Representatives, and such professional staff as they designate,

should have access to the nuclear employment strategy of the United States.

(b) REPORTS ON MODIFICATION OF STRATEGY.—

(1) IN GENERAL.—Chapter 23 title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 491. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES: REPORTS ON MODIFICATION OF STRATEGY

"On the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

"(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

"(2) An assessment of effects of such modification for the nuclear posture of the United States.

"(3) The implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

"491. Nuclear employment strategy of the United States: reports on modification of strategy.".

SEC. 1047. COMPTROLLER GENERAL REPORT ON NUCLEAR WEAPON CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.

(a) COMPTROLLER GENERAL STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall, at minimum, cover the following:

(1) An update to the September 1991 report of the Comptroller General (GAO/NSIAD-91-319FS) titled "Strategic Weapons: Nuclear Weapons Targeting Process" that addresses—

(A) the relationship between the strategic nuclear targeting process and the determination of requirements for nuclear weapons and related delivery systems;

(B) the level of civilian oversight;

(C) the categories and types of targets; and

(D) any other matters addressed in such report or are otherwise considered appropriate by the Comptroller General.

(2) The process and rigor used to determine the effectiveness of nuclear weapons capabilities, force structures, employment policies, and targeting requirements in achieving the goals of deterrence, extended deterrence, assurance, and defense.

(3) An assessment of the requirements of the Department of Defense for strategic nuclear bomber aircraft and interconti-

nental ballistic missiles, including assessments of the extent to which the Secretary of Defense has—

(A) determined the force structure and capability requirements for nuclear-capable strategic bomber aircraft, bomber-delivered nuclear weapons, and intercontinental ballistic missiles;

(B) synchronized the requirements described in subparagraph (A) with plans to extend the service life of nuclear gravity bombs, nuclear-armed cruise missiles, and intercontinental ballistic missile warheads; and

(C) evaluated long-term intercontinental ballistic missile alert posture requirements and basing options.

(c) REPORTS.—

(1) IN GENERAL.—The Comptroller General shall submit to the congressional defense committees one or more reports on the study conducted under subsection (a).

(2) FORM.—Any report submitted under this subsection may be submitted in classified form, but if so submitted, an unclassified version shall also be submitted with such submission or at a later date.

(d) COOPERATION.—The Secretary of Defense and Secretary of Energy shall provide the Comptroller General full cooperation and access to appropriate officials and information for the purposes of conducting this study under subsection (a).

SEC. 1048. REPORT ON FEASIBILITY OF JOINT REPLACEMENT FUZE PROGRAM.

Not later than December 31, 2012, the Secretary of the Navy and the Secretary of the Air Force shall jointly submit to the congressional defense committees a report on the feasibility of the joint replacement fuze program for nuclear warheads of the Navy and the Air Force. The report shall include an assessment of the feasibility of including various options in the joint fuze and how the inclusion of such options will affect safety, security, reliability, and adaptability, as well as the program schedule and budget.

Subtitle F—Financial Management

SEC. 1051. MODIFICATION OF AUTHORITIES ON CERTIFICATION AND CREDENTIAL STANDARDS FOR FINANCIAL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1599d of title 10, United States Code, is amended to read as follows:

"SEC. 1599d. FINANCIAL MANAGEMENT POSITIONS: AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS

"(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS. The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or profes-

sional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

"(b) WAIVER. The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

"(c) APPLICABILITY.(1) Except as provided in paragraph (2), the Secretary may, in the Secretary's discretion—

"(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

"(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

"(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

"(d) DISCHARGE OF AUTHORITY. The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

"(e) REPORTS. Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

"(f) FINANCIAL MANAGEMENT POSITION DEFINED. In this section, the term 'financial management position' means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost, or budgetary nature, or that require the performance of financial management-related work.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599d and inserting the following new item:

"1599d. Financial management positions: authority to prescribe professional certification and credential standards.".

SEC. 1052. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

Section 1008(c) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1206; 10 U.S.C. 113 note) is amended by striking "Not later than October 31" and inserting "Not later than the date that is 180 days prior to the date set by the Office of Management and Budget for the submission of financial statements".

SEC. 1053. INCLUSION OF PLAN ON THE FINANCIAL MANAGEMENT WORKFORCE IN THE STRATEGIC WORKFORCE PLAN OF THE DEPARTMENT OF DEFENSE.

Section 115b of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

"(e) FINANCIAL MANAGEMENT WORKFORCE.(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the financial management workforce of the Department of Defense, including both military and civilian personnel of that workforce.

"(2) For purposes of paragraph (1), each plan shall include, with respect to the financial management workforce of the Department—

"(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

"(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

"(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the financial management field and to implement the requirements of section 1599d of this title; and

"(D) a plan for funding needed improvements in the financial management workforce of the Department through the period of the current future-years defense program under section 221 of this title, including a description of any continuing shortfalls in funding available for that workforce.".

[Section 1054 was repealed by section 1085 of division A of Public Law 113–66.]

Subtitle G—Repeal and Modification of Reporting Requirements

SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 127a(a) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 184 is amended by striking subsection (h).

(3)(A) Section 226 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 226.

(4)(A) Section 427 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking the item relating to section 427.

(5) Section 437 is amended by striking subsection (c).

(6)(A) Section 484 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 484.

(7)(A) Section 485 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 485.

(8)(A) Section 486 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 486.

(9)(A) Section 487 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 487.

(10)(A) Section 490 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 490.

(11) Section 983(e)(1) is amended—

(A) by striking the comma after "Secretary of Education" and inserting "and"; and

(B) by striking ", and to Congress".

(12) Section 2010 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(13)(A) Section 2282 is repealed.

(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(14) Section 2350a(g) is amended by striking paragraph (3).

(15) Section 2410m is amended by striking subsection (c).

(16) Section 2485(a) is amended—

(A) by striking "(1)"; and

(B) by striking paragraph (2).

(17) Section 2493 is amended by striking subsection (g).

(18) Section 2515 is amended by striking subsection (d).

(19)(A) Section 2582 is repealed.

(B) The table of sections at the beginning of chapter 153 is amended by striking the item relating to section 2582.

(20) Section 2583 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(21) Section 2688 is amended—

(A) in subsection (a)—

(i) by striking "(1)" before "The Secretary of a military department"; and

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

(B) in subsection (d)(2), by striking the second sentence;

(C) by striking subsection (f); and

(D) in subsection (h), by striking the last sentence.

(22)(A) Section 2706 is repealed.

(B) The table of sections at the beginning of chapter 160 is amended by striking the item relating to section 2706.

(23)(A) Section 2815 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 169 is amended by striking the item relating to section 2815.

(24) Section 2825(c)(1) is amended—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraphs (C) and (D).

(25) Section 2836 is amended—

(A) in subsection (b)—

(i) by striking "(1)" before "The Secretary of a military department"; and

(ii) by striking paragraph (2);

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(26) Section 5143 is amended by striking subsection (e).

(27)(A) Section 7296 is repealed.

(B) The table of sections at the beginning of chapter 633 is amended by striking the item relating to section 7296.

(28) Section 12302(b) is amended by striking the last sentence.

(29)(A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.

(30) Section 12302(b) is amended by striking the last sentence.

SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 219 (123 Stat. 2228) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) is amended by striking subsection (c).

(b) FISCAL YEAR 2009.—Section 1504 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) FISCAL YEAR 2008.—Section 885(a)(2) (10 U.S.C. 2304 note) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking the last sentence.

(d) FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) is amended as follows:

(1) Section 347 (10 U.S.C. 221 note) is repealed.

(2) Section 731 (10 U.S.C. 1095c note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) Section 732 (10 U.S.C. 1073 note) is amended by striking subsection (d).

(4) Section 1231 (22 U.S.C. 2776a) is repealed.

(5) Section 1402 (10 U.S.C. 113 note) is repealed.

(e) FISCAL YEAR 2006.—Section 716 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 1073 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(f) FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) is amended as follows:

(1) Section 731 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 1041 (10 U.S.C. 229 note) is repealed.

(g) FISCAL YEAR 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) is amended as follows:

(1) Section 586 (117 Stat. 1493) is repealed.

(2) [10 U.S.C. 2501 note] Section 812 (117 Stat. 1542) is amended by striking subsection (c).

(3) Section 1601(d) (10 U.S.C. 2358 note) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(h) FISCAL YEAR 2002.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsections (c) and (d).

(i) FISCAL YEAR 2001.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is amended as follows:

(1) Section 374 (10 U.S.C. 2851 note) is repealed.

(2) Section 1212 (114 Stat. 1654A-326) is amended by striking subsections (c) and (d).

(3) Section 1213 (114 Stat. 1654A-327) is repealed.

(j) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 723 (10 U.S.C. 1071 note) is amended—

(A) in subsection (d)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) by striking subsection (e).

(2) Section 1025 (10 U.S.C. 113 note) is repealed.

(3) Section 1035 (113 Stat. 753), as amended by section 1211 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-325), is repealed.

(k) FISCAL YEAR 1998.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended as follows:

(1) Section 349 (10 U.S.C. 2702 note) is amended by striking subsection (e).

(2) Section 743 (111 Stat. 1817) is amended by striking subsection (f).

(l) FISCAL YEAR 1997.—Section 218 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2455) is repealed.

(m) FISCAL YEARS 1992 AND 1993.—Section 2868 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2802 note) is repealed.

(n) FISCAL YEAR 1991.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) TITLE 37.—Section 402a of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TITLE 38.—Section 3020 of title 38, United States Code, is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

(c) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended by striking subsection (c).

SEC. 1064. MODIFICATION OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 113(j) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by inserting after subparagraph (A), as redesignated by clause (ii), the following new subparagraph (B):

"(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) Section 116 is amended—

(A) by redesignating subsection (b) as subsection (c); and

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

"(b) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.".

(3) Section 127b(f) is amended by striking "December 1" and inserting "February 1".

(4)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking "Quarterly Report.—" and inserting "Biannual Report.—";

(II) by striking "a quarterly report" and inserting "a biannual report"; and

(III) by striking "fiscal-year quarter" and inserting "two fiscal-year quarters"; and

(ii) in subsection (c)—

(I) by striking "(1)";

(II) by striking "a quarter of a fiscal year after the first quarter of that fiscal year" and inserting "the second two fiscal-year quarters of a fiscal year";

(III) by striking "the first quarter of that fiscal year" and inserting "the first two fiscal-year quarters of that fiscal year"; and

(IV) by striking paragraph (2).

(B)(i) The heading of such section is amended to read as follows:

"SEC. 228. BIANNUAL REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES".

(ii) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 228 and inserting the following new item:

"228. Biannual reports on allocation of funds within operation and maintenance budget subactivities.".

(5) Subsection (f) of section 408 is amended to read as follows:

"(f) CONGRESSIONAL OVERSIGHT. Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.".

(6) Section 2482(d)(1) is amended by inserting "in the United States" after "commissary store".

(7) Section 2608(e)(1) is amended—

(A) by striking "each quarter" and inserting "the second quarter and the fourth quarter"; and

(B) by striking "the preceding quarter" and inserting "the preceding two quarters".

(8) Section 2645(d) is amended by striking "$1,000,000" and inserting "$10,000,000".

(9) Section 2803(b) is amended by striking "21-day period" and inserting "seven-day period".

(10) Section 9514(c) is amended by striking "$1,000,000" and inserting "$10,000,000".

(11) Section 10543(c)(3) is amended by striking "15 days" and inserting "90 days".

SEC. 1065. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER TITLES OF THE UNITED STATES CODE.

(a) TITLE 32.—Section 908(a) of title 32, United States Code, is amended by striking "After the end of each fiscal year," and inserting "After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter,".

(b) TITLE 37.—Section 316a(f) of title 37, United States Code, is amended by striking "January 1, 2010" and inserting "April 1, 2012".

SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 121(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2212) is amended by striking paragraph (5).

(b) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended as follows:

(1) Section 958 (122 Stat. 297) is amended—

(A) in subsection (a), by striking "annually thereafter" and inserting "by June 30 each year thereafter"; and

(B) in subsection (d), by striking "December 31, 2013" and inserting "June 30, 2014".

(2) Section 1107 (10 U.S.C. 2358 note) is amended—

(A) in subsection (d)—

(i) by striking "beginning with March 1, 2008,"; and

(ii) by inserting "a report containing" after "to Congress"; and

(B) in subsection (e)—

(i) in paragraph (1), by striking "Not later than" and all that follows through "the information" and inserting "The Secretary shall include in each report under subsection (d) the information"; and

(ii) in paragraph (2), by striking "under this subsection" and inserting "under subsection (d)".

(3) Section 1674(c) (122 Stat. 483) is amended—

(A) by striking "After submission" and all the follows through "that patients," and inserting "Patients,"; and

(B) by striking "have not been moved or disestablished until" and inserting "may not be moved or disestablished until the Secretary of Defense has certified to the congressional defense committees that".

(c) FISCAL YEAR 2007.—Subsection (a) of section 1104 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is amended to read as follows:

"(a) REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION. Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.".

(d) FISCAL YEAR 2001.—Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(e) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 1202(b)(11) (10 U.S.C. 113 note) is amended by adding at the end the following new subparagraph:

"(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).".

(2) Section 1201 (10 U.S.C. 168 note) is amended by striking subsection (d).

SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

Section 1821(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the first sentence by striking "of each year" and inserting "of each even-numbered year".

Subtitle H—Studies and Reports

SEC. 1068. TRANSMISSION OF REPORTS IN ELECTRONIC FORMAT.

Section 122a(a) of title 10, United States Code, is amended by striking "made available" and all that follows through the period and inserting the following new paragraphs:

"(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

"(2) to the maximum extent practicable, transmitted in an electronic format.".

SEC. 1069. MODIFICATIONS TO ANNUAL AIRCRAFT PROCUREMENT PLAN.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended—

(1) in subsection (a)—

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

(i) by striking "The Secretary" and inserting "Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year"; and

(ii) by striking "include with the defense budget materials for each fiscal year" and insert "submit to the congressional defense committees"; and

(B) in paragraph (1), by inserting ", the Department of the Army," after "Navy";

(2) in subsection (b)—

(A) in paragraph (4), by striking "Strategic" and inserting "Intertheater";

(B) by redesignating paragraph (8) as paragraph (11); and

(C) by inserting after paragraph (7) the following new paragraphs:

"(8) Remotely piloted aircraft.

"(9) Rotary-wing aircraft.

"(10) Operational support and executive lift aircraft.";

(3) in subsection (c)—

(A) in paragraph (1), by striking "national security strategy of the United States" and inserting "national military strategy of the United States"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ", the Department of the Army," after "Navy";

(ii) in subparagraph (B), by striking "national security strategy of the United States" and inserting "national military strategy of the United States";

(iii) in subparagraph (C)—

(I) by inserting "investment" before "funding";

(II) by striking "the program" and inserting "each aircraft program";

(III) by inserting before the period at the end the following: ", set forth in aggregate for the Department of Defense and in aggregate for each military department";

(iv) by redesignating subparagraph (D) as subparagraph (F);

(v) by inserting after subparagraph (C) the following new subparagraphs:

"(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

"(E) For each of the cost estimates required by subparagraphs (C) and (D)—

"(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;

"(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and

"(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.".

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting ", the Department of the Army," after "Navy";

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

"(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

"(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.";

(4) in subsection (d), by inserting ", the Department of the Army," after "Navy";

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following new subsection (e):

"(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

"(A) The total number of aircraft in the inventory.

"(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

"(i) Primary aircraft.

"(ii) Backup aircraft.

"(iii) Attrition and reconstitution reserve aircraft.

"(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(i) Bailment aircraft.

"(ii) Drone aircraft.

"(iii) Aircraft for sale or other transfer to foreign governments.

"(iv) Leased or loaned aircraft.

"(v) Aircraft for maintenance training.

"(vi) Aircraft for reclamation.

"(vii) Aircraft in storage.

"(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted."; and

(7) in subsection (f), as redesignated by paragraph 5, by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

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

"SEC. 231a. BUDGETING FOR LIFE-CYCLE COST OF AIRCRAFT FOR THE NAVY, ARMY, AND AIR FORCE: ANNUAL PLAN AND CERTIFICATION".

(c) CLERICAL AMENDMENT.—The item relating to section 231a in the table of sections at the beginning of chapter 9 of title 10, United States Code, is amended to read as follows:

"231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.".

SEC. 1070. CHANGE OF DEADLINE FOR ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

Section 10541(a) of title 10, United States Code, is amended by striking "February 15" and inserting "March 15".

SEC. 1071. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS, AND RELATED PROGRAMS IN NON-NUCLEAR WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

Section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 50 U.S.C. 2371(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking "and the Permanent" and inserting "the Permanent"; and

(2) by inserting before "a report" the following: ", the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives".

SEC. 1072. [50 U.S.C. 404a note] IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY.

(a) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision prescribed in the President's National Security Strategy of May 2010. The implementation plan shall include—

(1) a description of ongoing and future actions planned to be taken by the President and the Executive agencies to implement organizational changes, programs, and any other efforts to achieve each component of the whole-of-government vision prescribed in the National Security Strategy;

(2) a timeline for specific actions taken and planned to be taken by the President and the Executive agencies to implement each component of the whole-of-government vision prescribed in the National Security Strategy;

(3) an outline of specific actions desired or required to be taken by Congress to achieve each component of the whole-of-government vision prescribed in the National Security Strategy, including suggested timing and sequencing of actions proposed for Congress and the Executive agencies;

(4) any progress made and challenges or obstacles encountered since May 2010 in implementing each component of the whole-of-government vision prescribed in the National Security Strategy; and

(5) such other information as the President determines is necessary to understand progress in implementing each component of the whole-of-government vision prescribed in the National Security Strategy.

(b) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations, Select Committee on Intelligence, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, and Committee on Appropriations in the Senate; and

(C) the Committee on Foreign Affairs, Permanent Select Committee on Intelligence, Committee on Homeland

Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, and Committee on Appropriations in the House of Representatives.

(2) The term "Executive agency" has the meaning given that term by section 105 of title 5, United States Code.

SEC. 1073. REPORTS ON RESOLUTION RESTRICTIONS ON THE COMMERCIAL SALE OR DISSEMINATION OF ELETRO-OPTICAL IMAGERY COLLECTED BY SATELLITES.

(a) SECRETARY OF COMMERCE REPORT.—

(1) REPORT REQUIRED.—Not later than April 15, 2012, the Secretary of Commerce shall submit to Congress a report setting forth the results of a comprehensive review of current restrictions on the resolution of electro-optical (EO) imagery collected from satellites that commercial companies may sell or disseminate. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the review.

(2) CONSIDERATIONS.—In conducting the review required for purposes of the report under paragraph (1), the Secretary shall take into consideration the following:

(A) Increases in sales of commercial satellite imagery that would result from a relaxation of resolution restrictions, and the ensuing benefit to the United States Government, commerce, and academia from an expanding market in satellite imagery.

(B) Current and anticipated deployments of satellites built in foreign countries that can or will be able to collect imagery at a resolution greater than .5 meter resolution, and the sale or dissemination of such imagery.

(C) The lead-time involved in securing financing, designing, building, and launching the new satellite imagery collection capabilities that would be required to enable United States commercial satellite companies to match current and anticipated foreign satellite imagery collection capabilities.

(D) Inconsistencies between the current resolution restrictions on the sale or dissemination of imagery collected by United States commercial companies, the availability of higher resolution imagery from foreign sources, and the National Space Policy of the United States, released by the President on June 28, 2010.

(E) The lack of restrictions on the sale or dissemination of high-resolution imagery collected by aircraft.

(b) INTELLIGENCE ASSESSMENT.—

(1) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate committees of Congress a report setting forth an assessment of the benefits and risks of relaxing current resolution restrictions on the electro-optical imagery from satellites that commercial United States companies may sell or disseminate, together with recommendations for means of protecting national security related

information in the event of the relaxation of such resolution restrictions.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

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

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

SEC. 1074. REPORT ON INTEGRATION OF UNMANNED AERIAL SYSTEMS INTO THE NATIONAL AIRSPACE SYSTEM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and on behalf of the UAS Executive Committee, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description and assessment of the rate of progress in integrating unmanned aircraft systems into the national airspace system.

(2) An assessment of the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SEC. 1075. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

SEC. 1076. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a re-

port on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

SEC. 1077. [50 U.S.C. 2514] REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.

[Section 1077 was transferred to chapter 24 of title 10, U.S.C. and redesignated as section 493 by section 1031(b)(3)(B) of division A of Public Law 112–239.]

SEC. 1078. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the perform-

ance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) BRIEFINGS.—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term "major automated information system program" has the meaning given that term in section 2445a of title 10, United States Code.

SEC. 1079. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

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

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic mis-

siles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

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

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

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

(1) A description of the approved Air Sea Battle Concept.

(2) An identification and assessment of—

(A) the materiel solutions required to employ the concept in support of approved operational plans and contingency plans; and

(B) the risks to approved operational plans and contingency plans resulting from unfulfilled materiel solutions identified pursuant to subparagraph (A).

(3) A summary of the implementation plan, including—

(A) an assessment of the risks to implementation of the approved concept within the current and programmed force structure, capabilities, and capacity;

(B) a description of the criteria that will be used to measure progress toward full implementation of the concept; and

(C) a timeline for implementation of the concept.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record deliver or fail to deliver the materiel solutions identified pursuant to paragraph (2)(A).

(5) An identification, in order of priority, of the five most critical materiel solutions identified pursuant to paragraph (2)(A) requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A list of any new organization required to implement the concept, including an explanation of the function of each organization and why such functions cannot be assigned to existing organizations.

(8) A description and assessment of the estimated incremental increases in costs, including the cost of any new organization identified pursuant to paragraph (7), and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(9) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(10) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SEC. 1080A. REPORT ON COSTS OF UNITS OF THE RESERVE COMPONENTS AND THE ACTIVE COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an analysis of the costs of a sample of deployable units of the active components of the Armed Forces and the costs of a sample of similar deployable units of the reserve components of the Armed Forces.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the active components and reserve components shall be treated as similar if such units have the same table of organization and equipment or, as applicable, the same size, structure, personnel, or deployed mission.

(b) ASSESSMENT OF RESERVE COMPONENT FORCE STRUCTURE AND END STRENGTHS IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) the following:

(1) An assessment of the advisability of retaining, decreasing, or increasing the number and capability mix of units and end strengths of the reserve components of the Armed Forces within the total force structure of the Armed Forces.

(2) The current and most likely anticipated demands for military capabilities in support of the National Military Strategy, including the capability and deployment timeline requirements of the contingency plans of the combatant commands.

(3) Authorities available to access the reserve components of the Armed Forces for Federal missions.

(4) Personnel, equipment, and training readiness, and the cost to sustain, mobilize, achieve required pre-deployment readiness levels, and deploy active component units and reserve component units.

(5) Such other matters as the Secretary considers appropriate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the Comptroller General's evaluation of the report of the Secretary under subsection (a).

Subtitle I—Miscellaneous Authorities and Limitations

[Section 1081 was repealed by section 1241(c)(3) of division A of Public Law 114-328.]

SEC. 1082. EXEMPTION FROM FREEDOM OF INFORMATION ACT FOR DATA FILES OF THE MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) EXEMPTION.—

(1) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2254 the following new section:

"SEC. 2254a. DATA FILES OF MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEMS: EXEMPTION FROM DISCLOSURE UNDER FREEDOM OF INFORMATION ACT

"(a) AUTHORITY TO EXEMPT CERTAIN DATA FILES FROM DISCLOSURE UNDER FOIA.

"(1) The Secretary of Defense may exempt information contained in any data file of the military flight operations quality assurance system of a military department from disclosure under section 552(b)(3) of title 5, upon a written determination that—

"(A) the information is sensitive information concerning military aircraft, units, or aircrew; and

"(B) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

"(2) In this section, the term 'data file' means a file of the military flight operations quality assurance (in this section referred to as 'MFOQA') system that contains information acquired or generated by the MFOQA system, including—

"(A) any data base containing raw MFOQA data; and

"(B) any analysis or report generated by the MFOQA system or which is derived from MFOQA data.

"(3) Information that is exempt under paragraph (1) from disclosure under section 552(b)(3) of title 5 shall be exempt from such disclosure even if such information is contained in a data file that is not exempt in its entirety from such disclosure.

"(4) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section and which specifically cites and repeals or modifies those provisions.

"(b) REGULATIONS. The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall ensure consistent application of the authority in subsection (a) across the military departments.

"(c) DELEGATION. The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management of the Department.

"(d) TRANSPARENCY. Each determination of the Secretary, or the Secretary's designee, under subsection (a) shall be made in

writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2254 the following new item:

"2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act.".

(b) [10 U.S.C. 2254a note] APPLICABILITY.—Section 2254a of title 10, United States Code, as added by subsection (a), shall apply to any information entered into any data file of the military flight operations quality assurance system before, on, or after the date of the enactment of this Act.

SEC. 1083. LIMITATION ON PROCUREMENT AND FIELDING OF LIGHT ATTACK ARMED RECONNAISSANCE AIRCRAFT.

(a) REPORT ON LIGHT ATTACK AND ARMED RECONNAISSANCE MISSIONS.—

(1) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report containing the findings of a review carried out by the Secretary of the capability of the elements of the Department of Defense (including any office, agency, activity, or command described in section 111(b) of title 10, United States Code) that are responsible for conducting light attack and armed reconnaissance missions or fulfilling requests of partner nations for training in the conduct of such missions.

(2) MATTERS INCLUDED.—In conducting the review under paragraph (1), the Secretary shall—

(A) identify any gaps in the ability of the Department to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations for training in the conduct of such missions;

(B) identify any unnecessary duplication of efforts between the elements of the Department to procure or field aircraft to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations to train in the conduct of such missions, including any planned—

(i) developmental efforts;

(ii) operational evaluations; or

(iii) acquisition of such aircraft through procurement or lease; and

(C) include findings and recommendations the Secretary considers appropriate to address any gaps identified under subparagraph (A) or unnecessary duplication of efforts identified under subparagraph (B).

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 may be obligated or expended for the procurement or fielding of light attack armed reconnaissance aircraft until the date that is 30 days after the date on which the Secretary submits the report required by subsection (a).

SEC. 1084. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used for manufacturing beyond low rate initial production at a prototype integration facility of any of the following components of the Army Research, Development, and Engineering Command:

(1) The Armament Research, Development, and Engineering Center.

(2) The Aviation and Missile Research, Development, and Engineering Center.

(3) The Communications-Electronics Research, Development, and Engineering Center.

(4) The Tank Automotive Research, Development, and Engineering Center.

(b) WAIVER.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology may waive the prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the waiver is necessary—

(A) for reasons of national security; or

(B) to rapidly acquire equipment to respond to combat emergencies; and

(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) LOW-RATE INITIAL PRODUCTION.—For purposes of this section, the term "low-rate initial production" shall be determined in accordance with section 2400 of title 10, United States Code.

SEC. 1085. USE OF STATE PARTNERSHIP PROGRAM FUNDS FOR CERTAIN PURPOSES.

Subject to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2517; 32 U.S.C. 107 note), of the funds made available to the National Guard, the Secretary of Defense may use up to $3,000,000 to pay for travel and per diem costs associated with the participation of United States and foreign civilian and non-defense agency personnel in conducting activities under the State Partnership Program of the National Guard.

Subtitle J—Other Matters

SEC. 1086. REDESIGNATION OF PSYCHOLOGICAL OPERATIONS AS MILITARY INFORMATION SUPPORT OPERATIONS IN TITLE 10, UNITED STATES CODE, TO CONFORM TO DEPARTMENT OF DEFENSE USAGE.

Title 10, United States Code, is amended as follows:

(1) In section 167(j), by striking paragraph (6) and inserting the following new paragraph:

"(6) Military information support operations.".

(2) Section 2011(d)(1) is amended by striking "psychological operations" and inserting "military information support operations".

SEC. 1087. TERMINATION OF REQUIREMENT FOR APPOINTMENT OF CIVILIAN MEMBERS OF NATIONAL SECURITY EDUCATION BOARD BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(a) TERMINATION.—Subsection (b)(7) of section 803 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903) is amended by striking "by and with the advice and consent of the Senate,".

(b) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by striking "subsection (b)(6)" and inserting "subsection (b)(7)".

SEC. 1088. SENSE OF CONGRESS ON APPLICATION OF MORATORIUM ON EARMARKS TO THIS ACT.

It is the sense of Congress that the moratorium on congressionally-directed spending items in the Senate, and on congressional earmarks in the House of Representatives, should be fully enforced in this Act.

SEC. 1089. TECHNICAL AMENDMENT.

Section 382 of title 10, United States Code, is amended by striking "biological or chemical" each place it appears in subsections (a) and (b).

SEC. 1090. [6 U.S.C. 121 note] CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to

undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130d the following new section:

"SEC. 130e. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CRITICAL INFRASTRUCTURE SECURITY INFORMATION

"(a) EXEMPTION. The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure pursuant to section 552(b)(3) of title 5, upon a written determination that—

"(1) the information is Department of Defense critical infrastructure security information; and

"(2) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

"(b) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS. Department of Defense critical infrastructure security information covered by a written determination under subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense.

"(c) DEFINITION. In this section, the term 'Department of Defense critical infrastructure security information' means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

"(d) DELEGATION. The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management.

"(e) TRANSPARENCY. Each determination of the Secretary, or the Secretary's designee, under subsection (a) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.".

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

"130e. Treatment under Freedom of Information Act of certain critical infrastructure security information.".

SEC. 1092. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE PROGRAM TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.

(a) IN GENERAL.—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "and stockpiled conventional munitions assistance" after "humanitarian demining assistance";

(B) in paragraph (2), by inserting "and stockpiled conventional munitions assistance" after "Humanitarian demining assistance"; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting "or stockpiled conventional munitions assistance" after "humanitarian demining assistance"; and

(ii) in subparagraph (A), by inserting ", or stockpiled conventional munitions, as applicable," after "explosive remnants of war";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "and stockpiled conventional munitions assistance" after "humanitarian demining assistance"; and

(B) in paragraph (2), by inserting "or stockpiled conventional munitions assistance" after "humanitarian demining assistance";

(3) in subsection (c)—

(A) in paragraph (1), by inserting "or stockpiled conventional munitions assistance" after "humanitarian demining assistance"; and

(B) in paragraph (2)(B)—

(i) by inserting "or stockpiled conventional munitions activities" after "humanitarian demining activities"; and

(ii) by inserting ", or stockpiled conventional munitions, as applicable," after "explosive remnants of war"; and

(4) in subsection (d)—

(A) by inserting "or stockpiled conventional munitions assistance" after "humanitarian demining assistance" each place it appears; and

(B) in paragraph (2), by inserting ", and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance" after "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following new subsection (e):

"(e) DEFINITIONS. In this section:

"(1) The term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

"(2) The term 'stockpiled conventional munitions assistance', as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.".

(b) CLERICAL AMENDMENTS.—

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

"SEC. 407. HUMANITARIAN DEMINING ASSISTANCE AND STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE: AUTHORITY; LIMITATIONS".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 407 and inserting the following new item:

"407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.".

[Section 1093 was repealed by section 1042(b) of division A of Public Law 114-328.**]**

SEC. 1094. [10 U.S.C. 221 note] DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget justification display under subsection (a) for a fiscal year shall include the following:

(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

(c) DEFINITION.—In this section, the term "organizational clothing and individual equipment" means an item of organizational clothing or equipment prescribed for wear or use with the uniform.

SEC. 1095. NATIONAL ROCKET PROPULSION STRATEGY.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple departments and agencies of the Federal Government and requires the attention of the President.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a national rocket propulsion strategy for the United States, including—

(A) a description and assessment of the effects to programs of the Department of Defense and intelligence community that rely on the solid rocket motor and liquid rocket engine industrial base caused by the end of the Space Shuttle program and termination of the Constellation program;

(B) a description of the plans of the President, the Secretary of Defense, the intelligence community, and the Administrator of the National Aeronautics and Space Administration to mitigate the impact of the end of the Space Shuttle program and termination of the Constellation program on the solid rocket motor and liquid rocket engine propulsion industrial base of the United States;

(C) a consolidated plan that outlines key decision points for the current and next-generation mission requirements of the United States with respect to tactical and strategic missiles, missile defense interceptors, targets, and satellite and human spaceflight launch vehicles;

(D) options and recommendations for synchronizing plans, programs, and budgets for research and development, procurement, operations, and workforce among the appropriate departments and agencies of the Federal Government to strengthen the solid rocket motor and liquid rocket engine propulsion industrial base of the United States; and

(E) any other relevant information the President considers necessary.

(2) LONG-TERM ICBM PLAN.—On the date on which the President submits to Congress the budget for fiscal year 2013 under section 1105 of title 31, United States Code, the President shall transmit to the appropriate congressional committees a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Armed Services, Science, Space, and Technology, Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committees on Armed Services, Commerce, Science, and Transportation, Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 1096. GRANTS TO CERTAIN REGULATED COMPANIES FOR SPECIFIED ENERGY PROPERTY NOT SUBJECT TO NORMALIZATION RULES.

(a) [26 U.S.C. 48 note] IN GENERAL.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting "(other than subsection (d)(2) thereof)" after "section 50 of the Internal Revenue Code of 1986".

(b) [26 U.S.C. 48 note] EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 1097. [49 U.S.C. 40101 note] UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity;

(2) take into consideration the location of ground infrastructure and research needs; and

(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

(d) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

(e) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator's findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need

of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

(f) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(g) DEFINITION.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "test range" means a defined geographic area where research and development are conducted.

SEC. 1098. MODIFICATION OF DATES OF COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF EXECUTIVE AGREEMENT ON JOINT MEDICAL FACILITY DEMONSTRATION PROJECT, NORTH CHICAGO AND GREAT LAKES, ILLINOIS.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2568) is amended by striking "and annually thereafter" and inserting "not later than two years after the execution of the executive agreement, and not later than September 30, 2015".

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Amendments to Department of Defense personnel authorities.
Sec. 1102. Provisions relating to the Department of Defense performance management system.
Sec. 1103. Repeal of sunset provision relating to direct hire authority at demonstration laboratories.
Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1105. Waiver of certain pay limitations.
Sec. 1106. Services of post-combat case coordinators.
Sec. 1107. Authority to waive maximum-age limit for certain appointments.
Sec. 1108. Sense of Congress relating to pay parity for Federal employees serving at certain remote military installations.
Sec. 1109. Federal internship programs.
Sec. 1110. Extension and expansion of experimental personnel program for scientific and technical personnel.
Sec. 1111. Authority of the Secretaries of the military departments to employ up to 10 persons without pay.
Sec. 1112. Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Subtitle B—Other Matters

Sec. 1121. Modification of beneficiary designation authorities for death gratuity payable upon death of a United States Government employee in service with the Armed Forces.

Sec. 1122. Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program.
Sec. 1123. Extension of continued health benefits.
Sec. 1124. Disclosure of senior mentors.
Sec. 1125. Termination of Joint Safety Climate Assessment System.

Subtitle A—Personnel

SEC. 1101. AMENDMENTS TO DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) CAREER PATHS.—Section 9902(a)(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

"(D) Development of attractive career paths.".

(b) APPOINTMENT FLEXIBILITIES.—Section 9902(b) of title 5, United States Code, is amended by adding at the end the following:

"(5) The Secretary shall develop a training program for Department of Defense human resource professionals to implement the requirements of this subsection.

"(6) The Secretary shall develop indicators of effectiveness to determine whether appointment flexibilities under this subsection have achieved the objectives set forth in paragraph (1).".

(c) ADDITIONAL REQUIREMENTS.—Section 9902(c) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) provide mentors to advise individuals on their career paths and opportunities to advance and excel within their fields;

"(7) develop appropriate procedures for warnings during performance evaluations for employees who fail to meet performance standards;".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The heading for chapter 99 of title 5, United States Code, is amended to read as follows:

"CHAPTER 99—DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES".

(2) CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 99 and inserting the following:

"99. Department of Defense Personnel Authorities".

9901

SEC. 1102. PROVISIONS RELATING TO THE DEPARTMENT OF DEFENSE PERFORMANCE MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended by adding at the end the following:

"(h) REPORTS.

"(1) IN GENERAL. Not later than 1 year after the implementation of any performance management and workforce incen-

tive system under subsection (a) or any procedures relating to personnel appointment flexibilities under subsection (b) (whichever is earlier), and whenever any significant action is taken under any of the preceding provisions of this section (but at least biennially) thereafter, the Secretary shall—

"(A) conduct appropriately designed and statistically valid internal assessments or employee surveys to assess employee perceptions of any program, system, procedures, or other aspect of personnel management, as established or modified under authority of this section; and

"(B) submit to the appropriate committees of Congress and the Comptroller General, a report describing the results of the assessments or surveys conducted under subparagraph (A) (including the methodology used), together with any other information which the Secretary considers appropriate.

"(2) REVIEW. After receiving any report under paragraph (1), the Comptroller General—

"(A) shall review the assessments or surveys described in such report to determine if they were appropriately designed and statistically valid;

"(B) shall conduct a review of the extent to which the program, system, procedures, or other aspect of program management concerned (as described in paragraph (1)(A)) is fair, credible, transparent, and otherwise in conformance with the requirements of this section; and

"(C) within 6 months after receiving such report, shall submit to the appropriate committees of Congress—

"(i) an independent evaluation of the results of the assessments or surveys reviewed under subparagraph (A), and

"(ii) the findings of the Comptroller General based on the review under subparagraph (B),

together with any recommendations the Comptroller General considers appropriate.

"(3) DEFINITION. For purposes of this subsection, the term 'appropriate committees of Congress' means—

"(A) the Committees on Armed Services of the Senate and the House of Representatives;

"(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(C) the Committee on Oversight and Government Reform of the House of Representatives.".

[Subsection (b) was repealed by section 1051(q)(1) of Public Law 115–91.]

(c) REPEAL OF SUPERSEDED PROVISIONS.—The following sections are repealed:

(1) [5 U.S.C. 9902 note] Section 1106(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357), as amended by section 1113(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2503).

(2) [5 U.S.C. 9902 note] Section 1113(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2502).

SEC. 1103. REPEAL OF SUNSET PROVISION RELATING TO DIRECT HIRE AUTHORITY AT DEMONSTRATION LABORATORIES.

Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. chapter 81 note) is amended by striking subsection (e).

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2012, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1103 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4382), is further amended by striking "through 2011" and inserting "through 2012".

SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

"(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

"(A) payments authorized under this section; and

"(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59."; and

(2) in paragraph (3), by adding at the end the following: "In computing an employee's total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.".

SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

"SEC. 7906. SERVICES OF POST-COMBAT CASE COORDINATORS

"(a) DEFINITIONS. For purposes of this section—

"(1) the terms 'employee', 'agency', 'injury', 'war-risk hazard', and 'hostile force or individual' have the meanings given those terms in section 8101; and

"(2) the term 'qualified employee' means an employee as described in subsection (b).

"(b) REQUIREMENT. The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

"(c) GUIDELINES. The Office of Personnel Management shall, after such consultation as the Office considers appropriate, pre-

scribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

"(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

"(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

"(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

"(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

"(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

"(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

"(B) for suicidal or homicidal thoughts or behaviors.

"(d) DURATION. The services of a post-combat case coordinator shall remain available to a qualified employee until—

"(1) such employee accepts or declines a reasonable offer of employment in a position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee's commuting area; or

"(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

"7906. Services of post-combat case coordinators.".

SEC. 1107. AUTHORITY TO WAIVE MAXIMUM-AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking "(e) The" and inserting "(e)(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end the following:

"(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency, in consultation with the Director of the Office of Personnel Management, may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

"(B) For purposes of this paragraph—

"(i) the term 'agency' means the Department of Defense or a military department; and

"(ii) the term 'head of the agency' means—

"(I) in the case of the Department of Defense, the Secretary of Defense; and

"(II) in the case of a military department, the Secretary of such military department.".

SEC. 1108. SENSE OF CONGRESS RELATING TO PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT CERTAIN REMOTE MILITARY INSTALLATIONS.

It is the sense of Congress that the Secretary of Defense and the Director of the Office of Personnel Management should develop procedures for determining locality pay for employees of the Department of Defense in circumstances that may be unique to such employees, such as the assignment of employees to a military installation so remote from the nearest established communities or suitable places of residence as to handicap significantly the recruitment or retention of well qualified individuals, due to the difference between the cost of living at the post of assignment and the cost of living in the locality or localities where such employees generally reside.

SEC. 1109. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

"SEC. 3111a. FEDERAL INTERNSHIP PROGRAMS

"(a) INTERNSHIP COORDINATOR. The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

"(b) ONLINE INFORMATION.

"(1) AGENCIES. The Office of Personnel Management shall make publicly available on the Internet—

"(A) the name and contact information of the internship coordinator for each agency; and

"(B) information regarding application procedures and deadlines for each internship program.

"(2) OFFICE OF PERSONNEL MANAGEMENT. The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

"(c) DEFINITIONS. For purposes of this section—

"(1) the term 'internship program' means—

"(A) a volunteer service program under section 3111(b);

"(B) an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585);

"(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies under a written agreement that is similar to an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585); or

"(D) a program that—

"(i) is similar to an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585); and

"(ii) is authorized under another statutory provision of law;

"(2) the term 'intern' means an individual participating in an internship program; and

"(3) the term 'agency' means an Executive agency.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

"3111a. Federal internship programs.".

(c) [5 U.S.C. 3111a note] REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out the amendment made by subsection (a).

SEC. 1110. [5 U.S.C. 3104 note] EXTENSION AND EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended in subsection (e)(1) by striking "2014" and inserting "2016".

(b) EXPANSION OF AVAILABILITY OF PERSONNEL MANAGEMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by inserting "and" at the end; and

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

"(E) not more than a total of 10 scientific and engineering positions in the Office of the Director of Operational Test and Evaluation;".

SEC. 1111. AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO EMPLOY UP TO 10 PERSONS WITHOUT PAY.

Section 1583 of title 10, United States Code, is amended in the first sentence—

(1) by inserting "and the Secretaries of the military departments" after "the Secretary of Defense"; and

(2) by inserting "each" after "may".

SEC. 1112. TWO-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616), is amended by striking "fiscal years 2009, 2010, and 2011" and inserting "fiscal years 2009 through 2013".

Subtitle B—Other Matters

SEC. 1121. MODIFICATION OF BENEFICIARY DESIGNATION AUTHORITIES FOR DEATH GRATUITY PAYABLE UPON DEATH OF A UNITED STATES GOVERNMENT EMPLOYEE IN SERVICE WITH THE ARMED FORCES.

(a) AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.—

(1) IN GENERAL.—Paragraph (4) of section 8102a(d) of title 5, United States Code, is amended—

(A) by striking the first sentence and inserting "A person covered by this section may designate another person to receive an amount payable under this section."; and

(B) in the second sentence, by striking "up to the maximum of 50 percent".

(2) [5 U.S.C. 8102a note] EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply to the payment of a death gratuity based on any death occurring on or after that date.

(b) NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF DEATH GRATUITY.—Section 8102a(d) of such title is further amended by adding at the end the following:

"(6) If a person covered by this section has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.".

SEC. 1122. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) AUTHORITY FOR WAIVER.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of that section in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster during the period beginning on June 1, 2004, and ending on March 1, 2008; and

(3) with respect to whom the Secretary determines—

(A) that the employee or former employee, before accepting the reappointment referred to in paragraph (2), received a representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) that the employee or former employee reasonably relied on that representation when accepting reappointment.

(c) REQUIRED DETERMINATION.—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment otherwise required would be against equity and good conscience because of the circumstances of that individual's reemployment after receiving a voluntary separation incentive payment.

(d) TREATMENT OF PRIOR REPAYMENTS.—The Secretary of Defense may, pursuant to a determination under subsection (c) specific to an individual, provide for reimbursement to that individual for any amount the individual has previously repaid to the United States for a voluntary separation incentive payment covered by this section. The reimbursement shall be paid either from the appropriations into which the repayment was deposited, if such appropriations remain available, or from appropriations currently available for the purposes of the appropriation into which the repayment was deposited.

(e) EXPIRATION OF AUTHORITY.—The authority to grant a waiver under this section shall expire on December 31, 2012.

SEC. 1123. EXTENSION OF CONTINUED HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) by striking "December 31, 2011" each place it appears and inserting "December 31, 2016"; and

(2) in clause (ii), by striking "February 1, 2012" and inserting "February 1, 2017".

SEC. 1124. [5 U.S.C. 9903 note] DISCLOSURE OF SENIOR MENTORS.

(a) REQUIREMENT TO DISCLOSE NAMES OF SENIOR MENTORS.—The Secretary of Defense shall disclose the names of senior mentors serving in the Department of Defense by publishing a list of the names on the publicly available website of the Department of Defense. The list shall be updated at least quarterly.

(b) SENIOR MENTOR DEFINED.—In this section, the term "senior mentor" has the meaning provided in the memorandum from the Secretary of Defense relating to policy on senior mentors, dated April 1, 2010.

SEC. 1125. TERMINATION OF JOINT SAFETY CLIMATE ASSESSMENT SYSTEM.

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the Joint Safety Climate Assessment System of the Department of Defense is terminated.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Commanders' Emergency Response Program in Afghanistan.
Sec. 1202. Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.

Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1205. Two-year extension of authorization for non-conventional assisted recovery capabilities.
Sec. 1206. Support of foreign forces participating in operations to disarm the Lord's Resistance Army.
Sec. 1207. Global Security Contingency Fund.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1212. One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1213. One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1214. Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan.
Sec. 1215. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1216. One-year extension of authority to use funds for reintegration activities in Afghanistan.
Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.
Sec. 1218. Two-year extension of certain reports on Afghanistan.
Sec. 1219. Limitation on availability of amounts for reintegration activities in Afghanistan.
Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.
Sec. 1221. Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan.

Subtitle C—Reports and Other Matters

Sec. 1231. Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.
Sec. 1232. Review and report on Iran's and China's conventional and anti-access capabilities.
Sec. 1233. Report on energy security of the NATO alliance.
Sec. 1234. Comptroller General of the United States report on the National Guard State Partnership Program.
Sec. 1235. Man-portable air-defense systems originating from Libya.
Sec. 1236. Report on military and security developments involving the Democratic People's Republic of Korea.
Sec. 1237. Sense of Congress on non-strategic nuclear weapons and extended deterrence policy.
Sec. 1238. Annual report on military and security developments involving the People's Republic of China.
Sec. 1239. Report on expansion of participation in Euro-NATO Joint Jet Pilot Training program.
Sec. 1240. Report on Russian nuclear forces.
Sec. 1241. Report on progress of the African Union in operationalizing the African Standby Force.
Sec. 1242. Defense cooperation with Republic of Georgia.
Sec. 1243. Prohibition on procurements from Communist Chinese military companies.
Sec. 1244. Sharing of classified United States ballistic missile defense information with the Russian Federation.
Sec. 1245. Imposition of sanctions with respect to the financial sector of Iran.

Subtitle A—Assistance and Training

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) AUTHORITY.—During the period beginning on October 1, 2019, and ending on December 31, 2021, from funds made available to the Department of Defense for operation and maintenance, not to exceed $2,000,000 may be used by the Secretary of Defense in such period to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) QUARTERLY REPORTS.—

(1) IN GENERAL.—Beginning in fiscal year 2021, not later than 45 days after the end of each quarter fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter fiscal year that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).

(2) FORM.—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program in Afghanistan.

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program in Afghanistan, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) RESTRICTION ON AMOUNT OF PAYMENTS.—Funds made available under this section for the Commanders' Emergency Response Program in Afghanistan may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds $500,000.

(f) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept cash contributions from any person, foreign government, or international organization to provide funds for the Commanders' Emergency Response Program in Afghanistan during

the period beginning on October 1, 2019, and ending on December 31, 2021. Funds received by the Secretary may be credited to the operation and maintenance account from which funds are made available to provide such funds, and may be used for such purpose until expended in addition to the funds specified in subsection (a).

(g) NOTIFICATION.—Not less than 15 days before obligating or expending funds made available under this section for the Commanders' Emergency Response Program in Afghanistan for a project in Afghanistan with a total anticipated cost of $500,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

(1) The location, nature, and purpose of the proposed project, including how the project is intended to directly benefit the security or stability of the people of Afghanistan.

(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program in Afghanistan that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including any written agreement with either the Government of Afghanistan, an entity owned or controlled by the Government of Afghanistan, a department or agency of the United States Government other than the Department of Defense, or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

(h) COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN DEFINED.—In this section, the term "Commanders' Emergency Response Program in Afghanistan" means the program that—

(1) authorizes United States military commanders in Afghanistan to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

(2) provides an immediate and direct benefit to the people of Afghanistan.

(i) CONFORMING AMENDMENT.—Section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), is hereby repealed.

SEC. 1202. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended by section 1203(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4386), is further amended—

(1) in paragraph (1), by striking "Iraq or"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "Iraq or"; and

(B) in subparagraph (C), by striking "Iraq, Afghanistan, or" and inserting "Afghanistan or".

(b) EXPIRATION.—Subsection (e) of such section, as amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), is further amended by striking "September 30, 2011" and inserting "September 30, 2014".

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as most recently amended by section 1201 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4385), is further amended by striking "$45,000,000" and inserting "$50,000,000".

(b) CLARIFICATION OF LIMITATION ON FUNDING.—Subsection (g) of such section, as amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 364), is further amended—

(1) by striking "each fiscal year" and inserting "any fiscal year"; and

(2) by striking "pursuant to title XV of this Act" and inserting "for that fiscal year".

(c) EXTENSION.—Subsection (h) of such section, as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended by striking "2013" and inserting "2015".

(d) BRIEFING AND REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and a report that outlines future authorities the Secretary of Defense determines may be necessary to adequately conduct counterterrorism, unconventional warfare, and irregular warfare missions by special operations forces.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATION.—

(1) IN GENERAL.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as most recently amended by section 1207(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), is further amended in paragraph (5) by striking "fiscal year 2012" and inserting "each of fiscal years 2012 and 2013".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

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

"(f) REPORT.

"(1) IN GENERAL. Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, transmit to the congressional committees specified in subsection (e)(3) a report on the implementation of this section for such fiscal year.

"(2) MATTERS TO BE INCLUDED. Each report under paragraph (1) shall include the following:

"(A) For each program to build the capacity of a foreign country's national military forces or maritime security forces to conduct counterterrorism operations that was carried out during the fiscal year covered by such report the following:

"(i) A description of the nature and the extent of the potential or actual terrorist threat that the program is intended to address.

"(ii) A description of the program, including the objectives of the program and the types of recipient nation units receiving assistance under the program.

"(iii) A description of the extent to which the program is implemented by United States Government personnel or contractors.

"(iv) A description of the participation, if any, of the foreign country in the formulation of the program.

"(v) A description of the arrangements, if any, for the sustainment of the program and of the source of funds to support sustainment of the program.

"(vi) An assessment of the effectiveness of the program in building the capacity of the foreign country to conduct counterterrorism operations during the fiscal year covered by such report, and a description of the metrics used to evaluate the effectiveness of the program.

"(B) A description of the procedures and guidance for monitoring and evaluating the results of programs under this section.".

(c) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4389), is further amended—

(1) by striking "September 30, 2012" and inserting "September 30, 2013"; and

(2) by striking "fiscal years 2006 through 2012" and inserting "fiscal years 2006 through 2013".

SEC. 1205. TWO-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Subsection (a) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4578) is amended by striking "Operation and Maintenance, Navy" and inserting "Operation and Maintenance, Defense-wide".

(b) AUTHORIZED ACTIVITIES.—Subsection (c) of such section is amended—

(1) by inserting "entities conducting activities relating to operational preparation of the environment, including" after "include the provision of support to"; and

(2) by striking "or individuals" and inserting "or individuals,".

(c) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Subsection (d) of such section is amended—

(1) by striking "Upon" and inserting the following:

"(1) NOTICE. The Secretary of Defense shall notify the congressional defense committees not later than 30 days prior to";

(2) by striking ", the Secretary of Defense shall notify the congressional defense committees within 72 hours of the use of such authority with respect to support of such activities" and inserting a period; and

(3) by adding at the end the following:

"(2) CONTENT. Each notification required under paragraph (1) shall include the following information:

"(A) The amount of funds made available for support of non-conventional assisted recovery activities.

"(B) A description of the non-conventional assisted recovery activities.

"(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.".

(d) QUARTERLY REPORT.—Subsection (e) of such section is amended to read as follows:

"(e) QUARTERLY REPORT.

"(1) REPORT. The Secretary of Defense shall submit to the relevant congressional defense committees a report on support for non-conventional assisted recovery activities under subsection (a) of this section. Such report shall be included as a part of the classified quarterly report on similar activities.

"(2) CONTENTS. The report shall, with respect to the covered period, include the following information:

"(A) The amount of funds obligated for support of non-conventional assisted recovery activities.

"(B) A description of the non-conventional assisted recovery activities.

"(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.

"(D) The total amount of funds obligated for support of non-conventional assisted recovery activities, including budget details.

"(E) The total amount of funds obligated for support of non-conventional assisted recovery activities in prior fiscal years.

"(F) The intended duration of support for support of non-conventional assisted recovery activities.

"(G) A description of support or training provided to the recipients of support.

"(H) A value assessment of the support provided.

"(3) COVERED PERIOD. In this subsection, the term 'covered period' means the period with respect to which the classified quarterly report on similar activities applies.".

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—Subsection (f) of such section is amended by inserting "or support" after "conduct".

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—Subsection (g)(2) of such section is amended by striking "defense articles or defense services" and inserting "defense articles, defense services, or defense technologies".

(g) PERIOD OF AUTHORITY.—Subsection (h) of such section is amended by striking "2011" and inserting "2013".

[Section 1206 was repealed by section 1208(g) of division A of Public Law 113–66.]

SEC. 1207. [22 U.S.C. 2151 note] GLOBAL SECURITY CONTINGENCY FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States an account to be known as the "Global Security Contingency Fund" (in this section referred to as the "Fund").

(b) AUTHORITY.—Notwithstanding any other provision of law (other than the provisions of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and the section 620J of such Act relating to limitations on assistance to security forces (22 U.S.C. 2378d)), amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense to provide assistance to countries or regions designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) To enhance the capabilities of a country's national military forces, or other national security forces that conduct border and maritime security, internal defense, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, or counterterrorism operations; or

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) For the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in a country in cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

(c) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—A program to provide the assistance under subsection (b)(1) may include the provision of the following:

(A) Equipment, including routine maintenance and repair of such equipment.

(B) Supplies.

(C) With respect to amounts in the Fund appropriated or transferred into the Fund after the date of the enactment of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, small-scale construction not exceeding $750,000 on a per-project basis.

(D) Training.

(2) REQUIRED ELEMENTS.—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within the country concerned.

(d) FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.—

(1) SECURITY PROGRAMS.—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(2) JUSTICE SECTOR AND STABILIZATION PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(e) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds available to carry out this section.

(f) TRANSFER AUTHORITY.—

(1) DEPARTMENT OF DEFENSE FUNDS.—Funds authorized to be appropriated to the Department of Defense for operation and maintenance for Defense-wide activities may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds otherwise made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) LIMITATION.—The total amount of funds transferred to the Fund in any fiscal year from the Department of Defense may not exceed $200,000,000.

(3) TRANSFERS TO OTHER ACCOUNTS.—Funds available to carry out assistance authorized by this section may be transferred to an agency or account determined most appropriate to facilitate the provision of assistance authorized by this section.

(4) RELATION TO OTHER TRANSFER AUTHORITIES.—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of Defense.

(g) ALLOCATION OF CONTRIBUTIONS TO ASSISTANCE.—The contribution of the Secretary of State to an activity under the authority in subsection (b) shall be not less than 20 percent of the total amount required for such activity. The contribution of the Secretary of Defense to such activity shall be not more than 80 percent of the total amount required.

(h) AUTHORITY TO ACCEPT GIFTS.—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 635(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(i) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the Fund shall remain available until September 30, 2021, except that amounts appropriated or transferred to the Fund before that date shall remain available for obligation and expenditure after that date for activities under programs commenced under subsection (b) before that date.

(2) EXCEPTION.—Amounts appropriated and transferred to the Fund before September 30, 2019, shall remain available for obligation and expenditure after that date, but only for activities under programs commenced under subsection (b) before September 30, 2019.

(j) ADMINISTRATIVE EXPENSES.—Amounts in the Fund may be used for necessary administrative expenses in connection with the provision of assistance under this section.

(k) DETAIL OF PERSONNEL.—The head of an agency of the United States Government may detail personnel to the Department of State to carry out the purposes of this section, with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel.

(l) NOTICES TO CONGRESS.—Not less than 30 days before initiating an activity under a program of assistance under subsection (b), the Secretary of State and the Secretary of Defense shall jointly submit to the specified congressional committees a notification that includes the following:

(1) A notification of the intent to transfer funds into the Fund under subsection (f) or any other authority, including the original source of the funds.

(2) A detailed justification for the total anticipated program for each country, including total anticipated costs and the specific activities contained therein.

(3) The budget, execution plan and timeline, and anticipated completion date for the activity.

(4) A list of other security-related assistance or justice sector and stabilization assistance that the United States is currently providing the country concerned and that is related to or supported by the activity.

(5) Such other information relating to the program or activity as the Secretary of State or Secretary of Defense considers appropriate.

(m) GUIDANCE AND PROCESSES FOR EXERCISE OF AUTHORITY.—Not later than 15 days after the date on which guidance and processes for implementation of the authority in subsection (b) have been issued, the Secretary of State and the Secretary of Defense shall jointly submit a report to the specified congressional committees on such guidance and processes. The Secretary of State and Secretary of Defense shall jointly submit additional reports not later than 15 days after the date on which any future modifications to the guidance and processes for implementation of the authority in subsection (b) are issued.

(n) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term "specified congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(o)[8] EXPIRATION.—The authority under this section may not be exercised after September 30, 2021. An activity under a program authorized by subsection (b) commenced before that date may be completed after that date, but only using funds available for fiscal years 2012 through 2021 and subject to the requirements contained in paragraphs (1) and (2) of subsection (i).

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) EXTENSION.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394), as amended by section 1218 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4394), is further amended by striking "fiscal year 2011" each place it appears and inserting "fiscal year 2012".

(b) AMOUNT OF FUNDS AVAILABLE.—Subsection (d) of such section is amended by striking "$400,000,000" and inserting "$450,000,000".

SEC. 1212. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2532), as amended by section 1214 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is further amend-

[8] Section 1206(2) of Public Law 115–91 provides for amendments to subsection (p), however, subsection (p) was redesignated as subsection (o) by section 1051(q)(2)(B) of such Public Law. The amendments were executed to subsection (o) (as so redesignated) in order to reflect the probable intent of Congress.

ed by striking "December 31, 2011" and inserting "December 31, 2012".

(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section, as so amended, is further amended by striking "and every 90 days thereafter through March 31, 2012" and inserting "every 90 days thereafter through March 31, 2012, and at the end of each calendar quarter, if any, thereafter through March 31, 2013, in which the authority in subsection (a) is implemented".

SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2519) and section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is further amended by striking "by section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" and inserting "for fiscal year 2012 for overseas contingency operations".

(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking "fiscal year 2010 or 2011" and inserting "fiscal year 2012"; and

(2) by striking "$1,600,000,000" and inserting "$1,690,000,000".

(c) TECHNICAL AMENDMENT.—Subsection (c)(2) of such section, as so amended, is further amended by inserting a comma after "Budget".

(d) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking "September 30, 2012" and inserting "September 30, 2013".

SEC. 1214. LIMITATION ON FUNDS TO ESTABLISH PERMANENT MILITARY INSTALLATIONS OR BASES IN IRAQ AND AFGHANISTAN.

(a) NO PERMANENT MILITARY BASES IN IRAQ.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(b) NO PERMANENT MILITARY BASES IN AFGHANISTAN.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1215. [10 U.S.C. 113 note] AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) AUTHORITY.—The Secretary of Defense may support United States Government security cooperation activities in Iraq by providing funds for the operations and activities of the Office of Security Cooperation in Iraq.

(b) TYPES OF SUPPORT.—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life supportand transportation and personal security.

(c) LIMITATION ON AMOUNT.—The total amount of funds provided under the authority in subsection (a) in fiscal year 2022 may not exceed $25,000,000.

(d) SOURCE OF FUNDS.—Funds for purposes of subsection (a) for fiscal year 2023 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

(e) COVERAGE OF COSTS IN CONNECTION WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERVICES TO IRAQ.—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act includes appropriate administrative charges, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(f) ADDITIONAL AUTHORITY FOR ACTIVITIES OF OSCI.—

(1) IN GENERAL.—During fiscal year 2019, the Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Office of Security Cooperation in Iraq to conduct activities to support the following:

(A) Defense institution building to mitigate capability gaps and promote effective and sustainable defense institutions.

(B) Professionalization, strategic planning and reform, financial management, manpower management, and logistics management of military and other security forces with a national security mission.

(2) REQUIRED ELEMENTS.—The activities of the Office of Security Cooperation in Iraq conducted under paragraph (1) shall include elements that promote the following:

(A) Observance of and respect for human rights and fundamental freedoms.

(B) Military professionalism.

(C) Respect for legitimate civilian authority within Iraq.

(3) SUNSET.—The authority provided in this subsection shall terminate on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.

(g) REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2020, and every 180 days thereafter until the authority in this section expires, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of

Congress a report on the activities of the Office of Security Cooperation in Iraq.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description of capability gaps in the security forces of Iraq that also addresses capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance, and a description of the extent, if any, to which the Government of Iraq has requested assistance in addressing such capability gaps.

(B) A description of the activities of the Office of Security Cooperation in Iraq and the extent, if any, to which United States security assistance and security cooperation activities are intended to address the capability gaps described pursuant to subparagraph (A).

(C) A description of how the activities of the Office of Security Cooperation in Iraq are coordinated with, and complement and enhance, the assistance provided pursuant to section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

(D) A description of end use monitoring programs, and any other programs or procedures, used to improve accountability for equipment provided to the Government of Iraq.

(E) A description of the measures of effectiveness used to evaluate the activities of the Office of the Security Cooperation in Iraq, and an analysis of any determinations to expand, alter, or terminate specific activities of the Office based on such evaluations.

(F) An evaluation of the effectiveness of United States efforts to promote respect for human rights, military professionalism, and respect for legitimate civilian authority in Iraq.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

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

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by this Act for fiscal year 2022 to carry out this section, not more than $10,000,000 may be obligated or expended for the Office of Security Cooperation in Iraq until the date on which the Secretary of Defense provides to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that—

(1) details further steps to reorganize the Office in a manner similar to that of other security cooperation offices in the

region and indicates whether such reorganization will be achieved by 2023;

(2) describes progress made toward the continuation of bilateral engagement with the Government of Iraq, with the objective of establishing a joint mechanism for security assistance planning;

(3) includes a five-year security assistance roadmap for developing sustainable military capacity and capabilities and enabling defense institution building and reform; and

(4) describes progress made toward, and a timeline for, the transition of the preponderance of funding for the activities of the Office from current sources to the Foreign Military Financing Administrative Fund and the Foreign Military Sales Trust Fund Administrative Surcharge Account in future years.

SEC. 1216. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392) is amended—

(1) in subsection (a), by striking "for fiscal year 2011" and inserting "in each of fiscal years 2011 and 2012"; and

(2) in subsection (e), by striking "December 31, 2011" and inserting "December 31, 2012".

SEC. 1217. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) FUNDING.—Subsection (f) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1)—

(A) by striking "The" and inserting "Subject to paragraph (2), the"; and

(B) by striking "fiscal year 2011" and inserting "fiscal year 2012";

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

(3) by inserting after paragraph (1) the following new paragraph:

"(2) LIMITATION. The Secretary of Defense may use not more than 85 percent of the amount specified in paragraph (1) to carry out the program authorized under subsection (a) until the Secretary of Defense, in consultation with the Secretary of State, submits to the appropriate congressional committees a plan for the allocation and use of funds under the program for fiscal year 2012."; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by striking "until September 30, 2012." and inserting" as follows:

"(A) In the case of funds for fiscal year 2011, until September 30, 2012.

"(B) In the case of funds for fiscal year 2012, until September 30, 2013.".

(b) NOTICE TO CONGRESS.—Subsection (g) of such section is amended by striking "30 days" and inserting "15 days".

SEC. 1218. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385), as most recently amended by section 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4395), is further amended by striking "2012" and inserting "2014".

(b) REPORT ON UNITED STATES PLAN FOR SUSTAINING AFGHANISTAN NATIONAL SECURITY FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 390), as amended by section 1232 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4395), is further amended by striking "2012" and inserting "2014".

SEC. 1219. LIMITATION ON AVAILABILITY OF AMOUNTS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Not more than 50 percent of the amount available for fiscal year 2012 for reintegration activities in Afghanistan under the authority of section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392), as amended by section 1216 of this Act, may be used to provide assistance to the Government of Afghanistan until the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Government of Afghanistan and the Taliban.

SEC. 1220. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) IN GENERAL.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), as amended by section 1220 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4395), is further amended by striking "September 30, 2011" both places it appears and inserting "September 30, 2012".

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—

(1) LIMITATION ON FUNDS; REPORT REQUIRED.—

(A) IN GENERAL.—Of the amounts appropriated or transferred to the Pakistan Counterinsurgency Fund (hereafter in this subsection referred to as the "Fund") for fiscal year 2013, not more than 40 percent of such amounts may be obligated or expended until such time as the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees a report on—

(i) a strategy to utilize the Fund and the metrics used to determine progress with respect to the Fund; and

(ii) a strategy to enhance Pakistani efforts to counter improvised explosive devices (IEDs).

(B) MATTER TO BE INCLUDED.—Such report shall include, at a minimum, the following:

(i) A discussion of United States strategic objectives in Pakistan.

(ii) A listing of the terrorist or extremist organizations in Pakistan opposing United States goals in the region and against which the United States encourages Pakistan to take action.

(iii) A discussion of the gaps in capabilities of Pakistani security units that hamper the ability of the Government of Pakistan to take action against the organizations listed in clause (ii).

(iv) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in clause (iii).

(v) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in clause (iii) or complementary activities of the Department of Defense and how those efforts are coordinated with the activities undertaken to utilize the Fund.

(vi) A discussion of whether the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts toward the implementation of a strategy to counter IEDs, including efforts to attack IED networks, monitor known precursors used in IEDs, and develop a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(vii) Metrics that will be used to track progress in achieving the United States strategic objectives in Pakistan, to track progress of the Government of Pakistan in combating the organizations listed in clause (ii), to address the gaps in capabilities listed in clause (iii), and to track the progress of the Government of Pakistan in implementing the strategy to counter IEDs described in clause (vi).

(2) ANNUAL UPDATE REQUIRED.—For any fiscal year in which amounts in the Fund are requested to be made available to the Secretary of Defense, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, an update of the report required under paragraph (1).

(3) FORM.—The report required under paragraph (1) and the update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex as necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) QUARTERLY REPORTS.—

(1) IN GENERAL.—Section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2522) is amended—

(A) by striking "Not later" and inserting the following: "(1) IN GENERAL. Not later"; and

(B) by adding at the end the following:

"(2) MATTERS TO BE INCLUDED. The Secretary of Defense, with the concurrence with the Secretary of State, shall include in the report required under paragraph (1) the following:

"(A) A discussion of progress in achieving United States strategic objectives in Pakistan during such fiscal quarter, utilizing metrics used to track progress in achieving such strategic objectives.

"(B) A discussion of progress made by programs supported from amounts in the Fund during such fiscal quarter.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 for any fiscal year after fiscal year 2011.

SEC. 1221. [22 U.S.C. 7556] BENCHMARKS TO EVALUATE THE PROGRESS BEING MADE TOWARD THE TRANSITION OF SECURITY RESPONSIBILITIES FOR AFGHANISTAN TO THE GOVERNMENT OF AFGHANISTAN.

(a) OPTIONS FOR EXPANSION OF CAPACITY OF AFGHAN NATIONAL SECURITY FORCES.—The President shall, acting through the Secretary of Defense, establish and update as appropriate, and submit to Congress, options to accelerate the expansion of the capacity of Afghan National Security Forces with the goal of—

(1) enabling the Government of the Islamic Republic of Afghanistan, consistent with the Framework for Inteqal, to assume lead responsibility for security in all areas of Afghanistan, to maintain security in those areas, and to sustain the Afghan National Security Forces;

(2) achieving United States national security objectives to disrupt, dismantle, and defeat al-Qaeda and its extremist allies in Afghanistan, and preventing the establishment of safe havens for those entities; and

(3) enabling the United States to move to an enduring partnership with the Government of the Islamic Republic of Afghanistan, fully consistent with the Declaration by the North Atlantic Treaty Organization and the Government of the Islamic Republic of Afghanistan on an Enduring Partnership as issued at the Lisbon conference on November 20, 2010.

(b) BENCHMARKS.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward meeting the goals set forth in paragraphs (1) through (3) of subsection (a).

(c) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) with each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and

1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390).

Subtitle C—Reports and Other Matters

SEC. 1231. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

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

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the outcomes of operations conducted by the Government of Pakistan in support of Operation Enduring Freedom for which reimbursement was requested during the 24-month period ending on the date of the enactment of this Act, and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations, if any, relative to potential alternatives to or termination of reimbursements from the Coalition Support Fund to the Government of Pakistan taking into account the transition plan for Afghanistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1232. REVIEW AND REPORT ON IRAN'S AND CHINA'S CONVENTIONAL AND ANTI-ACCESS CAPABILITIES.

(a) REVIEW.—The Comptroller General of the United States shall conduct an independent review of the following:

(1) Any gaps between Iran's conventional and anti-access capabilities and United States' capabilities to overcome them.

(2) Any gaps between China's anti-access capabilities and United States' capabilities to overcome them.

(b) REPORT.—Not later than January 31, 2013, the Comptroller General shall submit to the congressional defense committees a report that contains the review conducted under subsection (a).

(c) ADDITIONAL TO OTHER REPORTS, ETC.—The review conducted under subsection (a) and the report required under sub-

section (b) are in addition to the report required under section 1238 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4402) and the strategy and briefings required under section 1243 of such Act (Public Law 111-383; 124 Stat. 4405).

(d) DEFINITION.—In this section, the term "anti-access" has the meaning given the term in section 1238(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4403).

SEC. 1233. REPORT ON ENERGY SECURITY OF THE NATO ALLIANCE.

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

(1) Adopted in Lisbon in November 2010, the new North Atlantic Treaty Organization (NATO) Strategic Concept declares that "[a]ll countries are increasingly reliant on the vital communication, transport and transit routes on which international trade, energy security and prosperity depend. They require greater international efforts to ensure their resilience against attack or disruption. Some NATO countries will become more dependent on foreign energy suppliers and in some cases, on foreign energy supply and distribution networks for their energy needs. As a larger share of world consumption is transported across the globe, energy supplies are increasingly exposed to disruption.".

(2) The new NATO Strategic Concept further declares that, "to deter and defend against any threat to the safety and security of our populations", the NATO alliance will, "develop the capacity to contribute to energy security, including protection of critical energy infrastructure and transit areas and lines, cooperation with partners, and consultations among Allies on the basis of strategic assessments and contingency planning.".

(b) REPORT.—

(1) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit to the appropriate committees of Congress a detailed report on efforts by the Department of Defense, including within NATO, to address the energy security of the NATO alliance.

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

(A) An assessment of the dependence of NATO members on a single oil or natural gas supplier or distribution network.

(B) A description of the threats to the energy security of the NATO alliance, including from each of following:

(i) Shortages of supply of oil or natural gas or spikes in prices of oil or natural gas.

(ii) Disruptions within the energy distribution infrastructure or transit lines supplying NATO member countries.

(C) A description of options for responding to or mitigating the energy security risks to NATO member coun-

tries and to United States Armed Forces based in Europe posed by the threats described under subparagraph (B).

(D) Recommendations, if any, for actions to be undertaken to improve the energy security of the NATO alliance.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1234. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) REPORT REQUIRED.—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the National Guard State Partnership Program.

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

(1) A summary of the sources of funds for the State Partnership Program over the last five years.

(2) An analysis of the types and frequency of activities performed by participants in the State Partnership Program.

(3) A description of the objectives of the State Partnership Program and the manner in which objectives under the program are established and coordinated with the Office of the Secretary of Defense, the geographic combatant commands, United States Country Teams, and other departments and agencies of the United States Government.

(4) A description of the manner in which the Department of Defense selects and designates particular State and foreign country partnerships under the State Partnership Program.

(5) A description of the manner in which the Department measures the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

(6) An assessment by the Comptroller General of the United States of the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

SEC. 1235. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, re-

move, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as de-

fined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

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

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

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

SEC. 1236. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) REPORT.—Not later than November 1, 2013, November 1, 2015, and November 1, 2017, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military power of the Democratic People's Republic of Korea (in this section referred to as "North Korea"). The report shall address the current and probable future course of military-technological development of the North Korean military, the tenets and probable development of North Korean security strategy and military strategy, and military organizations and operational concepts, through the next 20 years.

(b) MATTERS TO BE INCLUDED.—A report required under subsection (a) shall include at least the following elements:

(1) An assessment of the security situation on the Korean peninsula.

(2) The goals and factors shaping North Korean security strategy and military strategy.

(3) Trends in North Korean security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (2).

(4) An assessment of North Korea's regional security objectives, including those that would affect South Korea, Japan, the People's Republic of China, and Russia.

(5) A detailed assessment of the sizes, locations, and capabilities of North Korean strategic, special operations, land, sea, and air forces.

(6) Developments in North Korean military doctrine and training.

(7) An assessment of the proliferation activities of North Korea, as either a supplier or a consumer of materials or technologies relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Other military and security developments involving North Korea that the Secretary of Defense considers relevant to United States national security.

(c) UPDATE.—The Secretary of Defense shall revise or supplement the most recent report submitted pursuant to subsection (a) if, in the Secretary's estimation, interim events or developments occurring in a period between reports required under subsection (a) warrant revision or supplement.

(d) DEFINITION.—In this section the term "specified congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1237. SENSE OF CONGRESS ON NON-STRATEGIC NUCLEAR WEAPONS AND EXTENDED DETERRENCE POLICY.

(a) REGARDING NON-STRATEGIC NUCLEAR WEAPONS.—It is the sense of Congress that—

(1) if the United States pursues arms control negotiations with the Russian Federation, such negotiations should be aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear weapons and increased transparency of such weapons; and

(2) for purposes of such negotiations—

(A) non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia; and

(B) geographical relocation and consolidated or centralized storage of non-strategic nuclear weapons by Russia should not be considered a reduction or elimination of such weapons.

(b) REGARDING EXTENDED DETERRENCE COMMITMENT TO EUROPE.—It is the sense of Congress that—

(1) the commitment of the United States to extended deterrence in Europe and the nuclear alliance of the North Atlantic Treaty Organization (NATO) is an important component of ensuring and linking the national security of the United States and its European allies;

(2) nuclear forces of the United States are a key component of the NATO nuclear alliance; and

(3) the presence of United States nuclear weapons in Europe—combined with NATO's unique nuclear sharing arrange-

ments under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

SEC. 1238. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) MATTERS TO BE INCLUDED.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2544), is further amended—

(1) in paragraph (7)—

(A) by adding at the end before the period the following: "or otherwise undermine the Department of Defense's capability to conduct information assurance"; and

(B) by adding at the end the following: "Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof."; and

(2) in paragraph (9), by adding at the end the following: "Such analyses shall include an assessment of the nature of China's cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof. Such cyber activities shall include activities originating or suspected of originating from China and shall include government and non-government activities believed to be sanctioned or supported by the Government of China.".

(b) [10 U.S.C. 113 note] EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

SEC. 1239. REPORT ON EXPANSION OF PARTICIPATION IN EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the desirability and feasibility of expanding participation in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program to include additional countries.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of the ENJJPT program as it relates to United States national security.

(2) An assessment of the current participation in the ENJJPT program and whether it fully meets the needs of the program and United States and NATO objectives.

(3) An analysis of whether participation of additional countries in the ENJJPT program would benefit the program and United States national security.

(4) A recommendation of additional countries, if any, that could participate in the ENJJPT program, including NATO member nations not currently participating in the program, major non-NATO allies, Partnership for Peace nations, and other countries.

(5) The restrictions or limitations that currently prevent additional countries from participating in the ENJJPT program.

(6) An assessment of the costs and benefits to the United States, including potential benefits to United States security interests of improved training opportunities for other countries, of a United States-sponsored scholarship program to assist certain countries to meet the cost-sharing obligations of participation in the ENJJPT program, and whether authorities currently exist to institute such a scholarship program.

SEC. 1240. REPORT ON RUSSIAN NUCLEAR FORCES.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the nuclear forces of the Russian Federation and the New START Treaty.

(b) MATTERS INCLUDED.—The report under section (a) shall include an assessment of the following:

(1) The assessed number of nuclear forces by category of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022, including potential shifts of such numbers during such periods.

(2) Options with respect to the size and composition of Russian nuclear forces that Russia is considering, including decreases below the New START levels and plans for maintaining New START levels, including options related to developing and deploying a new heavy intercontinental ballistic missile and multiple independently targetable reentry vehicle capability.

(3) Factors that are likely to influence the number and composition of Russian nuclear forces.

(4) Effects of shifts in the number and composition of Russian nuclear forces on strategic stability.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) NEW START TREATY.—The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION IN OPERATIONALIZING THE AFRICAN STANDBY FORCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the African Union in operationalizing the African Standby Force.

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

(1) An assessment of the existing personnel strengths and capabilities of each of the five regional brigades of the African Standby Force and their brigade-level headquarters.

(2) An assessment of the specific capacity-building needs of the African Standby Force, including with respect to supply management, information management, strategic planning, and other critical components.

(3) A description of the functionality of the supply depots of each brigade referred to in paragraph (1), and current information on existing stocks of each such brigade.

(4) An assessment of the capacity of the African Union to manage the African Standby Force.

(5) An assessment of inter-organizational coordination on assistance to the African Union and the African Standby Force between multilateral donors, including the United Nations, the European Union, and the North Atlantic Treaty Organization.

(6) An assessment of the capacity of the African Union to absorb additional international assistance toward the development of a fully functional African Standby Force.

SEC. 1242. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, with the concurrence of the Secretary of State, develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its non-use-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the letters of offer and acceptance by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1243. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) WAIVER AUTHORIZED.—Subsection (c) of section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3461; 10 U.S.C. 2302 note) is amended to read as follows:

"(c) WAIVER AUTHORIZED. The Secretary of Defense may waive the prohibition in subsection (a) if the Secretary determines that such a waiver is necessary for national security purposes and the Secretary submits to the congressional defense committees a report described in subsection (d) not less than 15 days before issuing the waiver under this subsection.".

(b) REPORT.—Such section is amended—

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

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

"(d) REPORT. The report referred to in subsection (c) is a report that identifies the specific reasons for the waiver issued under subsection (c) and includes recommendations as to what actions may be taken to develop alternative sourcing capabilities in the future.".

(c) [10 U.S.C. 2302 note] EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to contracts and subcontracts of the Department of Defense entered into on or after the date of the enactment of this Act.

SEC. 1244. [22 U.S.C. 5952 note] SHARING OF CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION WITH THE RUSSIAN FEDERATION.

(a) NOTIFICATION.—No classified United States ballistic missile defense information may be made available to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification thereof to the appropriate congressional committees.

(b) ELEMENTS OF NOTIFICATION.—Each notification provided pursuant to subsection (a) shall include the following:

(1) A detailed description of the classified United States ballistic missile defense information to be provided.

(2) An explanation of the national security interest in providing the information to the Russian Federation and any provisions for reciprocal sharing by the Russian Federation with the United States on its defensive systems.

(3) A certification that providing the information is consistent with United States national disclosure policy as of the date of enactment of this Act and that the decision to provide the information was made pursuant to a national disclosure policy review.

(4) If applicable, a detailed explanation of whether any exceptions to national disclosure policy were required in order to provide the information to the Russian Federation and why such exceptions were required.

(5) A certification that adequate measures are in place to protect the information from unauthorized disclosure. The certification shall include a description of the manner in which the information will be protected from unauthorized sharing or transfer to third parties as well as an analysis of the risks to the capabilities of the United States ballistic missile defense system if the information is shared or transferred to an unauthorized third party.

(c) FORM.—Each notification provided pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For the purposes of this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(e) CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION DEFINED.—For the purposes of this section, the term "classified United States ballistic missile defense information" means information related to United States ballistic missile defenses that is classified as of, or after, the date of enactment of this Act.

SEC. 1245. [22 U.S.C. 8513a] IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

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

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, "The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.".

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, "Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.".

(b) DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.—The financial sector of Iran, including the Central Bank of Iran, is designated as a primary money laundering concern for purposes of section 5318A of title 31, United States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President deter-

mines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) EXCEPTION FOR SALES OF AGRICULTURAL COMMODITIES, FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran.

(3) APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a central bank of a foreign country, only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.—

(A) REPORT REQUIRED.—Not later than October 25, 2012, and the last Thursday of every other month thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, the Secretary of State, and the Director of National Intelligence, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 2-month period preceding the submission of the report.

(B) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) APPLICATION OF SANCTIONS.—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products pur-

chased from Iran by or through foreign financial institutions.

(D) EXCEPTION.—

(i) IN GENERAL.—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution—

(I) has significantly reduced reduced[9] its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph; or

(II) in the case of a country that has previously received an exception under this subparagraph, has, after receiving the exception, reduced its crude oil purchases from Iran to zero.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is only for trade in goods or services between the country with primary jurisdiction over the foreign financial institution and Iran; and

(II) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(5) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is in the national security interest of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver;

(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to reduce significantly its purchases of petroleum and petroleum products from Iran; and

(iii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) MULTILATERAL DIPLOMACY INITIATIVE.—

[9] So in law.

(1) IN GENERAL.—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the "Chemical Weapons Convention");

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran's conventional, nuclear, chemical, or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a per-

son that commits an unlawful act described in section 206(a) of that Act.

(h) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "account", "correspondent account", and "payable-through account" have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term "foreign financial institution" has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) SIGNIFICANT REDUCTIONS. The terms "reduce significantly", "significant reduction", and "significantly reduced", with respect to purchases from Iran of petroleum and petroleum products, include a reduction in such purchases in terms of price or volume toward a complete cessation of such purchases.

(4) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

(i) TERMINATION.—The provisions of this section shall terminate on the date that is 30 days after the date on which the President submits to Congress the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of cooperative threat reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on availability of funds for cooperative biological engagement program.
Sec. 1304. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2012 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 and

made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $63,221,000.

(2) For chemical weapons destruction, $9,804,000.

(3) For global nuclear security, $121,143,000.

(4) For cooperative biological engagement, $259,470,000.

(5) For proliferation prevention, $28,080,000.

(6) For threat reduction engagement, $2,500,000.

(7) For activities designated as Other Assessments/Administrative Costs, $24,001,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE BIOLOGICAL ENGAGEMENT PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 1302(a)(4) or otherwise made available for fiscal year 2012 for cooperative biological engagement, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees the following:

(1) A detailed analysis of the effect of the cooperative biological engagement program.

(2) Either—

(A) written certification that the efforts of the cooperative biological engagement program—

(i) result in changed practices or are otherwise effective; and

(ii) lead to threat reduction; or

(B) a detailed list of policy and program recommendations considered necessary by the Secretary to modify, expand, or curtail the cooperative biological engagement program in order to achieve the objectives described by subparagraph (A).

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1304. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Subtitle C—Other Matters

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1422. 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.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

(b) AUTHORIZED PROCUREMENT.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to purchase an offshore petroleum distribution system, and the associated tender for that system, that are under charter by the Military Sealift Command as of January 1, 2011.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to $50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. [50 U.S.C. 98d note] REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4412), is further amended by striking "$730,000,000 by the end of fiscal year 2013" in paragraph (5) and inserting "$830,000,000 by the end of fiscal year 2016".

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of $67,700,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1406 and available for the Defense Health Program for operation and maintenance, $135,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.
Sec. 1502. Procurement.
Sec. 1503. Research, development, test, and evaluation.
Sec. 1504. Operation and maintenance.
Sec. 1505. Military personnel.
Sec. 1506. Working capital funds.
Sec. 1507. Defense Health Program.
Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Joint Improvised Explosive Device Defeat Fund.
Sec. 1532. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1533. Availability of funds in Afghanistan Security Forces Fund.
Sec. 1534. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
Sec. 1535. Limitation on availability of funds for Trans Regional Web Initiative.
Sec. 1536. Report on lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq.

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not other-

wise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds

made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2012.

(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2012, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1532. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1533. AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

(b) AVAILABILITY FOR LITERACY INSTRUCTION AND TRAINING.—Assistance provided utilizing funds in the Afghanistan Security Forces Fund may include literacy instruction and training to build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the North Atlantic Treaty Organization Training Mission in Afghanistan.

(c) MANAGEMENT AND OVERSIGHT OF CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the Secretary's determination regarding whether the Department of Defense has sufficient management and oversight mechanisms in place with respect to contracts to be entered into during fiscal year 2012 using funds in the Afghanistan Security Forces Fund. If the Secretary determines that sufficient management and oversight mechanisms are not already in place, the Secretary shall include in the report a plan for improving such management and oversight mechanisms.

SEC. 1534. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) EXTENSION.—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4426) is amended—

(1) in paragraph (6)—

(A) by striking "October 31, 2011," and inserting "October 31, 2011, and October 31, 2012"; and

(B) by striking "fiscal year 2011" and inserting "the preceding fiscal year"; and

(2) in paragraph (7), by striking "September 30, 2011" and inserting "September 30, 2012".

(b) AUTHORIZED PROJECTS.—Paragraph (3) of such subsection is amended to read as follows:

"(3) SCOPE OF PROJECTS. The projects carried out under paragraph (1) may include projects that facilitate private investment, mining sector development, industrial development, and other projects determined by the Secretary of Defense, with the concurrence of the Secretary of State, as strengthening stability or providing strategic support to the counterinsurgency campaign in Afghanistan. To the maximum extent possible, the activities of the Task Force for Business and Stability Operations in Afghanistan should focus on improving the commercial viability of other reconstruction or development activities in Afghanistan conducted by the United States.".

(c) FUNDING LIMITATION.—Paragraph (4) of such subsection is amended—

(1) by inserting before the period at the end of the second sentence the following: "for fiscal year 2012, except that not more than 50 percent of such amount may be obligated until the plan required by subsection (b) is submitted to the appropriate congressional committees"; and

(2) by adding at the end the following new sentence: "The funds shall be available for projects under paragraph (1) that begin in one fiscal year and end in the following fiscal year.".

SEC. 1535. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANS REGIONAL WEB INITIATIVE.

None of the amounts authorized to be appropriated by this Act may be obligated or expended on any program under the Trans Regional Web Initiative of the Department of Defense, or any similar initiative, until the Secretary of Defense certifies, in writing, to the Committees on Armed Services of the Senate and the House of Representatives that such program—

(1) appropriately defines its target audience;

(2) is determined to be the most effective method to reach such target audience;

(3) is the most cost-effective means of reaching such target audience; and

(4) includes measurement mechanisms to ensure such target audience is being reached.

SEC. 1536. REPORT ON LESSONS LEARNED FROM DEPARTMENT OF DEFENSE PARTICIPATION ON INTERAGENCY TEAMS FOR COUNTERTERRORISM OPERATIONS IN AFGHANISTAN AND IRAQ.

(a) ASSESSMENT AND REPORT REQUIRED.—The Secretary of Defense shall direct a federally funded research and development center to conduct an assessment on lessons learned from the use of interagency teams for counterterrorism operations in Afghanistan and Iraq. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the assessment, together with the comments of the Secretary regarding the assess-

ment and each of the elements of the assessment specified in subsection (b).

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

(1) An assessment of the value of interagency teams in counterterrorism operations.

(2) An explanation of how and why the requirements for effective interagency teams differ from teams composed entirely of Department of Defense personnel.

(3) A description of the best practices of such interagency teams and efforts to codify such best practices.

(4) A description of the challenges in forming and operating effective interagency teams.

(5) An assessment whether the lessons learned through Department of Defense participation on such interagency teams is applicable to other interagency teams in which Department personnel participate.

(6) An assessment of the feasibility and advisability of adding a skill identifier to track Department civilian and military personnel who have successfully supported, participated on, or led an interagency team.

(7) A description of the additional authorities, if any, needed to permit Department personnel to more effectively support, participate on, or lead an interagency team.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form to the extent possible, but may include a classified annex.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2012".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2107. Modification of authority to carry out certain fiscal year 2011 projects.
Sec. 2108. Additional authority to carry out certain fiscal year 2012 project.
Sec. 2109. Extension of authorizations of certain fiscal year 2008 projects.
Sec. 2110. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2111. Tour normalization.
Sec. 2112. Technical amendments to correct certain project specifications.
Sec. 2113. Reduction of Army military construction authorization.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$114,000,000
	JB Elmendorf-Richardson	$103,600,000
Alabama	Fort Rucker	$11,600,000
California	Fort Irwin	$23,000,000
	Presidio Monterey	$3,000,000
Colorado	Fort Carson	$238,600,000
Georgia	Fort Benning	$66,700,000
	Fort Gordon	$1,450,000
	Fort Stewart	$2,600,000
Hawaii	Fort Shafter	$17,500,000
	Schofield Barracks	$105,000,000
Kansas	Forbes Air Field	$5,300,000
	Fort Riley	$83,400,000
Kentucky	Fort Campbell	$247,500,000
	Fort Knox	$55,000,000
Louisiana	Fort Polk	$70,100,000
Maryland	Aberdeen Proving Ground	$78,500,000
	Fort Meade	$79,000,000
Missouri	Fort Leonard Wood	$49,000,000
North Carolina	Fort Bragg	$186,000,000
New York	Fort Drum	$13,300,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Oklahoma	Fort Sill	$184,600,000
	McAlester	$8,000,000
South Carolina	Fort Jackson	$63,900,000
Texas	Fort Bliss	$122,500,000
	Fort Hood	$132,000,000
	JB San Antonio	$10,400,000
	Red River Army Depot	$44,000,000
Utah	Dugway Proving Ground	$32,000,000
Virginia	Fort Belvoir	$77,000,000
	JB Langley Eustis	$26,000,000
Washington	JB Lewis McChord	$296,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$80,000,000
Germany	Grafenwoehr	$38,000,000
	Landstuhl	$63,000,000
	Oberdachstetten	$12,200,000
	Stuttgart	$12,200,000
	Vilseck	$20,000,000
Korea, Republic of	Camp Carroll	$41,000,000
	Camp Henry	$48,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Grafenwoehr	Family Housing New Construction (26 units)	$13,000,000

Army: Family Housing—Continued

Country	Installation or Location	Units	Amount
.....	Illesheim	Family Housing Replacement Construction (80 units)	$41,000,000
.....	Vilseck	Family Housing New Construction (22 units) ..	$12,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,897,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $103,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of the Army shall not enter into an award for a Road and Infrastructure Improvements project at Fort Belvoir, Virginia, until the Secretary certifies to the congressional defense committees that sufficient private funding has been raised and a construction award has been made to concurrently construct the "Baseline Museum" phase of the National Museum of the United States Army.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2629) for

Joint Base Lewis-McChord, Washington, for construction of an access road adjoining McChord Air Force Base and Fort Lewis, the Secretary of the Army may construct a secure elevated roadway over the existing railroad and public road in lieu of an on-grade road and access control point.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) HAWAII.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452, the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) NEW YORK.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construction guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) GERMANY.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4438) for Wiesbaden Air Base, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of $115,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.—The Secretary may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2012 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122

Stat. 504), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Child Care Facility	$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	$4,150,000

SEC. 2110. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	$1,400,000
Hawaii	Schofield Barracks	Brigade Complex	$65,000,000
	Schofield Barracks	Battalion Complex	$69,000,000
	Schofield Barracks	Battalion Complex	$27,000,000
	Schofield Barracks	Infrastructure Expansion	$76,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase I	$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	$3,900,000

SEC. 2111. TOUR NORMALIZATION.

None of the funds authorized to be appropriated under this Act or an Act authorizing funds for military construction for fiscal year 2013 may be obligated or expended for additional tour normalization until—

(1) the Director of Cost Assessment and Program Evaluation conducts an analysis of alternatives to tour normalization that identifies alternative courses of action and their associated life cycle costs, potential benefits, advantages, and disadvantages;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for completing all phases of tour normalization that includes a detailed description of all costs and a schedule for the construction of necessary facilities and infrastructure; and

(3) legislation enacted after the date of the enactment of this Act authorizes the obligation of funds for such purpose.

SEC. 2112. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.

The table in section 3002 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4503) is amended—

(1) in the item for the Army relating to "Entry Control Point and Access Roads" that appears immediately below the item relating to "Vet Clinic & Kennel" at Bagram Air Force Base, by striking "Delaram Ii" in the State/Country and Installation column and inserting "Delaram II"; and

(2) in the item for the Army that appears immediately below the item relating to "Electrical Utility Systems, Ph.2" at the Shank installation, by striking "Expand Extended Cooperation Programme I and Extended Cooperation Programme 2" in the Project Title column and inserting "Expand Entry Control Point 1 and Entry Control Point 2".

SEC. 2113. REDUCTION OF ARMY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Army for fiscal years prior to fiscal year 2012 are hereby reduced by $100,000,000.

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. Extension of authorization of certain fiscal year 2008 project.
Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2207. Guam realignment.
Sec. 2208. Reduction of Navy military construction authorization.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may 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:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$162,785,000
California	Barstow	$8,590,000
	Bridgeport	$16,138,000
	Camp Pendleton	$335,080,000
	Coronado	$108,435,000
	Point Mugu	$15,377,000
	Twentynine Palms	$67,109,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Florida	Jacksonville	$36,552,000
	Mayport	$14,998,000
	Whiting Field	$20,620,000
Georgia	Kings Bay	$86,063,000
Hawaii	Barking Sands	$9,679,000
	Joint Base Pearl Harbor-Hickam	$7,492,000
	Kaneohe Bay	$57,704,000
Illinois	Great Lakes	$91,042,000
Maryland	Indian Head	$67,779,000
	Patuxent River	$45,844,000
North Carolina	Camp Lejeune	$200,482,000
	Cherry Point Marine Corps Air Station	$17,760,000
	New River	$78,930,000
South Carolina	Beaufort	$21,096,000
Virginia	Norfolk	$108,228,000
	Portsmouth	$74,864,000
	Quantico	$183,690,000
Washington	Bremerton	$13,341,000
	Kitsap	$758,842,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	SW Asia	$55,010,000
Diego Garcia	Diego Garcia	$35,444,000
Djibouti	Camp Lemonier	$89,499,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,199,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,773,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Host Nation Infrastructure	$2,700,000

(c) TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 511) is amended to read as follows:

Navy: Worldwide Unspecified

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Wharf Utilities Upgrade	$8,900,000
Worldwide Unspecified	Various	Host Nation Infrastructure	$2,700,000

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat 4670), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendelton	Operations Access Points, Red Beach	$11,970,000

Navy: Extension of 2009 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
.....	Marine Corps Air Station, Miramar	Emergency Response Station	$6,530,000
District of Columbia	Washington Navy Yard	Child Development Center	$9,340,000

[Section 2207 repealed by section 2832(e) of division B of Public Law 112-239.]

SEC. 2208. REDUCTION OF NAVY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Navy for fiscal years prior to fiscal year 2012 are hereby reduced by $25,000,000.

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. Modification of authorization to carry out certain fiscal year 2010 project.
Sec. 2306. Extension of authorization of certain fiscal year 2009 project.
Sec. 2307. Reduction of Air Force military construction authorization.

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 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson AFB	$45,000,000
.....	JB Elmendorf-Richardson	$97,000,000
Arizona	Davis-Monthan AFB	$33,000,000
.....	Luke AFB	$24,000,000
California	Travis AFB	$22,000,000
.....	Vandenberg AFB	$14,200,000
Colorado	U.S. Air Force Academy	$13,400,000
Delaware	Dover AFB	$2,800,000
Kansas	Fort Riley	$7,600,000
Louisiana	Barksdale AFB	$23,500,000
Missouri	Whiteman AFB	$4,800,000
North Carolina	Pope AFB	$6,000,000
North Dakota	Minot AFB	$67,800,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Nebraska	Offutt AFB	$564,000,000
New Mexico	Cannon AFB	$22,598,000
	Holloman AFB	$29,200,000
	Kirtland AFB	$25,000,000
Nevada	Nellis AFB	$35,850,000
Texas	Joint Base San Antonio	$110,000,000
Utah	Hill AFB	$16,500,000
Virginia	JB Langley Eustis	$50,000,000
Washington	Fairchild AFB	$27,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule AB	$28,000,000
Guam	Joint Region Marianas	$83,600,000
Germany	Ramstein AB	$34,697,000
Italy	Sigonella	$15,000,000
Korea, Republic Of	Osan AB	$23,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,208,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $80,546,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—The authorization set forth in the table in subsection (b), as provided for by title X of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1888) under the heading "Military Construction, Air Force", shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2009 Project Authorization

Location	Installation or Location	Project	Amount
Germany	Spangdahlem Air Base	Child Development Center	$11,400,000

SEC. 2307. REDUCTION OF AIR FORCE MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Air Force for fiscal years prior to fiscal year 2012 are hereby reduced by $32,000,000.

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.

Subtitle C—Other Matters

Sec. 2421. Reduction of Defense Agencies military construction authorization.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Anchorage	$18,400,000
	Eielson AFB	$14,800,000
Alabama	Redstone Arsenal	$58,800,000
Arizona	Davis-Monthan AFB	$23,000,000
California	Camp Pendleton	$12,141,000
	Coronado	$42,000,000
	Defense Distribution Depot-Tracy	$15,500,000
	San Clemente	$21,800,000
Colorado	Buckley AFB	$140,932,000
District of Columbia	Bolling AFB	$16,736,000
Florida	Eglin AFB	$51,600,000
	Eglin AUX 9	$9,500,000
	MacDill AFB	$15,200,000
	Whiting Field	$3,800,000
Georgia	Fort Benning	$37,205,000
	Fort Gordon	$17,705,000
	Fort Stewart	$72,300,000
Hawaii	Joint Base Pearl Harbor-Hickam	$14,400,000
Illinois	Great Lakes	$16,900,000
Kentucky	Fort Campbell	$138,500,000
	Fort Knox	$38,845,000
Louisiana	Barksdale AFB	$6,200,000
Massachusetts	Hanscom AFB	$34,040,000
	Westover ARB	$23,300,000
Maryland	Bethesda Naval Hospital	$18,000,000
	Fort Meade	$792,200,000
	Joint Base Andrews	$265,700,000
Missouri	Arnold	$9,253,000
Mississippi	Columbus AFB	$2,600,000
	Gulfport	$34,700,000
North Carolina	Camp Lejeune	$6,670,000
	Fort Bragg	$206,274,000
	New River	$22,687,000
	Pope AFB	$5,400,000
New Mexico	Cannon AFB	$132,997,000
New York	Fort Drum	$20,400,000
Ohio	Columbus	$10,000,000
Oklahoma	Altus AFB	$8,200,000
Pennsylvania	DEF Distribution Depot New Cumberland	$43,000,000
	Philadelphia	$8,000,000
South Carolina	Joint Base Charleston	$24,868,000
Texas	Joint Base San Antonio	$194,300,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
Virginia	Charlottesville	$10,805,000
	Dahlgren	$1,988,000
	Dam Neck	$23,116,000
	Fort Belvoir	$54,625,000
	Joint Expeditionary Base Little Creek - Story	$37,000,000
	Pentagon	$8,742,000
	Quantico	$46,727,000
Washington	JB Lewis McChord	$35,000,000
	Whidbey Island	$25,000,000
West Virginia	Camp Dawson	$2,200,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ansbach	$11,672,000
	Baumholder	$59,419,000
	Grafenwoehr	$6,529,000
	Rhine Ordnance Barracks	$990,000,000
	Spangdalem Air Base	$129,043,000
	Stuttgart-Patch Barracks	$2,434,000
Italy	Vicenza	$41,864,000
Japan	Yokota Air Base	$61,842,000
United Kingdom	Menwith Hill Station	$68,601,000
	Royal Air Force Alconbury	$35,030,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

Country	Installation or Location	Amount
Alabama	Maxwell AFB	$2,482,000
Arizona	Davis-Monthan AFB	$4,650,000
California	Presidio of Monterey	$5,000,000
	San Joaquin/Tracy Site	$2,860,000

Energy Conservation Projects: Inside the United States—Continued

Country	Installation or Location	Amount
Colorado	Fort Carson	$4,277,000
Florida	Tyndall AFB	$3,255,000
Georgia	MCLB Albany	$3,504,000
Kentucky	Fort Knox	$2,750,000
Massachusetts	Hanscom AFB	$3,609,000
New York	Fort Drum	$3,500,000
North Carolina	Fort Bragg	$13,400,000
North Carolina	Camp Lejeune	$6,925,000
Oklahoma	Altus AFB	$5,700,000
Tennessee	Arnold AFB	$3,300,000
Utah	Tooele Army Depot	$8,200,000
Virginia	NRO/ADF-E	$2,000,000
Wyoming	FE Warren AFB	$12,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Guam	NB Guam	$17,377,000
Italy	NAS Naples	$2,867,000
Marshall Islands	Kwajalein Atoll	$6,300,000
Various Locations	Various Locations	$20,444,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of Defense shall not enter into an award for a Replacement of the Wetzel-Smith Elementary School project at Baumholder, Germany, until the Secretary completes an assessment of United States military force structure in the European theater and certifies to the congressional defense committees that Baumholder, Germany is an enduring location.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

Subtitle C—Other Matters

SEC. 2421. REDUCTION OF DEFENSE AGENCIES MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) for fiscal years prior to fiscal year 2012 are hereby reduced by $131,400,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard 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. Extension of authorization of certain fiscal year 2008 project.
Sec. 2612. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2613. Modification of authority to carry out certain fiscal year 2008 and 2009 projects.

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$16,500,000
Arkansas	Fort Chaffee	$3,500,000
Arizona	Papago Military Reservation	$17,800,000
California	Camp Roberts	$38,160,000
	Camp San Luis Obispo	$8,000,000
Colorado	Alamosa	$6,400,000
	Aurora	$3,600,000
	Fort Carson	$43,000,000
District of Columbia	Anacostia	$5,300,000
Florida	Camp Blanding	$5,500,000
Georgia	Atlanta	$11,000,000
	Hinesville	$17,500,000
	Macon	$14,500,000
Hawaii	Kalaeloa	$33,000,000
Illinois	Normal	$10,000,000
Indiana	Camp Atterbury	$81,900,000
	Indianapolis	$25,700,000
Massachusetts	Natick	$9,000,000
Maryland	Dundalk	$16,000,000
	La Plata	$9,000,000
	Westminster	$10,400,000
Maine	Bangor	$15,600,000
	Brunswick	$23,000,000
Minnesota	Camp Ripley	$8,400,000
Mississippi	Camp Shelby	$64,600,000
North Carolina	Greensboro	$3,700,000
Nebraska	Grand Island	$22,000,000
	Mead	$9,100,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
New Jersey	Lakehurst	$49,000,000
New Mexico	Santa Fe	$5,200,000
Nevada	Las Vegas	$23,000,000
Oklahoma	Camp Gruber	$13,361,000
Oregon	The Dalles	$13,800,000
South Carolina	Allendale	$4,300,000
Utah	Camp Williams	$6,500,000
Virginia	Fort Pickett	$11,000,000
Wisconsin	Camp Williams	$7,000,000
West Virginia	Buckhannon	$10,000,000
Wyoming	Cheyenne	$8,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	$57,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

Country	Location	Amount
California	Fort Hunter Liggett	$5,200,000
Colorado	Fort Collins	$13,600,000
Illinois	Homewood	$16,000,000
	Rockford	$12,800,000
Indiana	Fort Benjamin Harrison	$57,000,000
Kansas	Kansas City	$13,000,000
Massachusetts	Attleboro	$22,000,000
Minnesota	Saint Joseph	$11,800,000
Missouri	Weldon Springs	$19,000,000
North Carolina	Greensboro	$19,000,000
New York	Schenectady	$20,000,000
South Carolina	Orangeburg	$12,000,000
Wisconsin	Fort McCoy	$27,300,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Pennsylvania	Pittsburgh	$13,759,000
Tennessee	Memphis	$7,949,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Beale AFB	$6,100,000
	Moffett Field	$26,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$39,521,000
Indiana	Fort Wayne IAP	$4,000,000
Massachusetts	Otis ANGB	$7,800,000
Maryland	Martin State Airport	$4,900,000
Ohio	Springfield Beckley-MAP	$6,700,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March AFB	$16,393,000
South Carolina	Charleston AFB	$9,593,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (122 Stat. 527) and extended by section 2607 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4454), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center (SBCT)	$ 8,300,000

SEC. 2612. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorizations set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act (122 Stat. 4699), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Indiana	Camp Atterbury	Machine Gun Range	$ 5,800,000
Nevada	Elko	Readiness Center	$11,375,000

Army Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
New York	Staten Island	Reserve Center	$18,550,000

Navy and Marine Corps Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Delaware	Wilmington	Reserve Center	$11,530,000

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	$3,400,000

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 AND 2009 PROJECTS.

(a) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, CARLIN, NEVADA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4701) for Elko, Nevada, for construction of an Army Reserve Center, the Secretary of the Army may instead construct a Readiness Center at Carlin, Nevada.

(b) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, FORT WADSWORTH, NEW YORK.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4703) for Staten Island, New York, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an addition/alteration at the Army Reserve Center at Fort Wadsworth, New York.

(c) AUTHORITY TO CARRY OUT READINESS CENTER PROJECT, COATESVILLE, PENNSYLVANIA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181, 122 Stat. 527) for Fallowfield Township, Pennsylvania, for construction of a Readiness Center, the Secretary of the Army may instead construct the Readiness Center at Coatesville, Pennsylvania.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authority to complete specific base closure and realignment recommendations.
Sec. 2704. Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

SEC. 2703. [10 U.S.C. 2687 note] AUTHORITY TO COMPLETE SPECIFIC BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

(a) LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.—The Secretary of Defense shall—

(1) complete all closures and realignments recommended in the report of the Base Closure and Realignment Commission transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as expeditiously as possible; and

(2) complete the closure of the Umatilla Chemical Depot, Oregon, as recommended in the report of the Base Closure and Realignment Commission transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)—

(A) without regard to any condition contained in that recommendation; and

(B) not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Defense shall carry out the authority provided under subsection (a), and any related property management and disposal activities, in accordance with the procedures and authorities under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 2704. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

(a) MODIFICATION OF SELECTION CRITERIA.—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking "notification an evaluation" and inserting" notification—

"(A) an evaluation"; and

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

"(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

"(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

"(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and".

(b) EFFECT OF SIGNIFICANT IMPACTS.—Such section is further amended by adding at the end the following new subsection:

"(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

"(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

"(2) concludes consultation with the Secretary of Transportation with regard to such impact;

"(3) analyzes the impact of the action on local businesses, neighborhoods, and local governments; and

"(4) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.".

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects.
Sec. 2802. Modification of authority to carry out unspecified minor military construction projects.
Sec. 2803. Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects.
Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2805. General military construction transfer authority.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of authority to use Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at Pentagon Reservation.
Sec. 2812. Reporting requirements related to the granting of easements.
Sec. 2813. Limitations on use or development of property in Clear Zone Areas and clarification of authority to limit encroachments.
Sec. 2814. Department of Defense conservation and cultural activities.
Sec. 2815. Exchange of property at military installations.
Sec. 2816. Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.

Subtitle C—Energy Security

Sec. 2821. Consolidation of definitions used in energy security chapter.
Sec. 2822. Consideration of energy security in developing energy projects on military installations using renewable energy sources.
Sec. 2823. Establishment of interim objective for Department of Defense 2025 renewable energy goal.
Sec. 2824. Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies.
Sec. 2825. Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.
Sec. 2826. Submission of annual Department of Defense energy management reports.
Sec. 2827. Requirement for Department of Defense to capture and track data generated in metering Department facilities.
Sec. 2828. Metering of Navy piers to accurately measure energy consumption.
Sec. 2829. Training policy for Department of Defense energy managers.
Sec. 2830. Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification.

Subtitle D—Provisions Related to Guam Realignment

Sec. 2841. Certification of medical care coverage for H-2B temporary workforce on military construction projects on Guam.
Sec. 2842. Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii.
Sec. 2854. Land exchange, Fort Bliss Texas.
Sec. 2855. Land conveyance, former Defense Depot Ogden, Utah.

Subtitle F—Other Matters

Sec. 2861. Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy.
Sec. 2862. Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center.
Sec. 2863. Prohibition on naming Department of Defense real property after a Member of Congress.
Sec. 2864. Notifications of reductions in number of members of the Armed Forces assigned to permanent duty at a military installation.
Sec. 2865. Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy.
Sec. 2866. Report on the Homeowners Assistance Program.
Sec. 2867. Data servers and centers.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PROHIBITION ON USE OF ANY COST-PLUS SYSTEM OF CONTRACTING FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.

(a) PROHIBITION.—Section 2306 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) A contract entered into by the United States in connection with a military construction project or a military family housing project may not use any form of cost-plus contracting. This prohibition is in addition to the prohibition specified in subsection (a) on the use of the cost-plus-a-percentage-of-cost system of contracting and applies notwithstanding a declaration of war or the declaration by the President of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) that includes the use of the armed forces.".

(b) [10 U.S.C. 2306 note] APPLICATION OF AMENDMENT.—Subsection (c) of section 2306 of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract entered into by the United States in connection with a military construction project or a military family housing project after the date of the enactment of this Act.

SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) SINGLE THRESHOLD FOR USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of section 2805 of title 10, United States Code, is amended—

(1) by striking "(1) Except as provided in paragraph (2), the" and inserting "The"; and

(2) by striking "not more than" and all that follows through the end of the subsection and inserting "not more than $750,000.".

(b) EXTENSION OF SPECIAL LABORATORY REVITALIZATION AUTHORITY.—Subsection (d) of such section is amended—

(1) in paragraph (3), by striking "February 1, 2010" and inserting "February 1, 2014"; and

(2) in paragraph (5), by striking "September 30, 2012" and inserting "September 30, 2016".

(c) CONFORMING AMENDMENTS.—

(1) CROSS REFERENCES REGARDING WORKING-CAPITAL FUNDS.—Section 2208 of such title is amended—

(A) in subsection (k)(2)(A), by striking "section 2805(c)(1)" and inserting "section 2805(c)"; and

(B) in subsection (o)(2)(A), by striking "section 2805(c)(1)" and inserting "section 2805(c)".

(2) CROSS REFERENCE REGARDING COST AND SCOPE OF WORK VARIATIONS.—Section 2853(a) of such title is amended by striking "section 2805(a)(1)" and inserting "section 2805(a)".

(3) CROSS REFERENCE REGARDING NOTICE AND WAIT REQUIREMENTS FOR RESERVE PROJECTS.—Section

18233a(b)(2)(B)(ii) of such title is amended by striking "section 2805(a)(2)" and inserting "section 2805(a)".

(4) CROSS REFERENCE REGARDING USING OPERATION AND MAINTENANCE FUNDS FOR SMALL RESERVE PROJECTS.—Section 18233b of such title is amended by striking "not more than" and all that follows through the end of the section and inserting "not more than the amount specified in section 2805(c) of this title.".

SEC. 2803. PROTECTIONS FOR SUPPLIERS OF LABOR AND MATERIALS UNDER CONTRACTS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) In the case of a military construction project or a military family housing project, the contract amount thresholds specified in subchapter III of chapter 31 of title 40 (commonly referred to as the Miller Act) shall be applied by substituting '$150,000' for '$100,000' for purposes of determining when a performance bond and payment bond are required under section 3131 of such title and when alternatives to payment bonds as payment protections for suppliers of labor and materials are required under section 3132 of such title.".

SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking "fiscal year 2011" and inserting "fiscal year 2012"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "September 30, 2011" and inserting "September 30, 2012"; and

(B) in paragraph (2), by striking "fiscal year 2012" and inserting "fiscal year 2013".

(b) MODIFICATION OF QUARTERLY REPORTING REQUIREMENT.—Subsection (g) of such section is amended—

(1) by striking "Quarterly Reports or" in the subsection heading;

(2) by striking "the report for a fiscal-year quarter under subsection (d) or"; and

(3) by striking "report or".

(c) TECHNICAL AMENDMENTS.—Subsections (a) and (i) of such section are amended by striking "Combined Task Force-Horn of Africa" each place it appears and inserting "Combined Joint Task Force-Horn of Africa".

SEC. 2805. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorization of appropriations made available to that military department or Defense Agency in this division for fiscal year 2012 between any such authorization of appropriations for that military department or Defense Agency for that fiscal year. Amounts of authorization of appropriations so transferred shall be merged with and be available for the same purposes as the authorization of appropriations to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $400,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost of military construction projects or activities authorized by this division.

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

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify the congressional defense committees of each transfer made by that Secretary under subsection (a) that exceeds the limitations on cost variations provided in section 2853 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT PENTAGON RESERVATION.

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking "The authority" and inserting "(A) Except as provided in subparagraph (B), the authority"; and

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

"(B) Notwithstanding the date specified in subparagraph (A), the Secretary may use monies from the Fund after that date to support construction or alteration activities at the Pentagon Reservation within the limits specified in section 2805 of this title.".

SEC. 2812. REPORTING REQUIREMENTS RELATED TO THE GRANTING OF EASEMENTS.

Section 2662 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(C), by striking "lease or license" and inserting "lease, license, or easement"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "lease or license" and inserting "lease, license, or easement";

(B) in paragraph (2)(A), by striking "lease or license" and inserting "lease, license, or easement"; and

(C) in paragraph (3)—

(i) in subparagraph (C), by striking "lease or license" and inserting "lease, license, or easement"; and

(ii) in subparagraph (D), by striking "lease or license" and inserting "lease, license, or easement".

SEC. 2813. LIMITATIONS ON USE OR DEVELOPMENT OF PROPERTY IN CLEAR ZONE AREAS AND CLARIFICATION OF AUTHORITY TO LIMIT ENCROACHMENTS.

Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period and inserting "; or"; and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.";

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

"(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS. Notwithstanding chapter 63 of title 31, an agreement under this section that is a cooperative agreement or a grant may be used to acquire property or services for the direct benefit or use of the United States Government.";

(3) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting ", and the monitoring and enforcement of any right, title, or interest in," after "resources on";

(ii) by inserting "and monitoring and enforcement" after "natural resource management"; and

(iii) by adding at the end the following:" Any such payment by the United States—

"(A) may be paid in a lump sum and include an amount intended to cover the future costs of natural resource management and monitoring and enforcement; and

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

(B) in paragraph (5)—

(i) inserting "(A)" after "(5)";

(ii) by inserting after the first sentence the following: "No such requirement need be included in the agreement if the property or interest is being transferred to a State, or the agreement requires it to be subsequently transferred to a State, and the Secretary concerned determines that the laws and regulations applicable to the future use of such property or interest provide adequate assurance that the property concerned will be developed and used in a manner appropriate for purposes of this section."; and

(iii) by adding at the end the following new subparagraph:

"(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is subsequently transferred to the United States and administrative jurisdiction over the property is under a Federal official other than a Secretary concerned, the Secretary concerned and that Federal official shall enter into a memorandum of agreement providing, to the satisfaction of the Secretary concerned, for the management of the property or interest concerned in a manner appropriate for purposes of this section. Such memorandum of agreement shall also provide that, should it be proposed that the property or interest concerned be developed or used in a manner not appropriate for purposes of this section, including declaring the property to be excess to the agency's needs or proposing to exchange the property for other property, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly."; and

(4) in subsection (i), by inserting after paragraph (2) the following new paragraph:

"(3) The term 'Clear Zone Area' means an area immediately beyond the end of the runway of an airfield that is needed to ensure the safe and unrestricted passage of aircraft in and over the area.".

SEC. 2814. DEPARTMENT OF DEFENSE CONSERVATION AND CULTURAL ACTIVITIES.

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by inserting "and sustainability" after "safety"; and

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

"(F) The implementation of ecosystem-wide land management plans—

"(i) for a single ecosystem that encompasses at least two non-contiguous military installations, if those military installations are not all under the administrative jurisdiction of the same Secretary of a military department; and

"(ii) providing synergistic benefits unavailable if the installations acted separately.".

SEC. 2815. EXCHANGE OF PROPERTY AT MILITARY INSTALLATIONS.

(a) EXCHANGE AUTHORITY.—Section 2869 of title 10, United States Code, is amended—

(1) in the section heading, by striking "CONVEYANCE OF PROPERTY AT MILITARY INSTALLATIONS TO LIMIT ENCROACHMENT" and inserting "EXCHANGE OF PROPERTY AT MILITARY INSTALLATIONS"; and

(2) in subsection (a)—

(A) in the subsection heading, by striking "Conveyance Authorized; Consideration" and inserting "Exchange Authorized"; and

(B) in paragraph (1), by striking "to any person who agrees, in exchange for the real property, to carry out a

land acquisition" and inserting "to any eligible entity who agrees, in exchange for the real property, to transfer to the United States all right, title, and interest of the entity in and to a parcel of real property, including any improvements thereon under their control, or to carry out a land acquisition".

(b) EXTENSION OF AUTHORITY.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

"2869. Exchange of property at military installations.".

SEC. 2816. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.".

(b) [23 U.S.C. 210 note] ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order No. 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) [23 U.S.C. 210 note] SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States.

Subtitle C—Energy Security

SEC. 2821. CONSOLIDATION OF DEFINITIONS USED IN ENERGY SECURITY CHAPTER.

(a) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by inserting before section 2925 the following new section:

"SEC. 2924. DEFINITIONS

"In this chapter:

"(1) The term 'defined fuel source' means any of the following:

"(A) Petroleum.

"(B) Natural gas.

"(C) Coal.

"(D) Coke.

"(2) The term 'energy-efficient maintenance' includes—

"(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

"(i) will achieve energy savings over the life-cycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

"(3)(A) The term 'energy security' means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.

"(B) In selecting facility energy projects that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network. In such cases, projects should be prioritized to provide power for assets critical to mission essential requirements on the installation in the event of a disruption in the commercial grid.

"(4) The term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

"(A) an internal combustion or heat engine using combustible fuel; and

"(B) a rechargeable energy storage system.

"(5) The term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

"(6) The term 'petroleum' means natural or synthetic crude, blends of natural or synthetic crude, and products re-

fined or derived from natural or synthetic crude or from such blends.

"(7) The term 'renewable energy source' means energy generated from renewable sources, including the following:

"(A) Solar, including electricity.

"(B) Wind.

"(C) Biomass.

"(D) Landfill gas.

"(E) Ocean, including tidal, wave, current, and thermal.

"(F) Geothermal, including electricity and heat pumps.

"(G) Municipal solid waste.

"(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

"(I) Thermal energy generated by any of the preceding sources.".

(2) CLERICAL AMENDMENTS.—Such chapter is further amended—

(A) in the table of subchapters at the beginning of such chapter, by striking "2925" and inserting "2924"; and

(B) in the table of sections at the beginning of subchapter III of such chapter, by inserting before the item relating to section 2925 the following new item:

"2924. Definitions.".

(b) CONFORMING AMENDMENTS STRIKING SEPARATE DEFINITIONS.—Such chapter is further amended—

(1) in section 2911—

(A) in subsection (d)—

(i) by striking "(1)" before "For the purpose";

(ii) by striking paragraph (2); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(B) in subsection (e), by striking paragraph (2);

(2) in section 2922e, by striking subsections (e) and (f);

(3) in section 2922g, by striking subsection (d); and

(4) in section 2925(b), by striking paragraph (4).

SEC. 2822. CONSIDERATION OF ENERGY SECURITY IN DEVELOPING ENERGY PROJECTS ON MILITARY INSTALLATIONS USING RENEWABLE ENERGY SOURCES.

(a) [10 U.S.C. 2911 note] POLICY OF PURSUING ENERGY SECURITY.—

(1) POLICY REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish a policy for military installations that includes the following:

(A) Favorable consideration for energy security in the design and development of energy projects on the military installation that will use renewable energy sources.

(B) Guidance for commanders of military installations inside the United States on planning measures to mini-

mize the effects of a disruption of services by a utility that sells natural gas, water, or electric energy to those installations in the event that a disruption occurs.

(2) NOTIFICATION.—The Secretary of Defense shall provide notification to the congressional defense committees within 30 days after entering into any agreement for a facility energy project described in paragraph (1)(A) that excludes pursuit of energy security on the grounds that inclusion of energy security is cost prohibitive. The Secretary shall also provide a cost-benefit-analysis of the decision.

(3) ENERGY SECURITY DEFINED.—In this subsection, the term "energy security" has the meaning given that term in paragraph (3) of section 2924 of title 10, United States Code, as added by section 2821(a).

(b) ADDITIONAL CONSIDERATION FOR DEVELOPING AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(12) Opportunities for improving energy security for facility energy projects that will use renewable energy sources.".

(c) DEVELOPMENT OF GEOTHERMAL ENERGY ON MILITARY LANDS.—Section 2917 of such title is amended—

(1) by striking "The Secretary" and inserting "(a) Development Authorized.—The Secretary"; and

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

"(b) CONSIDERATION OF ENERGY SECURITY. The development of a geothermal energy project under subsection (a) should include consideration of energy security in the design and development of the project.".

(d) REPORTING REQUIREMENT.—Section 2925(a) of such title is amended—

(1) in paragraph (3), by inserting "whether the project incorporates energy security into its design," after "through the duration of each such mechanism,";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) Details of utility outages at military installations including the total number and locations of outages, the financial impact of the outage, and measures taken to mitigate outages in the future at the affected location and across the Department of Defense.".

SEC. 2823. ESTABLISHMENT OF INTERIM OBJECTIVE FOR DEPARTMENT OF DEFENSE 2025 RENEWABLE ENERGY GOAL.

(a) INTERIM OBJECTIVE.—Section 2911(e) of title 10, United States Code, as amended by section 2821(b)(1)(B), is further amended by inserting after paragraph (1) the following new paragraph:

"(2) To help ensure that the goal specified in paragraph (1)(A) regarding the use of renewable energy by the Department of Defense is achieved, the Secretary of Defense shall establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.".

(b) [10 U.S.C. 2911 note] DEADLINE; CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the interim renewable energy goal established pursuant to the amendment made by subsection (a).

SEC. 2824. USE OF CENTRALIZED PURCHASING AGENTS FOR RENEWABLE ENERGY CERTIFICATES TO REDUCE COST OF FACILITY ENERGY PROJECTS USING RENEWABLE ENERGY SOURCES AND IMPROVE EFFICIENCIES.

(a) PURCHASE AND USE OF RENEWABLE ENERGY CERTIFICATES.—Section 2911(e) of title 10, United States Code, as amended by sections 2821(b)(1)(B) and 2823(a), is further amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense shall establish a policy to maximize savings for the bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

"(B) Under the policy required by subparagraph (A), the Secretary of a military department shall submit requests for the purchase of replacement renewable energy certificates to a centralized purchasing authority maintained by such department or the Defense Logistics Agency with expertise regarding—

"(i) the market for renewable energy certificates;

"(ii) the procurement of renewable energy certificates; and

"(iii) obtaining the best value for the military department by maximizing the purchase of renewable energy certificates from projects placed into service before January 1, 1999.

"(C) The centralized purchasing authority shall solicit industry for the most competitive offer for replacement renewable energy certificates, to include a combination of renewable energy certificates from new projects and projects placed into service before January 1, 1999.

"(D) Subparagraph (B) does not prohibit the Secretary of a military department from entering into an agreement outside of the centralized purchasing authority if the Secretary will obtain the best value by bundling the renewable energy certificates with the facility energy project through a power purchase agreement or other contractual mechanism at the installation.

"(E) Nothing in this paragraph shall be construed to authorize the purchase of renewable energy certificates to meet Federal goals or mandates in the absence of the development of a facility energy project using renewable energy sources.

"(F) This policy does not make the purchase of renewable energy certificates mandatory, but the policy shall apply whenever original renewable energy certificates are proposed to be swapped for replacement renewable energy certificates.".

(b) REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, as amended by section 2822(d), is further amended—

(1) by redesignating paragraphs (4) through (11) as paragraphs (5) through (12), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) In addition to the information contained in the table listing energy projects financed through third party financing mechanisms, as required by paragraph (3), the table also shall list any renewable energy certificates associated with each project, including information regarding whether the renewable energy certificates were bundled or unbundled, the purchasing authority for the renewable energy certificates, and the price of the associated renewable energy certificates.".

SEC. 2825. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

"(2)(A) The Secretary of Defense shall prescribe a definition of the term 'energy-efficient product' for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

"(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

"(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.".

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

"(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.".

SEC. 2826. SUBMISSION OF ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.

Section 2925(a) of title 10, United States Code, is amended by striking "As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:" and inserting "Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following:".

SEC. 2827. [10 U.S.C. 2911 note] REQUIREMENT FOR DEPARTMENT OF DEFENSE TO CAPTURE AND TRACK DATA GENERATED IN METERING DEPARTMENT FACILITIES.

The Secretary of Defense shall require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SEC. 2828. [10 U.S.C. 7291 note] METERING OF NAVY PIERS TO ACCURATELY MEASURE ENERGY CONSUMPTION.

(a) METERING REQUIRED.—The Secretary of the Navy shall meter Navy piers so that the energy consumption of naval vessels while in port can be accurately measured and captured and steps taken to improve the efficient use of energy by naval vessels while in port.

(b) PROGRESS REPORTS.—In each of the Department of Defense energy management reports submitted to Congress during fiscal years 2012 through 2017 under section 2925(a) of title 10, United States Code, the Secretary of the Navy shall include information on the progress being made to implement the metering of Navy piers, including information on any reductions in energy consumption achieved through the use of such metering.

SEC. 2829. [10 U.S.C. 2911 note] TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers. In creating the policy, the Secretary shall consider the best practices and certifications available in either the military services or in the private sector.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

SEC. 2830. REPORT ON ENERGY-EFFICIENCY STANDARDS AND PROHIBITION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GOLD OR PLATINUM CERTIFICATION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on the energy-efficiency and sustainability standards utilized by the Department of Defense for military construction and repair.

(2) CONTENTS OF REPORT.—The report shall include a cost-benefit analysis, return on investment, and long-term payback for the following design standards:

(A) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1-2011.

(B) ASHRAE building standard 90.1-2010.

(C) Leadership in Energy and Environmental Design (LEED) silver, gold, and platinum certification, as well as the LEED volume certification.

(D) Other American National Standards Institute accredited standards.

(3) DEPARTMENT OF DEFENSE UNIFIED FACILITIES CRITERIA AND RELATED POLICIES.—The report shall also include the Department of Defense Unified Facilities Criteria and related Department of Defense policies, which shall be updated—

(A) to reflect comprehensive guidance for the pursuit of design and building standards throughout the Department of Defense that specifically address energy- and water-efficient standards and sustainable design attributes for military construction based on the cost-benefit analysis, return on investment, total ownership costs, and demonstrated payback of the design standards specified in subparagraphs (A), (B), (C), and (D) of paragraph (2); and

(B) to ensure that the building design and certification standards are applied to each military construction project based on geographic location and local circumstances to ensure maximum savings.

(b) PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION.—

(1) PROHIBITION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2012 or 2013 may be obligated or expended for achieving any LEED gold or platinum certification until the report required by subsection (a) is submitted to the congressional defense committees.

(2) WAIVER AND NOTIFICATION.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary submits a notification to the congressional defense committees at least 30 days before the obligation of funds toward achieving the LEED gold or platinum certification.

(3) CONTENTS OF NOTIFICATION.—A notification shall include the following:

(A) A cost-benefit analysis of the decision to obligate funds toward achieving the LEED gold or platinum certification.

(B) Demonstrated payback for the energy improvements or sustainable design features.

(4) EXCEPTION.—LEED gold and platinum certifications shall be permitted, and not require a waiver and notification under this subsection, if achieving such certification imposes no additional cost to the Department of Defense.

Subtitle D—Provisions Related to Guam Realignment

SEC. 2841. [10 U.S.C. 2687 note] CERTIFICATION OF MEDICAL CARE COVERAGE FOR H-2B TEMPORARY WORKFORCE ON MILITARY CONSTRUCTION PROJECTS ON GUAM.

(a) MANAGEMENT OF WORKFORCE HEALTH CARE.—Subject to subsection (b), the Secretary of the Navy may not award any additional Navy or Marine Corps construction project or associated task order on Guam associated with the Record of Decision for the Guam and CNMI Military Relocation dated September 2010 if the aggregate of the number of employees holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b); known as "H-2B workers") to support such relocation exceeds 2,000 until the Secretary of the Navy certifies to the congressional defense committees that a system of health care for the H-2B workers is available.

(b) SYSTEM OF HEALTH CARE.—The health care system required to be certified in subsection (a) shall—

(1) include a comprehensive medical plan for the H-2B workers;

(2) include comprehensive planning and coordination with contractor-provided healthcare services and with Guam's civilian and military healthcare community; and

(3) access local healthcare assets to help meet the health care needs of the H-2B workers.

(c) ELEMENTS OF MEDICAL PLAN.—The comprehensive medical plan referred to in subsection (b)(1) shall—

(1) address significant health issues, injury, or series of injuries in addition to basic first responder medical services for H-2B workers;

(2) provide pre-deployment health screening at the country of origin of H-2B workers, ensuring—

(A) all major or chronic disease conditions of concern are identified;

(B) proper immunizations are administered;

(C) screening for tuberculosis and communicable diseases are conducted; and

(D) all H-2B workers are fit and healthy for work prior to deployment;

(3) provide that an arrival health screening process is developed to ensure the H-2B workers are fit to work and that the risk of spreading communicable diseases to the resident population is minimized; and

(4) provide comprehensive on-site medical services, including emergency medical care for the H-2B workers, primary health care to include care for chronic diseases, preventive services and acute care delivery, and accessible prescription services maintaining oversight, authorization access, and delivery of prescription medications to the workforce.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed as requiring the Secretary of the Navy to establish a United States Government-sponsored or funded health care system re-

quired to be certified in subsection (a) or to be responsible in any way for the administration of a health care system or plan or the provision of health care services for the H-2B workers identified in subsection (a).

SEC. 2842. REPEAL OF CONDITION ON USE OF SPECIFIC UTILITY CONVEYANCE AUTHORITY REGARDING GUAM INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM.

Section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4465) is amended by striking subsection (c).

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the "Municipality") all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this paragraph.

(2) EKLUTNA, INC..—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as "Eklutna"), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the

Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.

Section 2852 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2685) is amended by striking "to be acquired by the United States of America" and inserting "to be acquired by the Military Department of Arkansas".

SEC. 2853. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, CAMP CAITLIN AND OHANA NUI AREAS, HAWAII.

Section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2689) is amended by inserting before the period at the end the fol-

lowing: ", before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104-42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws".

SEC. 2854. LAND EXCHANGE, FORT BLISS TEXAS.

(a) CONVEYANCE AUTHORIZED.—In exchange for the receipt of the real property described in subsection (b), the Secretary of the Army may convey to the Texas General Land Office (in this section referred to as the "TGLO") all right, title, and interest of the United States in and to a parcel of undeveloped real property consisting of approximately 694 acres at Fort Bliss, Texas, for the purpose of facilitating commercial development of the parcel.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), TGLO shall convey to the Secretary of the Army all right, title, and interest of TGLO in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,880 acres adjacent to Fort Bliss training areas to facilitate tactical vehicle ingress and egress between the installation and the training areas and mitigate encroachment issues. If the fair market value of the real property to be acquired by the Secretary is less than the fair market value of the real property to be conveyed under subsection (a), the Secretary may require a cash equalization payment in an amount equal to the difference in value.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require TGLO to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from TGLO in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to TGLO.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, FORMER DEFENSE DEPOT OGDEN, UTAH.

(a) CONVEYANCE OF RESIDUAL INTERESTS.—To facilitate the conveyance of a parcel of real property consisting of approximately 2.73 acres at the former Defense Depot Ogden, Utah (in this subsection referred to as the "Property"), from the Weber Basin Disabled Corporation to the Ogden City Redevelopment Authority (in this section referred to as the "Redevelopment Authority"), the Secretary of the Army may accept a request to revert the Property from the Secretary of Health and Human Services. The Secretary of the Army may further convey, by quit claim deed, all residual right, title, and interest of the United States (including reversionary interests) in and to the Property for the purpose of permitting the Redevelopment Authority to take immediate steps to prevent the further deterioration of the building on the parcel and subsequently redevelop the parcel.

(b) CONSIDERATION.—As consideration for the conveyance of residual United States interests in the property described in subsection (a), the Redevelopment Authority shall pay an amount equal to the fair market value of the conveyed interests, as determined by the Secretary of the Army. Amounts received under this subsection shall be deposited in the Department of Defense Base Closure Account 2005. The amounts deposited shall be merged with other amounts in such fund and be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund.

(c) PAYMENT OR COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary of the Army shall require the Redevelopment Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. If amounts are collected from the Redevelopment Authority in advance of the Secretary of the Army incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Redevelopment Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2861. [10 U.S.C. 2165 note] REDESIGNATION OF INDUSTRIAL COLLEGE OF THE ARMED FORCES AS THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) REDESIGNATION.—The Industrial College of the Armed Forces is hereby renamed the "Dwight D. Eisenhower School for National Security and Resource Strategy".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2165(b) of title 10, United States Code, is amended to read as follows:

"(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.".

(c) [10 U.S.C. 663] REFERENCES.—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

SEC. 2862. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking "Mike O'Callaghan Federal Hospital" each place it appears and inserting "Mike O'Callaghan Federal Medical Center".

SEC. 2863. PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER A MEMBER OF CONGRESS.

(a) PROHIBITION.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

"(2) In this subsection:

"(A) The term 'Member of Congress' includes a Delegate or Resident Commissioner to the Congress.

"(B) The term 'real property' includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.".

(b) APPLICATION OF AMENDMENT.—The prohibition in subsection (c) of section 2661 of title 10, United States Code, as added by subsection (a), shall apply only with respect to real property of the Department of Defense named after the date of the enactment of this Act.

SEC. 2864. NOTIFICATIONS OF REDUCTIONS IN NUMBER OF MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY AT A MILITARY INSTALLATION.

(a) NOTICE AND WAIT LIMITATION.—Chapter 50 of title 10, United States Code, is amended by inserting after section 992 the following new section:

"SEC. 993. NOTIFICATION OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES

"(a) NOTIFICATION. The Secretary of Defense or the Secretary of the military department concerned shall notify Congress under subsection (b) of a plan to reduce more than 1,000 members of the armed forces assigned at a military installation.

"(b) NOTICE REQUIREMENTS. No irrevocable action may be taken to effect or implement a reduction described under subsection (a) until—

"(1) the Secretary of Defense or the Secretary of the military department concerned notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed reduction and the number of personnel assignments affected;

"(2) submits a justification for the reduction and an evaluation of the local strategic and operational impact of such reduction; and

"(3) a period of 21 days has expired following submission of the notice and evaluation required under this subsection, or if sooner, a period of 14 days has expired following the date on which an electronic version of the notice and justification has been submitted to such committees.

"(c) EXCEPTIONS.

"(1) BASE CLOSURE PROCESS. Subsections (a) and (b) do not apply in the case of the realignment of a military installation pursuant to a base closure law.

"(2) NATIONAL SECURITY OR EMERGENCY. Subsections (a) and (b) do not apply if the President certifies to Congress that the reduction in military personnel at a military installation must be implemented for reasons of national security or a military emergency.".

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

"993. Notification of permanent reduction of sizable numbers of members of the armed forces.".

SEC. 2865. INVESTMENT PLAN FOR THE MODERNIZATION OF PUBLIC SHIPYARDS UNDER JURISDICTION OF DEPARTMENT OF THE NAVY.

(a) PLAN REQUIRED.—Not later than September 1, 2012, the Secretary of the Navy shall submit to the congressional defense committees a plan to address the facilities and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the operations and support required at each public shipyard under the control of the Secretary, includ-

ing the location, year constructed, the classes of ships serviced, number of personnel assigned, and the average age of facilities at each location.

(2) A review of all workload requirements in the past 5 years, an assessment of the efficiency in the use of existing facilities to meet the workload, and an estimate of the workload planned for each public shipyard through the current future-years defense program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy of each facility—

(A) to carry out efficient depot-level ship maintenance with modern technology and equipment;

(B) to ensure workplace safety;

(C) to support nuclear-related activities (where applicable);

(D) to maintain the quality of life of the workforce; and

(E) to meet the energy savings goals of the Secretary of the Navy for military installations.

(4) An assessment of the existing condition of each facility at each public shipyard to include a review of existing and projected deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(5) A description and cost estimate for each project to improve, repair, renovate, or modernize facilities or infrastructure.

(6) A description of the facility improvements or new construction projects at each public shipyard that would improve the efficiency of the facility's operations or generate energy savings based upon a business case analysis.

(7) An investment strategy planned for each public shipyard to correct deficiencies identified in paragraph (4), including timelines to complete each project and cost estimates and timelines necessary to complete the projects identified in paragraph (6).

(8) A list of projects, costs, and timelines through the future-years defense program to meet the requirements of the minimum capital investment percentage required under section 2476 of title 10, United States Code.

SEC. 2866. REPORT ON THE HOMEOWNERS ASSISTANCE PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Homeowners Assistance Program under the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374). The report shall include the following:

(1) The estimated cost if eligibility were expanded to include permanent change of station applicants who purchased a home after July 1, 2006, and before July 1, 2008.

(2) The estimated cost if eligibility were expanded to include members of the Armed Forces under paragraph (1) and permanent change of station applicants who received permanent change of station orders after September 30, 2010, and before September 30, 2011.

(3) The estimated number of members of the Armed Forces who received permanent change of station orders after September 30, 2010, and before September 30, 2011, and who suffered a decline of at least a 10 percent in home value from the date of purchase to the date of sale.

SEC. 2867. [10 U.S.C. 2223a note] DATA SERVERS AND CENTERS.

(a) LIMITATIONS ON OBLIGATION OF FUNDS.—

(1) LIMITATIONS.—

(A) BEFORE PERFORMANCE PLAN.—During the period beginning on the date of the enactment of this Act and ending on May 1, 2012, a department, agency, or component of the Department of Defense may not obligate funds for a data server farm or data center unless approved by the Chief Information Officer of the Department of Defense or the Chief Information Officer of a component of the Department to whom the Chief Information Officer of the Department has specifically delegated such approval authority.

(B) UNDER PERFORMANCE PLAN.—After May 1, 2012, a department, agency, or component of the Department may not obligate funds for a data center, or any information systems technology used therein, unless that obligation is in accordance with the performance plan required by subsection (b) and is approved as described in subparagraph (A).

(2) REQUIREMENTS FOR APPROVALS.—

(A) BEFORE PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(A) unless the official granting the approval determines, in writing, that existing resources of the agency, component, or element concerned cannot affordably or practically be used or modified to meet the requirements to be met through the obligation of funds.

(B) UNDER PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(B) unless the official granting the approval determines that—

(i) existing resources of the Department do not meet the operation requirements to be met through the obligation of funds; and

(ii) the proposed obligation is in accordance with the performance standards and measures established by the Chief Information Officer of the Department under subsection (b).

(3) REPORTS.—Not later than 30 days after the end of each calendar quarter, each Chief Information Officer of a component of the Department who grants an approval under paragraph (1) during such calendar quarter shall submit to the Chief Information Officer of the Department a report on the approval or approvals so granted during such calendar quarter.

(b) PERFORMANCE PLAN FOR REDUCTION OF RESOURCES REQUIRED FOR DATA SERVERS AND CENTERS.—

(1) COMPONENT PLANS.—

(A) IN GENERAL.—Not later than January 15, 2012, the Secretaries of the military departments and the heads of the Defense Agencies shall each submit to the Chief Information Officer of the Department a plan for the department or agency concerned to achieve the following:

(i) A reduction in the square feet of floor space devoted to information systems technologies, attendant support technologies, and operations within data centers.

(ii) A reduction in the use of all utilities necessary to power and cool information systems technologies and data centers.

(iii) An increase in multi-organizational utilization of data centers, information systems technologies, and associated resources.

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

(3) RESPONSIBILITY.—The Chief Information Officer of the Department shall discharge the responsibility for establishing performance standards and measures for data centers and information systems technologies for purposes of this subsection. Such responsibility may not be delegated.

(c) EXCEPTIONS.—

(1) INTELLIGENCE COMPONENTS.—The Chief Information Officer of the Department and the Chief Information Officer of the Intelligence Community may jointly exempt from the applicability of this section such intelligence components of the Department of Defense (and the programs and activities thereof) that are funded through the National Intelligence Program (NIP) as the Chief Information Officers consider appropriate.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION PROGRAMS.—The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization of appropriations for the High Performance Computing Modernization Program (Program Element 0603461A) if the Chief Information Officer determines that the exemption is in the best interest of national security.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Limitation on availability of funds for establishment of centers of excellence on nuclear security outside of the former Soviet Union.
Sec. 3112. Aircraft procurement.
Sec. 3113. Hanford waste tank cleanup program reforms.
Sec. 3114. Recognition and status of National Atomic Testing Museum.

Subtitle C—Reports

Sec. 3121. Repeal of certain report requirements.
Sec. 3122. Progress on nuclear nonproliferation.
Sec. 3123. Reports on role of nuclear security complex sites and potential efficiencies.
Sec. 3124. Net assessment of high-performance computing capabilities of foreign countries.
Sec. 3125. Review and analysis of nuclear waste reprocessing and nuclear reactor technology.

Subtitle D—Other Matters

Sec. 3131. Sense of Congress on the use of savings from excess amounts for certain pension plan contributions.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 12-D-301, Transuranic (TRU) Waste Facilities, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,881,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. LIMITATION ON AVAILABILITY OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE ON NUCLEAR SECURITY OUTSIDE OF THE FORMER SOVIET UNION.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 3101 or otherwise made available for fiscal year 2012 for the National Nuclear Security Administration, not more than 25 percent may be obligated or expended to establish a center of excellence on nuclear security in a country that is not a state of the former Soviet Union until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to the appropriate congressional committees a report that includes the following:

(1) An identification of the country in which a center of excellence established under subsection (a) will be located.

(2) A description of the purpose for which the center will be established and the existing capacity of the country in which the center will be located to develop and implement best practices for training for nuclear security.

(3) The extent to which the training and relationship-building activities planned for the center could contribute to improving the historic pattern of the country in which the center will be located with respect to the proliferation of weapons of mass destruction and missiles.

(4) The agreement under which the center will operate.

(5) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 3112. AIRCRAFT PROCUREMENT.

Using amounts authorized to be appropriated and made available for obligation under section 3101 for weapons activities for any

fiscal year before fiscal year 2013, the Secretary of Energy may procure not more than one aircraft.

SEC. 3113. HANFORD WASTE TANK CLEANUP PROGRAM REFORMS.

Section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) is amended—

(1) in subsection (b)(2), by striking ", consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington" and inserting "all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant";

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

"(d) NOTIFICATION. The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities, and reporting relationships that involve the Office."; and

(3) by striking subsections (e) and (f) and inserting the following new subsection:

"(e) TERMINATION. The Office shall terminate on September 30, 2019. The Office may be extended beyond that date if the Assistant Secretary of Energy for Environmental Management determines in writing that termination would disrupt effective management of the Hanford Tank Farm operations.".

SEC. 3114. RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.

Section 3137 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7142) is amended—

(1) in the section heading, by inserting "AND NATIONAL ATOMIC TESTING MUSEUM" after "ATOMIC MUSEUM"; and

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

"(d) RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM. The museum operated by the Nevada Test Site Historical Foundation and located in Las Vegas, Nevada—

"(1) is recognized as the official atomic testing museum of the United States; and

"(2) shall be known as the 'National Atomic Testing Museum'.".

Subtitle C—Reports

SEC. 3121. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPEAL OF REPORT REQUIREMENT FOR NUCLEAR CITIES INITIATIVE PROGRAM.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1366) is repealed.

(b) REMOVAL OF REPORT REQUIREMENT FOR NONPROLIFERATION INITIATIVE PROGRAM.—Paragraph (6) of section 4302(a) of the Atomic Energy Defense Act (50 U.S.C. 2562(a)) is amended to read as follows:

"(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs

duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.".

SEC. 3122. PROGRESS ON NUCLEAR NONPROLIFERATION.

(a) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2020, the Secretary of Energy, in coordination with the Office of Intelligence and Counterintelligence of the Department of Energy, shall submit to the appropriate congressional committees an assessment containing the following:

(1) An assessment of the risk that non-nuclear weapons states may acquire nuclear enrichment or reprocessing technology.

(2) A list, by country and site, reflecting the total amount of known highly-enriched uranium around the world, including an identification of such uranium that is obligated by the United States, and an assessment of the vulnerability of such uranium to theft or diversion.

(3) A list, by country and site, reflecting the total amount of separated plutonium around the world, including an identification of such plutonium that is obligated by the United States, and an assessment of the vulnerability of the plutonium to theft or diversion.

(b) FORM.—

(1) IN GENERAL.—Except as provided by paragraph (2), each report and assessment under this section shall be submitted in unclassified form, but may include a classified annex.

(2) LIST.—Each list under paragraph (2) or (3) of subsection (a) may be in classified form if the Secretary determines it necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3123. REPORTS ON ROLE OF NUCLEAR SECURITY COMPLEX SITES AND POTENTIAL EFFICIENCIES.

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION REPORT.—

(1) REPORT REQUIRED.—Not later than March 1, 2013, the Administrator for Nuclear Security shall submit to the congressional defense committees a report—

(A) assessing the role of the nuclear security complex sites in supporting—

(i) a safe, secure, and reliable nuclear deterrent;

(ii) reductions in the nuclear stockpile; and

(iii) the nuclear nonproliferation efforts of the United States; and

(B) identifying any opportunities for efficiencies and cost savings within the nuclear security complex.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An assessment of the role of the nuclear security complex sites, including the national security laboratories, in—

(i) maintaining a safe, secure, and reliable nuclear deterrent;

(ii) supporting reductions in the nuclear stockpile; and

(iii) supporting the nuclear nonproliferation efforts of the United States, including improving verification and detection technology.

(B) An identification of any opportunities for efficiencies within the nuclear security complex and an assessment of how those efficiencies could contribute to cost savings and strengthening safety and security.

(C) An assessment of duplicative functions within the nuclear security complex and a description of which duplicative functions remain necessary and why.

(D) If the Administrator determines it appropriate, an analysis of the potential for shared use or development of high explosives research and development capacity, supercomputing platforms, and infrastructure maintained for Work for Others programs.

(E) A description of the long-term strategic plan for the nuclear security complex.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the report under subsection (a)(1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report submitted by the Administrator for Nuclear Security under subsection (a).

(c) FORM.—The reports required by subsections (a) and (b) shall be submitted in unclassified form, but may include a classified annex.

(d) NUCLEAR SECURITY COMPLEX DEFINED.—In this section, the term "nuclear security complex" means the facilities and laboratories specified in section 4102(g) of the Atomic Energy Defense Act (50 U.S.C. 2512(g)).

SEC. 3124. NET ASSESSMENT OF HIGH-PERFORMANCE COMPUTING CAPABILITIES OF FOREIGN COUNTRIES.

(a) ASSESSMENT REQUIRED.—The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, the Administrator for Nuclear Security, and the Secretary of Commerce, shall conduct a net assessment of the high-performance computing capability possessed by foreign countries.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include—

(1) an analysis of current and expected future capabilities and trends with respect to high-performance computing in the United States and in other countries;

(2) a description of how high-performance computing technology is being used by various countries as compared to the United States;

(3) an evaluation of the similarities and differences in approaches to the innovation, development, and use of high-performance computing among the United States and countries with the most experience, capabilities, or skill with respect to high-performance computing;

(4) estimates of the current and expected future effects of high-performance computing technology on the national security and economic growth of various countries;

(5) recommendations on actions to take to ensure the continued leadership by the United States in high-performance computing and ways to better leverage such technology for innovation, economic growth, and national security; and

(6) such other matters as the Director of National Intelligence considers appropriate.

(c) COORDINATION WITH OTHER AGENCIES.—The Director of National Intelligence shall coordinate the assessment required by subsection (a) with other departments or agencies of the Federal Government as the Director considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the results of the assessment required by subsection (a).

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

SEC. 3125. REVIEW AND ANALYSIS OF NUCLEAR WASTE REPROCESSING AND NUCLEAR REACTOR TECHNOLOGY.

(a) STUDY REQUIRED.—The Secretary of Energy, in consultation with the Administrator for Nuclear Security and the Secretary of Defense, as needed, shall conduct a study on waste reprocessing and Generation IV nuclear reactor technology.

(b) ELEMENTS.—The study required under subsection (a) shall include—

(1) a review of previous studies conducted by the Department of Energy and the National Academy of Sciences related to the subject of nuclear waste reprocessing and the use of

mixed oxide fuel in nuclear reactors, including Generation IV reactors, as a point of reference;

(2) a determination of the waste streams resulting from reprocessing and the use of mixed oxide fuel;

(3) an analysis of the nuclear proliferation risks of reprocessing and using mixed oxide fuel in nuclear reactors, including effects on the nuclear nonproliferation efforts of the United States;

(4) a comparison of the costs and proliferation risks of nuclear waste reprocessing technologies used in other countries and a comparison to the costs and risks of direct disposal of nuclear waste; and

(5) an analysis, in coordination with the Secretary of Defense, of the feasibility of deploying proven Generation IV reactors or other nuclear technology that could use mixed oxide fuel at military installations.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report on the study required under subsection (a).

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations of the Senate.

Subtitle D—Other Matters

SEC. 3131. SENSE OF CONGRESS ON THE USE OF SAVINGS FROM EXCESS AMOUNTS FOR CERTAIN PENSION PLAN CONTRIBUTIONS.

It is the sense of Congress that—

(1) the employee pension plans maintained by the management and operating contractors managing the national laboratories, plants, and other facilities of the National Nuclear Security Administration and the Office of Environmental Management of the Department of Energy should be fully funded to ensure that pension commitments made to the highly skilled scientists, engineers, and other employees of the nuclear enterprise are kept; and

(2) if economic conditions improve, or efficiencies are identified, so that amounts appropriated for contributions to those pension plans exceed the amounts required by law for those contributions, the Administrator for Nuclear Security or the Assistant Secretary of Energy for Environmental Management should promptly obligate or expend the excess amounts on high priority mission activities of the National Nuclear Security Ad-

ministration or the Office of Environmental Management, as the case may be.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2012, $29,130,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,909,000 for fiscal year 2012 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012.
Sec. 3502. Use of National Defense Reserve Fleet and Ready Reserve Force vessels.
Sec. 3503. Recruitment authority.
Sec. 3504. Ship scrapping reporting requirement.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2012.

Funds are hereby authorized to be appropriated for fiscal year 2012, to be available without fiscal year limitation if so provided in the appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $93,068,000, of which—

(A) $64,183,000 shall remain available until expended for Academy operations; and

(B) $28,885,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $17,100,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $3,600,000 shall remain available until expended for direct payments to such academies; and

(C) $11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $18,500,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 6661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $14,260,000, of which $3,740,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)) is amended—

(1) in subsection (b), by striking "or" after the semicolon at the end of paragraph (4), striking the period at the end of paragraph (5) and inserting "; or", and adding at the end the following new paragraph:

"(6) for civil contingency operations and Maritime Administration promotional and media events, in accordance with subsection (f)."; and

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

"(f) USE OF NDRF VESSELS FOR CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS. With the concurrence of the Secretary of Defense, the Secretary of Transportation may allow the use of vessels in the National Defense Reserve Fleet (NDRF) for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events relating to demonstration projects and research and development supporting the Administration's mission, if the Secretary of Transportation determines such use is in the best interest of the Government after considering the following factors:

"(1) AVAILABILITY. The availability of NDRF or Ready Reserve Force (RRF) resources and the impact of such use on NDRF and RRF mission support to the defense and homeland security requirements of the Government.

"(2) INTERFERENCE. Whether the such use of vessels will support the mission of the Maritime Administration and not significantly interfere with NDRF vessel maintenance, repair, safety, readiness, and resource availability.

"(3) SAFETY. Whether safety precautions will be taken, including indemnification of liability when applicable.

"(4) COST. Whether any costs incurred by such use will be funded as a reimbursable transaction between Federal agencies, as applicable.

"(5) OTHER MATTERS. Any other matters the Maritime Administrator considers appropriate.".

SEC. 3503. RECRUITMENT AUTHORITY.

Section 51301 of title 46, United States Code, is amended—

(1) by inserting "(a) IN General.—" before the first sentence; and

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

"(b) RECRUITMENT. The Secretary of Transportation may, subject to the availability of appropriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.".

SEC. 3504. [16 U.S.C. 5405 note] SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by section 3505(a) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3551), is amended to read as follows:

"(f) BRIEFINGS. The Maritime Administrator shall, upon request, provide briefings to the Committee on Transportation and Infrastructure, the Committee on Natural Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in recycling vessels, problems encountered with recycling vessels, issues relating to vessel recycling, and other issues relating to vessel recycling and disposal.".

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

[See original law for tables set out in titles XLI through XLVII of division D]

DIVISION E—SBIR AND STTR REAUTHORIZATION

TITLE L—SHORT TITLE; DEFINITIONS

SEC. 5001. [15 U.S.C. 631 note] SHORT TITLE.

This division may be cited as the "SBIR/STTR Reauthorization Act of 2011".

SEC. 5002. [15 U.S.C. 638b note] DEFINITIONS.

In this division—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms "extramural budget", "Federal agency", "Small Business Innovation Research Program", "SBIR",

"Small Business Technology Transfer Program", and "STTR" have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE LI—SBIR AND STTR REAUTHORIZATION

Subtitle A—Reauthorization of the SBIR and STTR Programs

Sec. 5101. Extension of termination dates.
Sec. 5102. SBIR and STTR allocation increase.
Sec. 5103. SBIR and STTR award levels.
Sec. 5104. Agency and program flexibility.
Sec. 5105. Elimination of Phase II invitations.
Sec. 5106. Pilot to allow phase flexibility.
Sec. 5107. Participation by firms with substantial investment from multiple venture capital operating companies, hedge funds, or private equity firms in a portion of the SBIR program.
Sec. 5108. SBIR and STTR special acquisition preference.
Sec. 5109. Collaborating with Federal laboratories and research and development centers.
Sec. 5110. Notice requirement.
Sec. 5111. Additional SBIR and STTR awards.

Subtitle B—Outreach and Commercialization Initiatives

Sec. 5121. Technical assistance for awardees.
Sec. 5122. Commercialization Readiness Program at Department of Defense.
Sec. 5123. Commercialization Readiness Pilot Program for civilian agencies.
Sec. 5124. Interagency Policy Committee.
Sec. 5125. Clarifying the definition of "Phase III".
Sec. 5126. Shortened period for final decisions on proposals and applications.
Sec. 5127. Phase 0 Proof of Concept Partnership pilot program.

Subtitle C—Oversight and Evaluation

Sec. 5131. Streamlining annual evaluation requirements.
Sec. 5132. Data collection from agencies for SBIR.
Sec. 5133. Data collection from agencies for STTR.
Sec. 5134. Public database.
Sec. 5135. Government database.
Sec. 5136. Accuracy in funding base calculations.
Sec. 5137. Continued evaluation by the National Academy of Sciences.
Sec. 5138. Technology insertion reporting requirements.
Sec. 5139. Intellectual property protections.
Sec. 5140. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.
Sec. 5141. Pilot to allow funding for administrative, oversight, and contract processing costs.
Sec. 5142. GAO study with respect to venture capital operating company, hedge fund, and private equity firm involvement.
Sec. 5143. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.
Sec. 5144. Simplified paperwork requirements.

Subtitle D—Policy Directives

Sec. 5151. Conforming amendments to the SBIR and the STTR Policy Directives.

Subtitle E—Other Provisions

Sec. 5161. Report on SBIR and STTR program goals.
Sec. 5162. Competitive selection procedures for SBIR and STTR programs.
Sec. 5163. Loan restrictions.

Sec. 5164. Limitation on pilot programs.
Sec. 5165. Commercialization success.
Sec. 5166. Publication of certain information.
Sec. 5167. Report on enhancement of manufacturing activities.
Sec. 5168. Coordination of the SBIR program and the Experimental Program to Stimulate Competitive Research.

Subtitle A—Reauthorization of the SBIR and STTR Programs

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2011" and inserting "2017".

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking "2011" and inserting "2017".

SEC. 5102. SBIR AND STTR ALLOCATION INCREASE.

(a) SBIR.—Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "Each" and inserting "Except as provided in paragraph (2)(B), each";

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C) and inserting the following:

"(C) not less than 2.5 percent of such budget in each of fiscal years 1997 through 2011;

"(D) not less than 2.6 percent of such budget in fiscal year 2012;

"(E) not less than 2.7 percent of such budget in fiscal year 2013;

"(F) not less than 2.8 percent of such budget in fiscal year 2014;

"(G) not less than 2.9 percent of such budget in fiscal year 2015;

"(H) not less than 3.0 percent of such budget in fiscal year 2016; and

"(I) not less than 3.2 percent of such budget in fiscal year 2017 and each fiscal year thereafter,"; and

(2) by adding at the end the following:

"(4) RULE OF CONSTRUCTION. Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the agency that exceeds the amount required under paragraph (1).".

(b) STTR.—Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i) by striking "and" at the end; and

(2) by striking clause (ii) and inserting the following:

"(ii) 0.3 percent for each of fiscal years 2004 through 2011;

"(iii) 0.35 percent for each of fiscal years 2012 and 2013;

"(iv) 0.40 percent for each of fiscal years 2014 and 2015; and

"(v) 0.45 percent for fiscal year 2016 and each fiscal year thereafter.".

SEC. 5103. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking "$100,000" and inserting "$150,000"; and

(2) by striking "$750,000" and inserting "$1,000,000".

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking "$100,000" and inserting "$150,000"; and

(2) by striking "$750,000" and inserting "$1,000,000".

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking "once every 5 years to reflect economic adjustments and programmatic considerations" and inserting "every year for inflation"; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting "(each of which the Administrator shall adjust for inflation annually)" after "$1,000,000,".

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(aa) LIMITATION ON SIZE OF AWARDS.

"(1) LIMITATION. No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

"(2) MAINTENANCE OF INFORMATION. Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

"(A) the amount of each award;

"(B) a justification for exceeding the guidelines for each award;

"(C) the identity and location of each award recipient; and

"(D) whether an award recipient has received any venture capital, hedge fund, or private equity firm investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

"(3) REPORTS. The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

"(4) WAIVER FOR SPECIFIC TOPIC. Upon the receipt of an application from a Federal agency, the Administrator may grant a waiver from the requirement under paragraph (1) with respect to a specific topic (but not for the agency as a whole) for a fiscal year if the Administrator determines, based on the information contained in the application from the agency, that—

"(A) the requirement under paragraph (1) will interfere with the ability of the agency to fulfill its research mission through the SBIR program or the STTR program; and

"(B) the agency will minimize, to the maximum extent possible, the number of awards that do not satisfy the requirement under paragraph (1) to preserve the nature and intent of the SBIR program and the STTR program.

"(5) RULE OF CONSTRUCTION. Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.".

SEC. 5104. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(bb) SUBSEQUENT PHASE II AWARDS.

"(1) AGENCY FLEXIBILITY. A small business concern that received a Phase I award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

"(2) SBIR AND STTR PROGRAM FLEXIBILITY. A small business concern that received a Phase I award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

"(3) PREVENTING DUPLICATIVE AWARDS. The head of a Federal agency shall verify that any activity to be performed with respect to a project with a Phase I or Phase II SBIR or STTR award has not been funded under the SBIR program or STTR program of another Federal agency.".

SEC. 5105. ELIMINATION OF PHASE II INVITATIONS.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking "to further" and inserting "which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II, that will further"; and

(2) in paragraph (6)(B), by striking "to further develop proposed ideas to" and inserting "which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II, that will further develop proposals that".

SEC. 5106. PILOT TO ALLOW PHASE FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(cc) PHASE FLEXIBILITY. During fiscal years 2012 through 2017, the National Institutes of Health, the Department of Defense, and the Department of Education may each provide to a small business concern an award under Phase II of the SBIR program with respect to a project, without regard to whether the small business concern was provided an award under Phase I of an SBIR program with respect to such project, if the head of the applicable agency determines that the small business concern has completed the determinations described in subsection (e)(4)(A) with respect to such project despite not having been provided a Phase I award.".

SEC. 5107. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(dd) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS IN THE SBIR PROGRAM.

"(1) AUTHORITY. Upon providing a written determination described in paragraph (2) to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, not later than 30 days before the date on which any such award is made—

"(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the applicable Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies, hedge funds, or private equity firms through competitive, merit-based procedures that are open to all eligible small business concerns; and

"(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies, hedge funds, or private equity firms through competitive, merit-based procedures that are open to all eligible small business concerns.

"(2) DETERMINATION. A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

"(A) induce additional venture capital, hedge fund, or private equity firm funding of small business innovations;

"(B) substantially contribute to the mission of the Federal agency;

"(C) demonstrate a need for public research; and

"(D) otherwise fulfill the capital needs of small business concerns for additional financing for SBIR projects.

"(3) REGISTRATION. A small business concern that is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and qualified for participation in the program authorized under paragraph (1) shall—

"(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

"(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

"(4) COMPLIANCE.

"(A) IN GENERAL. The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

"(B) ANNUAL REPORTING. The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

"(5) ENFORCEMENT. If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

"(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.

"(A) DEFINITION. In this paragraph, the term 'covered small business concern' means a small business concern that—

"(i) was not majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms on the date on which the small business

concern submitted an application in response to a solicitation under the SBIR programs; and

"(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

"(B) IN GENERAL. If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

"(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms, if the covered small business concern meets all other requirements for such an award; and

"(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

"(7) EVALUATION CRITERIA. A Federal agency may not use investment of venture capital or investment from hedge funds or private equity firms as a criterion for the award of contracts under the SBIR program or STTR program.".

(b) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(aa) VENTURE CAPITAL OPERATING COMPANY. In this Act, the term 'venture capital operating company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).

"(bb) HEDGE FUND. In this Act, the term 'hedge fund' has the meaning given that term in section 13(h)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(2)).

"(cc) PRIVATE EQUITY FIRM. In this Act, the term 'private equity firm' has the meaning given the term 'private equity fund' in section 13(h)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(2)).".

(c) [15 U.S.C. 638 note] RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(dd) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies,

hedge funds, or private equity firms to participate in the SBIR program in accordance with section 9(dd) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States by prohibiting large businesses or large entities or foreign-owned businesses or foreign-owned entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and participating in the SBIR program solely under the authority under section 9(dd) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms in the SBIR program in accordance with section 9(dd) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign-owned business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign-owned business, foreign entity, or person who

is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(dd) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies, hedge funds, or private equity firms;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company, hedge fund, or private equity firm that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company, hedge fund, private equity firm, or any other business that the venture capital operating company, hedge fund, or private equity firm has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company, hedge fund, or private equity firm that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company, hedge fund, or private equity firm shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company, hedge fund, or private equity firm owns a majority of the portfolio company; or

(II) the venture capital operating company, hedge fund, or private equity firm holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant based solely on 1 or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out or establish any pilot program until the date on which the Administrator issues the final or interim final regulations under this subsection.

(5) DEFINITION.—In this subsection, the terms "venture capital operating company", "hedge fund", and "private equity firm" have the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this section.

(d) [15 U.S.C. 638 note] ASSISTANCE FOR DETERMINING AFFILIATES.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5108. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

"(4) PHASE III AWARDS. To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.".

SEC. 5109. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(ee) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

"(1) AUTHORIZATION. Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

"(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

"(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

"(2) PROHIBITION. No Federal agency shall—

"(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

"(B) approve an agreement between a small business concern receiving an SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

"(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

"(3) IMPLEMENTATION. Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

"(A) have the flexibility to use the resources of the Federal laboratories or federally funded research and development centers; and

"(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.

"(4) ADVANCE PAYMENT. If a small business concern receiving an award under this section enters into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award, the Federal laboratory or federally funded research and development center may not require advance payment from the small business concern in an amount greater than the amount necessary to pay for 30 days of such activities.".

SEC. 5110. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency.".

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting "; and";

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

"(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.".

SEC. 5111. ADDITIONAL SBIR AND STTR AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(ff) ADDITIONAL SBIR AND STTR AWARDS.

"(1) EXPRESS AUTHORITY FOR AWARDING A SEQUENTIAL PHASE II AWARD. A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive 1 additional Phase II SBIR award or Phase II STTR award for continued work on that project.

"(2) PREVENTING DUPLICATIVE AWARDS. The head of a Federal agency shall verify that any activity to be performed with respect to a project with a Phase I or Phase II SBIR or STTR award has not been funded under the SBIR program or STTR program of another Federal agency.".

Subtitle B—Outreach and Commercialization Initiatives

SEC. 5121. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting "or STTR program" after "SBIR program"; and

(B) by striking "SBIR projects" and inserting "SBIR or STTR projects";

(2) in paragraph (2), by striking "3 years" and inserting "5 years"; and

(3) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

"(A) PHASE I. A Federal agency described in paragraph (1) may—

"(i) provide to the recipient of a Phase I SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

"(ii) authorize the recipient of a Phase I SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.";

(B) by striking subparagraph (B) and inserting the following:

"(B) PHASE II. A Federal agency described in paragraph (1) may—

"(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

"(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award."; and

(C) by adding at the end the following:

"(C) FLEXIBILITY. In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

"(D) LIMITATION. A Federal agency may not—

"(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

"(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.".

SEC. 5122. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking "Pilot" and inserting "Readiness";

(2) by striking "Pilot" each place that term appears and inserting "Readiness";

(3) in paragraph (1)—

(A) by inserting "or Small Business Technology Transfer Program" after "Small Business Innovation Research Program"; and

(B) by adding at the end the following: "The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).";

(4) in paragraph (2), by inserting "or Small Business Technology Transfer Program" after "Small Business Innovation Research Program";

(5) by striking paragraph (5);

(6) by striking paragraph (6); and

(7) by inserting after paragraph (4) the following:

"(5) INSERTION INCENTIVES. For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

"(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

"(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

"(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION. The Secretary of Defense shall—

"(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

"(C) submit to the Administrator for inclusion in the annual report under subsection (b)(7)—

"(i) the number and percentage of Phase II SBIR and STTR contracts awarded by the Secretary that led to technology transition into programs of record or fielded systems;

"(ii) information on the status of each project that received funding through the Commercialization Readiness Program and efforts to transition those projects into programs of record or fielded systems; and

"(iii) a description of each incentive that has been used by the Secretary under subparagraph (B) and the effectiveness of that incentive with respect to meeting the goal under subparagraph (A).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting "(including awards under subsection (y))" after "the number of awards".

SEC. 5123. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(gg) PILOT PROGRAM.

"(1) AUTHORIZATION. The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

"(A) for awards for technology development, testing, evaluation, and commercialization assistance for SBIR and STTR Phase II technologies; or

"(B) to support the progress of research, research and development, and commercialization conducted under the SBIR or STTR programs to Phase III.

"(2) APPLICATION BY FEDERAL AGENCY.

"(A) IN GENERAL. A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

"(B) DETERMINATION. The Administrator shall—

"(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

"(ii) publish the determination in the Federal Register; and

"(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives.

"(3) MAXIMUM AMOUNT OF AWARD. The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

"(4) REGISTRATION. Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

"(5) AWARD CRITERIA OR CONSIDERATION. When making an award under this section, the head of a covered Federal agency shall give consideration to whether the technology to be supported by the award is likely to be manufactured in the United States.

"(6) REPORT. The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

"(7) TERMINATION. The authority to establish a pilot program under this section expires at the end of fiscal year 2017.

"(8) DEFINITIONS. In this subsection—

"(A) the term 'covered Federal agency'—

"(i) means a Federal agency participating in the SBIR program or the STTR program; and

"(ii) does not include the Department of Defense; and

"(B) the term 'pilot program' means each program established under paragraph (1).".

SEC. 5124. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee.

(b) MEMBERSHIP.—The Interagency SBIR/STTR Policy Committee shall include representatives from Federal agencies with an SBIR or an STTR program and the Small Business Administration.

(c) DUTIES.—The Interagency SBIR/STTR Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and Government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, including appropriate criteria for exercising such flexibility.

(3) Commercialization assistance best practices of Federal agencies with significant potential to be employed by other agencies and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps that business concerns face after Phase II but before commercialization.

(4) Developing and incorporating a standard evaluation framework to enable systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(5) Outreach and technical assistance activities that increase the participation of small businesses underrepresented

in the SBIR and STTR programs, including the identification and sharing of best practices and the leveraging of resources in support of such activities across agencies.

(d) REPORTS.—The Interagency SBIR/STTR Policy Committee shall transmit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act;

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act;

(4) a report on its review and recommendations under subsection (c)(4) not later than 2 years after the date of enactment of this Act; and

(5) a report on its review and recommendations under subsection (c)(5) not later than 2 years after the date of enactment of this Act.

SEC. 5125. CLARIFYING THE DEFINITION OF "PHASE III".

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)), as amended by this title, is further amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting "for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program" after "phase";

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting "for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program" after "phase";

(3) in paragraph (8), by striking "and" at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(10) the term 'commercialization' means—

"(A) the process of developing products, processes, technologies, or services; and

"(B) the production and delivery (whether by the originating party or by others) of products, processes, technologies, or services for sale to or use by the Federal Government or commercial markets;".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(1) in subsection (e)—

(A) in paragraph (4)(C)(ii), by striking "scientific review criteria" and inserting "merit-based selection procedures";

(B) in paragraph (9), by striking "the second or the third phase" and inserting "Phase II or Phase III"; and

(C) by adding at the end the following:

"(11) the term 'Phase I' means—

"(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

"(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

"(12) the term 'Phase II' means—

"(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

"(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

"(13) the term 'Phase III' means—

"(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

"(B) with respect to the STTR program, the third phase described in paragraph (6)(C).";

(2) in subsection (j)—

(A) in paragraph (1)(B), by striking "phase two" and inserting "Phase II";

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by striking "the third phase" each place it appears and inserting "Phase III"; and

(II) by striking "the second phase" and inserting "Phase II";

(ii) in subparagraph (D)—

(I) by striking "the first phase" and inserting "Phase I"; and

(II) by striking "the second phase" and inserting "Phase II";

(iii) in subparagraph (F), by striking "the third phase" and inserting "Phase III";

(iv) in subparagraph (G)—

(I) by striking "the first phase" and inserting "Phase I"; and

(II) by striking "the second phase" and inserting "Phase II"; and

(v) in subparagraph (H)—

(I) by striking "the first phase" and inserting "Phase I";

(II) by striking "second phase" each place it appears and inserting "Phase II"; and

(III) by striking "third phase" and inserting "Phase III"; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "the first phase (as described in subsection (e)(4)(A))" and inserting "Phase I";

(II) by striking "the second phase (as described in subsection (e)(4)(B))" and inserting "Phase II"; and

(III) by striking "the third phase (as described in subsection (e)(4)(C))" and inserting "Phase III"; and

(ii) in subparagraph (B), by striking "second phase" and inserting "Phase II";

(3) in subsection (k)—

(A) by striking "first phase" each place it appears and inserting "Phase I"; and

(B) by striking "second phase" each place it appears and inserting "Phase II";

(4) in subsection (l)(2)—

(A) by striking "the first phase" and inserting "Phase I"; and

(B) by striking "the second phase" and inserting "Phase II";

(5) in subsection (o)(13)—

(A) in subparagraph (B), by striking "second phase" and inserting "Phase II"; and

(B) in subparagraph (C), by striking "third phase" and inserting "Phase III";

(6) in subsection (p)—

(A) in paragraph (2)(B)—

(i) in clause (vi)—

(I) by striking "the second phase" and inserting "Phase II"; and

(II) by striking "the third phase" and inserting "Phase III"; and

(ii) in clause (ix)—

(I) by striking "the first phase" and inserting "Phase I"; and

(II) by striking "the second phase" and inserting "Phase II"; and

(B) in paragraph (3)—

(i) by striking "the first phase (as described in subsection (e)(6)(A))" and inserting "Phase I";

(ii) by striking "the second phase (as described in subsection (e)(6)(B))" and inserting "Phase II"; and

(iii) by striking "the third phase (as described in subsection (e)(6)(C))" and inserting "Phase III";

(7) in subsection (r)—

(A) in the subsection heading, by striking "Third Phase" and inserting "Phase III";

(B) in paragraph (1)—

(i) in the first sentence—

(I) by striking "for the second phase" and inserting "for Phase II";

(II) by striking "third phase" and inserting "Phase III"; and

(III) by striking "second phase period" and inserting "Phase II period"; and

(ii) in the second sentence—

(I) by striking "second phase" and inserting "Phase II"; and

(II) by striking "third phase" and inserting "Phase III"; and

(C) in paragraph (2), by striking "third phase" and inserting "Phase III"; and

(8) in subsection (u)(2)(B), by striking "the first phase" and inserting "Phase I".

SEC. 5126. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(1) in subsection (g)(4)—

(A) by inserting "(A)" after "(4)";

(B) by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(B) make a final decision on each proposal submitted under the SBIR program—

"(i) not later than 1 year after the date on which the applicable solicitation closes, if with respect to the National Institutes of Health or the National Science Foundation, or 90 days after the date on which the applicable solicitation closes, if with respect to any other participating agency; or

"(ii) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the agency under clause (i);"; and

(2) in subsection (o)(4)—

(A) by inserting "(A)" after "(4)";

(B) by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(B) make a final decision on each proposal submitted under the STTR program—

"(i) not later than 1 year after the date on which the applicable solicitation closes, if with respect to the National Institutes of Health or the National Science Foundation, or 90 days after the date on which the applicable solicitation closes, if with respect to any other participating agency; or

"(ii) if the Administrator authorizes an extension for a solicitation, not later than 90 days after the date that would be applicable to the agency under clause (i);".

(b) OTHER TIMING PROVISIONS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(hh) TIMING OF RELEASE OF FUNDING. Federal agencies participating in the SBIR program or STTR program shall, to the extent possible, attempt to shorten the amount of time between the provision of notice of an award under the SBIR program or STTR program and the subsequent release of funding with respect to the award.

"(ii) REPORTING ON TIMING. Federal agencies participating in the SBIR program or STTR program shall provide to the Administrator, for the annual report on the SBIR and STTR program under subsection (b)(7), the average amount of time the agency takes to make a final decision on proposals submitted under such programs, the average amount of time the agency takes to release funding with respect to an award under such programs, and the goals established to reduce such amounts.".

SEC. 5127. PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(jj) PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.

"(1) IN GENERAL. The Director of the National Institutes of Health may use $5,000,000 of the funds allocated under subsection (n)(1) for a Proof of Concept Partnership pilot program to accelerate the creation of small businesses and the commercialization of research innovations from qualifying institutions. To implement this program, the Director shall award, through a competitive, merit-based process, grants to qualifying institutions. These grants shall only be used to administer Proof of Concept Partnership awards in conformity with this subsection.

"(2) DEFINITIONS. In this subsection—

"(A) the term 'Director' means the Director of the National Institutes of Health;

"(B) the term 'pilot program' refers to the Proof of Concept Partnership pilot program; and

"(C) the terms 'qualifying institution' and 'institution' mean a university or other research institution that participates in the National Institutes of Health's STTR program.

"(3) PROOF OF CONCEPT PARTNERSHIPS.

"(A) IN GENERAL. A Proof of Concept Partnership shall be set up by a qualifying institution to award grants to individual researchers. These grants should provide researchers with the initial investment and the resources to support the proof of concept work and commercialization mentoring needed to translate promising research projects and technologies into a viable company. This work may include technical validations, market research, clarifying intellectual property rights position and strategy, and investigating commercial or business opportunities.

"(B) AWARD GUIDELINES. The administrator of a Proof of Concept Partnership program shall award grants in accordance with the following guidelines:

"(i) The Proof of Concept Partnership shall use a market-focused project management oversight process, including—

"(I) a rigorous, diverse review board comprised of local experts in translational and proof of concept research, including industry, start-up, venture capital, technical, financial, and business

experts and university technology transfer officials;

"(II) technology validation milestones focused on market feasibility;

"(III) simple reporting effective at redirecting projects; and

"(IV) the willingness to reallocate funding from failing projects to those with more potential.

"(ii) Not more than $100,000 shall be awarded towards an individual proposal.

"(C) EDUCATIONAL RESOURCES AND GUIDANCE. The administrator of a Proof of Concept Partnership program shall make educational resources and guidance available to researchers attempting to commercialize their innovations.

"(4) AWARDS.

"(A) SIZE OF AWARD. The Director may make awards to a qualifying institution for up to $1,000,000 per year for up to 3 years.

"(B) AWARD CRITERIA. In determining which qualifying institutions receive pilot program grants, the Director shall consider, in addition to any other criteria the Director determines necessary, the extent to which qualifying institutions—

"(i) have an established and proven technology transfer or commercialization office and have a plan for engaging that office in the program's implementation;

"(ii) have demonstrated a commitment to local and regional economic development;

"(iii) are located in diverse geographies and are of diverse sizes;

"(iv) can assemble project management boards comprised of industry, start-up, venture capital, technical, financial, and business experts;

"(v) have an intellectual property rights strategy or office; and

"(vi) demonstrate a plan for sustainability beyond the duration of the funding award.

"(5) LIMITATIONS. The funds for the pilot program shall not be used—

"(A) for basic research, but to evaluate the commercial potential of existing discoveries, including—

"(i) proof of concept research or prototype development; and

"(ii) activities that contribute to determining a project's commercialization path, to include technical validations, market research, clarifying intellectual property rights, and investigating commercial and business opportunities; or

"(B) to fund the acquisition of research equipment or supplies unrelated to commercialization activities.

"(6) EVALUATIVE REPORT. The Director shall submit to the Committee on Science, Space, and Technology and the Com-

mittee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an evaluative report regarding the activities of the pilot program. The report shall include—

"(A) a detailed description of the institutional and proposal selection process;

"(B) an accounting of the funds used in the pilot program;

"(C) a detailed description of the pilot program, including incentives and activities undertaken by review board experts;

"(D) a detailed compilation of results achieved by the pilot program, including the number of small business concerns included and the number of business packages developed, and the number of projects that progressed into subsequent STTR phases; and

"(E) an analysis of the program's effectiveness with supporting data.

"(7) SUNSET. The pilot program under this subsection shall terminate at the end of fiscal year 2017.".

Subtitle C—Oversight and Evaluation

SEC. 5131. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7)—

(A) by striking "STTR programs, including the data" and inserting the following:" STTR programs, including—

"(A) the data";

(B) by striking "(g)(10), (o)(9), and (o)(15), the number" and all that follows through "under each of the SBIR and STTR programs, and a description" and inserting the following: "(g)(8) and (o)(9);

"(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital, hedge fund, or private equity firm investment (including those majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms) under each of the SBIR and STTR programs;

"(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women or by socially or economically disadvantaged individuals under each of the SBIR and STTR programs;

"(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (dd) for firms owned in majority part by venture capital operating companies, hedge funds, or private equity firms and participating in the SBIR program;

"(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy

Directive and the STTR Policy Directive filed by the Administrator with Federal agencies;

"(F) an accounting of funds, initiatives, and outcomes under the Commercialization Readiness Program; and

"(G) a description"; and

(C) by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (8) the following:

"(9) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data.".

SEC. 5132. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by this title, is further amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

"(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

"(A) whether an awardee—

"(i) has venture capital, hedge fund, or private equity firm investment or is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and, if so—

"(I) the amount of venture capital, hedge fund, or private equity firm investment that the awardee has received as of the date of the award; and

"(II) the amount of additional capital that the awardee has invested in the SBIR technology;

"(ii) has an investor that—

"(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States and, if so, the name of any such individual; or

"(II) is a person that is not an individual and is not organized under the laws of a State or the United States and, if so, the name of any such person;

"(iii) is owned by a woman or has a woman as a principal investigator;

"(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(v) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(vi) is located in a State described in subsection (u)(3);

"(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section; and

"(C) data with respect to the Federal and State Technology Partnership Program (FAST Program);".

SEC. 5133. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this title, is further amended by striking paragraph (9) and inserting the following:

"(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

"(A) whether an applicant or awardee—

"(i) has venture capital, hedge fund, or private equity firm investment or is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and, if so—

"(I) the amount of venture capital, hedge fund, or private equity firm investment that the applicant or awardee has received as of the date of the application or award, as applicable; and

"(II) the amount of additional capital that the applicant or awardee has invested in the STTR technology;

"(ii) has an investor that—

"(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States and, if so, the name of any such individual; or

"(II) is a person that is not an individual and is not organized under the laws of a State or the United States and, if so, the name of any such person;

"(iii) is owned by a woman or has a woman as a principal investigator;

"(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(v) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(vi) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator;

"(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount; and

"(C) data with respect to the Federal and State Technology Partnership Program (FAST Program);".

SEC. 5134. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

"(i) has venture capital, hedge fund, or private equity firm investment and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms as required under subsection (dd)(3);

"(ii) is owned by a woman or has a woman as a principal investigator;

"(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(iv) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(v) received assistance under the Federal and State Technology Partnership Program (FAST Program).".

SEC. 5135. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "Not later" and all that follows through "Act of 2000" and inserting "Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011";

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

"(A) contains for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

"(i) the name, size, and location of, and the identifying number assigned by the Administration to, the small business concern;

"(ii) an abstract of the applicable project;

"(iii) the specific aims of the project;

"(iv) the number of employees of the small business concern;

"(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

"(vi) the percentage of effort each individual described in clause (v) will contribute to the project;

"(vii) whether the small business concern is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms; and

"(viii) the Federal agency to which the application is made and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;";

(E) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

"(D) includes, for each awardee—

"(i) the name, size, and location of, and any identifying number assigned by the Administrator to, the awardee;

"(ii) whether the awardee has venture capital, hedge fund, or private equity firm investment and, if so—

"(I) the amount of venture capital, hedge fund, or private equity firm investment as of the date of the award;

"(II) the percentage of ownership of the awardee held by a venture capital operating company, hedge fund, or private equity firm, including whether the awardee is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms; and

"(III) the amount of additional capital that the awardee has invested in the SBIR or STTR technology, which information shall be collected on an annual basis;

"(iii) the names and locations of any affiliates of the awardee;

"(iv) the number of employees of the awardee;

"(v) the number of employees of the affiliates of the awardee; and

"(vi) the names of, and the percentage of ownership of the awardee held by—

"(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

"(II) any person that is not an individual and is not organized under the laws of a State or the United States;";

(G) in subparagraph (E), as so redesignated, by striking "and" at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting "; and"; and

(I) by adding at the end the following:

"(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has been—

"(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

"(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program."; and

(2) in paragraph (3), by adding at the end the following:

"(C) GOVERNMENT DATABASE. Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.".

SEC. 5136. [15 U.S.C. 638 note] ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes it is used, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraph (B) and the determinations made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term "applicable period" means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5137. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

"(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.

"(1) IN GENERAL. Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

"(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

"(B) conduct a comprehensive study of how the STTR program has stimulated technological innovation and technology transfer, including—

"(i) a review of the collaborations created between small businesses and research institutions, including an evaluation of the effectiveness of the program in stimulating new collaborations and any obstacles that may prevent or inhibit the creation of such collaborations;

"(ii) an evaluation of the effectiveness of the program at transferring technology and capabilities developed through Federal funding;

"(iii) to the extent practicable, an evaluation of the economic benefits achieved by the STTR program, including the economic rate of return;

"(iv) an analysis of how Federal agencies are using small businesses that have completed Phase II under the STTR program to fulfill their procurement needs;

"(v) an analysis of whether additional funds could be employed effectively by the STTR program; and

"(vi) an assessment of the systems and minimum performance standards relating to commercialization success established under section 9(qq) of the Small Business Act;

"(C) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2) and subparagraph (B) of this paragraph; and

"(D) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

"(2) CONSULTATION. An agreement under paragraph (1) shall require the National Research Council to ensure that there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

"(3) REPORTING. An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).".

SEC. 5138. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(kk) PHASE III REPORTING. The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award—

"(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

"(2) the name of the small business concern or individual receiving the Phase III award; and

"(3) the dollar amount of the Phase III award.".

SEC. 5139. INTELLECTUAL PROPERTY PROTECTIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes, mentor-protege relationships, and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5140. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(ll) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.

"(1) ENABLING CONCERN TO GIVE CONSENT. Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

"(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

"(B) release the contact information of the concern to such organizations.

"(2) RULES. The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).".

SEC. 5141. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(mm) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

"(1) IN GENERAL. Subject to paragraph (3), for the 3 fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

"(A) the administration of the SBIR program or the STTR program of the Federal agency;

"(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits, personnel interviews, and national conferences;

"(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

"(D) carrying out the program under subsection (y);

"(E) activities relating to oversight and congressional reporting, including waste, fraud, and abuse prevention activities;

"(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse to ensure compliance with requirements of the SBIR program or STTR program, respectively;

"(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

"(H) carrying out subsection (dd);

"(I) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

"(J) funding for additional personnel and assistance with application reviews.

"(2) OUTREACH AND TECHNICAL ASSISTANCE.

"(A) IN GENERAL. Except as provided in subparagraph (B), a Federal agency participating in the program under this subsection shall use a portion of the funds authorized for uses under paragraph (1) to carry out the policy directive required under subsection (j)(2)(F) and to increase the participation of States with respect to which a low level of SBIR awards have historically been awarded.

"(B) WAIVER. A Federal agency may request the Administrator to waive the requirement contained in subparagraph (A). Such request shall include an explanation of why the waiver is necessary. The Administrator may grant the waiver based on a determination that the agency has demonstrated a sufficient need for the waiver, that the outreach objectives of the agency are being met, and that there is increased participation by States with respect to which a low level of SBIR awards have historically been awarded.

"(3) PERFORMANCE CRITERIA. A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

"(4) RULES. Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.

"(5) COORDINATION WITH IG. Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than $50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.

"(6) REPORTING. The Administrator shall collect data and provide to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report on the use of funds under this subsection, including funds used to achieve the objectives of paragraph (2)(A) and any use of the waiver authority under paragraph (2)(B).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(A) in subsection (f)(2), by striking "shall not" and all that follows through "make available for the purpose" and inserting "shall not make available for the purpose"; and

(B) in subsection (y)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsections (f)(2) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (mm)(3) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2), by striking "shall not make available for the purpose" and inserting the following:" shall not—

"(A) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

"(B) make available for the purpose"; and

(B) subsection (y), by amending paragraph (4) to read as follows:

"(4) FUNDING.

"(A) IN GENERAL. The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Readiness Program under this subsection.

"(B) LIMITATIONS. The funds described in subparagraph (A)—

"(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

"(ii) shall not be used to make Phase III awards.".

SEC. 5142. [15 U.S.C. 638a] GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY, HEDGE FUND, AND PRIVATE EQUITY FIRM INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company, hedge fund, and private equity firm involvement under section 9 of the Small Business Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5143. [15 U.S.C. 638b] REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the Web site of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program; and

(D) a requirement that each applicant for and small business concern that receives funding under the SBIR program or the STTR program shall certify whether the applicant or small business concern is in compliance with the laws relating to the SBIR program and the STTR program and the conduct guidelines established under the SBIR Policy Directive and the STTR Policy Directive.

(3) CONSULTATION.—The Administrator shall develop, in consultation with the Council of Inspectors General on Integrity and Efficiency, the procedures and requirements for the certification set forth under paragraph (2)(D) after providing notice of and an opportunity for public comment on such procedures and requirements.

(4) CERTIFICATION.—The certification developed under paragraph (3) may—

(A) cover the lifecycle of an award to require certifications at the application, funding, reporting, and closeout phases of every SBIR and STTR award;

(B) require the small business concern to certify compliance with the "principal investigator primary employment" requirement, the "small business concern" definition requirement, and the "performance of work" requirements as set forth in the Directive applicable to the award;

(C) require the small business concern to disclose whether it has applied for, plans to apply for, or received an SBIR or STTR award for identical or essentially equivalent work (as defined under the SBIR Policy Directive and the STTR Policy Directive), and require the concern to certify that the award that it is applying for or obtaining funding for is not identical or essentially equivalent to work it has performed, or will perform, in connection with any other SBIR or STTR award that the concern has applied for or received from any other agency except as fully disclosed to all funding agencies; and

(D) require that the small business concern certify that it will or did perform the work on the award at its facilities with its employees, unless otherwise indicated.

(5) INSPECTORS GENERAL.—The Inspector General of each Federal agency that participates in the SBIR program or STTR program shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

(A) establishing fraud detection indicators;

(B) reviewing regulations and operating procedures of the Federal agency;

(C) coordinating information sharing between Federal agencies, to the extent otherwise permitted under Federal law; and

(D) improving the education and training of and outreach to—

(i) administrators of the SBIR program and the STTR program of the Federal agency;

(ii) applicants to the SBIR program or the STTR program; and

(iii) recipients of awards under the SBIR program or the STTR program.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 4 years thereafter to evaluate the effectiveness of the agency strategies, the Comptroller General of the United States shall—

(1) conduct a study that evaluates—

(A) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(B) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(C) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(D) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(E) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency;

(F) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

(G) the effectiveness of the Government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals; and

(2) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under paragraph (1).

(c) INSPECTOR GENERAL REPORTS.—Not later than October 1 of each year, the Inspector General of each Federal agency that participates in the SBIR program or STTR program shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report describing—

(1) the number of cases referred to the Inspector General in the preceding year that related to fraud, waste, or abuse with respect to the SBIR program or STTR program;

(2) the actions taken in each case described in paragraph (1) if fraud, waste, or abuse was determined to have occurred;

(3) if no action was taken in a case described in paragraph (1) and fraud, waste, or abuse was determined to have occurred, the justification for action not being taken; and

(4) an accounting of the funds used to address fraud, waste, and abuse, including a description of personnel and resources funded and funds that were recovered or saved.

SEC. 5144. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking "Simplified Reporting Requirements" and inserting "Reducing Paperwork and Compliance Burden";

(2) by striking "The Administrator" and inserting the following:

"(1) STANDARDIZATION OF REPORTING REQUIREMENTS. The Administrator"; and

(3) by adding at the end the following:

"(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS. Not later than 1 year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.".

Subtitle D—Policy Directives

SEC. 5151. [15 U.S.C. 638 note] CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this title and the amendments made by this title.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

Subtitle E—Other Provisions

SEC. 5161. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(nn) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.

"(1) DEVELOPMENT OF METRICS. The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness and the benefit to the people of the United States of the SBIR program and the STTR program of the Federal agency that—

"(A) are science-based and statistically driven;

"(B) reflect the mission of the Federal agency; and

"(C) include factors relating to the economic impact of the programs.

"(2) EVALUATION. The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

"(A) the SBIR program and the STTR program of the Federal agency; and

"(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

"(3) REPORT.

"(A) IN GENERAL. The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

"(B) PUBLIC AVAILABILITY OF REPORT. The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

"(C) DEFINITION. In this paragraph, the term 'appropriate committees of Congress' means—

"(i) the Committee on Small Business and Entrepreneurship of the Senate; and

"(ii) the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives.".

SEC. 5162. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(oo) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS. All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.".

SEC. 5163. LOAN RESTRICTIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report analyzing what restrictions, conditions, or covenants contained in a note, bond, debenture, other evidence of indebtedness, or preferred stock should constitute affiliation under section 121.103(a) of title 13, Code of Federal Regulations, for purposes of section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 5164. LIMITATION ON PILOT PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(pp) LIMITATION ON PILOT PROGRAMS.

"(1) EXISTING PILOT PROGRAMS. The Administrator may only carry out a covered pilot program that is in operation on the date of enactment of this subsection during the 3-year period beginning on such date of enactment.

"(2) NEW PILOT PROGRAMS. The Administrator may only carry out a covered pilot program established after the date of enactment of this subsection—

"(A) during the 3-year period beginning on the date on which such program is established; and

"(B) if such program does not continue and is not based on, in any manner, a previously established covered pilot program.

"(3) COVERED PILOT PROGRAM DEFINED. In this subsection, the term 'covered pilot program' means any initiative, project, innovation, or other activity—

"(A) established by the Administrator;

"(B) relating to an SBIR or STTR program; and

"(C) not specifically authorized by law.".

SEC. 5165. COMMERCIALIZATION SUCCESS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(qq) MINIMUM STANDARDS FOR PARTICIPATION.

"(1) PROGRESS TO PHASE II SUCCESS.

"(A) ESTABLISHMENT OF SYSTEM AND MINIMUM COMMERCIALIZATION RATE. Not later than 1 year after the date of enactment of this subsection, the head of each Federal agency participating in the SBIR or STTR program shall—

"(i) establish a system to measure, where appropriate, the success of small business concerns with respect to the receipt of Phase II SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards;

"(ii) establish a minimum performance standard for small business concerns with respect to the receipt of Phase II SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards; and

"(iii) begin evaluating, each fiscal year, whether each small business concern that received a Phase I SBIR or STTR award from the agency meets the minimum performance standard established under clause (ii).

"(B) CONSEQUENCE OF FAILURE TO MEET MINIMUM COMMERCIALIZATION RATE. If the head of a Federal agency determines that a small business concern that received a Phase I SBIR or STTR award from the agency is not meeting the minimum performance standard established under subparagraph (A)(ii), such concern may not participate in Phase I (or Phase II if under the authority of subsection (cc)) of the SBIR or STTR program of that agency during the 1-year period beginning on the date on which such determination is made.

"(2) PROGRESS TO PHASE III SUCCESS.

"(A) ESTABLISHMENT OF SYSTEM AND MINIMUM COMMERCIALIZATION RATE. Not later than 2 years after the date of enactment of this subsection, the head of each Federal agency participating in the SBIR or STTR program shall—

"(i) establish a system to measure, where appropriate, the success of small business concerns with respect to the receipt of Phase III SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards;

"(ii) establish a minimum performance standard for small business concerns with respect to the receipt of Phase III SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards; and

"(iii) begin evaluating, each fiscal year, whether each small business concern that received a Phase I SBIR or STTR award from the agency meets the minimum performance standard established under clause (ii).

"(B) CONSEQUENCE OF FAILURE TO MEET MINIMUM COMMERCIALIZATION RATE. If the head of a Federal agency determines that a small business concern that received a Phase I SBIR or STTR award from the agency is not meeting the minimum performance standard established under subparagraph (A)(ii), such concern may not participate in Phase I (or Phase II if under the authority of subsection (cc)) of the SBIR or STTR program of that agency during the 1-year period beginning on the date on which such determination is made.

"(3) ADMINISTRATION OVERSIGHT.

"(A) APPROVAL AND PUBLICATION OF SYSTEMS AND MINIMUM PERFORMANCE STANDARDS. Each system and minimum performance standard established under paragraph (1) or paragraph (2) shall be submitted by the head of the applicable Federal agency to the Administrator and shall be subject to the approval of the Administrator. In making a determination with respect to approval, the Administrator shall ensure that the minimum performance stand-

ard exceeds a de minimis level. The Administrator shall publish on the Internet Web site of the Administration the systems and minimum performance standards approved.

"(B) SUBMISSION OF EVALUATION RESULTS BY AGENCY. The head of each covered Federal agency shall submit to the Administrator the results of each evaluation conducted under paragraph (1) or paragraph (2).

"(4) REQUIREMENT OF NOTICE AND COMMENT. Each system and minimum performance standard established under paragraph (1) or paragraph (2) and each approval provided by the Administrator under paragraph (3)(A), at least 60 days before becoming effective, shall be preceded by the provision of notice of and an opportunity for public comment on such system, standard, or approval.".

SEC. 5166. PUBLICATION OF CERTAIN INFORMATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(rr) PUBLICATION OF CERTAIN INFORMATION. In order to increase the number of small businesses receiving awards under the SBIR or STTR programs of participating agencies, and to simplify the application process for such awards, the Administrator shall establish and maintain a public Internet Web site on which the Administrator shall publish such information relating to notice of and application for awards under the SBIR program and STTR program of each participating Federal agency as the Administrator determines appropriate.".

SEC. 5167. REPORT ON ENHANCEMENT OF MANUFACTURING ACTIVITIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(ss) REPORT ON ENHANCEMENT OF MANUFACTURING ACTIVITIES. Not later than October 1, 2013, and annually thereafter, the head of each Federal agency that makes more than $50,000,000 in awards under the SBIR and STTR programs of the agency combined shall submit to the Administrator, for inclusion in the annual report required under subsection (b)(7), information that includes—

"(1) a description of efforts undertaken by the head of the Federal agency to enhance United States manufacturing activities;

"(2) a comprehensive description of the actions undertaken each year by the head of the Federal agency in carrying out the SBIR or STTR program of the agency in support of Executive Order 13329 (69 Fed. Reg. 9181; relating to encouraging innovation in manufacturing);

"(3) an assessment of the effectiveness of the actions described in paragraph (2) at enhancing the research and development of United States manufacturing technologies and processes;

"(4) a description of efforts by vendors selected to provide discretionary technical assistance under subsection (q)(1) to

help SBIR and STTR concerns manufacture in the United States; and

"(5) recommendations that the program managers of the SBIR or STTR program of the agency consider appropriate for additional actions to increase the effectiveness of enhancing manufacturing activities.".

SEC. 5168. [15 U.S.C. 638 note] COORDINATION OF THE SBIR PROGRAM AND THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) COORDINATION REQUIRED.—The head of a Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall coordinate, to the extent possible, the initiatives of the agency with respect to such programs.

(b) COORDINATION REPORT.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report describing the actions taken during the preceding 1-year period to increase coordination between such programs to maximize existing resources.

(c) PARTICIPATION REPORT.—Not later than 3 years after the date of enactment of this Act, the head of each Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report analyzing whether actions taken to increase the coordination of such programs have been successful in attracting entrepreneurs into the SBIR program and increasing the participation of States with respect to which a low level of SBIR awards have historically been awarded.