

112TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPORT
112-88

PROVIDING FOR FURTHER CONSIDERATION
OF THE BILL (H.R. 1540) TO AUTHORIZE
APPROPRIATIONS FOR FISCAL YEAR 2012
FOR MILITARY ACTIVITIES OF THE DE-
PARTMENT OF DEFENSE AND FOR MILI-
TARY CONSTRUCTION, TO PRESCRIBE
MILITARY PERSONNEL STRENGTHS FOR
FISCAL YEAR 2012, AND FOR OTHER PUR-
POSES

R E P O R T
OF THE
COMMITTEE ON RULES



MAY 24, 2011.—Referred to the House Calendar and ordered to be printed

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PROVIDING FOR FURTHER CONSIDERATION OF THE BILL (H.R. 1540) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2012 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND FOR MILITARY CONSTRUCTION, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR FISCAL YEAR 2012, AND FOR OTHER PURPOSES

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Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 276]

The Committee on Rules, having had under consideration House Resolution 276, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, under a structured rule. No further general debate shall be in order. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution further makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the resolution. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in this report or against amendments en bloc described in section 3 of this resolution are waived. Section 3 of the resolution provides that the chairman of the Committee on Armed Services or his designee may offer amendments en bloc consisting of those amendments printed in this report and not earlier dis-

posed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in an amendment en bloc may insert a statement in the *Congressional Record* immediately before the disposition of such amendment en bloc. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The resolution waives all points of order against the committee amendment in the nature of a substitute. The waiver includes a waiver of Clause 4 of Rule XXI, which prohibits reporting a bill or joint resolution carrying an appropriation from a committee not having jurisdiction to report an appropriation. Section 363 of the bill includes language regarding deposit of reimbursed funds under Reciprocal Fire Protection Agreements, which constitutes an appropriation; therefore, this waiver is necessary.

The waiver also includes a waiver of Section 303 of the Congressional Budget Act of 1974, which prohibits the consideration of legislation providing new budget authority, changes in revenues, changes in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to. While the House has adopted, H. Con. Res. 34, the Senate has failed to act on a budget resolution and therefore this waiver is necessary.

Although the resolution waives all points of order against amendments printed in this report or against amendments en bloc described in section 3 of the resolution, the Committee is not aware of any points of order against such amendments. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 98

Motion by Ms. Slaughter to amend the rule to make in order and provide the appropriate waivers for the following amendments to be separately considered: Amendment #13, offered by Rep. Garamendi (CA), Rep. Rangel (NY), Rep. Clarke (NY), and Rep. Welch (VT), which would limit funds made available for military operations in Afghanistan for the purposes of counter-terrorism operations, and require the Secretary of Defense to enforce a significant and swift drawdown of United States Armed Forces from Afghanistan; Amendment #168, offered by Rep. Lee (CA), which would restrict spending to withdrawing Armed Forces from Afghanistan in a safe and orderly fashion; Amendment #170, offered by Rep. Lee (CA), which would call on President Obama to commit to a significant and sizeable reduction of troop levels in Afghanistan no later than July 31, 2011; Amendment #161, offered by Rep.

Tierney (MA), which would require the Department of Defense to submit to Congress a report on the effects of carrying out a United States strategy to provide counterterrorism assistance to Afghanistan and to rely on the international donor community to provide development assistance and other related assistance to Afghanistan; and Amendment #172, offered by Rep. Tierney (MA), which would extend to the end of FY 2012 the requirement that the Secretary of Defense annually submit to the appropriate congressional committees a report on a long-term detailed plan for sustaining the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF) and would also add a requirement that the report include metrics that evaluate the value and utility of ANSF development activities at the program level and that ties such activities to long-term strategic objectives. Defeated: 4–8.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Reed	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Wittman (VA): Would allow the Secretary of the Navy to enter into multiyear contracts for the start of major construction of the Ford-class aircraft carriers designated CVN 79 and CVN 80 and for the construction of major components, modules, or other structures related to such carriers subject to appropriations. Allows the Secretary of the Navy to enter into a contract for the construction of FORD Class Carriers CVN 79 and CVN 80 to be funded on a five year centers. (10 minutes)

2. Woolsey (CA): Would eliminate the availability of funds for procurement of the Navy and Air Force V–22 Osprey aircraft. (10 minutes)

3. Tonko (NY): Would encourage the Medical Research program to use RNA technology when conducting research for breast and prostate cancer, battlefield infectious diseases, and rare diseases. (10 minutes)

4. Hayworth (NY): Would express the sense of Congress that active matrix organic light emitting diode (OLED) technology displays are an integral factor in reducing the size, weight, and energy consumption of both dismounted and mounted system of the Armed Forces, and that OLED technology is a Defense-critical manufacturing capability. (10 minutes)

5. Schiff (CA): Would require the Secretary of Defense to submit health assessment reports to the Committees on Armed Services of the Senate and House of Representatives when waste is disposed of in open-air burn pits. Each report will include: description of short and long term health risks; methodology used to determine the health risks; and the assessment of the operational and health risks when making the determination to continue the use of open-air burn pits for waste disposal. (10 minutes)

6. Carter (TX): Would expand existing military whistleblower protections, from retaliatory personnel actions, to include communications by Armed Forces Members of ideologically based threats or actions of another Member that the reporting Member reasonably believes could be counterproductive or detrimental to United States interests or security. (10 minutes)

7. Miller, Candice (MI), Rahall (WV): Would designate the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff. (10 minutes)

8. Schock (IL): Would allow a service member with a minor dependent (child under the age of 19) to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone. (10 minutes)

9. Baca (CA): Would direct the Secretary of Defense to coordinate with each military department to enhance current suicide prevention information sharing services for members of the Armed Forces. Coordinated efforts would occur at various stages of training from their initial enlistment or appointment through their final retirement or separation. (10 minutes)

10. Cohen (TN): Would add the text of HR 1046, the honor the written intent of our servicemember heroes (HONOR the WISH) Act, to the bill. Would remove those limitations to allow servicemembers more freedom when making this very personal decision. (10 minutes)

11. Becerra (CA): Would provide funding for the United States Military Academy, United States Naval Academy, and the United States Air Force Academy for diversity recruitment activities. (10 minutes)

12. Hunter (CA): Would create a five-year pilot program to provide opportunity scholarships to dependent children with special education needs. Opportunity scholarships are set at \$7,500 a year and would be available to approximately 250 children under the pilot program for the purpose of attending a private, public or charter school of choice. The Department of Defense would administer the program, in coordination with the Secretary of Education. (10 minutes)

13. McNerney (CA): Would express the Sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Service Member Affairs to provide financial counseling for service members and their families. (10 minutes)

14. McNerney (CA), Rahall (WV), Young, Don (AK): Would strike and replaces section 591 of the bill, which makes it more difficult for Guard and Reserve components to engage in military training missions that also provide assistance to local communities. Would increase to \$20 million the amount that can be obligated for civil-military training operations. (10 minutes)

15. King, Peter (NY): Would direct the Secretary of Defense to provide for a program under which members of the Armed Forces of the United States on active duty and serving in Iraq or Afghanistan or hospitalized at a facility under the jurisdiction of the Armed Forces of the United States as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan would receive one-free postal voucher per month to be transferred to loved ones to send packages to the soldiers at no cost. (10 minutes)

16. Ruppertsberger (MD): Would authorize the Secretary of Defense to extend United States Central Command Rest and Recuperation benefits to U.S. Armed Forces assigned to the Egypt Multi-National Force and Observers Mission. (10 minutes)

17. Carter (TX): Would deem Members of the Armed Forces, and DoD civilian employees who were killed or wounded in the November 5th, 2009 Fort Hood attack to have been killed or wounded in a combat zone as the result of an action of an enemy of the United States. This makes such victims eligible for combat-related benefits, compensations, and awards with the exception of any member of the Armed Forces whose death or injury was the result of willful misconduct. (10 minutes)

18. Boswell (IA): Would grant the Secretary of Defense the discretion to also use funds retained in Section 646 for substance abuse prevention programs provided to the military community surrounding the commissary store where the alcoholic and tobacco products are purchased while ensuring that the enhanced commissary stores receive necessary funds. (10 minutes)

19. Carson (IN): Would direct the Department of Defense to provide mental health assessments to service members during deployment. When possible, these assessments would include review of all past health records originated by the Department of Defense and the Department of Veterans Affairs. (10 minutes)

20. Boswell (IA): Would require DoD and VA to conduct a joint study on the incident rate of breast cancer of service members who have deployed to Iraq and Afghanistan under operation Iraqi Freedom and Operation Enduring Freedom. Studies have indicated that breast cancer is more common among recently deployed service members than amongst the general population, and similar legislation has been supported by both the Veterans of Foreign Wars (VFW) and the Iraq and Afghanistan Veterans of America (IAVA). (10 minutes)

21. Sessions (TX): Would create a pilot program for treatment outside of military facilities for members of the armed forces and veterans affected by traumatic brain injury and post-traumatic stress disorder (10 minutes)

22. Pascrell (NJ), Platts (PA): Would recognize a February GAO report on the weakness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) and its poor management, this amendment requires the Department of Defense to develop a plan to transfer DCoE moved to one of the services in order to be most effectively managed. (10 minutes)

23. Pascrell (NJ), Platts (PA): Would require the Defense Department to report to Congress on their plans to identify, refer, and treat service members with possible traumatic brain injuries who may have slipped through the cracks prior to the June 2010 policy. (10 minutes)

24. Sarbanes (MD), Hanabusa (HI), Langevin (RI), Loeb sack (IA), Reyes (TX): Would strike Section 937 of the bill relating to Modification of Temporary Suspension of Public-Private Competitions for Conversion of Department of Defense Functions to Contractor Performance. (10 minutes)

25. Murphy, Christopher (CT): Would give manufacturers the opportunity to provide information to DoD regarding how their bid for a contract will affect domestic employment. It allows DoD to take

this information into consideration, but does not mandate that DoD consider this information when awarding the contract. (10 minutes)

26. Maloney (NY): Would require public disclosure of information submitted under Section 847 of this act. (10 minutes)

27. Cole (OK): Would preclude an executive agency from requiring an entity submitting an offer for a Federal contract to disclose political contributions as a condition of participation. (10 minutes)

28. Garamendi, John (CA): Would require the Secretary to ensure that each contractor of the Department of Defense performing a prime contract at a military installation in the United States to set aside 40 percent, by dollar value, of its subcontracting work under the contract for local qualified subcontractors. For purposes of the preceding sentence, a subcontractor shall be considered local if its headquarters is within 60 miles of the military installation. (10 minutes)

29. Waters (CA): Would provide a preference for potential DOD contractors that carry out certain investment and philanthropic activities to bolster education and training in science, technology, engineering, and mathematics (STEM) disciplines. Would also require the Government Accountability Office (GAO) to conduct a study of the implementation of the DOD's current programs for providing assistance to certain educational institutions. The amendment does not create a quota or establish hard-line criteria for awarding contracts these activities will be one of many criteria DOD can consider in awarding contracts. (10 minutes)

30. Himes (CT): Would require any savings as a result of shifting to civilian employees from contractors within the Department of Defense be directed towards deficit reduction. (10 minutes)

31. Jackson Lee (TX): Would require the Secretary of Defense, prior to awarding of defense contracts to private contractors, to conduct an outreach program to benefit minority and women-owned businesses. (10 minutes)

32. Andrews (NJ): Would temporarily suspend the implementation and enforcement of workforce management and sourcing policies pursuant to the DOD's "efficiency initiative." (10 minutes)

33. Lee, Barbara (CA), Stark (CA): Would return Defense Department spending to 2008 level, with exemptions for personnel and health accounts. (10 minutes)

34. Hayworth (NY): Would add a Sense of Congress that the Department of Defense shall not convert from private sector to public sector performance any functions or positions that are not inherently governmental in nature. (10 minutes)

35. Cuellar (TX): Would express the sense of Congress that the Department of Defense should continue to share intelligence and technology with the Department of Homeland Security to address national security threats on the southwest border from transnational criminal organizations, including the testing on the border of surveillance technologies being considered for combat operations, and directs the Department of Defense to brief Congress on programs to build Mexico's capacity to combat transnational criminal organizations. (10 minutes)

36. Hunter (CA): Would encourage the Secretary of the Navy to name the next available ship after Marine Corps Sergeant Rafael Peralta. Sergeant Peralta, who grew up in Southeast San Diego, was nominated for the Medal of Honor for smothering a grenade

with his body during combat in Fallujah, Iraq. He was posthumously awarded the Navy Cross instead. A team of specialists, which included pathologists and other experts, conducted an investigation at the direction of the Secretary of Defense and determined that Peralta did not consciously pull the grenade into his body. This conclusion contradicts the eye-witness accounts of the Marines fighting alongside Peralta, as well as the recommendation put forward by Marine Corps leadership. There have been 11 instances, going back to 1989, where Congress has included in legislation that was signed into law how a Navy ship should be named. (10 minutes)

37. Richmond (LA): Would prevent the payment of certain incentives with respect to a Navy shipyard in Avondale, Louisiana, saving the Department of Defense up to \$310 million. (10 minutes)

38. Mica (FL): Would require that the rules of engagement allow any military service personnel assigned to duty in a designated hostile fire area to have rules of engagement that fully protects their right to proactively defend themselves from hostile actions. (10 minutes)

39. Flake, Jeff (AZ): Would add a Sense of Congress indicating that the deployment of National Guard personnel along the southwestern border should continue through the end of fiscal year 2011. (10 minutes)

40. Flake, Jeff (AZ): Would repeal the establishment of the National Drug Intelligence Center. (10 minutes)

41. Schakowsky (IL): Would freeze Department of Defense funding at current levels until the Pentagon can successfully pass an audit. The amendment contains a national security waiver and exceptions for overseas contingency operations, defense personnel, and wounded warrior accounts. (10 minutes)

42. Smith, Adam (WA): Would amend Section 1039 to allow transfer of detainees to the US to testify in federal court. Would strike language barring transfer of detainees held abroad to the US. Would require certification by the Attorney General prior to transfer. (10 minutes)

43. Buchanan (FL): Would require all foreign terrorists, with links to terrorist networks, who attack the United States or the Government be considered enemy combatants to be tried by military tribunals, not in the civilian court system. (10 minutes)

44. Hanabusa (HI): Would limit past, present, and future detainees from rights afforded under Compact of Free Association (COFA). Multiple GTMO detainees have or will be repatriated to Palau and with this they possess unrestricted access to the United States to study, work, and reside as "habitual residents" under the rights granted to them under COFA. (10 minutes)

45. Hanabusa (HI): Would direct the Secretary of Defense and the OMB to identify programs within the DoD budget that are ineffective, redundant or unused. (10 minutes)

46. Tierney (MA): Would officially recognize the City of Salem, Massachusetts, as the birthplace of the National Guard of the United States. (10 minutes)

47. Maloney (NY): Would clarify that the exemption from Freedom of Information Act for Data Files of the Military Flight Operations Quality Assurance Systems of the Military Departments is for "information contained in data files of the military flight oper-

ations quality assurance system of a military department that would reveal flight patterns or tactical techniques or tactical procedures from disclosure under section.” (10 minutes)

48. Mack (FL), Bilirakis (FL): Would make changes to the language of the Sunken Military Craft Act of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Would clarify the language of the Sunken Military Craft Act to restore its original intent, and would specify that a sunken military craft would be defined as a vessel only when on military noncommercial service when it sank. (10 minutes)

49. Langevin (RI): Would coordinate federal information security policy through the creation of a National Office for Cyberspace, updating information security management practices, and establishing measures for the protection of critical infrastructure from cyberattacks. (10 minutes)

50. Amash (MI), Lee, Barbara (CA), Conyers (MI), Jones (NC), Nadler (NY), Paul (TX): Would strike section 1034 of the bill, relating to the authorization for use of military force. (10 minutes)

51. Rogers, Mike (MI), LoBiondo (NJ): Would require the Department of Defense to repatriate, identify and honor with a military funeral the remains of 13 American Sailors killed during the First Barbary War in 1804. These Sailors are currently buried in a decaying mass grave in Tripoli, Libya. The amendment would require the Secretary to transfer and honor these remains using existing appropriations, and at the conclusion of the current NATO mission in Libya. (10 minutes)

52. Campbell (CA): Would terminate the Joint Safety Climate Assessment System of the Department of Defense. (10 minutes)

53. Campbell (CA): Would terminate the Human, Social, and Culture Behavior (HSCB) Modeling program at the Department of Defense. (10 minutes)

54. Campbell (CA): Would reduce the baseline number of civilian employees at the Department of Defense by 1% every year for the next five years. (10 minutes)

55. McGovern (MA), Amash (MI), Cicilline (RI), Jones (NC), Lewis, John (GA), Paul (TX), Welch (VT): Would require: (1) A plan and timeframe on accelerated transition of military operations to Afghan authorities; (2) A plan and timeframe on negotiations leading to a political solution and reconciliation in Afghanistan; and (3) A new National Intelligence Estimate (NIE) on al-Qaeda. The amendment would clarify that nothing in this section limits the president under existing authority to go after al-Qaeda, share intelligence, or modify military strategy and tactics while redeploying US forces under the plan/timeframe required above. (10 minutes)

56. Chaffetz (UT), Welch (VT): Would require U.S. ground troops to withdraw from Afghanistan, leaving just those who are involved in small, targeted counter-terrorism operations. The amendment would further require the Secretary of Defense to submit a withdrawal plan to Congress within 60 days of enactment. (10 minutes)

57. Davis, Susan (CA): To fence 25% of the funds made available through the Afghanistan Infrastructure Fund until the Secretary of Defense, in discussion with the Secretary of State, have determined that women are an integral part of the reconciliation process between the government of Afghanistan and the Taliban. (10 minutes)

58. Garrett (NJ): Would clarify that the United States Congress has not authorized military actions in Libya upon adoption of the National Defense Authorization Act for Fiscal Year 2012. (10 minutes)

59. Rohrabacher (CA): Would remove satellites and satellite components from the Munitions List and make them available to foreign nations. This amendment would, however, also continue the ban on sending such items and technology to China, its allies or terrorist-supporting states as under current law. (10 minutes)

60. Polis (CO): Would reduce the amount of troops stationed in Europe to 30,000 and would cut overall end strength levels by 10,000 a year over the next five years. (10 minutes)

61. Conyers (MI), Clarke (NY), Cohen (TN), Duncan (SC), Farr (CA), Grijalva, Raul (AZ), Honda (CA), Johnson, Hank (GA), Johnson, Timothy (IL), Jones (NC), Kucinich (OH), Lee, Barbara (CA), McClintock (CA), Miller, George (CA), Stark (CA), Tonko (NY), Welch (VT), Woolsey (CA): Would prevent funds authorized in the Act from being used to deploy, establish, or maintain the presence of Members of the Armed Forces or private security contractors on the ground in Libya unless the purpose of the presence is to rescue a Member of the Armed Forces from imminent danger. (10 minutes)

62. Flake, Jeff (AZ): Would eliminate funds for the Mission Force Enhancement Transfer Fund. (10 minutes)

63. Ellison (MN): Would strike section 1604, Budget Item Relating to LHA7 Ship Program. (10 minutes)

64. Sanchez, Loretta (CA): Would reduce the funding for Ground-based Midcourse Defense systems by \$100,000,000. (10 minutes)

65. Quigley (IL): Would reduce RDT&E by 10% throughout DOD. (10 minutes)

66. Southerland (FL): Would strike burdensome limitations on implementation of consolidation of Air and Space Operations. (10 minutes)

67. Young, Don (AK): Would require that to the maximum extent possible community housing currently located on federal land under long-term lease be utilized before it is replaced with new construction of on-base housing. (10 minutes)

68. Young, Don (AK), Bordallo (GU): Would require the Secretary of Defense to submit a report and assessment on the infrastructure needs of Department of Defense designated ports. (10 minutes)

69. Young, Don (AK), Bordallo (GU): Would authorize \$100,000,000 to be appropriated for infrastructure needs and improvements at Department of Defense designated strategic ports. (10 minutes)

70. Petri (WI): Would clarify that direct use solar energy technology is considered a renewable energy source for the purposes of the requirement that DOD obtain 25% of its facility energy from renewable sources by 2025. (10 minutes)

71. Wilson, Joe (SC): Would direct the Secretary of Energy, in coordination with the Secretary of Defense and the Administrator for Nuclear Security, to ensure the nuclear waste repository located at Yucca Mountain, Nevada, remains available for the disposal of high-level radioactive waste resulting from the activities of the DOD and the NNSA until a new location for such waste has been sited and approved. (10 minutes)

72. Davis, Susan (CA): The Secretary of the Navy shall submit a report to Congress detailing the efforts being made to establish maintenance, repair and overhaul capability for Navy unmanned aerial systems. (10 minutes)

73. McKeon (CA): MANAGER'S AMENDMENT Would make conforming changes in the bill. (10 minutes)

74. Akin (MO): Would add a Sense of Congress supporting the establishment of long-term contracting authority for the DOD for procurement of alternative fuels. (10 minutes)

75. Braley (IA): Would require a report from the President, in consultation with the Secretaries of Defense, State and Veterans Affairs, on the long-term costs of military operations in Iraq, Afghanistan and Libya. (10 minutes)

76. Bishop, Rob (UT): Would clear title to a 2.7 acre of formerly utilized defense land in Ogden Utah which was BRAC'd in 1995 (former Defense Depot Ogden), so that the locally recognized municipal redevelopment authority may proceed to redevelop the property consistent with BRAC redevelopment authorities, and to prevent further waste and deterioration to the building located thereon. (10 minutes)

77. Bishop, Rob (UT): Would clarify certain terms in military depot statute, modify the DoD's existing reporting requirements to include the 3 previous fiscal years' record of performance at each covered military depot in a table format, and would add the Tooele Army Depot, Utah, onto the list of depots for which annual reporting is required. (10 minutes)

78. Bishop, Tim (NY): Would express the Sense of Congress urging the Department of Defense to pursue all feasible efforts to recover, identify, and return the bodies of the crew of the Navy Flying Boat George 1 from Thurston Island, Antarctica. (10 minutes)

79. Bishop, Tim (NY): Would require the Secretary of Defense to submit a report on establishing an active registry for each incidence of a member of the Armed Forces being exposed to occupational and chemical hazards, including waste disposal, during contingency operations. (10 minutes)

80. Bishop, Tim (NY): Would express the Sense of Congress regarding the efforts by the Department of Defense to keep America safe from terrorist attacks since September 11th. (10 minutes)

81. Blumenauer (OR), Schrader (OR): Would require the Secretary of Defense to notify the congressional defense committees and the Committees on the Budget, within 90 days, when entering into or modifying an indemnification agreement. This reporting requirement would be exempt in cases deemed by the Secretary to be harmful to US national security interests; for research and development contracts; and, for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) contracts. (10 minutes)

82. Blumenauer (OR), Connolly (VA), Capps (CA), Welch (VT), Hinchey (NY): Would modify the Department of Defense's Operational Energy Report criteria to include an evaluation by the Department of practices used in contingency operations to reduce vulnerabilities associated with fuel convoys and a heavy reliance on fossil fuels in the field. Specifically, such an evaluation would examine the implications of improvements in structure and generator efficiency, as well as the displacement of liquid fuels with on-site renewable energy generation. (10 minutes)

83. Boren (OK), Boustany (LA): Would prohibit the unauthorized use of names and images of living and deceased military service members on merchandise and retail products without first obtaining permission from the service member or, if deceased, their family. (10 minutes)

84. Boswell (IA): Would add a Sense of Congress that a focus on alternative, self-sufficient energy sources that reduce costs in the long term should be part of consideration for contracts for logistics support of contingency operations. (10 minutes)

85. Boustany (LA), Davis, Geoff (KY): Would require the Administration to submit to the appropriate committees an implementation plan for achieving the President's "whole-of-government" integration vision and an annual update on the implementation plan. Would require a description of ongoing and future actions planned; a timeline for specific actions taken and planned to be taken; an outline of specific actions desired or required by Congress; any progress made and challenges or obstacles encountered; and other information the President deems necessary. (10 minutes)

86. Carnahan (MO): Would withhold the use of 25 percent of funds authorized for the Afghanistan Security Forces Fund, unless the Secretary of Defense certifies to Congress that the Department of Defense has sufficient management and oversight mechanisms on contracts. (10 minutes)

87. Coffman (CO): Would require the Secretary of Defense to submit a report to the congressional defense committees on the feasibility and desirability of recycling rare earth elements used by the Department of Defense. (10 minutes)

88. Coffman (CO): Would require the Secretary of Defense to submit a report to the congressional defense committees on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code. (10 minutes)

89. Connolly (VA), Moran, James (VA): Would authorize incremental funding of a military construction project for the Intelligence Dominance Center at Fort Belvoir (10 minutes)

90. Connolly (VA), Kissell, Larry (NC): Would direct the Secretary of Defense to submit a report to Congress after 180 days on the estimated cost of expanding the Homeowners Assistance Program to various servicemembers who currently are not eligible under the Permanent Change of Station category. (10 minutes)

91. Connolly (VA), Platts (PA): Would improve the performance of the Federal Acquisition Institute. (10 minutes)

92. Connolly (VA), Bilbray (CA): Would improve federal internship programs through better management and intern recruitment. (10 minutes)

93. Connolly (VA), Capps (CA), Blumenauer (OR), Hinchey (NY), Welch (VT): Would take fuel costs into account during the procurement process for tents and other structures, with the goal of reducing fuel convoy-related deaths. (10 minutes)

94. Carson (IN): Would amend the Department of Defense pre-separation counseling program to provide discharging service members and their spouses with financial and job placement counseling. (10 minutes)

95. Courtney (CT), Petri (WI), Matsui (CA): Would transfer the Troops to Teachers program from the Department of Education to the Department of Defense. It would also make several changes to

the program that would expand eligibility for service members who have served on active duty since September 11, 2001, expand the number of schools eligible to participate in the program, and create an advisory board charged with improving awareness of the program, increasing participation, and ensuring that the program meets the needs of our schools and our veterans. (10 minutes)

96. Davis, Susan (CA): Would modify a current GAO reporting requirement on TRICARE Standard and Extra from “bi-annual” (twice a year) to “biennial” (every two years). (10 minutes)

97. Dent (PA): Would require the Secretary of Defense to conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and sub-surface vessels of the U.S. Navy. (10 minutes)

98. DeLauro (CT), Wolf (VA): Would broaden the definition of entities prevented from receiving Department of Defense contracts to include all entities owned or controlled by, directed by or from, operating with delegated authority from, or affiliated with the Government of the People’s Republic of China. Would require the Secretary of Defense to report to the congressional defense and appropriations committees at least 15 days prior to issuing any waiver for this procurement limitation. (10 minutes)

99. Donnelly (IN): Would improve DoD oversight of private security contractors funded by the DoD by requiring a standard Quality Assurance Surveillance Plan that sets out standards for oversight of all private security contracts, and requiring DoD to designate one official in the country of operations to certify that they have reviewed and are confident of oversight plans for private security contractors. (10 minutes)

100. Edwards, Donna (MD): Would require that the effects on local businesses, neighborhoods, and local governments be included in the analysis of the impacts on transportation infrastructure related to consideration and selection of military installations for closure or realignment (BRAC). (10 minutes)

101. Ellison (MN): Would require the Secretary of Defense to update the Congressional defense committees on the United States military strategy in Afghanistan in light of the death of Osama Bin Laden. (10 minutes)

102. Flake, Jeff (AZ): Would require that the Department of Defense make public any written communications from Congress recommending that funds specified in Division D be directed towards a particular project. (10 minutes)

103. Flake, Jeff (AZ): Would require the Department of Defense to submit a report to Congress justifying the use of funds and detailing the process by which those funds were awarded, for each program element under Section 201 that received an authorization of appropriations that is more than what the President requested. (10 minutes)

104. Franks (AZ): Would transfer administrative jurisdiction, custody, and control of the Air Force Memorial from the Secretary of the Army to the Secretary of the Air Force. (10 minutes)

105. Garamendi, John, Wilson, Joe (SC): Would require the National Academy of Sciences to Review Nuclear Waste Reprocessing and Nuclear Reactor Technology. (10 minutes) 106.

106. Hanabusa (HI): Would allow those in the IRR to obtain health insurance through TRICARE for continuity of care. (10 minutes)

107. Hastings, Doc (WA): Would reauthorize the Department of Energy's Office of River Protection through September 30, 2019. (10 minutes)

108. Hastings, Alcee (FL): Would add Sense of the Congress language regarding Members of Congress obtaining a comprehensive understanding of the cultures, religions, ethnicities, geographies, histories and politics of nations in which the Armed Forces are engaged or are proposed to engage in military action. (10 minutes)

109. Heck (NV): Would provide DoD with the option to transition to HCFC blend fire suppressant agents to replace its current agent Halon 1211, which is no longer produced and significantly more harmful to the environment. (10 minutes)

110. Inslee (WA): Would give the Department of Defense the authority to provide severely wounded or seriously ill service members, who remain on active duty, with a broad range of rehabilitative equipment including recreational sports equipment that must be specially customized to meet the needs of the service member. (10 minutes)

111. Jackson Lee (TX), Johnson, Hank (GA): Would designate a National Day of Honor for members of the Armed Forces who have served in Iraq, Afghanistan, and other combat areas. (10 minutes)

112. Jackson Lee (TX): Would express the Sense of Congress that Post Traumatic Stress Disorder is an increasing disorder affecting returning members of the Armed Forces and access to treatment for this disorder should be expanded. (10 minutes)

113. Kind (WI): Would allow the Secretary of Defense to enter into a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training. (10 minutes)

114. Kinzinger (IL): Would prohibit any funds made available by this Act from being used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Services. (10 minutes)

115. Langevin (RI): Would prohibit the transfer of funds from the National Defense Education Program K-12 education component. (10 minutes)

116. Larsen, Rick (WA): Would provide authority to the Secretary of State, with the concurrence of the Secretary of Defense, to provide assistance to foreign nations to strengthen that nation's national and regional security interests consistent with U.S. foreign policy interests and with existing law. (10 minutes)

117. Lee, Barbara (CA): Would prohibit funding to construct permanent military bases in Iraq and Afghanistan. (10 minutes)

118. Lipinski (IL), Roskam (IL): Would express a Sense of Congress regarding the establishment of a National Korean War Museum. (10 minutes)

119. LoBiondo (NJ): Would clarify the SEAD/DEAD report required in Section 334 of the FY2011 National Defense Authorization Act. (10 minutes)

120. Luetkemeyer (MO): Would direct the Secretaries of the military departments to conduct a review of military service records to

determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor. (10 minutes)

121. Maloney (NY): Would amend Section 1091 of this act to replace “Critical Infrastructure Information” in every case with “Critical Infrastructure Security Information,” add a definition of Critical Infrastructure Security Information, and add a balancing test for the public interest when regarding treatment under the Freedom of Information Act. (10 minutes)

122. McCollum (MN): Would limit the amount spent on military musical units to \$200,000,000 in fiscal year 2012. (10 minutes)

123. Miller, Candice (MI): Would direct the Department of Defense to collaborate with the Department of Homeland Security to identify technology and equipment that could be used to secure the border. (10 minutes)

124. Moran, James (VA): Would limit the number of parking spaces the Army would be permitted to use at the BRAC #133 location in Alexandria, Virginia, to 1,000 until there are sufficient traffic mitigation measures in place. (10 minutes)

125. Murphy, Tim (PA): Would direct the Surgeons General of the Army, Navy, and Air Force to submit a report to Congress on whether additional behavioral health professionals are needed to treat members of the Armed Forces for PTSD and TBI, and offer recommendations for ways to provide incentives for healthcare professionals to join active and reserve components. (10 minutes)

126. Murphy, Christopher (CT): Would require greater transparency in the issuance of Buy American waivers. Would require an itemized list of articles, materials and supplies for which waivers were sought, an analysis of the domestic capacity to make the waived item, and finally, an explanation in a yearly increase or decrease in Buy American Act waivers. (10 minutes)

127. Nugent (FL): Would expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941. (10 minutes)

128. Pearce (NM): Would prohibit the Department of the Army from bundling contracts whose total value is more than \$1,000,000 unless certain criteria are met. (10 minutes)

129. Pompeo (KS): Would waive the time limitation for the award of the Medal of Honor to Father Chaplain Emil Kapaun for heroic deeds during the Korean Conflict. This time waiver is necessary prior to the award of the Medal of Honor by the President. (10 minutes)

130. Pompeo (KS), Ryan, Tim (OH): Would clarify the Medal of Honor process by requiring the Secretary of Defense, rather than the respective military service secretary, to submit the Department of Defense recommendation to Congress. This will ensure the potential Medal of Honor award is supported by the Secretary of Defense prior to Congressional action. (10 minutes)

131. Reed (NY): Would designate TAPs as the National Song of Remembrance and prescribes procedures during the sounding of TAPs. (10 minutes)

132. Richardson (CA): Would express the sense of Congress that NORTHCOM, who's mission it is to protect the United States homeland and support local, state, and federal authorities, to develop a leadership strategy, relationships, and guidelines to work with State and Local authorities in the event of a major incident and in unforeseen circumstances. (10 minutes)

133. Rigell (VA): Would direct the Secretary of Defense to develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration. (10 minutes)

134. Runyan (NJ): Would require that the Secretary of Defense establish goals for competition in contracts for the procurement of property or services to be used outside the United States in support of a contingency operation and requires that processes be developed to measure and monitor such competition, including task order categories for services, construction, and supplies. (10 minutes)

135. Sanchez, Loretta (CA): Would increase the funding for the Global Threat Reduction Initiative. The offset will be derived from the Aerostat Joint Project Office. (10 minutes)

136. Shuster (PA): Would provide a three year extension of authority to the Secretary of Defense to use acquisition and cross-servicing agreements (ACSAs) to loan certain equipment to coalition partners for the purpose of enhancing personnel protection and aiding in personnel survivability in coalition operations, in certain peacekeeping operations, and in connection with training for deployment to such operations. (10 minutes)

137. Sanchez, Loretta (CA): Would require a report assessing the nuclear forces of the Russian Federations relative to the New START Treaty. (10 minutes)

138. Sanchez, Loretta (CA): Would increase funding for the operation of the Defense Nuclear Facilities Safety Board by \$2,500,000. The offset would be derived from Joint Tactical Radio System Maritime-Fixed radios. (10 minutes)

139. Smith, Adam (WA): Would require the President to develop strategies to address a prioritized list of areas that serve or could serve as potential safe havens for al Qaeda and its violent extremist affiliates. The amendment would further require the agencies involved in executing the strategies to sign a memorandum of understanding to enhance interagency cooperation in executing the amendment. (10 minutes)

140. Smith, Adam (WA): Would require a report on Research and treatment of Post-Traumatic Stress Disorder. (10 minutes)

141. Thompson, Glenn (PA): Would expand the Department of Defense state licensure exception to qualified and credentialed DOD health-care professionals, including contractors and civilians, and removes the location requirement to better allow our Guard and Reserve access to immediate and efficient care. This amendment is nearly identical to H.R. 1832, the STEP Act. (10 minutes)

142. Thornberry (TX): Would protect private sector companies participating in the Defense Industrial Base (DIB) Active Cyber Defense Pilot Project from potential liability as an agent of the government. The pilot project is a 90-day pilot with defense contractors and internet service providers to test an active defense capability in cyber security. (10 minutes)

143. Tierney (MA): Would require the Department of Defense to submit a report to Congress assessing the manufacturing industry of the United States. The report would include, among other requirements: (A) an assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs; (B) an assessment of the tax, trade and regulatory policies as they impact the growth of the manufacturing industry in the United States; (C) an analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations; and (D) an analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and an assessment of the vulnerabilities and weak points of that supply chain. (10 minutes)

144. Tierney (MA): Would establish a working group to monitor the foreign police training programs, projects, and activities of the various Federal departments and agencies and coordinate and unify such programs, projects and activities under a single strategic framework. The interagency working group shall consist of representatives from the Departments of Defense, State, Justice, Homeland Security, Treasury, and Energy, the United States Agency for International Development, and the Millennium Challenge Corporation. (10 minutes)

145. Tierney (MA): Would create an Assistant Secretary of Defense for Contingency Contracting to be the principal advisor of the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology and Logistics on matters relating to planning, funding, staffing, and managing contingency contracting for the Department of Defense. Would also rename and expand the Office of Program Support in the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics as the Office of Contingency Contracting. (10 minutes)

146. Turner (OH): Clarifies the intent of section 1055 by explicitly allowing activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile. (10 minutes)

147. Turner (OH): Would create an additional exception allowing for the reductions, withdrawals, or consolidations of non-strategic nuclear weapons in Europe, when made pursuant to either a Treaty or authorized by an Act of Congress. (10 minutes)

148. Turner (OH): Would require a report on the cost-benefit analysis of migrating the management headquarters for the Air Force's Enterprise Logistics System Program Executive Office. (10 minutes)

149. Turner (OH), Sanchez, Loretta (CA): Would include a Sense of Congress that any commercial communications that interferes with the Global Positioning System (GPS) should not receive final authorization by the Federal Communications Commission until the potential interference with GPS is resolved. (10 minutes)

150. Young (IN): Would provide the Secretary of Defense with the authority to use funding to carry out a program designed to reintegrate former low-level Taliban fighters into Afghan society. The program would be subject to a certification made by the Secretary of State that such a reintegration program is necessary to support the goals of the U.S. in Afghanistan and that the Department of State and the U.S. Agency for International Development are un-

able to carry out a similar program of reintegration because of the security environment in certain areas. (10 minutes)

151. Walz (MN): Would require DOD to submit a report to Congress outlining a plan that would ensure access to the Guard and Reserves for missions short of war, as recommended by the Quadrennial Defense Review directed Comprehensive Review of the Guard and Reserve. (10 minutes)

152. Cravaack (MN), Chaffetz (UT): Would repeal Title VXII of the Department of Defense Authorization Act, 1985, which authorized the establishment of the United States Institute of Peace. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WITTMAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 34, after line 26, insert the following:

SEC. 127. FORD-CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of the Navy may enter into multiyear contracts for the start of major construction of the Ford-class aircraft carriers designated CVN 79 and CVN 80 and for the construction of major components, modules, or other structures related to such carriers.

(b) REQUIREMENTS.—In carrying out this section, the Secretary of the Navy may—

(1) enter into contracts under subsection (a) in a manner that the Secretary determines will result in the lowest cost to the United States given the variability of shipyard industrial capacity and other factors; and

(2) enter into contracts with the prime contractor chosen for major fabrication and construction of the vessels or directly with other contractors to supply materiel and equipment for the construction of the vessels in such a manner as to reduce cost to the United States of such materiel and equipments by purchasing in economic order quantities.

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

(d) OTHER 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”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOOLSEY OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 34, after line 26, insert the following:

SEC. 127. ELIMINATION OF AVAILABILITY OF FUNDS FOR PROCUREMENT OF V-22 OSPREY AIRCRAFT.

Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$2,224,817,000, with the amount of the reduction to be derived from Line 009 V-22 (Medium Lift) as set forth in the table under section 4101; and

(2) the amount authorized to be appropriated in section 101 for aircraft procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$339,865,000, with the amount of the reduction to be derived from Line 019 V-22 Osprey as set forth in the table under section 4101.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 92, after line 12, insert the following:

SEC. 254. APPLICATION OF RNA BIOLOGICAL AND FUNCTIONAL SCIENCE AND TECHNOLOGY.

In carrying out the medical advanced technology program, the Secretary of Defense shall ensure that, when applicable, RNA biological and functional science and technology are used for research in which RNA may be a translational tool and potentially therapeutic, including—

- (1) infectious diseases employed by terrorists or other entities to have a battlefield effect;
- (2) memory disorders;
- (3) rare diseases; and
- (4) other diseases affecting military readiness.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAYWORTH OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 92, after line 12, insert the following:

SEC. 254. 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 should 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.
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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 113, after line 17, insert the following:

SEC. 317. 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 given 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 the open-air burn pit covered by the notice. Each such report shall include each of the following:

“(1) A detailed 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, terminology, data, and results, used to determine the health risks described in paragraph (1).

“(3) The methodology and reasoning used in balancing 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.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARTER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 178, after line 8, insert the following new section:

SEC. 527. 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) Ideologically based threats or actions of another member that the member providing the information reasonably believes could be counterproductive or detrimental to United States interests or security.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title V, add the following:

SEC. 515. CHIEF OF NATIONAL GUARD BUREAU.

(a) **ROLE AS ADVOCATE AND LIAISON.**—Section 10502 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

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

“(d) **ADVOCATE AND LIAISON FOR STATE NATIONAL GUARDS.**—The Chief of the National Guard Bureau shall serve as an advocate and liaison for the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and inform such National Guards of all actions that could affect their Federal or State missions, including any equipment level or force structure changes.”

(b) **INCLUSION AS MEMBER OF JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Section 10502 of title 10, United States Code, is further amended by inserting after subsection (d) (as amended by subsection (a) of this section), the following new subsection:

“(e) **MEMBER OF JOINT CHIEFS OF STAFF.**—

“(1) The Chief of the National Guard Bureau shall be a member of the Joint Chiefs of Staff (as described in section 151 of this title).

“(2) As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of advocating for the National Guards of the States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and coordinating the efforts of the warfighting support and force provider mission of the National Guard with the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard to ensure the National Guard has the resources to perform its multiple missions.

“(3) The Chief of the National Guard Bureau shall consult with the Governors and the Adjutants General of the States before any changes are made in National Guard force structure or equipment levels (or both) to determine the impact such changes may have on the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard.”

(2) **CONFORMING AMENDMENT.**—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.”

8. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHOCK OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle C of title V, add the following new section:

SEC. 5 . LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

(a) **AUTHORITY TO OBTAIN DEFERMENT.**—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) **APPROVAL OF REQUEST.**—The Secretary of the military department concerned, and the Secretary of Homeland Security in

the case of members of the Coast Guard, shall approve a request submitted by a member pursuant to subsection (a).

(c) REPEAL OF LIMITED AUTHORITY.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11–181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V, add the following new section:

SEC. 5 ____. DEPARTMENT OF DEFENSE SUICIDE PREVENTION PROGRAM.

(a) PROGRAM ENHANCEMENTS.—

(1) 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.

(2) COOPERATIVE EFFORT.—The Secretary of Defense shall develop suicide prevention information and resources in consultation with—

(A) 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

(B) to the extent appropriate, institutions of higher education and other public and private entities, including international entities, with expertise regarding suicide prevention.

(b) SUICIDE PREVENTION TRAINING COMPONENT DURING RECRUIT BASIC TRAINING.—

(1) ARMY.—

(A) TRAINING REQUIRED.—Chapter 401 of title 10, United States Code, is amended by inserting after section 4320 the following new section:

“§ 4320a. Recruit basic training: availability of suicide prevention resources

“(a) AVAILABILITY.—As part of the initial entry training program of the Army that constitutes the basic training of new recruits, the Secretary of the Army shall include a training component on suicide prevention.

“(b) ELEMENTS.—The suicide prevention training component shall include the following:

“(1) Methods for recognizing risk factors for suicide.

“(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

“(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

“(4) Information on best practices for suicide prevention.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4320 the following new item:

“4320a. Recruit basic training: availability of suicide prevention resources.”.

(2) NAVY AND MARINE CORPS.—

(A) TRAINING REQUIRED.—Chapter 602 of such title is amended by adding at the end the following new section:

“§ 6933. Recruit basic training: availability of suicide prevention resources

“(a) AVAILABILITY.—As part of the initial entry training program of the Navy and the Marine Corps that constitutes the basic training of new recruits, the Secretary of the Navy shall include a training component on suicide prevention.

“(b) ELEMENTS.—The suicide prevention training component shall include the following:

“(1) Methods for recognizing risk factors for suicide.

“(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

“(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

“(4) Information on best practices for suicide prevention.”.

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

“602. Recruit basic training: availability of suicide prevention resources.”.

(3) AIR FORCE.—

(A) TRAINING REQUIRED.—Chapter 901 of such title is amended by inserting after section 9320 the following new section:

“§ 9320a. Recruit basic training: availability of suicide prevention resources

“(a) AVAILABILITY.—As part of the initial entry training program of the Air Force that constitutes the basic training of new recruits, the Secretary of the Air Force shall include a training component on suicide prevention.

“(b) ELEMENTS.—The suicide prevention training component shall include the following:

“(1) Methods for recognizing risk factors for suicide.

“(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

“(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

“(4) Information on best practices for suicide prevention.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4320 the following new item:

“4320a. Recruit basic training: availability of suicide prevention resources.”.

(c) PRESEPARATION COUNSELING.—Section 1142(b)(8) of such title is amended by inserting before the period the following: “and the availability to the member and the member’s family of the suicide prevention resources described in section 1177(d) of this title”.

(d) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 421 for military personnel, as specified in the corresponding funding table in division D, is hereby increased by \$5,000,000, with the amount of the increase allocated to carrying out this section and the amendments made by this section; and

(2) the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under line 049 Tactical Communications Electronic Equipment, as specified in the corresponding funding table in section 4101.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V, add the following new section:

SEC. 5 ____ . 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)”;

(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.”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BECERRA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title V, add the following new section:

SEC. 5 ____ . DIVERSITY RECRUITMENT EFFORTS FOR THE MILITARY SERVICE ACADEMIES.

(a) FUNDS FOR DIVERSITY RECRUITMENT EFFORTS.—The amounts authorized to be appropriated by section 301 for operation and maintenance for the Army, Navy, and Air Force for officer acquisition, as specified in the corresponding funding table in section 4301, are each increased by \$1,400,000 to expand diversity recruitment efforts for the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(b) OFFSET FROM JOINT TACTICAL RADIO SYSTEM.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other

procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$4,200,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 049 Tactical Communications-Electronic Equipment as set forth in the table under section 4101.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in subsection (a) with or to a specific entity 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.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V, add the following new section:

SEC. 5 ____ . PILOT PROGRAM ON SCHOLARSHIPS FOR MILITARY DEPENDENT CHILDREN WITH SPECIAL EDUCATION NEEDS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in conjunction with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of awarding scholarships to military children with special education needs described in subsection (b) in order to cover the costs of such children in attending a school described in subsection (c) for the purpose of ensuring military children with special education needs a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. Such scholarships shall be known as “academic opportunity scholarships”.

(2) PURPOSES.—The purposes of the pilot program shall be as follows:

(A) To identify and assess obstacles faced by military families with children with special education needs in obtaining a free appropriate public education to address such needs.

(B) To develop options for military children with special education needs to attend public or private schools through scholarships.

(C) To identify and assess evidence-based research and best practices for providing special education and related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) for military children with special education needs.

(D) To assess timeliness in obtaining special education and related services described in subparagraph (C).

(E) To identify and document improvements in academic performance of military children with special education needs as a result of the scholarships under the pilot program.

- (F) To determine and document the cost associated with obtaining special education and related services described in subparagraph (C) through such scholarships.
- (3) CRITERIA.—The Secretary of Defense shall carry out the pilot program based on uniform criteria established by the Secretary, in consultation with the Secretary of Education or the appropriate State government agency.
- (4) COMMENCEMENT.—The Secretary of Defense shall commence carrying out the pilot program beginning with the 2012–2013 academic year.
- (b) COVERED MILITARY DEPENDENT CHILDREN.—A military dependent child described in this subsection is a child who—
- (1) is a dependent of a member of the Armed Forces;
 - (2) is a member of a family enrolled in the Exceptional Family Member program administered by the Secretary of the military department concerned;
 - (3) is a child with a disability under section 602 of the Individuals with Disabilities Education Act; and
 - (4) is covered by a current individualized education program developed and approved in accordance with section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) or has been identified as needing special education and related services.
- (c) COVERED SCHOOLS.—A school described in this subsection is any elementary or secondary school as follows:
- (1) A private elementary school or secondary school.
 - (2) A public school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.
 - (3) A public charter school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.
- (d) AMOUNT, PAYMENT, AND USE OF SCHOLARSHIP.—
- (1) AMOUNT.—The amount of the scholarship awarded a military dependent child under the pilot program for an academic year may not exceed the lesser of—
 - (A) the amount required for such academic year for the payment of tuition, fees, transportation, and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a);
 - or
 - (B) \$7,500.
 - (2) PAYMENT.—Payment of the amount of a scholarship awarded a military dependent child shall be made to the parent or guardian of the child for an academic year.
 - (3) USE.—Subject to regulations prescribed by the Secretary of Defense for purposes of the pilot program, the amount of the scholarship awarded a military dependent child shall be utilized for the payment of tuition, fees, transportation, and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a).
- (e) EVALUATION OF PERFORMANCE OF RECIPIENT MILITARY DEPENDENT CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall conduct an evaluation of the performance of military dependent children awarded scholarships under the pilot program. The evaluation shall address the following:

(A) The progress made by military dependent children awarded scholarships in academic and social performance.

(B) The success of the scholarships in expanding choice in education and related services for military dependent children described in subsection (b).

(C) The success of the scholarships in ensuring timely access of military dependent children described in subsection (b) to special education and related services required under their individualized education programs.

(D) Such other matters as the Secretary considers appropriate.

(2) COMPLETION.—The evaluation required by paragraph (1) shall be completed not later than December 31, 2015.

(f) OPTIONS FOR IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN WITH SPECIAL EDUCATION NEEDS.—

(1) DEVELOPMENT OF OPTIONS.—The Secretary of the Defense shall, in consultation with the Secretary of Education, develop a variety of options for military families with children with special education needs to enhance the benefits available to such families and children under the Individuals with Disabilities Education Act and better assist such families in meeting such needs.

(2) ACTIONS.—In developing actions under paragraph (1), the Secretaries shall consider the following:

(A) The feasibility of establishing an individualized education program for military children with special education needs that is applicable across jurisdictions of local educational agencies in order to achieve reciprocity among States in acknowledging such programs.

(B) Means of improving oversight and compliance with the provisions of section 614 of the Individuals with Disabilities Education Act that require local educational agencies to support an existing individualized education program for a military child with special education needs who is relocating to another State pursuant to the permanent change of station of a military parent until an individualized education program is developed and approved for such child in the State to which the child relocates.

(C) The feasibility of establishing an expedited process for resolution of complaints by military parents with a child with special education needs about lack of access to education and related services otherwise specified in the individualized education program of such child.

(D) The feasibility of permitting the Department of Defense to contact the State to which a military family with a child with special education needs will relocate pursuant to a permanent change of station when the orders for such change of station are issued, but before the family takes residence in such State, for the purpose of commencing preparation for education and related services specified in the individualized education program of such child.

(E) The feasibility of establishing a system within the Department of Defense to document complaints by military parents regarding access to free and appropriate public education for their children with special education needs

(F) Means to strengthen the monitoring and oversight of education and related services for military children with special education needs under the Interstate Compact on Educational Opportunities for Military Children.

(G) Such other matters as the Secretaries jointly consider appropriate.

(g) REPORTS.—

(1) REPORT ON IMPROVEMENTS OF EDUCATIONAL OPPORTUNITIES.—Not later than September 30, 2013, the Secretary of Defense shall submit to Congress a report setting forth the options developed under subsection (f). The report shall include—

(A) a description of any options developed; and

(B) recommendations for such legislative or administrative action as the Secretary of Defense and the Secretary of Education jointly consider appropriate to implement such options.

(2) REPORT ON IMPLEMENTATION OF PILOT PROGRAM.—Not later than September 30, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plans of the Secretary for the award of scholarships under the pilot program, including any regulations prescribed for purposes of subsection (d)(3).

(3) FINAL REPORT ON PILOT PROGRAM.—Not later than September 30, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the scholarships awarded under the pilot program. The report shall include—

(A) a description of the scholarships awarded under the pilot program, including the number and amount of scholarships by school year;

(B) the results of the evaluation required by subsection (e); and

(C) such other matters as the Secretary considers appropriate.

(h) FUNDING FOR SCHOLARSHIPS.—

(1) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—Of the amounts authorized to be appropriated by section 301 for Defense-wide operation and maintenance for family advocacy activities, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$10,000,000 to award scholarships to military dependent children under the pilot program.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than five percent of the amount specified in paragraph (1) may be used to cover administrative expenses to carry out the pilot program.

(3) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds made available under paragraph (1) with or to a specific entity or person shall—

(A) 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

(B) comply with other applicable provisions of law.

(i) **SUNSET.**—The pilot program shall expire on September 30, 2016. No scholarship may be awarded under the pilot program for an academic year that begins on or after that date.

(j) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 301 for Defense-wide operation and maintenance, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to carrying out the pilot program; and

(2) the amount authorized to be appropriated in section 1433 for the Mission Force Enhancement Transfer Fund, as specified in the corresponding funding table in division D, is hereby reduced by \$10,000,000.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V, add the following new section:

SEC. 577. SENSE OF CONGRESS REGARDING FINANCIAL COUNSELING FOR MILITARY FAMILIES.

It is the sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Service Member Affairs to provide financial counseling for members of the Armed Forces and their families.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 591 and insert the following new section:

SEC. 591. AUTHORITY TO PROVIDE SUPPORT AND SERVICES FOR CERTAIN ORGANIZATIONS AND ACTIVITIES OUTSIDE DEPARTMENT OF DEFENSE.

Section 2012 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) **LIMITATION ON ANNUAL OBLIGATION OF FUNDS.**—Not more than \$20,000,000 may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities under this section.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle J of title V of division A, add the following new section:

SEC. 598. POSTAL BENEFITS PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the “Supply Our Soldiers Act of 2011”.

(b) **POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits shall be provided to qualified individuals in accordance with succeeding provisions of this section.

(2) **QUALIFIED INDIVIDUAL.**—For purposes of this section, the term “qualified individual” means an individual who is—

(A) a member of the Armed Forces of the United States on active duty (as defined in section 101 of title 10, United States Code); and

(B)(i) serving in Iraq or Afghanistan; or

(ii) hospitalized at a facility under the jurisdiction of the Armed Forces of the United States as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(3) **POSTAL BENEFITS DESCRIBED.**—

(A) **IN GENERAL.**—The postal benefits provided under this section shall consist of such coupons or other similar evidence of credit (whether in printed, electronic, or other format, and hereinafter in this section referred to as “vouchers”) as the Secretary of Defense (in consultation with the Postal Service) shall determine, entitling the bearer or user to make qualified mailings free of postage.

(B) **QUALIFIED MAILING.**—For purposes of this section, the term “qualified mailing” means the mailing of a single mail piece which—

(i) is described in clause (i) or (ii) of subparagraph (C);

(ii) is sent from within an area served by a United States post office; and

(iii) is addressed to a qualified individual.

(C) **MAIL DESCRIBED.**—Mail described in this subparagraph is—

(i) any first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence; and

(ii) parcel post not exceeding 15 pounds in weight.

(D) **LIMITATIONS.**—

(i) **NUMBER.**—An individual shall be eligible for one voucher for each two-month period in which such individual is a qualified individual.

(ii) **USE.**—Any such voucher may not be used—

(I) for more than a single qualified mailing; or

(II) after the expiration date of such voucher, as designated by the Secretary of Defense.

(E) COORDINATION RULE.—Postal benefits under this section shall be in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(4) REGULATIONS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense (in consultation with the Postal Service) shall prescribe any regulations necessary to carry out this section, including—

(A) procedures by which vouchers will be provided or made available in timely manner to persons duly identified by qualified individuals to receive those vouchers; and

(B) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with paragraph (3)(D)(i).

(c) FUNDING.—

(1) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2012—

(A) the amount authorized to be appropriated in section 301 for operation and maintenance, Defense-wide, as specified in the corresponding funding table in division D, is hereby increased by \$12,000,000, with the amount of the increase allocated to the Office of the Secretary of Defense, as set forth in the table under section 4301, to carry out this section; and

(B) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table of division D, is hereby reduced by \$12,000,000 with the amount of the reduction to be derived from the Joint Tactical Radio System, Ground Mobile Radio Program under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

(2) TRANSFERS TO POSTAL SERVICE.—

(A) BASED ON ESTIMATES.—The Department of Defense shall transfer to the Postal Service, out of any amount so appropriated and in advance of each calendar quarter for fiscal year 2012 beginning on or after January 1, 2012, and during which postal benefits under this section may be used, an amount equal to the amount of postal benefits that the Department of Defense estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Department finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(B) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this subsection, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be

made not later than six months after the end of fiscal year 2012.

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under this section used in any period shall be made by the Department of Defense in consultation with the Postal Service.

(d) DURATION.—The postal benefits under this section shall apply with respect to mail matter sent during the period beginning on October 1, 2011, and ending on September 30, 2012.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUPPERSBERGER OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title VI, add the following new section:

SEC. 623. INCLUSION OF MEMBERS OF THE ARMED FORCES ASSIGNED TO EGYPT MULTI-NATIONAL FORCE AND OBSERVERS MISSION IN UNITED STATES CENTRAL COMMAND REST AND RECUPERATION ABSENCE PROGRAM.

(a) INCLUSION OF MNFOM MEMBERS.—Subsection (b) of section 705a of title 10, United States Code, as added by section 532 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4216), is amended to read as follows:

“(b) ELIGIBLE MEMBERS.—Subject to such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a), the following members of the armed forces are eligible for selection to receive the benefits described in subsection (c):

“(1) A member who is assigned or deployed for at least 270 days in an area or location—

“(A) that is designated by the President as a combat zone; and

“(B) in which hardship duty pay is authorized to be paid under section 305 of title 37.

“(2) A member who is assigned to duty for at least 270 days as a participant in the Egypt Multi-National Force and Observers Mission.”

(b) FUNDING SOURCE.—Notwithstanding the amounts set forth in the funding table in section 4501, the Secretary of Defense may transfer up to \$4,000,000 from the Mission Force Enhancement Transfer Fund established by section 1433 to another account of the Department of Defense to mitigate unfunded requirements for fiscal year 2012 incurred as a result of the amendment made by subsection (a).

(c) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARTER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI, add the following new section:

SEC. 662. TREATMENT OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.

(a) TREATMENT.—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, shall be deemed as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 316, line 15, in section 646 relating to the enhanced commissary stores pilot program, strike “(e)” and insert the following:

“(e) SUBSTANCE ABUSE PREVENTION PROGRAMS.—On account of the types of merchandise authorized to be sold in an enhanced commissary store, the Secretary of Defense may use amounts retained under subsection (d)(1) for the enhanced commissary store to support substance abuse prevention programs for patrons of the store while ensuring that the store receives necessary operating funds.
“(f)”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 325, after line 9, insert the following:

SEC. 705. 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:

“§ 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 60 days before the date of the deployment.

“(B) Once during each 180-day period in which the member is so deployed.

“(C) Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

“(D) 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;

“(ii) the period beginning one year after such redeployment date and ending two years after such redeployment date; and

“(iii) the period beginning two years after such redeployment date and ending three years after such redeployment date.

“(2) A mental health assessment is not required for a member of the armed forces under subparagraphs (C) and (D) 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, traumatic brain injury, suicidal tendencies, and other behavioral health conditions identified among members of the armed forces 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 of the armed forces described in subsection (a) and the professionals or personnel described by paragraph (1), 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, 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)(D) after the individual’s discharge or release from the armed forces.

“(e) DIAGNOSES DURING DEPLOYMENT.—(1) In order to prevent suicide, self-harm, harm to others, and under-performance of members of the armed forces, the Secretary shall, with respect to a member described in paragraph (2)—

“(A) retire the member pursuant to section 1201 of this title if such member is otherwise qualified for such retirement; or

“(B) redeploy such member from the contingency operation to a location where the member may receive appropriate medical treatment.

“(2) A member described in this paragraph is a member of the armed forces who, as a result of a mental health assessment conducted under subsection (a)(1)(B)—

“(A) is diagnosed with post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, or other behavioral health condition; and

“(B) as part of such diagnosis, is determined to—

“(i) require care or monitoring that the Secretary determines cannot be provided while the member is deployed in support of a contingency operation;

“(ii) be at risk of self-harm or harming other members of the armed forces; or

“(iii) be unable to perform duties assigned during such deployment.

“(f) 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 De-

fense 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 that 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 of the armed forces is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

“(g) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(h) REPORTS.—(1) Upon the issuance of the regulations prescribed under subsection (g), the Secretary of Defense shall submit to Congress a report describing such regulations.

“(2)(A) Not later than 270 days after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress an initial report on the implementation of the regulations by the military departments.

“(B) Not later than two years after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress a report on the implementation of the regulations by the military departments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the regulations in achieving the purpose specified in subsection (b) for such assessments.”

(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) 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.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. STUDY ON BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) STUDY.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on the incidence of breast cancer among members of the Armed Forces (including members of the National Guard and reserve components) and veterans. Such study shall include the following:

(1) A determination of the number of members and veterans diagnosed with breast cancer.

(2) A determination of demographic information regarding such members and veterans, including—

(A) race;

(B) ethnicity;

(C) sex;

(D) age;

(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(F) the locations of duty stations that such member or veteran was assigned;

(G) the locations in which such member or veteran was deployed; and

(H) the geographic area of residence prior to deployment.

(3) An analysis of breast cancer treatments received by such members and veterans.

(4) Other information the Secretaries consider necessary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section;

(2) the amount authorized to be appropriated in section 101 for other procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$8,800,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 075 Shipboard Tactical Communications as set forth in the table under section 4101; and

(3) the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$1,200,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 049 Tactical Communications-Electronic Equipment as set forth in the table under section 4101.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program

under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) **CONDITIONS FOR PAYMENT.**—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The treatment (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) **ADDITIONAL RESTRICTIONS PROHIBITED.**—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) **PAYMENT DEADLINE.**—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) **PAYMENT AUTHORITY.**—

(1) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall make payments under this section for treatments received by members of the Armed Forces using the authority in subsection (c)(1) of section 1074 of title 10, United States Code.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall make payments under this section for treatments received by veterans using the authority in section 1728 of title 38, United States Code.

(f) PAYMENT AMOUNT.—A payment under this section shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment, in the case of data relating to a patient case involving the use of such treatment.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet Web site of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which

the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment under this section, or for the provision of such treatment, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) **TERMINATION.**—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

(p) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—

(1) **IN GENERAL.**—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2012—

(A) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(B) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$10,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System, ground-mobile radio program under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

(2) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) 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

(B) comply with other applicable provisions of law.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PASCRELL JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. TRANSFER OF DEFENSE CENTERS OF EXCELLENCE FOR PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) **IN GENERAL.**—The Secretary of Defense shall develop a plan to transfer the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury from the TRICARE Management Activity to a military department, as determined by the Secretary.

(b) **NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify the congressional defense committees of the plan under subsection (a), including the military department determined by the Secretary.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PASCRELL JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. 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 how the Secretary will identify, refer, and treat traumatic brain injuries with respect to members of the Armed Forces who served in Operation Enduring Freedom or Operation Iraqi Freedom before the date in June, 2010, on which the memorandum regarding using a 50-meter distance from an explosion as a criterion to properly identify, refer, and treat members for potential traumatic brain injury took effect.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SARBANES OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 937.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a ‘jobs impact statement’) that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

“(B) The information that may be included in a jobs impact statement may include the following:

“(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

“(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

“(iii) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract.

“(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer and may request further information from the offeror in order to verify the accuracy of any such information submitted.

“(D) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

“(E) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.

“(F) In any contract awarded to an offeror that submitted a jobs impact statement with its offer in response to the solicitation for proposals for the contract, the agency shall track the number of jobs created or retained during the performance of the contract. If the number of jobs that the agency estimates will be created (by using the jobs impact statement) significantly exceeds the number of jobs created or retained, then the agency may evaluate whether the contractor should be proposed for debarment.”

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. PUBLIC DISCLOSURE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS EMPLOYED WITH DEFENSE CONTRACTORS.

(a) AMENDMENT.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

“(e) PUBLIC AVAILABILITY.—Not later than 30 days after the provision of the written opinion under subsection (a)(3), the Secretary of Defense shall publish on a publicly available website the information submitted under this section, including the names of each official or former official described in subsection (a)(1) and the contractor from whom such official or former official expects to receive compensation.”

(b) PREVIOUSLY SUBMITTED INFORMATION.—With respect to the publication of information required by subsection (e) of section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 243; 10 U.S.C. 1701 note), as added by subsection (a), for information that was submitted before the date of the enactment of this Act, the Secretary of Defense shall publish such information on a publicly available website not later than 30 days after the date of the enactment of this Act.

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COLE OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. PROHIBITION ON DISCLOSURE OF POLITICAL CONTRIBUTIONS.

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

“§ 4712. Prohibition on disclosure of political contributions

“(a) PROHIBITION.—An executive agency may not require an entity submitting an offer for a Federal contract or otherwise participating in acquisition of property or services by the Federal Government to disclose any of the following information as a condition of submitting the offer or otherwise participating in such acquisition:

“(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

“(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any individual or entity with the intent or the reasonable expectation that the individual or entity will use the funds to make a payment described in paragraph (1).

“(b) NO EFFECT ON OTHER DISCLOSURE REQUIREMENTS.—Nothing in this section may be construed to waive or otherwise affect the application to an entity described in subsection (a) of any provision of law (including the Federal Election Campaign Act of 1971) that requires the entity to disclose information on contributions, expenditures, independent expenditures, or electioneering communications.

“(c) DEFINITIONS.—In this section—

“(1) each of the terms ‘contribution’, ‘expenditure’, ‘independent expenditure’, ‘electioneering communication’, ‘candidate’, ‘election’, and ‘Federal office’ has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

“(2) the term ‘acquisition’ has the meaning given that term in section 131 of this title.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 47 of title 41, United States Code, is amended by inserting after the item relating to section 4711 the following new item:

“4712. Prohibition on disclosure of political contributions.”.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 845. REQUIREMENT TO SET ASIDE WORK FOR LOCAL QUALIFIED SUBCONTRACTORS.

The Secretary of Defense shall require each contractor of the Department of Defense performing a prime contract at a military installation in the United States to set aside 40 percent, by dollar value, of its subcontracting work under the contract for local qualified subcontractors. For purposes of the preceding sentence, a sub-

contractor shall be considered local if its headquarters is within 60 miles of the military installation.

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 845. PREFERENCE FOR POTENTIAL CONTRACTORS THAT CARRY OUT CERTAIN ACTIVITIES.

In evaluating offers submitted in response to a solicitation for contracts, the Secretary of Defense shall provide a preference to any offeror that—

(1) enhances undergraduate, graduate, and doctoral programs in science, technology, engineering and math (in this section referred to as “STEM” disciplines);

(2) makes investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools;

(3) encourages employees to volunteer in Title I schools in order to enhance STEM education and programs;

(4) makes personnel available to advise and assist faculty at such colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establishes partnerships between the offeror and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines;

(6) awards scholarships and fellowships, and establishes cooperative work-education programs in scientific disciplines; or

(7) conducts recruitment activities at historically black colleges and universities and other minority-serving institutions or offers internships or apprenticeships.

30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIMES OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 414, line 4, strike “and”.

Page 414, line 20, strike the period and insert “; and”.

Page 414, after line 20, insert the following:

(5) by adding at the end the following:

“(h) DIRECTION OF FUNDS.—Any savings realized under this section shall be deposited into the general fund of the Treasury and used for deficit reduction.”.

31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 417, after line 7, insert the following:

SEC. 941. ASSESSMENT OF CONTRACTOR PERFORMANCE OF CERTAIN FUNCTIONS ON SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES.

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the

Secretary of Defense conducts an outreach program to benefit small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 417, after line 7, insert the following (and conform the table of contents accordingly):

SEC. 941. TEMPORARY SUSPENSION OF IMPLEMENTATION AND ENFORCEMENT OF WORKFORCE MANAGEMENT AND SOURCING POLICIES PURSUANT TO “EFFICIENCY INITIATIVE”.

(a) **TEMPORARY SUSPENSION.**—During the period beginning on the date of enactment of this Act and ending on the date that is 60 days after the first date on which the Secretary of Defense has submitted to the congressional defense committees both the report required in subsection (b) and the certification required under subsection (c), no workforce management and sourcing policies, directives, guidance, or memoranda issued pursuant to the Department of Defense’s “Efficiency Initiative” may be announced, carried out, continued, implemented, or enforced.

(b) **REPORT REQUIRED.**—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall undertake a comprehensive review of the workforce management and sourcing policies announced by the Department of Defense pursuant to the “Efficiency Initiative” and submit to the congressional defense committees a report that describes alternative policies that—

(1) ensure performance decisions are based on law, risk, policy, and cost;

(2) reflect a total force policy that takes into account the strengths and capacities of active and reserve components, civil servants, contractors, and retired military personnel in achieving national security objectives and missions; and

(3) are consistent with the statutory framework for workforce management and sourcing, including sections 129 and 129a of title 10, United States Code.

(c) **CERTIFICATION REQUIRED.**—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees a certification that—

(1) the Secretary of Defense has completed and submitted to the congressional defense committees a complete inventory of contracts for services for or on behalf of the Department in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section.

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than 30 days after the first date on which both the report required under subsection (b) and the certification required under subsection (c) have been submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the report required under subsection (b), determine whether the Department of Defense is compliant with the certification requirement in subsection (c), and submit to the congressional defense committees a report on the findings resulting from those activities.

33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title X of division A, add the following new section:

SEC. 10 . LIMITATION IN FUNDING LEVEL TO FISCAL YEAR 2008 FUNDING LEVEL.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, no funds are authorized to be made available under this division for any account of the Department of Defense (other than accounts listed in subsection (b)) in excess of the amount made available for such account for fiscal year 2008.

(b) **EXEMPTED ACCOUNTS.**—The accounts exempted pursuant to this subsection are the following accounts:

- (1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.
- (2) The Defense Health Program account.

34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAYWORTH OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 429, after line 13, insert the following:

SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

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

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source; and

(3) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature.

(b) **DEFINITION OF INHERENTLY GOVERNMENTAL.**—In this section, the term “inherently governmental” has the meaning given that

term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUELLAR OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 431, line 13, strike “**Counter-Drug Activities**” and insert “**Counter-Drug Activities and Counter Transnational Criminal Activities**”.

At the end of subtitle B of title X (page 434, after line 7), add the following new section:

SEC. 1015. MITIGATION OF NATIONAL SECURITY THREATS ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

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

(1) the Secretary of Defense should continue to increase intelligence and technology sharing information and capability with the Secretary of Homeland Security and other agencies to mitigate national security threats along the international border between the United States and Mexico, including threats of infiltration and border breaches by transnational criminal organizations; and

(2) the Secretary of Defense should strongly consider operationally testing, along the international border between the United States and Mexico, emerging technology capabilities developed for the purposes of detection, intelligence, and surveillance.

(b) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the effectiveness of the ongoing collaborative programs with the Government of Mexico intended to strengthen the capability of Mexican forces to detect and deter infiltration of the United States border and other national security threats by transnational crime organizations.

36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 438, after line 2, insert the following:

SEC. 1022. NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.

Congress strongly encourages the Secretary of the Navy to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHMOND OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 438, after the matter after line 2, insert the following:

SEC. 1022. PROHIBITION ON PAYMENT OF FUNDS RELATED TO CLOSURE OF CERTAIN SHIPYARD FACILITY.

The Secretary of Defense may not make any payments pursuant to section 2325 of title 10, United States Code, to a contractor re-

lated to the restructuring or closure of the shipyard manufacturing complex located in Avondale, Louisiana.

38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title X, add the following new section:

SEC. 1085. RULES OF ENGAGEMENT FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN DESIGNATED HOSTILE FIRE AREAS.

The Secretary of Defense shall ensure that the rules of engagement applicable to members of the Armed Forces assigned to duty in any hostile fire area designated for purposes of section 310 or 351(a)(1) of title 37, United States Code—

- (1) fully protect the members' right to bear arms; and
- (2) authorize the members to fully defend themselves from hostile actions.

39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title X, add the following:

SEC. 1085. SENSE OF CONGRESS REGARDING DEPLOYMENT OF NATIONAL GUARD TO SOUTHWESTERN BORDER OF UNITED STATES.

It is the sense of the Congress that the deployment of National Guard personnel (as defined in section 101(c) of title 10, United States Code) along the southwestern border of the United States for the purposes of assisting United States Customs and Border Protection in securing the international border between the United States and Mexico, should continue through the end of fiscal year 2011.

40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle I of title X, insert the following:

SEC. 1099C. CLOSING OF NATIONAL DRUG INTELLIGENCE CENTER.

Section 9078 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1919) is amended by striking "There is established" and all that follows through "That section 8083" and inserting "Section 8083".

41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title X, add the following new section:

SEC. 1068. FREEZE IN BUDGET OF DEPARTMENT OF DEFENSE UNTIL UNQUALIFIED AUDIT OPINIONS ACHIEVED.

(a) FREEZE.—

- (1) IN GENERAL.—Unless and until the requirement specified in paragraph (2) is met for the entire Department of Defense,

except as provided in subsection (b), the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense (other than the functions excluded by subsection (c)) for a fiscal year may not exceed—

(A) in the case of fiscal year 2012, the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense (other than the functions excluded by subsection (b)) for fiscal year 2011; and

(B) in each fiscal year after fiscal year 2012, the aggregate amount of funds appropriated or otherwise made available for such functions for the previous fiscal year.

(2) REQUIREMENT FOR UNQUALIFIED AUDIT OPINION.—The requirement of this paragraph is that the Department of Defense (including every major Pentagon component and every major defense acquisition program of the Department) is certified by the Inspector General of the Department of Defense or an independent public accountant as achieving an unqualified audit opinion.

(b) WAIVER.—The President may waive subsection (a) with respect to a component or program of the Department if the President certifies that applying the subsection to that component or program would harm national security or members of the Armed Forces who are in combat.

(c) EXCLUSION OF OVERSEAS CONTINGENCY OPERATIONS AND MILITARY PERSONNEL PAY AND BENEFITS.—In determining the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense for fiscal year 2012 or any subsequent fiscal year for purposes of subsection (a), there shall be excluded all amounts appropriated or otherwise made available—

(1) in any supplemental appropriations Act; or

(2) in any general appropriations Acts for—

(A) overseas contingency operations;

(B) military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense, generally title I of the annual Department of Defense appropriations Act; and

(C) wounded warrior programs of the Department of Defense.

42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 456, line 13, insert before the period at the end the following: “, except for the purpose of prosecuting such individual in a United States court”.

Page 456, starting on line 14, strike subsection (b) and insert the following:

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who is not a citizen of the United States or a member of the Armed Forces.

Page 456, after line 23, insert the following:

(c) **TRANSFER LIMITATION.**—During fiscal year 2012, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (b) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (d).

(d) **COMPREHENSIVE PLAN REQUIRED.**—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (b) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum—

(1) an assessment of the risk that the individual described in subsection (b) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (e); and

(7) a certification by the Attorney General that under the plan the individual poses little or no security risk to the United States, its territories, or possessions.

(e) **CONSULTATION REQUIRED.**—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (d)(2) includes transfer to that State, District of Columbia, or territory or possession.

43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUCHANAN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 461, after line 24, insert the following:

SEC. 1043. TRIAL OF FOREIGN TERRORISTS.

After the date of the enactment of this Act, any foreign national, who—

(1) engages or has engaged in conduct constituting an offense relating to a terrorist attack against persons or property in the United States or against any United States Government property or personnel outside the United States; and

(2) is subject to trial for that offense by a military commission under chapter 47A of title 10, United States Code;

shall be tried for that offense only by a military commission under that chapter.

44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 461, after line 24, insert the following:

SEC. 1043. PROHIBITION ON UNITED STATES CITIZENSHIP FOR DE-TAINEES REPATRIATED TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF PALAU, AND THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) PROHIBITION ON CITIZENSHIP.—Notwithstanding the Compact of Free Association, an individual described in subsection (b) who has been repatriated to the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands may not be afforded the rights and benefits put forth in the Compact of Free Association.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is located at United States Naval Station, Guantanamo Bay, Cuba, on or after September 11, 2001, while—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 507, after line 2, insert the following:

SEC. 1078. REPORT ON CERTAIN UNNECESSARY OR UNWANTED DEPARTMENT OF DEFENSE PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 31, 2011, Secretary of Defense Gates testified before the Armed Services Committee of the House of Representatives that the initial cost of United States operations in Libya was approximately \$550,000,000 and was estimated to cost an additional \$40,000,000 a month after that.

(2) Secretary Gates testified that he was unaware of what the total cost of United States assistance to Japan would be in the aftermath of the earthquake, tsunami, and Fukushima Daiichi incident, but indicated it would be less than \$500,000,000.

(3) Secretary Gates testified that the Department of Defense would not need to ask for more money to cover these costs within the Overseas Contingency Operations accounts because “There’s several billion dollars in there we can move around. . .that would cover these costs. . .things that we don’t need or want.”

(b) DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall determine and make publically available the programs funded through the Overseas Contingency Operations accounts during the five-year pe-

riod preceding the date of the enactment of this Act that are unnecessary or unwanted.

(c) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that contains the results of the determination required by subsection (b). Such report shall include—

- (1) a description of each program that the Secretary determines is unnecessary or unwanted;
- (2) a description of the amount authorized to be appropriated and the amount authorized to be appropriated for each fiscal year for each program described under paragraph (1); and
- (3) any other information the Secretary considers relevant.

46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of subtitle I of title X the following (and conform the table of contents accordingly):

SEC. 1099C. OFFICIAL RECOGNITION OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

- (1) In 1629, Captain John Endicott organized the first militia in the Massachusetts Bay Colony in Salem.
- (2) The colonists had adopted the English militia system, which required all males between the ages of 16 and 60 to possess arms and participate in the defense of the community.
- (3) In 1636, the Massachusetts General Court ordered the organization of three militia regiments, designated as the North, South, and East regiments.
- (4) These regiments drilled once a week and provided guard details each evening to sound the alarm in case of attack.
- (5) The East Regiment, the predecessor of the 101st Engineer Battalion, assembled as a regiment for the first time in 1637 on the Salem Common, marking the beginning of the Massachusetts National Guard and the National Guard of the United States.
- (6) Since 1785, Salem’s own Second Corps of Cadets (101st and 102nd Field Artillery) has celebrated the anniversary of that first muster.
- (7) As the policy contained in section 102 of title 32, United States Code, clearly expresses, the National Guard continues its historic mission of providing units for the first line defense of the United States and current missions throughout the world.
- (8) The designation of the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States will contribute positively to tourism and economic development in the city, create jobs, and instill pride in both the local and State communities.

(b) **RECOGNITION.**—Section 102 of title 32, United States Code, is amended—

- (1) by striking “In accordance” and inserting “(a) **STATEMENT OF POLICY.**—In accordance”; and

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

“(b) RECOGNITION OF SALEM, MASSACHUSETTS, AS NATIONAL GUARD BIRTHPLACE.—The City of Salem, Massachusetts, the site of the first muster of a militia regiment in 1637 in what became the United States, is hereby recognized as the Birthplace of the National Guard of the United States.”.

47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 507, line 21, insert after “department” the following: “that would reveal flight patterns, tactical techniques, or tactical procedures”.

48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MACK OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X add the following:

SEC. ____ . SUNKEN MILITARY CRAFT.

Section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by inserting “, that was” before “on military noncommercial service”; and

(2) in subparagraph (B), by inserting a comma before “that was owned or operated”.

49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new subtitle:

**Subtitle J—Executive Cyberspace
Coordination**

SEC. 1099C. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

“SUBCHAPTER II—INFORMATION SECURITY

“§ 3551. Purposes

“The purposes of this subchapter are to—

“(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) recognize the highly networked nature of the current Federal computing environment and provide effective Governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

“(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

“(4) provide a mechanism for improved oversight of Federal agency information security programs;

“(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

“(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

“§ 3552. Definitions

“(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

“(b) ADDITIONAL DEFINITIONS.—In this subchapter:

“(1) The term ‘adequate security’ means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3558.

“(2) The term ‘incident’ means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system, information infrastructure, or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

“(3) The term ‘information infrastructure’ means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

“(4) The term ‘information security’ means protecting information and information infrastructure from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

“(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

“(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

“(C) availability, which means ensuring timely and reliable access to and use of information; and

“(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

“(5) The term ‘information technology’ has the meaning given that term in section 11101 of title 40.

“(6)(A) The term ‘national security system’ means any information infrastructure (including any telecommunications sys-

tem) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“§ 3553. National Office for Cyberspace

“(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

“(b) DIRECTOR.—

“(1) IN GENERAL.—There shall be at the head of the National Office for Cyberspace a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions designated to such Director under this subchapter and collaborate to the extent practicable with the heads of appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to cyberspace, including achieving an assured, reliable, secure, and survivable information infrastructure and related capabilities for the Federal Government, while promoting national economic interests, security, and civil liberties.

“(2) BASIC PAY.—The Director of the National Office for Cyberspace shall be paid at the rate of basic pay for level III of the Executive Schedule.

“(c) STAFF.—The Director of the National Office for Cyberspace may appoint and fix the pay of additional personnel as the Director considers appropriate.

“(d) EXPERTS AND CONSULTANTS.—The Director of the National Office for Cyberspace may procure temporary and intermittent services under section 3109(b) of title 5.

“§ 3554. Federal Cybersecurity Practice Board

“(a) ESTABLISHMENT.—Within the National Office for Cyberspace, there shall be established a board to be known as the ‘Federal Cybersecurity Practice Board’ (in this section referred to as the ‘Board’).

“(b) MEMBERS.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

“(1) the Office of Management and Budget;

“(2) civilian agencies;

“(3) the Department of Defense;

“(4) the Federal law enforcement community;

“(5) the Federal Chief Technology Office; and

“(6) such additional military and civilian agencies as the Director considers appropriate.

“(c) RESPONSIBILITIES.—

“(1) DEVELOPMENT OF POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures are consistent, to the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

“(2) SPECIFIC MATTERS COVERED IN POLICIES AND PROCEDURES.—

“(A) MINIMUM SECURITY CONTROLS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to minimum security controls for information technology, in order to—

“(i) provide Governmentwide protection of Government-networked computers against common attacks; and

“(ii) provide agencywide protection against threats, vulnerabilities, and other risks to the information infrastructure within individual agencies.

“(B) MEASURES OF EFFECTIVENESS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to measurements needed to assess the effectiveness of the minimum security controls referred to in subparagraph (A). Such measurements shall include a risk scoring system to evaluate risk to information security both Governmentwide and within contractors of the Federal Government.

“(C) PRODUCTS AND SERVICES.—The Board shall be responsible for developing and periodically updating information security policies, procedures, and minimum security standards relating to criteria for products and services to be used in agency information systems and information infrastructure that will meet the minimum security controls referred to in subparagraph (A). In carrying out this subparagraph, the Board shall act in consultation with the Office of Management and Budget and the General Services Administration.

“(D) REMEDIES.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to methods for providing

remedies for security deficiencies identified in agency information infrastructure.

“(3) ADDITIONAL CONSIDERATIONS.—The Board shall also consider—

“(A) opportunities to engage with the international community to set policies, principles, training, standards, or guidelines for information security;

“(B) opportunities to work with agencies and industry partners to increase information sharing and policy coordination efforts in order to reduce vulnerabilities in the national information infrastructure; and

“(C) options necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

“(4) RELATIONSHIP TO OTHER STANDARDS.—The policies and procedures developed under paragraph (1) are supplemental to the standards promulgated by the Director of the National Office for Cyberspace under section 3558.

“(5) RECOMMENDATIONS FOR REGULATIONS.—The Board shall be responsible for making recommendations to the Director of the National Office for Cyberspace on regulations to carry out the policies and procedures developed by the Board under paragraph (1).

“(d) REGULATIONS.—The Director of the National Office for Cyberspace, in consultation with the Director of the Office of Management and the Administrator of General Services, shall promulgate and periodically update regulations to carry out the policies and procedures developed by the Board under subsection (c).

“(e) ANNUAL REPORT.—The Director of the National Office for Cyberspace shall provide to Congress a report containing a summary of agency progress in implementing the regulations promulgated under this section as part of the annual report to Congress required under section 3555(a)(8).

“(f) NO DISCLOSURE BY BOARD REQUIRED.—The Board is not required to disclose under section 552 of title 5 information submitted by agencies to the Board regarding threats, vulnerabilities, and risks.

“§ 3555. Authority and functions of the Director of the National Office for Cyberspace

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

“(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3558;

“(2) requiring agencies, consistent with the standards promulgated under section 3558 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

- “(A) information collected or maintained by or on behalf of an agency; or
- “(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;
- “(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;
- “(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;
- “(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3556(b);
- “(6) coordinating information security policies and procedures of the Federal Government with related information resources management policies and procedures on the security and resiliency of cyberspace;
- “(7) overseeing the operation of the Federal information security incident center required under section 3559;
- “(8) reporting to Congress no later than March 1 of each year on agency compliance with the requirements of this subchapter, including—
 - “(A) a summary of the findings of audits required by section 3557;
 - “(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3558;
 - “(C) significant deficiencies in agency information security practices;
 - “(D) planned remedial action to address such deficiencies; and
 - “(E) a summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);
- “(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;
- “(10) establishing a national strategy not later than 120 days after the date of the enactment of this section;
- “(11) coordinating information security training for Federal employees with the Office of Personnel Management;
- “(12) ensuring the adequacy of protections for privacy and civil liberties in carrying out the responsibilities of the Director under this subchapter;

“(13) making recommendations that the Director determines are necessary to ensure risk-based security of the Federal information infrastructure and information infrastructure that is owned, operated, controlled, or licensed for use by, or on behalf of, the Department of Defense, a military department, or another element of the intelligence community to—

“(A) the Director of the Office of Management and Budget;

“(B) the head of an agency; or

“(C) to Congress with regard to the reprogramming of funds;

“(14) ensuring, in consultation with the Administrator of the Office of Information and Regulatory Affairs, that the efforts of agencies relating to the development of regulations, rules, requirements, or other actions applicable to the national information infrastructure are complementary;

“(15) when directed by the President, carrying out the responsibilities for national security and emergency preparedness communications described in section 706 of the Communications Act of 1934 (47 U.S.C. 606) to ensure integration and coordination; and

“(16) as assigned by the President, other duties relating to the security and resiliency of cyberspace.

“(b) RECRUITMENT PROGRAM.—Not later than 1 year after appointment, the Director of the National Office for Cyberspace shall establish a national program to conduct competitions and challenges that instruct United States students in cybersecurity education and computer literacy.

“(c) BUDGET OVERSIGHT AND REPORTING.—(1) The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(2) The Director shall review and offer a non-binding approval or disapproval of each agency’s annual budget to each such agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(3) If the Director offers a non-binding disapproval of an agency’s budget, the Director shall transmit recommendations to the head of such agency for strengthening its proposed budget with regard to the protection of such agency’s information infrastructure.

“(4) Each budget submitted by the head of an agency pursuant to paragraph (1) shall include—

“(A) a review of any threats to information technology for such agency;

“(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

“(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

“(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.

“(5) The Director of the National Office for Cyberspace may recommend to the President monetary penalties or incentives necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

“§ 3556. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of the agency; and

“(ii) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

“(i) the regulations promulgated under section 3554 and the information security standards promulgated under section 3558;

“(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and

“(iii) ensuring the standards implemented for information infrastructure and national security systems under the agency head are complementary and uniform, to the extent practicable; and

“(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(2) ensure that senior agency officials provide information security for the information and information infrastructure that support the operations and assets under their control, including through—

“(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information infrastructure;

“(B) determining the levels of information security appropriate to protect such information and information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3558, for information security classifications and related requirements;

“(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

- “(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;
- “(3) delegate to an agency official, designated as the ‘Chief Information Security Officer’, under the authority of the agency Chief Information Officer the responsibility to oversee agency information security and the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—
- “(A) overseeing the establishment and maintenance of a security operations capability on an automated and continuous basis that can—
- “(i) assess the state of compliance of all networks and systems with prescribed controls issued pursuant to section 3558 and report immediately any variance therefrom and, where appropriate and with the approval of the agency Chief Information Officer, shut down systems that are found to be non-compliant;
- “(ii) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director of the National Office for Cyberspace, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;
- “(iii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and
- “(iv) not later than 24 hours after discovery of any incident described under subparagraph (A)(ii), unless otherwise directed by policy of the National Office for Cyberspace, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and the Inspector General of the agency;
- “(B) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);
- “(C) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558;
- “(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and
- “(E) assisting senior agency officials concerning their responsibilities under paragraph (2);
- “(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) ensure that the Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

“(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

“(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace under section 3555(a)(5), to provide information security for the information and information infrastructure that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

“(1) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency to assure conformance with regulations promulgated under section 3554 and standards promulgated under section 3558;

“(2) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

“(3) policies and procedures that—

“(A) mitigate and remediate, to the extent practicable, information security vulnerabilities based on the risk posed to the agency;

“(B) cost effectively reduce information security risks to an acceptable level;

“(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

“(D) ensure compliance with—

“(i) the requirements of this subchapter;

“(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace, and information security standards promulgated under section 3558;

“(iii) minimally acceptable system configuration requirements, as determined by the Director of the National Office for Cyberspace; and

“(iv) any other applicable requirements, including—

“(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(II) the policy of the Director of the National Office for Cyberspace;

“(III) the National Institute of Standards and Technology guidance; and

“(IV) the Chief Information Officers Council recommended approaches;

- “(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and
- “(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;
- “(4) ensuring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;
- “(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—
- “(A) management, operational, and technical controls of every information infrastructure identified in the inventory required under section 3505(b); and
- “(B) management, operational, and technical controls relied on for an evaluation under section 3556;
- “(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;
- “(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—
- “(A) mitigating risks associated with such incidents before substantial damage is done;
- “(B) notifying and consulting with the appropriate security operations response center; and
- “(C) notifying and consulting with, as appropriate—
- “(i) law enforcement agencies and relevant Offices of Inspectors General;
- “(ii) the National Office for Cyberspace; and
- “(iii) any other agency or office, in accordance with law or as directed by the President; and
- “(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency.
- “(c) AGENCY REPORTING.—Each agency shall—
- “(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—
- “(A) the National Office for Cyberspace;
- “(B) the Committee on Homeland Security and Governmental Affairs of the Senate;
- “(C) the Committee on Oversight and Government Reform of the House of Representatives;
- “(D) other appropriate authorization and appropriations committees of Congress; and

- “(E) the Comptroller General;
- “(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—
 - “(A) annual agency budgets;
 - “(B) information resources management of this subchapter;
 - “(C) information technology management under this chapter;
 - “(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;
 - “(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);
 - “(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and
 - “(G) internal accounting and administrative controls under section 3512 of title 31; and
- “(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—
 - “(A) as a material weakness in reporting under section 3512 of title 31; and
 - “(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

“(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

“(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).

“(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

“§ 3557. Annual independent audit

“(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

“(2) Each audit under this section shall include—

- “(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructure with regulations promulgated under section 3554 and standards promulgated under section 3558 in a representative subset of—

- “(i) the information infrastructure used or operated by the agency; and
 - “(ii) the information infrastructure used, operated, or supported on behalf of the agency by a contractor of the agency, a subcontractor (at any tier) of such contractor, or any other entity;
 - “(B) an assessment (made on the basis of the results of the testing) of compliance with—
 - “(i) the requirements of this subchapter; and
 - “(ii) related information security policies, procedures, standards, and guidelines;
 - “(C) separate assessments, as appropriate, regarding information security relating to national security systems; and
 - “(D) a conclusion regarding whether the information security controls of the agency are effective, including an identification of any significant deficiencies in such controls.
- “(3) Each audit under this section shall be performed in accordance with applicable generally accepted Government auditing standards.
- “(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—
- “(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual audit required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and
 - “(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the audit.
- “(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the audit required by this section directly relating to a national security system shall be performed—
- “(1) only by an entity designated head; and
 - “(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.
- “(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on another audit relating to programs or practices of the applicable agency.
- “(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director of the National Office for Cyberspace, the head of each agency shall submit to the Director the results of the audit required under this section.
- “(2) To the extent an audit required under this section directly relates to a national security system, the results of the audit submitted to the Director of the National Office for Cyberspace shall contain only a summary and assessment of that portion of the audit directly relating to a national security system.
- “(f) PROTECTION OF INFORMATION.—Agencies and auditors shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

“(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—
 (1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(8).

“(2) The Director’s report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(3) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

“(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

“(1) the adequacy and effectiveness of agency information security policies and practices; and

“(2) implementation of the requirements of this subchapter.

“(i) CONTRACTOR AUDITS.—Each year each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor—

“(1) shall conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

“(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

“§ 3558. Responsibilities for Federal information systems standards

“(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Except as provided under paragraph (2), the Secretary of Commerce shall, on the basis of proposed standards developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) and in consultation with the Secretary of Homeland Security, promulgate information security standards pertaining to Federal information systems.

“(B) REQUIRED STANDARDS.—Standards promulgated under subparagraph (A) shall include—

“(i) standards that provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) such standards that are otherwise necessary to improve the efficiency of operation or security of Federal information systems.

“(C) REQUIRED STANDARDS BINDING.—Information security standards described under subparagraph (B) shall be compulsory and binding.

“(2) STANDARDS AND GUIDELINES FOR NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems, as defined under section 3552(b), shall be developed, promulgated, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards—

“(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

“(2) are otherwise consistent with policies and guidelines issued under section 3555.

“(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

“(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“§ 3559. Federal information security incident center

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall ensure the operation of a central Federal information security incident center to—

“(1) provide timely technical assistance to operators of agency information systems and information infrastructure regarding security incidents, including guidance on detecting and handling information security incidents;

“(2) compile and analyze information about incidents that threaten information security;

“(3) inform operators of agency information systems and information infrastructure about current and potential information security threats, and vulnerabilities; and

“(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

“(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

“(c) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in this subchapter to ensure that the incident center has the capability to effectively and efficiently detect, correlate, respond to, contain, mitigate, and remediate incidents that impair the adequate security of the information systems and information infrastructure of more than one agency. To the extent practicable, the capability shall be continuous and technically automated.

“§ 3560. National security systems

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

“(3) complies with the requirements of this subchapter.”.

SEC. 1099D. INFORMATION SECURITY ACQUISITION REQUIREMENTS.

Chapter 113 of title 40, United States Code, is amended by adding at the end of subchapter II the following new section:

“§ 11319. Information security acquisition requirements.

“(a) PROHIBITION.—Notwithstanding any other provision of law, beginning one year after the date of the enactment of the Executive Cyberspace Coordination Act of 2011, no agency may enter into a contract, an order under a contract, or an interagency agreement for—

“(1) the collection, use, management, storage, or dissemination of information on behalf of the agency;

“(2) the use or operation of an information system or information infrastructure on behalf of the agency; or

“(3) information technology;

unless such contract, order, or agreement includes requirements to provide effective information security that supports the operations and assets under the control of the agency, in compliance with the policies, standards, and guidance developed under subsection (b), and otherwise ensures compliance with this section.

“(b) COORDINATION OF SECURE ACQUISITION POLICIES.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the Director of the National Institute of Standards and Technology, the Director of the Na-

tional Office for Cyberspace, and the Administrator of General Services, shall oversee the development and implementation of policies, standards, and guidance, including through revisions to the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation, to cost effectively enhance agency information security, including—

“(A) minimum information security requirements for agency procurement of information technology products and services; and

“(B) approaches for evaluating and mitigating significant supply chain security risks associated with products or services to be acquired by agencies.

“(2) REPORT.—Not later than two years after the date of the enactment of the Executive Cyberspace Coordination Act of 2011, the Director of the Office of Management and Budget shall submit to Congress a report describing—

“(A) actions taken to improve the information security associated with the procurement of products and services by the Federal Government; and

“(B) plans for overseeing and coordinating efforts of agencies to use best practice approaches for cost-effectively purchasing more secure products and services.

“(c) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

“(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director of the Office of Management and Budget shall require each agency to conduct an initial vulnerability assessment for any major system and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(A) identify vulnerabilities;

“(B) define exploitation potential;

“(C) examine the system’s potential effectiveness;

“(D) determine overall vulnerability; and

“(E) make recommendations for risk reduction.

“(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

“(A) The Director shall require a subsequent vulnerability assessment of each major system and its significant items of supply within a program if the Director determines that circumstances warrant the issuance of an additional vulnerability assessment.

“(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

“(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

“(3) CONGRESSIONAL OVERSIGHT.—The Director shall provide to the appropriate congressional committees a copy of each vulnerability assessment conducted under paragraph (1) or (2) not

later than 10 days after the date of the completion of such assessment.

“(d) DEFINITIONS.—In this section:

“(1) ITEM OF SUPPLY.—The term ‘item of supply’—

“(A) means any individual part, component, sub-assembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including a spare part or replenishment part; and

“(B) does not include packaging or labeling associated with shipment or identification of an item.

“(2) VULNERABILITY ASSESSMENT.—The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.

“(3) MAJOR SYSTEM.—The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”.

SEC. 1099E. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS IN TITLE 44.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

“SUBCHAPTER II—INFORMATION SECURITY

“3551. Purposes.

“3552. Definitions.

“3553. National Office for Cyberspace.

“3554. Federal Cybersecurity Practice Board.

“3555. Authority and functions of the Director of the National Office for Cyberspace.

“3556. Agency responsibilities.

“3557. Annual independent audit.

“3558. Responsibilities for Federal information systems standards.

“3559. Federal information security incident center.

“3560. National security systems.”.

(b) TABLE OF SECTIONS IN TITLE 40.—The table of sections for chapter 113 of title 40, United States Code, is amended by inserting after the item relating to section 11318 the following new item: “Sec. 11319. Information security acquisition requirements.”.

(c) OTHER REFERENCES.—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552(b)”.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(4) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(5) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(A) in subsections (a)(2) and (e)(5), by striking “section 3532(b)(2)” and inserting “section 3552(b)”;

- (B) in subsection (e)(2), by striking “section 3532(1)” and inserting “section 3552(b)”;
- (C) in subsections (c)(3) and (d)(1), by striking “section 11331 of title 40” and inserting “section 3558 of title 44”.
- (6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3556(b)”.
- (d) REPEAL.—
- (1) Subchapter III of chapter 113 of title 40, United States Code, is repealed.
- (2) The table of sections for chapter 113 of such title is amended by striking the matter relating to subchapter III.
- (e) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Director of the National Office for Cyberspace.”
- (f) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—
- (1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and
- (2) by inserting after paragraph (6) the following: “(7) the Director of the National Office for Cyberspace;”.

SEC. 1099F. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.

- (a) ESTABLISHMENT AND STAFF.—
- (1) ESTABLISHMENT.—
- (A) IN GENERAL.—There is established in the Executive Office of the President an Office of the Federal Chief Technology Officer (in this section referred to as the “Office”).
- (B) HEAD OF THE OFFICE.—
- (i) FEDERAL CHIEF TECHNOLOGY OFFICER.—The President shall appoint a Federal Chief Technology Officer (in this section referred to as the “Federal CTO”) who shall be the head of the Office.
- (ii) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Federal Chief Technology Officer.”
- (2) STAFF OF THE OFFICE.—The President may appoint additional staff members to the Office.
- (b) DUTIES OF THE OFFICE.—The functions of the Federal CTO are the following:
- (1) Undertake fact-gathering, analysis, and assessment of the Federal Government’s information technology infrastructures, information technology strategy, and use of information technology, and provide advice on such matters to the President, heads of Federal departments and agencies, and government chief information officers and chief technology officers.
- (2) Lead an interagency effort, working with the chief technology and chief information officers of each of the Federal departments and agencies, to develop and implement a planning process to ensure that they use best-in-class technologies, share best practices, and improve the use of technology in support of Federal Government requirements.
- (3) Advise the President on information technology considerations with regard to Federal budgets and with regard to gen-

eral coordination of the research and development programs of the Federal Government for information technology-related matters.

(4) Promote technological innovation in the Federal Government, and encourage and oversee the adoption of robust cross-governmental architectures and standards-based information technologies, in support of effective operational and management policies, practices, and services across Federal departments and agencies and with the public and external entities.

(5) Establish cooperative public-private sector partnership initiatives to achieve knowledge of technologies available in the marketplace that can be used for improving governmental operations and information technology research and development activities.

(6) Gather timely and authoritative information concerning significant developments and trends in information technology, and in national priorities, both current and prospective, and analyze and interpret the information for the purpose of determining whether the developments and trends are likely to affect achievement of the priority goals of the Federal Government.

(7) Develop, review, revise, and recommend criteria for determining information technology activities warranting Federal support, and recommend Federal policies designed to advance the development and maintenance of effective and efficient information technology capabilities, including human resources, at all levels of government, academia, and industry, and the effective application of the capabilities to national needs.

(8) Any other functions and activities that the President may assign to the Federal CTO.

(c) **POLICY PLANNING; ANALYSIS AND ADVICE.**—The Office shall serve as a source of analysis and advice for the President and heads of Federal departments and agencies with respect to major policies, plans, and programs of the Federal Government in accordance with the functions described in subsection (b).

(d) **COORDINATION OF THE OFFICE WITH OTHER ENTITIES.**—

(1) **FEDERAL CTO ON DOMESTIC POLICY COUNCIL.**—The Federal CTO shall be a member of the Domestic Policy Council.

(2) **FEDERAL CTO ON CYBER SECURITY PRACTICE BOARD.**—The Federal CTO shall be a member of the Federal Cybersecurity Practice Board.

(3) **OBTAIN INFORMATION FROM AGENCIES.**—The Office may secure, directly from any department or agency of the United States, information necessary to enable the Federal CTO to carry out this section. On request of the Federal CTO, the head of the department or agency shall furnish the information to the Office, subject to any applicable limitations of Federal law.

(4) **STAFF OF FEDERAL AGENCIES.**—On request of the Federal CTO, to assist the Office in carrying out the duties of the Office, the head of any Federal department or agency may detail personnel, services, or facilities of the department or agency to the Office.

(e) **ANNUAL REPORT.**—

(1) **PUBLICATION AND CONTENTS.**—The Federal CTO shall publish, in the Federal Register and on a public Internet

website of the Federal CTO, an annual report that includes the following:

- (A) Information on programs to promote the development of technological innovations.
 - (B) Recommendations for the adoption of policies to encourage the generation of technological innovations.
 - (C) Information on the activities and accomplishments of the Office in the year covered by the report.
- (2) SUBMISSION.—The Federal CTO shall submit each report under paragraph (1) to—
- (A) the President;
 - (B) the Committee on Oversight and Government Reform of the House of Representatives;
 - (C) the Committee on Science and Technology of the House of Representatives; and
 - (D) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1099G. AUTHORITY OF SECRETARY.

(a) IN GENERAL.—The Secretary shall have primary authority, in consultation with the Director of the National Office for Cyberspace and the Federal Cyberspace Practice Board, in the executive branch of the Federal Government in creation, verification, and enforcement of measures with respect to the protection of critical information infrastructure, including promulgating risk-informed information security practices and standards applicable to critical information infrastructures that are not owned by or under the direct control of the Federal Government. The Secretary should consult with appropriate private sector entities, including private owners and operators of the affected infrastructure, to carry out this section.

(b) OTHER FEDERAL AGENCIES.—In establishing measures with respect to the protection of critical information infrastructure the Secretary shall—

(1) consult with the Secretary of Commerce, the Secretary of Defense, the National Institute of Standards and Technology, and other sector specific Federal regulatory agencies in exercising the authority referred to in subsection (a); and

(2) coordinate, through the Executive Office of the President, with sector specific Federal regulatory agencies, including the Federal Energy Regulatory Commission, in establishing enforcement mechanisms under the authority referred to in subsection (a).

(c) AUDITING AUTHORITY.—The Secretary may—

(1) conduct such audits as are necessary to ensure that appropriate measures are taken to secure critical information infrastructure;

(2) issue such subpoenas as are necessary to determine compliance with Federal regulatory requirements for securing critical information infrastructure; and

(3) authorize sector specific Federal regulatory agencies to undertake such audits.

(d) DEFINITIONS.—In this section:

(1) CRITICAL INFORMATION INFRASTRUCTURE.—The term “critical information infrastructure” means the electronic information and communications systems, software, and assets that

control, protect, process, transmit, receive, program, or store information in any form, including data, voice, and video, relied upon by critical infrastructure, industrial control systems such as supervisory control and data acquisition systems, and programmable logic controllers. This shall also include such systems of the Federal Government.

(2) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

SEC. 1099H. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise specified in this section, this subtitle (including the amendments made by this subtitle) shall take effect 30 days after the date of enactment of this Act.

(b) NATIONAL OFFICE FOR CYBERSPACE.—Section 3553 of title 44, United States Code, as added by section 1099C of this subtitle, shall take effect 180 days after the date of enactment of this Act.

(c) FEDERAL CYBERSECURITY PRACTICE BOARD.—Section 3554 of title 44, United States Code, as added by section 1099C of this subtitle, shall take effect one year after the date of enactment of this Act.

SEC. 1099I. FUNDING OFFSETTING REDUCTION.

Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for Operations and Maintenance, as specified in the corresponding funding table in division D, is hereby reduced by \$1,500,000,000.

50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AMASH OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 1034 (page 440, line 16 through page 441, line 21).

51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 531, after line 2, insert the following:

SEC. 1099C. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall take whatever steps may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that are unable to be identified, transport the remains to Arlington National Cemetery for interment at the Tomb of the Unknowns.

(b) **BURIAL SITES DESCRIBED.**—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) **EFFECTIVE DATE.**—This section takes effect on the date on which NATO's Operation Unified Protector or any successor operation terminates.

52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAMPBELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 548, after line 8, add the following new section:

SEC. 1115. 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.

53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAMPBELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 548, after line 8, add the following new section:

SEC. 1115. TERMINATION OF HUMAN, SOCIAL, AND CULTURE BEHAVIOR (HSCB) MODELING PROGRAM.

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the program of the Department of Defense commonly known as the Human, Social, and Culture Behavior (HSCB) Modeling Program is terminated.

54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAMPBELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 548, after line 8, add the following new section:

SEC. 1115. REDUCTION IN THE NUMBER OF CIVILIAN POSITIONS WITHIN THE DEPARTMENT OF DEFENSE.

(a) **DEFINITIONS, ETC.**—For purposes of this section—

(1) the term “Secretary” means the Secretary of Defense;

(2) the term “civilian position” means a position that is required to be filled by a civilian employee of the Department of Defense;

(3) the term “baseline number” means the number of civilian positions within the Department of Defense as of the last day of the fiscal year in which occurs the date of enactment of this Act; and

(4) the number of civilian positions within the Department of Defense as of any given date shall be determined and expressed on a full-time equivalent basis.

(b) REDUCTIONS.—The Secretary shall take appropriate measures to ensure that the total number of civilian positions within the Department of Defense does not exceed—

(1) at the end of the 1st fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 1 percent;

(2) at the end of the 2nd fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 2 percent;

(3) at the end of the 3rd fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 3 percent;

(4) at the end of the 4th fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 4 percent; and

(5) at the end of the 5th fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 5 percent.

(c) RESTRICTION.—The Secretary shall take appropriate measures to ensure that no increase occurs in the procurement of personal services by contract by reason of the enactment of this section.

(d) REGULATIONS.—Any regulations necessary to carry out this section shall be prescribed by the Secretary.

(e) TERMINATION.—The provisions of this section shall terminate after the end of the 5th fiscal year beginning after the date of enactment of this Act.

55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCGOVERN OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. PLAN WITH TIMEFRAME FOR ACCELERATED TRANSITION OF UNITED STATES FORCES FROM AFGHANISTAN AND PLAN WITH TIMEFRAME FOR ACCELERATED TALKS WITH THE GOVERNMENT OF AFGHANISTAN.

(a) PLAN WITH TIMEFRAME FOR ACCELERATED TRANSITION OF U.S. FORCES FROM AFGHANISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress a plan with a timeframe and completion date for the accelerated transition of United States military and security operations in Afghanistan to the Government of Afghanistan (including operations involving military and security-related contractors).

(b) PLAN WITH TIMEFRAME FOR ACCELERATED TALKS WITH THE GOVERNMENT OF AFGHANISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress a plan with a timeframe to pursue and conclude negotiations leading to a political settlement and reconciliation of the internal conflict in Afghanistan. Such negotiations will include the Government of Afghanistan, all interested parties within Afghani-

stan, and with the observance and support of representatives of donor nations active in Afghanistan.

(c) NATIONAL INTELLIGENCE ESTIMATE ON AL-QAEDA.—The Director of National Intelligence shall submit to the President and Congress a new National Intelligence Estimate on the leadership, locations, and capabilities of al-Qaeda and its affiliated networks and cells. Such National Intelligence Estimate shall be submitted as soon as is practicable, but not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed so as to limit or prohibit any authority of the President to—

- (1) attack al Qaeda forces wherever such forces are located;
- (2) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan; or
- (3) modify the military strategy, tactics, and operations of the United States Armed Forces as such Armed Forces redeploy from Afghanistan pursuant to the accelerated transition timeframe and completion date developed under subsection (a).

56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHAFFETZ OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII, add the following new section:

SEC. 1217. SAFE WITHDRAWAL OF UNITED STATES GROUND FORCES FROM AFGHANISTAN.

(a) COMMENCEMENT OF WITHDRAWAL.—Except as provided in subsection (b), the Secretary of Defense, in consultation with military commanders and the Government of Afghanistan, shall commence a safe, responsible, and phased withdrawal of units and members of the Army and Marine Corps deployed in Afghanistan and military contractors operating in Afghanistan and funded using amounts appropriated to the Department of Defense.

(b) RETENTION OF FORCES FOR COUNTER-TERRORISM OPERATIONS.—The Secretary of Defense may continue to deploy units and members of the Army and Marine Corps in Afghanistan, and military contractors supporting such forces, to conduct small, targeted counter-terrorism operations.

(c) WITHDRAWAL PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the plan for implementing the withdrawal of United States ground forces, military equipment, and military contractors supporting such forces from Afghanistan as safely and quickly as possible pursuant to subsection (a). The Secretary shall submit additional reports on the progress of implementing the plan every 180 days thereafter.

57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON AMOUNTS FROM AFGHANISTAN INFRASTRUCTURE FUND.

Not more than 75 percent of amounts made available to the Afghanistan Infrastructure Fund for fiscal year 2012 may be used to provide assistance to the Government of Afghanistan unless 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 Afghan Government and the Taliban.

58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. RULE OF CONSTRUCTION RELATING TO SITUATION IN LIBYA.

Nothing in this Act or any amendment made by this Act shall be construed to authorize military operations in Libya.

59. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHRBACHER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) **AUTHORITY.**—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) **EXCEPTION.**—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by—

(1) the People’s Republic of China, including restrictions contained in the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), and the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65); or

(2) Burma, North Korea, Pakistan, or Venezuela or any country that is a state sponsor of terrorism.

(c) **DEFINITIONS.**—In this section—

(1) the term “state sponsor of terrorism” means any country the government of which the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law; and

(2) the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) EFFECTIVE DATE.—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

60. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII, add the following new section:

SEC. 12 . REDUCTION IN END STRENGTH LEVEL OF MEMBERS OF THE UNITED STATES ARMED FORCES ASSIGNED TO PERMANENT DUTY IN EUROPE AND CORRESPONDING GENERAL END STRENGTH REDUCTIONS.

(a) EUROPEAN END STRENGTH LEVEL.—Effective September 30, 2012, the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe may not exceed a permanent ceiling of 30,000 in any fiscal year.

(b) EXCLUSION OF CERTAIN MEMBERS.—For purposes of this section, the following members of the Armed Forces are excluded in calculating the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe:

(1) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

(2) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.

(c) EXCEPTIONS; WAIVER.—This section shall not apply in the event of a declaration of war or an armed attack on any European member nation of the North Atlantic Treaty Organization. The President may waive operation of this section if the President declares an emergency and immediately informs the Congress of the waiver and the reasons therefore.

(d) REPEAL OF SUPERCEDED END STRENGTH LIMITATION.—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is repealed.

(e) CONFORMING CHANGES TO OVERALL END STRENGTH LEVELS.—

(1) END STRENGTHS FOR ACTIVE FORCES FOR FISCAL YEAR 2012.—Notwithstanding section 401, the Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

(A) The Army, 556,600.

(B) The Navy, 325,239.

(C) The Marine Corps, 202,000.

(D) The Air Force, 328,800.

(2) CONTINUATION OF REDUCTIONS IN SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2013 through 2016, the end strength numbers shall be reduced by an additional 10,000 a year, as follows:

(A) 5,400 a year from the Army.

(B) 4,000 a year from the Air Force.

(C) 500 a year from the Navy.

(D) 100 a year from the Marine Corps.

(3) REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.—Section 691(b) of title 10, United States Code, as amended by section 402, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 535,000.
- “(2) For the Navy, 323,239.
- “(3) For the Marine Corps, 201,600.
- “(4) For the Air Force, 312,800.”.

61. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII, add the following new section:

SEC. 12 . PROHIBITION ON UNITED STATES GROUND COMBAT PRESENCE IN LIBYA.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for the purpose of—

- (1) deploying members of the United States Armed Forces on to the ground of Libya for the purposes of engaging in ground combat operations, unless the purpose of such deployment is limited solely to rescuing members of the United States Armed Forces from imminent danger;
- (2) awarding a contract to a private security contractor to conduct any activity on the ground of Libya; or
- (3) otherwise establishing or maintaining any presence of members of the United States Armed Forces or private security contractors on the ground of Libya, unless the purpose of such presence is limited solely to rescuing members of the United States Armed Forces from imminent danger.

62. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 1433, relating to the Mission Force Enhancement Transfer Fund, add the following new subsection:

(h) ELIMINATION OF REMAINING FUNDS.—The amount otherwise authorized to be appropriated for the Mission Force Enhancement Transfer Fund for fiscal year 2012, as specified in the funding table in section 4501, is reduced by \$348,256,000, which represents the amount of funds not needed to carry out projects identified in H.R. 1540 of the 112th Congress, as reported by the Committee on Armed Services of the House of Representatives.

63. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 616, strike line 18 and all that follows through line 13 on page 617.

64. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 708, after line 12, insert the following:

SEC. 1699F-1. BUDGET REDUCTION FOR GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Defense-Wide, as specified in the corresponding funding table in division D, is hereby reduced by \$100,000,000, with the amount of the reduction to be derived from Line 084 Ground-Based Midcourse Defense Segment, PE 0603882C, as set forth in the table under section 4201.

65. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 708, after line 12, insert the following:

SEC. 1699F-1. BUDGET REDUCTION FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Notwithstanding the amounts set forth in the funding tables in division D, the total amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Navy, as specified in the corresponding funding table in division D, is hereby reduced by 10 percent, with the amount of the reduction to be derived from a 10 percent reduction of each account under the table under section 4201.

66. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUTHERLAND OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 736, beginning on line 1, strike section 2307 and insert the following new section:

SEC. 2307. LIMITATION ON IMPLEMENTATION OF CONSOLIDATION OF AIR AND SPACE OPERATIONS CENTER OF THE AIR FORCE.

(a) SUBMISSION OF NOTICE.—The Secretary of the Air Force may not disestablish, close, or realign any element of the Air and Space Operations Center consolidation initiative until the Secretary of the Air Force submits a notice of the proposed disestablishment, closure, or realignment to the congressional defense committees.

(b) CONSULTATION.—The Secretary of the Air Force shall prepare a notice under subsection (a) in consultation with the commanders of the combatant commands.

67. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XXVIII, add the following new section:

SEC. 2806. LIMITATION ON USE OF MILITARY FAMILY HOUSING CONSTRUCTION FUNDS TO REPLACE COMMUNITY HOUSING RESOURCES CONSTRUCTED UNDER BUILD-TO-LEASE AUTHORITY.

Section 2835 of title 10, United States Code, is amended by adding at the end the following new section:

“(i) LIMITATION ON REPLACEMENT OF HOUSING RESOURCES CONSTRUCTED UNDER BUILD-TO-LEASE AUTHORITY.—The Secretary shall—

“(1) seek to utilize, to the maximum extent possible, military family housing acquired or constructed under this section or under the former section 2828(g) of this title (commonly known as the ‘Build to Lease program’), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782), as community based housing during outlease periods through negotiated changes to outlease terms that will maximize the useful economic life of the housing resources and provide for priority use by military families;

“(2) use funds made available for the construction of military family housing on military installations for the construction and planning for the replacement of community housing resources available to military families and constructed on Federal land only upon making a finding that further utilization of the housing described in paragraph (1) is not feasible or is not in the national interest; and

“(3) take all reasonable efforts to give effect to existing Department of Defense policies encouraging the provision of housing for military families through community housing resources located outside of military installations when planning for the construction and utilization of military family housing.”

68. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXV add the following:

SEC. ____ . STRATEGIC PORT ASSESSMENT AND REPORT.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment and report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports, regarding the following:

(1) The structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements.

(2) The impact on operational readiness if the improvements are not undertaken.

(3) Identifying, to the maximum extent practical, all potential funding sources for the needed improvements from existing authorities.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and each of the port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

69. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXV add the following:

SEC. ____ . AUTHORIZATION OF APPROPRIATIONS FOR STRATEGIC PORTS INFRASTRUCTURE.

(a) **IN GENERAL.**—There is authorized to be appropriated \$100,000,000 for fiscal year 2012 for infrastructure improvements to port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports. Such sums shall be transferred to the Maritime Administrator for purposes of administration and making grants, and shall remain available until expended.

(b) **FUNDING.**—Funding for grants under this section shall be derived from 1 percent of amounts otherwise authorized by this Act for contingency amounts provided for in contracts for procurement of goods and services by the Department of Defense, up to a maximum of \$100,000,000.

70. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETRI OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 775, line 8, insert “, including electricity and direct use” after “Solar”.

71. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILSON OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 825, after line 2, insert the following:

SEC. 3114. DEFENSE NUCLEAR WASTE DISPOSAL POLICY

(a) **IN GENERAL.**—The Secretary of Energy, in coordination with the Secretary of Defense and the Administrator for Nuclear Security, shall ensure that high-level radioactive waste resulting from the activities of the Department of Defense and the National Nuclear Security Administration shall be stored at the nuclear waste repository located at Yucca Mountain, Nevada, until a new location for such waste has been sited and approved.

(b) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—

(1) **IN GENERAL.**—Notwithstanding the amounts set forth in the funding tables in division D—

(A) the amount authorized to be appropriated in this title for Department of Energy national security programs, as specified in the corresponding funding table in division D, is hereby increased by \$197,000,000, with the amount of the increase allocated to Defense Nuclear Waste Disposal, as set forth in the table under section 4701, for the purposes of opening and operating a repository for high-level defense nuclear waste; and

(B) the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in division D, is hereby reduced by \$197,000,000, with the amount of the reduction to be derived from Line 090 Environmental Restoration, Formerly Used Sites as set forth in the table under section 4301.

(2) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) 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

(B) comply with other applicable provisions of law.

72. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the appropriate place in the bill, insert the following:

SEC. ____ . MAINTENANCE, REPAIR, AND OVERHAUL CAPABILITY OF NAVY UNMANNED AERIAL SYSTEMS.

(a) REPORT TO CONGRESS.—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 efforts being made to establish maintenance, repair, and overhaul capability for Navy unmanned aerial systems.

73. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKEON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 712, line 8, strike “SIMULATION TRAINING SYSTEMS” and insert “CIVIL SUPPORT TEAM INFORMATION MANAGEMENT SYSTEMS”.

Page 712, line 13, after “Budget Activity 12” insert “, Line 070, Force Readiness Operations Support”.

Page 712, line 17, strike “simulation training systems” and insert “Civil Support Team Information Management Systems”.

74. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AKIN OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 845. SENSE OF CONGRESS ON LONG-TERM CONTRACTING FOR ALTERNATIVE FUELS.

It is the sense of Congress that long-term contracting for alternative fuels is in the best interests of the Department of Defense and is a wise use of taxpayer resources. Long-term contracts provide stability for industry, which allows them to drive the cost down. Long-term contracts also provide some insulation to the Department of Defense from fuel price increases. The Department of Defense has asked for the authority to enter into long-term contracts for alternative fuels, and it is the sense of Congress that this is a valuable proposal and should be supported.

75. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRALEY OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 594, after line 21, insert the following:

SEC. 1231. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION ODYSSEY DAWN.

(a) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary

of Veterans Affairs, shall submit to Congress a report containing an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom is reduced from roughly 190,000 in 2011 to 150,000 in 2012, 65,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom rises to approximately 235,000 in 2011, is reduced to 230,000 in 2012, 195,000 in 2013, 135,000 in 2014, 80,000 in 2015, 60,000 in 2016, and remains at 60,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation New Dawn and Operation Enduring Freedom.

(b) ESTIMATES TO BE USED IN PREPARATION OF REPORT.— In preparing the report required by subsection (b), the President shall make estimates and projections through at least fiscal year 2020, adjust any dollar amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.

(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Odyssey Dawn.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq, Afghanistan, and Libya, and the total number of such veterans expected to seek disability compensation from the Department of Veterans Affairs.

(7) The total number of members of the Armed Forces who have been killed or wounded in Iraq, Afghanistan, or Libya, including noncombat casualties, the total number of members expected to suffer injuries in Iraq, Afghanistan, and Libya, and the total number of members expected to be killed in Iraq, Afghanistan, and Libya, including noncombat casualties.

(8) The amount of funds previously appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, including an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to costs associated with such operations.

(9) Current and future operational expenditures associated with Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn including—

(A) funding for combat operations;

(B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);

(C) activation and deployment of members of the reserve components of the Armed Forces;

(D) equipping and training of Iraqi and Afghani forces;

(E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components to active duty in support of Oper-

ation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Iraq and Afghanistan.

(16) Current and future cost of providing health care for veterans who served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn—

(A) the cost of mental health treatment for veterans suffering from post-traumatic stress disorder and traumatic brain injury, and other mental problems as a result of such service; and

(B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for the lifetime of veterans who incur disabilities while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(18) Current and future cost of providing survivors' benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment that will be left behind.

(20) Cost to restore the military and military equipment, including the equipment of the reserve components, to full strength after the conclusion of Operation New Dawn or Operation Enduring Freedom.

(21) Amount of money borrowed to pay for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, and the sources of that money.

(22) Interest on money borrowed, including interest for money already borrowed and anticipated interest payments on future borrowing, for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(c) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing

an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom is reduced from roughly 190,000 in 2011 to 150,000 in 2012, 65,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom rises to approximately 235,000 in 2011, is reduced to 230,000 in 2012, 195,000 in 2013, 135,000 in 2014, 80,000 in 2015, 60,000 in 2016, and remains at 60,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation New Dawn and Operation Enduring Freedom.

76. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2852. 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, 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 and the Secretary of Health and Human Services (in this section referred to as the “Secretaries”), may 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 Secretaries. 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 Secretaries shall require the Redevelopment Authority to cover costs to be incurred by the Secretaries, or to reimburse the Secretaries for costs incurred by the Secretaries, 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 Secretaries incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretaries to carry out the conveyance, the Secretaries 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 Secretaries.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

77. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 121, after line 10, insert the following:

SEC. 328. 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), by inserting “facilities,” before “infrastructure”;

(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.”.

78. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 531, after line 2, insert the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.

Congress makes the following findings:

(1) Commencing August 26, 1946, though late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed “Operation Highjump” initiated and un-

dertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad—to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline known as the Phantom Coast, the PBM-5 Martin Mariner “Flying Boat” “George 1” entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier’s ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell “Bud” Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the “George 1’s” seaplane tender U.S.S. Pine Island.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the “George-1” survivors forced the abandonment of their crewmates’ bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to the recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: “If the safety, logistical, and operational prerequisites allow a mission in the future, every effort will be made to bring our sailors home.”

(8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.

(9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.

(10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.

(11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only “medium risk”.

(12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.

(13) The crash site is classified as a “perishable site”, meaning a glacier that will calve into the Bellingshausen Sea.

(14) The National Science Foundation maintains a presence in area - of the Pine Island Glacier.

(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barak Obama declared: “. . . the support of our veterans is a sacred trust . . . we need to serve them as they have served us . . . that means bringing home all our POWs and MIAs . . .”

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW/MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams,

Aviation Machinist's Mate 1ST Class, Wendell Hendersin, Aviation Radioman 1ST Class of the "George 1" explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the "George 1" crew from Antarctica's Thurston Island.

79. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. REPORT ON ESTABLISHMENT OF REGISTRY ON OCCUPATIONAL AND ENVIRONMENTAL CHEMICAL HAZARDS.

(a) **REPORT REQUIRED.**—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on establishing an active registry for each incidence of a member of the Armed Forces being exposed to occupational and environmental chemical hazards, including waste disposal, during contingency operations in order to monitor possible health risks and to provide necessary treatment to such members.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include a discussion of each of the following:

- (1) Processes in which members of the Armed Forces may be included in the registry described in subsection (a).
- (2) Procedures to ensure that members eligible to be included in the registry are provided appropriate medical examinations.
- (3) Using existing medical surveillance systems to establish the registry.

80. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title X, add the following:

SEC. ____ . SENSE OF CONGRESS REGARDING THE EFFORTS BY THE DEPARTMENT OF DEFENSE TO KEEP AMERICA SAFE FROM TERRORIST ATTACKS SINCE 9/11.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Since September 11, 2001, at least 30 planned terrorist attacks have been foiled and Special Operation forces completed the mission to kill Osama bin Laden.

(2) The Department of Defense and the Armed Services have worked diligently and honorably to protect citizens at home and abroad.

(3) The Department of Defense and the Armed Services are meeting the challenges of the global struggle against terrorism.

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

(1) we continue to affirm our commitment to support the Department of Defense and the United States Armed Forces;

(2) we recognize that the Department of Defense and the United States Armed Forces have worked diligently and honorably to protect citizens of the United States at home and abroad;

(3) we recognize that the Department of Defense and the United States Armed Forces are meeting the challenges of the global struggle against terrorism;

(4) we commend the men and women of the Department of Defense and the United States Armed Forces for the tremendous commitment to keeping our country safe; and

(5) we honor the Department of Defense and the United States Armed Forces for their success in preventing terrorist attacks on U.S. soil and around the world since 9/11.

81. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 377, after line 7, insert the following:

SEC. 845. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

“§ 2335. Reports on use of indemnification agreements

“(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

“(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

“(A) entering into a contract that includes an indemnification agreement; or

“(B) modifying an existing indemnification agreement in any contract.

“(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

“(A) section 2354 of this title; or

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

“(1) the name of the contractor;

“(2) the actual cost or estimated potential cost involved;

“(3) a description of the items, property, or services for which the contract is awarded; and

“(4) a justification of the contract including the indemnification agreement.

“(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

“(1) determines that the disclosure of such information is not in the national security interests of the United States; and

“(2) includes in the report a justification of the determination made under paragraph (1).”.

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

“2335. Reports on use of indemnification agreements.”.

82. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 132, after line 10, insert the following new section:

SEC. 346. ADDITIONAL MATTERS FOR INCLUSION IN ANNUAL REPORT ON OPERATIONAL ENERGY.

Section 2529(b)(2) of title 10, United States Code, is amended—

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

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

“(E) 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.”.

83. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOREN OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 270, after line 4, insert the following:

SEC. 598. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 988. Unauthorized use of names and images of members of the armed forces

“(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual’s service in the armed forces.

“(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted,

to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

“(1) is a member of the armed forces; or

“(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

“(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

“(A) is the protected individual, if living; and

“(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

“(i) The surviving spouse.

“(ii) The children.

“(iii) The parents.

“(iv) The grandparents.

“(v) The siblings.

“(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.”.

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

“988. Unauthorized use of names and images of members of the armed forces.”.

84. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 113, after line 17, insert the following:

(g) SENSE OF CONGRESS.—It is the sense of Congress that favorable consideration of energy-efficient or energy reduction technologies or processes under this section should include a focus on alternative, self-sufficient energy sources that reduce costs in the long term.

85. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOUSTANY JR., OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 507, after line 2, insert the following:

SEC. 1078. 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 imple-

ment 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 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 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) ANNUAL UPDATES.—Not later than December 1 of each subsequent year, the President shall submit to the appropriate congressional committees an update of the implementation plan required under subsection (a). Each such update shall include an explanation of—

- (1) progress made in achieving each organizational goal; and
- (2) modifications necessary to the implementation plan.

(c) 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.

86. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARNAHAN OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 612, after line 11, insert the following:

(c) LIMITATION.—Notwithstanding any other provision of this section, 25 percent of the funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 may not be used to carry out contracts unless the Secretary of Defense certifies to Congress that the Department of Defense

has sufficient management and oversight mechanisms on such contracts.

87. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COFFMAN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title X, add the following new section:

SEC. 1078. REPORT ON A DEPARTMENT OF DEFENSE RECYCLING PROGRAM FOR RARE EARTH MATERIALS.

(a) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prepare and submit to the congressional defense committees a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in Department of Defense facilities and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

(b) **REPORT.**—The report required in subsection (a) shall contain, at minimum, the following information:

(1) **AMOUNT AND FORM OF CERTAIN MATERIALS.**—The amount and form of fluorescent lighting materials containing rare earth phosphors, such as terbium, europium, and yttrium, and the amount of neodymium iron boron magnets containing neodymium and dysprosium, currently being disposed of by or on behalf of the Department of Defense.

(2) **ESTIMATE OF AMOUNTS.**—An estimate of the amount of rare earth phosphors contained in such lighting materials and rare earth metal, alloy, and magnet material that is potentially available for recycling but is not currently recovered, using data from the most recent year for which a reasonable estimate can be made.

(3) **FEASIBILITY OF RECOVERY.**—The feasibility and desirability of recovering such rare earth phosphors and magnet materials and making this material available for reprocessing back into separated rare earth elements or reused as rare earth magnet materials by private-sector entities.

(c) **DEFINITION.**—For purposes of this section, the term “rare earth” means any of the following chemical elements in any of their physical forms or chemical combinations:

- (1) Scandium.
- (2) Yttrium.
- (3) Lanthanum.
- (4) Cerium.
- (5) Praseodymium.
- (6) Neodymium.
- (7) Promethium.
- (8) Samarium.
- (9) Europium.
- (10) Gadolinium.
- (11) Terbium.
- (12) Dysprosium.
- (13) Holmium.
- (14) Erbium.
- (15) Thulium.
- (16) Ytterbium.

(17) Lutetium.

88. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COFFMAN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 203, after line 12, insert the following:

SEC. 547. REPORT ON TUITION ASSISTANCE PROGRAM FOR OFF-DUTY TRAINING OR EDUCATION.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code. Such report shall include—

- (1) a description of the effect of the program on recruiting and retention within the Armed Forces;
 - (2) an analysis of other programs that provide benefits similar to those provided through the program, including the use of educational 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; and
 - (3) a description of the effects of modifying the program to require members of the Armed Forces participating in the program to pay for 25 percent of their education expenses and the Secretary concerned to pay the remaining 75 percent of such expenses.
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89. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In the table in section 2101(a), relating to Authorized Army Construction and Land Acquisition Projects, strike the amount in the item relating to Fort Belvoir, Virginia, and insert “\$327,000,000”.

90. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title XXVIII add the following new section:

SEC. 2864. REPORT ON THE HOMEOWNERS ASSISTANCE PROGRAM.

Not later than 180 days after the date of 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 10 percent in home value from the date of purchase to the date of sale.

91. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 8 . 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 for Acquisition Workforce Programs 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 (k) of section 1703 of this title; and”.

(b) **FEDERAL ACQUISITION INSTITUTE.**—

(1) **IN GENERAL.**—Division B 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.

“§ 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, inter-agency intern and training programs; and

“(10) perform other career management or research functions as directed by the Administrator.

“(b) BUDGET RESOURCES AND AUTHORITY.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget and the Administrator of General Services shall provide the Federal Acquisition Institute with the necessary budget resources and authority 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 for Federal Procurement Policy.

“(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 for Federal Procurement Policy.

“(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, 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) CONFORMING AMENDMENT.—Section 1122(a)(5) 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 title 41, United States Code, 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:

“(1) 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 for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)” 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) **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.

92. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI, add the following new section:

SEC. 11 . 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:

“§ 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) **CENTRALIZED DATABASE.**—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

“(d) **EXIT INTERVIEW REQUIREMENT.**—The agency operating an internship program shall conduct an exit interview, and administer a survey (which shall be in conformance with such guidelines or requirements as the Office shall establish to ensure uniformity across agencies), with each intern who completes such program.

“(e) **REPORT.**—

“(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing such internship program.

“(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns who participated in an internship program at such agency;

“(B) information regarding the demographic characteristics of interns at such agency, including educational background;

“(C) a description of the steps taken by such agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of such jobs, and any barriers encountered;

“(D) a description of activities engaged in by such agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at such agency;

“(F) a description of the mentorship portion of such internship programs; and

“(G) a summary of exit interviews conducted and surveys administered by such agency with respect to interns upon their completion of an internship program at such agency.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for such year.

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

“(1) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b);

“(B) the Student Educational Employment Program (hereinafter ‘SCEP’), as established under section 213.3202 of title 5 of the Code of Federal Regulations (as in effect on January 1, 2009); and

“(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies pursuant to a written agreement comparable to an SCEP agreement under section 213.3202(b)(12) of title 5 of the Code of Federal Regulations (as in effect on January 1, 2009);

“(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.”.

93. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 46, after line 8, insert the following:

SEC. 147. 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 life-cycle 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.

94. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V, add the following new section:

SEC. 5 . 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”.

95. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COURTNEY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title V, add the following new section:

SEC. 547. TROOPS-TO-TEACHERS PROGRAM.

(a) TRANSFER OF FUNCTIONS.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program is transferred from the Secretary of Education to the Secretary of Defense.

(b) ENACTMENT AND MODIFICATION OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

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

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

“(a) DEFINITIONS.—In this section:

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

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

“(3) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified teacher’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

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

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

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

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families;

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

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and

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

“(c) ELIGIBILITY AND APPLICATION PROCESS.—

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

“(A) Any member who—

“(i) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, becomes entitled to retired or retainer pay under this title or title 14;

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

“(iii) transfers to the Retired Reserve.

“(B) Any member who, on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011—

“(i)(I) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least ten years of active duty service, 10 years of service computed under section 12732 of this title, or 10 years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

“(C) Any member who, on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, is retired or separated for physical disability under chapter 61 of this title.

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

“(B) An application may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 2 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

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

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

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

“(I) to have received the equivalent of one year of college from an accredited institution of higher education and have 3 or more years of military experience in a vocational or technical field; or

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

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

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

“(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

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

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

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (d) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

“(d) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (c) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a local educational agency receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6311 et seq.), a Bureau-

funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 11 2021)), or a public charter school.

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

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

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

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

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

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

“(F) satisfies such other criteria as may be prescribed by the Secretary.

“(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.

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

“(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

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

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et. seq.).

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

“(e) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

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

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

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

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

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

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

“(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of

a stipend or bonus under this subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(g) PARTICIPATION BY STATES.—

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

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

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

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

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

(4) TERMINATION OF ORIGINAL PROGRAM.—

(A) TERMINATION.—

(i) Chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(ii) The table of contents in section 2 of part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of such Act.

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

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall establish an Advisory Board composed of—

(A) a representative from the Defense Activity for Non-Traditional Education Support Division of the Department of Defense;

(B) a representative from the Department of Innovation and Improvement of the Department of Education;

(C) a representatives from three State offices that operate to recruit eligible members of the Armed Forces for participation in the Troops-to-Teachers Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

(D) a representative from each of three veteran service organizations.

(2) DUTIES.—The Advisory Board established under this subsection shall—

(A) collect, consider, and disseminate feedback from participants and State offices described in paragraph (1)(C) on—

(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Troops-to-Teachers Program;

(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

(iv) other activities that the Advisory Board deems necessary; and

(B) not later than one year after the date of the enactment of this Act, and annually thereafter, prepare and submit a report to the appropriate committees of Congress, which shall include—

(i) information with respect to the activities of the Advisory Board;

(ii) information with respect to the Troops-to-Teachers Program, including—

(I) the number of participants in the Program;

(II) the number of States participating in the Program;

(III) local educational agencies and schools in where participants are employed;

(IV) the grade levels at which participants teach;

(V) the academic subjects taught by participants;

(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;

(VII) other demographic information as may be necessary to evaluate the effectiveness of the Program; and

(VIII) a review of the stipend and bonus available to participants under the Program; and

(iii) recommendations for—

(I) improvements to local, State, and Federal recruitment and retention efforts;

(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and

(III) other changes necessary to ensure that the Program is meeting its purposes.

(d) **DEFINITIONS.**—In this section

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and Labor of the House of Representatives.

(2) The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under section 1154 of title 10, United States Code (as added by subsection (b)), as authorized before October 1, 2011, 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.).

(e) **EFFECTIVE DATE.**—Subsection (a) and the amendments made by subsection (b) shall take effect on October 1, 2011.

96. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. FREQUENCY OF REPORTS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

Section 711(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1073 note) is amended in the matter preceding subparagraph (A) by striking “bi-annual” and inserting “biennial”.

97. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENT OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 46, after line 18, insert the following:

SEC. 147. STUDY ON DOMESTIC CAPACITY FOR MANUFACTURE OF SHIP SHAFTS AND OTHER FORGED COMPONENTS.

The Secretary of Defense shall conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and sub-surface vessels of the Navy.

98. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. 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 limitation on procurement of a good or service under subsection (a) if the good or service is critical to the needs of the Department of Defense and is otherwise unavailable to the Department of Defense 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) DEFINITION OF COMMUNIST CHINESE MILITARY COMPANY.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking paragraph (1) and inserting the following:

“(1) The term ‘Communist Chinese military company’ means—

“(A) any person identified in the Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990, or PC-1921-57-95, dated October 1995, and any update of those publications for the purposes of this section; and

“(B) any other person that—

“(i) is owned or controlled by, directed by or from, operating with delegated authority from, or affiliated with, the People’s Liberation Army or the government of the People’s Republic of China or that is owned or controlled by an entity affiliated with the defense industrial base of the People’s Republic of China; and

“(ii) is engaged in providing commercial services, manufacturing, producing, or exporting.”.

(d) 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.

99. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DONNELLY OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 364, after line 2, insert the following:

SEC. 825. QUALITY ASSURANCE SURVEILLANCE PLAN FOR SECURITY CONTRACTORS OPERATING IN AFGHANISTAN AND IN SUPPORT OF OTHER CONTINGENCY OPERATIONS.

(a) IN GENERAL.—The Secretary of Defense shall establish a plan to be known as a “Quality Assurance Surveillance Plan” setting standards that must be incorporated in Department of Defense oversight plans governing all security contractors operating in Afghanistan, and other future contingency operations, under a contract or subcontract funded by the Department of Defense. The Secretary shall designate a single appropriate official stationed in the country of operations to review each security contract or sub-

contract involving security contractors funded by the Department of Defense for compliance with the Quality Assurance Surveillance Plan. Such official shall certify that the official has reviewed the oversight plan for that contract, that the oversight plan is appropriate for that contract, that there is an appropriate number of appropriately trained personnel available to oversee that contract, and confirm that any and all licenses and permits required by the security contractor and its employees have been reviewed and verified as current and authentic.

(b) DEADLINE FOR IMPLEMENTATION.—These requirements under subsection (a) shall be implemented by not later than six months after the date of enactment of this Act.

(c) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment the Department of Defense’s compliance with this section and, not later than 6 months after the requirements of this section are implemented pursuant to subsection (b), shall submit to Congress a report on such assessment.

100. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 762, line 3, strike “and” and insert the following:

“(3) analyzes the impact of the action on local businesses, neighborhoods, and local governments; and”.

Page 762, line 4, strike “(3)” and insert “(4)”.

101. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. REPORT ON UNITED STATES MILITARY STRATEGY IN AFGHANISTAN IN LIGHT OF THE DEATH OF OSAMA BIN LADEN.

(a) REPORT REQUIRED.—Not later than 60 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 United States military strategy in Afghanistan, including the extent to which the strategy has changed or is anticipated to change in light of the death of Osama bin Laden.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

102. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

SEC. 1099C. REQUIREMENT THAT WRITTEN COMMUNICATIONS FROM CONGRESS BE MADE PUBLIC BY DEPARTMENT OF DEFENSE.

Any written communication from Congress, including a committee of the Senate or the House of Representatives, a member of

Congress, an officer of Congress, or a congressional staff member, recommending that funds be committed, obligated, or expended on any project within a program element set forth in the funding tables in division D of this Act shall be made publicly available on the Internet by the receiving entity of the Department of Defense, not later than 30 days after receipt of such communication.

103. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 708, after line 12, insert the following:

SEC. 1699F-1. REPORTS ON INCREASED BUDGET ITEMS.

(a) REPORTS.—

(1) IN GENERAL.—For each program described in subsection

(b), the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) a justification of the use of the total amount appropriated for the program for fiscal year 2012; and

(B) the process by which such amounts were awarded.

(2) SUBMISSION.—The Secretary shall submit each report under paragraph (1) by not later than the date that is 180 days after the date on which the funds for the program for fiscal year 2012 have been allocated.

(b) PROGRAM DESCRIBED.—A program described in this subsection is a program element funded—

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

(2) in an amount that is more than the amount requested by the President in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012.

104. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVIII, add the following new section:

SEC. 28 ____ . TRANSFER OF THE AIR FORCE MEMORIAL TO THE DEPARTMENT OF THE AIR FORCE.

(a) TRANSFER OF MEMORIAL TO SECRETARY OF THE AIR FORCE.—Administrative jurisdiction, custody, and control of the Air Force Memorial (as defined in section 9784(d) of title 10, United States Code, as added by subsection (b)) is hereby transferred to the Secretary of the Air Force.

(b) OPERATION, MAINTENANCE, AND MANAGEMENT OF MEMORIAL.—

(1) AUTHORITY OF SECRETARY OF THE AIR FORCE.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9784. Air Force Memorial

“(a) RESPONSIBILITY.—The Secretary of the Air Force has jurisdiction, custody, and control of the Air Force Memorial and is responsible for the operation, maintenance, and management of the Memorial.

“(b) COOPERATIVE AGREEMENT FOR OPERATION AND MAINTENANCE OF THE MEMORIAL.—The Secretary of the Air Force may enter into a cooperative agreement with the Air Force Memorial Foundation or any other suitable entity to assist with the operation and maintenance of the Air Force Memorial.

“(c) DISPOSITION OF CONTRIBUTIONS.—Any contribution made for the purpose of assisting in the operation and maintenance of the Air Force Memorial that is deposited into the Department of the Air Force General Gift Fund pursuant to section 2601 of this title shall be available only for the purpose of the operation and maintenance of the Air Force Memorial.

“(d) DEFINITION.—In this section, the term ‘Air Force Memorial’ means the memorial established pursuant to Public Law 103–163 to honor the men and women who have served in the United States Air Force and its predecessor organizations and that area of land occupied by that memorial, along with any facilities constructed thereon, and consisting of approximately three acres in Arlington, Virginia, made available by the Secretary of Defense for use as the location of the Air Force Memorial pursuant to section 2863(b)(1) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330).”.

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

“9784. Air Force Memorial.”.

(c) REPEAL.—Section 2872 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 562) is repealed.

105. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 835, after line 10, insert the following:

SEC. 3125. NATIONAL ACADEMY OF SCIENCES REVIEW OF NUCLEAR WASTE REPROCESSING AND NUCLEAR REACTOR TECHNOLOGY.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences to 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 related to the subject of nuclear waste reprocessing as a point of reference;

(2) a determination of the feasibility of using nuclear reactor technology, particularly proven Generation IV nuclear reactor technology, created at the national labs at a site charged with meeting international agreements to dispose or decommission nuclear weapons which has substantial legacy waste in order to reprocess and reuse the materials in a proliferation-resistant process that will generate electricity;

(3) a determination of the resulting waste streams;

(4) an analysis of the nuclear proliferation risks, including effects on the nuclear nonproliferation efforts of the United States;

(5) a comparison to nuclear waste reprocessing technologies used in other countries and a comparison to the direct disposal of nuclear waste; and

(6) a detailed analysis of the feasibility of large-scale deployment of such technology at military installations.

(c) REPORTS.—

(1) NNSA.—The National Academy of Sciences shall submit to the Administrator for Nuclear Security a report containing the results of the study and any recommendations resulting from the study.

(2) CONGRESS.—Not later than 18 months after the date on which the contract is awarded under subsection (a), the Administrator for Nuclear Security shall submit to the appropriate congressional committees the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

(3) FORM.—The report under paragraph (2) shall be submitted to the appropriate congressional committees in unclassified form, but may include a classified annex.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations of the Senate.

106. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 325, after line 9, insert the following:

SEC. 705. TRICARE STANDARD FOR CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) COVERAGE FOR CERTAIN IRR MEMBERS.—

(1) IN GENERAL.—Subsection (a) of section 1076e of title 10, United States Code, is amended to read as follows:

“(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), the following individuals are eligible for health benefits under TRICARE Standard as provided in this section:

“(A) A member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title but has not attained the age of 60.

“(B) A member of the Individual Ready Reserve described in subsection 10144(b) of this title who served on active duty for an aggregate of not less than one year beginning on or after September 11, 2001.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.”

(2) TERMINATION.—Subsection (b) of such section is amended—

(A) in the subsection heading, by striking “STANDARD”;

(B) by striking “the member becoming” and inserting “a member described in subsection (a)(1)(A) becoming”; and

(C) by inserting before the period at the end the following: “or a member described in subsection (a)(1)(B) becoming eligible for TRICARE coverage under any other section of this chapter”.

(3) SECTION HEADING.—The heading of such section is amended by striking “**who are qualified for a non-regular retirement but are not yet age 60**” and inserting “**and Individual Ready Reserve**”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1076e and inserting the following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve and Individual Ready Reserve.”

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$5,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out the amendments made by this section; and

(2) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

107. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 825, after line 2, insert the following new section:

SEC. 3114. 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 section:

“(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.”.

108. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING DEPLOYMENT OF ARMED FORCES WITHOUT CONSIDERABLE DELIBERATION.

It is the sense of the Congress that before voting begins with respect to funding of any deployment of the Armed Forces, Members of the Congress—

(1) should designate a time period in which Members consider the cultures, religions, ethnicities, geographies, histories, and politics of nations and regions in which the Armed Forces are engaged or are proposed to engage in military action;

(2) should be given access to in-depth briefings on the information described in paragraph (1); and

(3) fully consider and appreciate the enormous complexities and uncertainties inherent in the military engagements of the United States in certain regions, in particular the Middle East.

109. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HECK OF NEVADA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, insert the following:

SEC. 3 . FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding the following new paragraph after paragraph (3):

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

110. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE INSLEE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. 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.”.

111. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 531, after line 2, insert the following:

SEC. 1099C. PROCLAMATION FOR NATIONAL DAY OF HONOR TO CELEBRATE MEMBERS OF THE ARMED FORCES RETURNING FROM IRAQ, AFGHANISTAN, AND OTHER COMBAT AREAS.

The President shall designate a day entitled a National Day of Honor to celebrate members of the Armed Forces who are returning from deployment in support of Iraq, Afghanistan, and other combat areas.

112. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. SENSE OF CONGRESS ON POST-TRAUMATIC STRESS DISORDER.

It is the sense of Congress that—

(1) post-traumatic stress disorder is an increasingly common disease suffered by returning members of the Armed Forces; and

(2) access to treatment for members with post-traumatic stress disorder should be expanded to include local and community medical facilities.

113. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, add the following new section:

SEC. 3 ___. ASSISTANCE FOR HOMELAND DEFENSE MISSION TRAINING.

(a) ASSISTANCE AUTHORIZED.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 909. Training assistance

“(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units and Federal agencies performing homeland defense activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

“(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

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

“909. Training assistance.”.

114. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KINZINGER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 92, after line 12, insert the following:

SEC. 254. PROHIBITION ON USE OF FUNDS FOR NEWLY DESIGNED FLIGHT SUIT.

None of the funds authorized to be appropriated by this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

115. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 92, after line 12, insert the following:

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.

116. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSEN OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. GLOBAL SECURITY CONTINGENCY FUND.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to establish a fund, to be known as the Global Security Contingency Fund, which shall consist of such amounts as may be contributed under paragraph (2) to the fund, to provide assistance to a foreign country described in subsection (b) for the purposes described in subsection (c). The program authorized under this subsection shall be jointly financed and carried out by the Department of State and the Department of Defense in accordance with the requirements of this section.

(2) **CONTRIBUTIONS TO FUND.**—

(A) **IN GENERAL.**—For each of fiscal years 2012 through 2015, the Secretary of State and the Secretary of Defense may contribute not more than \$300,000,000 of amounts made available to carry out the provisions of law described in subsection (d).

(B) **AVAILABILITY.**—Notwithstanding any other provision of law, amounts contributed under this paragraph to the fund shall be merged with amounts in the fund and shall be available for purposes of carrying out the program authorized under this subsection.

(3) **LIMITATION.**—The authority of this subsection may not be exercised with respect to a fiscal year until—

(A) the Secretary of State contributes to the fund not less than one-third of the total amount contributed to the fund for the fiscal year; and

(B) the Secretary of Defense contributes to the fund not more than two-thirds of the total amount contributed to the fund for the fiscal year.

(4) **RULE OF CONSTRUCTION.**—The ratios of contributions described in paragraph (3) shall be determined at the beginning of a fiscal year and may not be determined on a project-by-project basis.

(b) **ELIGIBLE FOREIGN COUNTRIES.**—A foreign country described in this subsection is a country that is designated by the Secretary of State, with the concurrence of the Secretary of Defense, and is eligible to receive assistance under one or more of the provisions of law described in subsection (d).

(c) **PURPOSE OF PROGRAM.**—The program authorized under subsection (a) may provide assistance to enhance the capabilities of military forces, and other security forces that conduct border and maritime security, and counterterrorism operations, as well as the government agencies responsible for such forces, in order to strengthen a foreign country's national and regional security interests consistent with United States foreign policy interests.

(d) **PROVISIONS OF LAW DESCRIBED.**—The provisions of law described in this subsection are the following:

(1) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces).

(2) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881; relating to authority to provide additional support for counter-drug activities of other countries).

(3) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide activities, and available for the Defense Security Cooperation Agency for the Warsaw Initiative Funds (WIF) for the participation of the North Atlantic Treaty Organization (NATO) members in the exercises and programs of the Partnership for Peace program of the North Atlantic Treaty Organization.

(4) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).

(5) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).

(6) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training program).

(7) Chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance).

(e) FORMULATION AND EXECUTION OF PROGRAM.—

(1) IN GENERAL.—The program authorized under subsection (a)—

(A) shall be jointly formulated by the Secretary of State and the Secretary of Defense; and

(B) shall, prior to its implementation, be approved by the Secretary of State, with the concurrence of the Secretary of Defense.

(2) REQUIRED ELEMENTS.—The program authorized under subsection (a) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority.

(f) RELATED AUTHORITIES.—

(1) IN GENERAL.—The program authorized under subsection (a) shall be—

(A) jointly financed by the Secretary of State and the Secretary of Defense through amounts contributed to the fund under subsection (a)(2) from one or more provisions of law described in subsection (d) under which the foreign country is eligible to receive assistance; and

(B) carried out under the authorities of such provisions of law and the authorities of this section.

(2) ADMINISTRATIVE AUTHORITIES.—Funds made available under a program authorized under subsection (a) shall be subject to the same administrative authorities as apply to funds made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(3) LIMITATION ON ELIGIBLE COUNTRIES.—The program authorized under subsection (a) may not include the provision of assistance to—

(A) any foreign country that is otherwise prohibited from receiving such assistance under any other provision of law; or

(B) Iraq, Afghanistan, or Pakistan.

(g) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before implementing an activity under the program authorized under subsection (a), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the congressional committees specified in paragraph (2) a notification of—

(A) the name of the country with respect to which the activity will be implemented; and

(B) the budget, implementation timeline with milestones, and completion date for the activity.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are—

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

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute an authorization or extension of any of the provisions of law described in subsection (d)

(i) TERMINATION OF PROGRAM.—The authority to carry out the program authorized under subsection (a) terminates at the close of September 30, 2015. An activity under the program directed before that date may be completed after that date, but only using funds made available for fiscal years 2012 through 2015.

117. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. 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.

118. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 531, after line 2, insert the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF A KOREAN WAR NATIONAL MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Korean War was fought between the Republic of Korea, with the assistance of 16 different nations including the United States, and the Democratic People's Republic of Korea and People's Republic of China from June 1950 to July 1953.

(2) This conflict was prompted by the invasion of the Republic of Korea by the communist Democratic People's Republic of Korea.

(3) 5,700,000 Americans served during the war and 36,574 died in the conflict, making it the fifth deadliest war in United States history.

(4) 133 Congressional Medals of Honor were awarded for service during the conflict.

(5) The first integration of black and white American members of the Armed Forces in combat occurred during the Korean War.

(6) The first use of helicopters and the first air-to-air combat between modern jets occurred during the Korean War.

(7) There are currently an estimated 2,440,000 living American veterans of the Korean War.

(8) The United Nations deployed troops into combat for the first time during the Korean War.

(9) The conflict marked the first armed struggle between democracy and communism, as well as the first time the advance of communism was halted.

(10) After the signing of the Armistice Agreement on July 27, 1953, ending hostilities, there was established the Demilitarized Zone, which has allowed the Republic of Korea to grow into a dynamic and stable democracy while situated on the border of one of the least free countries in the modern world.

(11) An official national museum honoring the conflict and all those who served does not currently exist.

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

(1) efforts to increase education and public awareness of the Korean War and to honor and promote gratitude for those who served in the Korean War should be encouraged;

(2) the people who have demonstrated leadership and spearheaded the development of a museum to promote awareness of the Korean War and honor those who served in it should be commended; and

(3) a national museum, to be located in Chicago, Illinois, should be established to—

(A) educate visitors on the service, sacrifices, and contributions of those who fought in Korea;

(B) honor Korean War veterans;

(C) preserve the legacy and history of the Korean War conflict; and

(D) celebrate the advances in democracy and freedom made by the people of the Republic of Korea.

119. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page , after line , insert the following:

SEC. 355. MODIFICATION OF REPORT ON SEAD/DEAD MISSION REQUIREMENTS OF THE AIR FORCE.

Section 334 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4188) is amended—

(1) in subsection (a)—

(A) by striking “120 days after the date of the enactment of this Act” and inserting “August 1, 2011”;

(B) by striking “designating” and inserting “expanding the role of the Air National Guard in conducting”; and

(C) by striking “as a responsibility of the Air National Guard”; and

(2) in subsection (b)(2), by adding at the end the following:

“(D) The capacity and capability of the Air National Guard to assume an increased level of the Department’s SEAD/DEAD mission responsibilities.”.

120. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUETKEMEYER OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V, add the following new section:

SEC. 5. 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 records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) **RECOMMENDATION BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) **AUTHORITY TO AWARD MEDAL OF HONOR.**—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) **WAIVER OF TIME LIMITATIONS.**—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) **DEFINITIONS.**—In this section:

(1) The term “Jewish American World War I veteran” means any person who served in the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term “Secretary concerned” means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term “World War I” means the period beginning on April 6, 1917, and ending on November 11, 1918.

121. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 513, line 17, strike section 1091 and insert the following:

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 adding after section 130e, as added by section 1055, the following new section:

“§ 130f. Treatment under Freedom of Information Act of critical infrastructure security information

“(a) **EXEMPTION.**—Department of Defense critical infrastructure security information that, if disclosed, may result in the disruption, degradation, or destruction of operations, property, or facilities of the Department of Defense, shall be exempt from disclosure pursuant to section 552(b)(3) of title 5, if the Secretary of Defense determines that 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 obtained by a State or local government from a Federal agency shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such critical infrastructure security information.

“(c) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION DEFINED.—In this section, the term ‘Department of Defense critical infrastructure security information’ means sensitive but unclassified information related to critical infrastructure information owned or operated by or on behalf of the Department of Defense that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines.

“(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. Such regulations shall ensure the consistent application of the exemption in subsection (a) across the military departments and that specifically identify officials in each military department who shall be delegated the Secretary’s authority under this section.”.

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

“130f. Treatment under Freedom of Information Act of certain critical infrastructure security information.”.

122. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOLLUM OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle J of title V of Division A, add the following new section:

SEC. 598. LIMITATION ON MILITARY MUSICAL UNITS.

Amounts appropriated pursuant to the authorization of appropriations in this Act for military musical units (as defined in section 974 of title 10, United States Code) may not exceed \$200,000,000.

123. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following:

SEC. ____ . INTERAGENCY COLLABORATION.

The Assistant Secretary of Defense for Research and Engineering shall collaborate with the Under Secretary for Science and Technology of the Department of Homeland Security to identify equipment and technology used by the Department of Defense that could be used by U.S. Customs and Border Protection to improve the se-

curity of the international borders between the United States and Mexico, and the United States and Canada, by—

- (1) detecting anomalies such as tunnels and breaches in perimeter security;
- (2) detecting the use of unauthorized vehicles;
- (3) enhancing wide-area surveillance;
- (4) using autonomous vehicles for security; and
- (5) otherwise improving the enforcement of such borders.

124. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MORAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVII, add the following new section:

SEC. 2707. LIMITATION ON BRAC 133 PROJECT IMPLEMENTATION.

The Secretary of Defense may not use more than 1,000 parking spaces provided by the combination of spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

- (1) The Secretary of Defense documents either a Record of Environmental Consideration or a Supplemental Environment Assessment for the finding in the 2008 BRAC 133 Environmental Assessment of no significant impact.
- (2) The Secretary of Defense certifies that all defense access road-certified mitigation projects related to the BRAC 133 project have been constructed.

125. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title VI (page 319, after line 3), add the following new section:

SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.

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.

126. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. ADDITIONAL INFORMATION ON WAIVERS UNDER THE BUY AMERICAN ACT BY DEPARTMENT OF DEFENSE REQUIRED TO BE INCLUDED IN ANNUAL REPORT.

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2501 note) is amended in subsection (c)(2)(A) by striking clause (vi) and inserting the following:

“(vi) An itemized list of all waivers granted with respect to such articles, materials, or supplies under chapter 83 of title 41 (commonly referred to as the Buy American Act), including—

“(I) an analysis of the domestic capacity to supply the articles, materials, or supplies; and

“(II) an analysis of the reasons for an increase or decrease in the number of waivers granted from fiscal year to fiscal year.”.

127. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NUGENT OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At end of subtitle C of title V, add the following new section:

SEC. 527. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) **AUTHORITY TO AWARD.**—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) **PROCUREMENT OF BADGE.**—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

128. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 845. ASSESSMENT OF DEPARTMENT OF DEFENSE CONTRACTING ACTIONS AND THE IMPACT ON SMALL BUSINESSES.

(a) **ASSESSMENT REQUIRED.**—The Inspector General of the Department of Defense shall conduct an assessment of consolidated contracting actions of the Department of Defense relating to base

services and construction activities from October 2009 through October 2011 to ensure the Department's compliance with the provisions of the Small Business Jobs Act of 2010 (Public Law 111-240). The assessment shall, at a minimum, examine—

(1) compliance with the Small Business Jobs Act of 2010 (Public Law 111-240), the Small Business Reauthorization Act of 1997 (Public Law 105-135), the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) and all relevant provisions in the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement;

(2) justification for contract consolidation;

(3) scope of services provided by category, contract award ceiling, and period of performance;

(4) identification of any shortages in trained acquisition personnel that may have contributed to a determination to consolidate contracting actions;

(5) potential for alternative contracting approaches that would increase small business participation;

(6) any negative impact by such contract consolidations on contracting with small business concerns; and

(7) recommendations to improve or enhance Department of Defense policy, guidance, or execution of contracting actions to ensure compliance with the Small Business Jobs Act of 2010.

(b) BRIEFING.—The Inspector General shall brief the congressional defense committees on the findings of the assessment required under subsection (a) not later than April 1, 2012.

129. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V, add the following new section:

SEC. 5 ____ . 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.

130. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V, add the following new section:

SEC. 5 ____ . 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."

131. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REED OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X of division A, insert the following:

SEC. 1099C. DESIGNATION OF "TAPS" AS NATIONAL SONG OF REMEMBRANCE.

(a) DESIGNATION.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 306. National Song of Remembrance

"(a) DESIGNATION.—The bugle call commonly known as 'Taps', consisting of 24 notes sounded on a bugle or trumpet performed by a solo bugler or trumpeter without accompaniment or embellishment, is the National Song of Remembrance.

"(b) CONDUCT DURING SOUNDING.—

"(1) IN GENERAL.—During a performance of 'Taps' at a military funeral, memorial service, or wreath laying—

"(A) all present, except persons in uniform, should stand at attention with the right hand over the heart;

"(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

"(C) persons in uniform should stand at attention and give the military salute at the first note of 'Taps' and maintain that position until the last note.

"(2) EXCEPTION.—Paragraph (1) shall not apply when 'Taps' is sounded as the final bugle call of the day at a military base.

"(c) DEFINITION OF MILITARY BASE.—In this section, the term 'military base' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility."

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 3 of title 36, United States Code, is amended to read as follows:

"CHAPTER 3—NATIONAL ANTHEM, MOTTO, AND OTHER NATIONAL DESIGNATIONS".

(2) TABLE OF CHAPTERS.—The item relating to chapter 3 in the table of chapters for such title is amended to read as follows:

"3. National Anthem, Motto, and Other National Designations 301".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"306. National Song of Remembrance."

Amend the table of contents in section 2(b) by inserting after the item relating to section 1099B the following new item:

Sec. 1099C. Designation of “Taps” as National Song of Remembrance.

132. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHARDSON OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 531, after line 2, insert the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PREPAREDNESS.

It is the sense of the Congress that—

(1) the United States Northern Command plays a crucial role in providing additional response capability to State and local governments in domestic disaster relief and consequence management operations;

(2) the United States Northern Command must continue to build upon its current efforts to develop command strategies, leadership training, and response plans to effectively work with civil authorities when acting as the lead agency or a supporting agency; and

(3) the United States Northern Command should leverage whenever possible training and management expertise that resides within the Department of Defense, other Federal agencies, State and local governments, and private sector businesses and academic institutions to enhance—

(A) its Defense Support to Civil Authorities and incidence management missions;

(B) relationships with other entities involved in disaster response; and

(C) its ability to respond to unforeseen events.

133. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIGELL OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 377, after line 7, insert the following:

SEC. 845. DEPARTMENT OF DEFENSE OPERATIONAL CONTRACT SUPPORT PLAN.

The Secretary of Defense shall develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration. The plan shall include each of the following:

(1) The provision of operational contract support training and information-sharing roadmaps, including a description of the roles and responsibilities of the Office of the Secretary of Defense, the Joint Staff, the military departments, and defense agencies.

(2) The identification and development of training venues to incorporate appropriate operational contract support training and education for all operational contract support functions in both acquisition and non-acquisition roles.

(3) The integration of operational contract support into Department of Defense exercises and experiments.

(4) Updating and aligning Department of Defense policy, doctrine, joint capability area definitions, corresponding universal joint task lists, and agreements to address shortfalls as discrepancies in areas of operational contract support.

(5) A method of ensuring that sufficient capacity and capability to conduct operational contract support missions is addressed in the total workforce plan required by section 129a of title 10, United States Code, as amended by this Act.

134. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUNYAN OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 364, after line 2, insert the following:

SEC. 825. 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) shall 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.**—

(1) **REVIEW REQUIRED.**—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.

(2) **COMPETITIVE AWARDS.**—Based on the findings of a review conducted under paragraph (1), the Secretary shall identify subcontracts that may reasonably be treated as prime contracts for purpose of a competition and take such steps as may be necessary to establish a competitive award basis for such a contract in a timely manner.

(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 (H) through (J), respectively; and

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

“(F) Percentage of contracts awarded on a competitive basis as compared to established goals for competition in contingency contracting actions.

“(G) Justification for any non-competitively awarded contingency contracts that are not otherwise deemed to be not suitable for competition”.

135. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 825, after line 2, insert the following:

SEC. 3114. ADDITIONAL BUDGET ITEM RELATING TO GLOBAL THREAT REDUCTION INITIATIVE.

(a) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 3101 for defense nuclear nonproliferation, as specified in the corresponding funding table in division D, is hereby increased by \$20,000,000, with the amount of the increase allocated to the global threat reduction initiative as set forth in the table under section 4701; and

(2) the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$20,000,000, with the amount of the reduction to be derived from the Aerostat Joint Project Office as set forth in the table under section 4201.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in subsection (a)(1) with or to a specific entity 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.

136. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. 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”.

137. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 594, after line 21, insert the following:

SEC. 1231. 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 (as defined in section 1229(d)).

(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, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

138. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 835, after line 18, insert the following:

SEC. 3202. ADDITIONAL FUNDING FOR DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) FUNDING INCREASE.—The amount set forth in section 3201 for the operation of the Defense Nuclear Facilities Safety Board is hereby increased by \$2,500,000.

(b) OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$2,500,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios

under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

139. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title X, insert the following:

SEC. 1043. NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.

(a) PURPOSE AND FINDINGS.—

(1) 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.

(2) FINDINGS.—Congress makes the following findings:

(A) In Iraq, Afghanistan, and other areas where stabilization operations are carried out, the lack of an integrated, coordinated planning effort in which the goals, objectives, and priorities of the United States effort and the roles and missions of the various agencies of the United States were clearly delineated has hampered the efforts of the United States in such operations and may have contributed to increased costs in funding, time, effort, and other terms.

(B) The fight against al-Qaeda and its violent extremist affiliates, and the threat to the United States by transnational terrorism, will continue for the foreseeable future.

(C) A key component of success in the struggle against al-Qaeda and its violent extremist affiliates is the ability to deny safe havens to al-Qaeda, its violent extremist affiliates, and other violent extremist organizations, and United States national security interests will sometimes require the United States to assist in building the capabilities of other countries and entities to deny such violent extremist organizations safe havens and to participate in regional efforts to deny such violent extremist organizations safe havens.

(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 violent 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) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(D) 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.

(E) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (C), 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)(C), 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) 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.

(5) SUBMITTAL TO CONGRESS.—Not later than 15 days after the President issues the guidance required under paragraph (1) or reviews or updates such guidance under paragraph (3), the President shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a copy of such guidance.

(c) IMPLEMENTATION.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—The head of each agency listed in the national security planning guidance required under subsection (b) shall enter into a memorandum of understanding regarding matters related to the implementation of such guidance.

(2) MATTERS COVERED.— The memorandum of understanding required by paragraph (1) shall include each of the following:

(A) An identification of the positions supplied by each department or agency to country teams or teams and the appropriate combatant command in each specified geographic area that are critical for carrying out the national security planning guidance.

(B) The criteria used by each department or agency for the selection of appropriate personnel to fill the positions identified as critical pursuant to subparagraph (A), including the manner of soliciting the input from other departments and agencies regarding appropriate personnel and expertise.

(C) The manner in which performance in furtherance of the national security planning guidance shall be considered in evaluating the performance of personnel designated to fill the positions identified as critical pursuant to subparagraph (A), including the consideration of input from personnel from other departments and agencies who filled senior positions on the country team or relevant combatant command, in particular the appropriate United States ambassador.

(D) The manner for implementing lessons learned in the course of reviewing the performance of a country team or multiple country teams and relevant combatant command in the course of reviewing the national security planning guidance under subsection (b)(3).

(E) The manner in which disputes related to carrying out the national security planning guidance between members of the country team, the relevant combatant command, or departments and agencies shall be handled.

(3) IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING.— Not later than 120 days after the memorandum of understanding required by paragraph (1) is signed, the heads of those departments and agencies listed in the national security planning guidance shall issue such policies and guidance and

prescribe such regulations as are necessary to implement the memorandum of understanding for the relevant matters pertaining to their respective departments and agencies.

(4) UPDATE AND REVIEW.—The memorandum of understanding as required under paragraph (1) shall be updated and reviewed as necessary, but at a minimum shall be reviewed with each review of the national security planning guidance under subsection (b)(3).

140. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, after line 8, insert the following:

SEC. 731. REPORT ON RESEARCH AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—Congress finds the following:

(1) The high-incidence rate of neurological trauma in members of the Armed Forces needs to be addressed.

(2) Critical research using neuroimaging that is concentrated on post-traumatic stress disorder offers great hope in identifying conditions allowing for a separate and distinct classification of post-traumatic stress disorder.

(3) The Telemedicine and Advanced Technology Research Center within the Army Medical Research and Materiel Command has engaged the National Resources for Neuroscience and Neuroimaging to develop collaborative and inter-agency research linking the Department of Defense and the Department of Veterans Affairs with appropriate and established university-affiliated partnerships.

(b) REPORT.—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 increase the diagnostic properties of post-traumatic stress disorder.

141. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 332, after line 24, insert the following:

SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.

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

(1) the Secretary of Defense and the Secretary of Veterans Affairs need to renew and improve efforts to reach out to rural America, which has less access to care;

(2) behavioral health services for active duty members of the Armed Forces, members of the reserve components, members of the National Guard, and veterans need to be more easily and readily accessible; and

(3) medical records and records of deployment need a “warm transition” and better collaboration between the Department of Defense and the Department of Veterans Affairs.

(b) 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 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”.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress separate reports on each of the following:

(1) The plans to develop and expand programs to use new Internet and communication technologies for improved access to care and resources, including telemedicine, telehealth care services, and telebehavioral health programs that ensure patient privacy.

(2) Any plans to improve the transition of health and battlefield deployment records to better assist and care for veterans.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

142. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THORBERRY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 429, after line 13, insert the following:

SEC. 965. CLARIFICATION OF STATUS OF PARTICIPANTS OF DEFENSE INDUSTRIAL BASE ACTIVE CYBER DEFENSE PILOT PROJECT.

Notwithstanding any other provision of law, any non-Government entity or personnel participating in the 90-day Defense Industrial Base Active Cyber Defense pilot project shall not be considered an agent of any local or State government or the Federal Government by reason of such participation.

143. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle I of title X, add the following new section:

SEC. 1099C. REPORT ON THE MANUFACTURING POLICY OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) For many years, manufacturing has been the backbone of the United States economy, leading to good jobs, technological innovation, and the production of high quality commodities.

(2) In addition, the superiority of the United States manufacturing industry ensured a reliable supply of raw and finished goods to support the defense and security operations of the United States Government.

(3) Over the past few decades, the manufacturing industry of the United States and the jobs associated with it have suffered a dramatic decline as manufacturing processes have been outsourced to foreign nations.

(4) This decrease in domestic manufacturing capability has forced the Department of Defense to acquire supplies and materials necessary for the national defense from foreign companies and governments, thereby subjecting the critical defense needs of the United States to geopolitical forces beyond its control.

(b) SUBMISSION TO CONGRESS OF REPORT ON THE MANUFACTURING INDUSTRY OF THE UNITED STATES.—

(1) SUBMISSION REQUIRED.—The Secretary of Defense shall submit to Congress a report on the manufacturing industry of the United States. Such report shall be submitted as soon as is practicable, but not later than the end of the 180-day period beginning on the date of the enactment of this Act.

(2) NOTICE OF SUBMISSION.—If before the end of the 180-day period specified in paragraph (1) the Secretary determines that the report required by that paragraph cannot be submitted by the end of such period as required by such paragraph, the Secretary shall (before the end of such period) submit to Congress a report setting forth—

(A) the reasons why the report cannot be submitted by the end of such 180-day period; and

(B) an estimated date for the submission of the report.

(3) FORM.—The report under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the report may be submitted.

(4) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs.

(B) An assessment of tax, trade, and regulatory policies as they impact the growth of the manufacturing industry in the United States.

(C) An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.

(D) An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain, and an assessment of the vulnerabilities and weak points of that supply chain.

(E) An analysis of the capacity of the civilian manufacturing industry to fulfill defense manufacturing needs when necessary.

(F) An analysis of the ability of the United States to access necessary raw materials for the defense industry, including rare earth minerals.

(G) A quantitative analysis of the position of the United States relative to the global defense market.

(H) An analysis of the changes in supply-side economics resulting from shifts in globalization trends.

(I) An analysis of the vulnerability of the United States defense products that could potentially be corrupted by malicious software, such as spyware, malware, and viruses.

(J) A quantitative analysis of the risk facing the defense supply chain of the United States and the processes currently in place to manage such risk.

(c) **PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING THE UNITED STATES MANUFACTURING INDUSTRY.**—

(1) **REPORT REQUIRED.**—As soon as is practicable, but not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on—

(A) the objectives of United States policy regarding the manufacturing industry of the United States; and

(B) the strategy for achieving those objectives.

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

(3) **ELEMENTS.**—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to the manufacturing industry of the United States for which funds are provided by Congress; and

(B) summarize United States planning regarding the range of possible United States actions in support of United States policy objectives with respect to the manufacturing industry of the United States.

144. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. INTERAGENCY WORKING GROUP ON FOREIGN POLICE TRAINING.

(a) **ESTABLISHMENT; DUTIES.**—There is established an interagency working group to monitor the foreign police training programs, projects, and activities of the various Federal departments and agencies and coordinate and unify such programs, projects, and activities under a single strategic framework.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the interagency working group should establish a strategy to specify the goals of the foreign police training programs, projects, and activities described in subsection (a), the strategies for achieving such goals, and quantifiable metrics for measuring success. The strategy should also include an interagency mechanism to coordinate the ac-

tions of the Federal departments and agencies carrying out such programs, projects, and activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The interagency working group shall consist of representatives from the Departments of Defense, State, Justice, Homeland Security, Treasury, and Energy, the United States Agency for International Development, and the Millennium Challenge Corporation.

(2) CHAIRPERSON.—The representative from the Department of Defense shall serve as the chairperson of the interagency working group.

(d) REPORT.—The interagency working group shall submit to Congress an annual report on the activities of the interagency working group for the preceding year.

145. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title IX, add the following new section:

SEC. 965. EXPANSION OF OVERSIGHT OFFICES IN DEPARTMENT OF DEFENSE.

(a) ASSISTANT SECRETARY OF DEFENSE FOR CONTINGENCY CONTRACTING.—Section 138(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

“(7) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Contingency Contracting. The Assistant Secretary of Defense for Contingency Contracting is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to planning, funding, staffing, and managing contingency contracting of the Department of Defense.”

(b) REQUIREMENT TO ESTABLISH OFFICE OF CONTINGENCY CONTRACTING.—The Secretary of Defense shall rename and expand the Office of Program Support in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics as the Office of Contingency Contracting. The Office of Contingency Contracting shall be headed by the Assistant Secretary of Defense for Contingency Contracting and shall be responsible for planning, funding, staffing, and managing contingency contracting in the Department of Defense.

146. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 473, line 23, insert “or (4)” after “(2)”.

Page 476, after line 8, insert the following:

(4) EXCEPTION.—The limitation in paragraph (1)(A) shall not apply with respect to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

Page 477, strike line 14 and all that follows through line 17 and insert the following:

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to—

(A) the dismantlement of legacy warheads that are awaiting dismantlement on the date of the enactment of this Act or have been designated for retirement by the date of the enactment of this Act; or

(B) activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

Page 478, line 3, strike “The” and insert “Except as provided by subsection (c), the”.

Page 478, line 21, strike the closed quotation mark and second period.

Page 478, after line 21, insert the following:

“(c) EXCEPTION.—Subsection (a) shall not apply with respect to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.”.

147. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 593, line 3, strike “or”.

Page 593, line 15, strike the period and insert “; or”.

Page 593, after line 15, insert the following:

(3) the reduction, consolidation, or withdrawal of such nuclear forces is—

(A) pursuant to a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

(B) specifically authorized by an Act of Congress.

148. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title III, add the following new section:

SEC. 3 . LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR MIGRATION OF MANAGEMENT OF AIR FORCE ENTERPRISE LOGISTICS SYSTEMS PROGRAM EXECUTIVE OFFICE PENDING COST-BENEFIT ANALYSIS.

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 management for the Enterprise Logistics System Program Executive Office by the Department of the Air Force, 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 the Air Force submits to the congressional defense committees a report on the cost-benefit analysis of migrating the management headquarters for the Enterprise Logistics System Program Executive Office. The report shall address each of the following:

(1) The business case analysis supporting the decision.

(2) An analysis of alternatives to the decision that were considered.

(3) An economic analysis (including a life-cycle cost analysis) of the proposed transition, including a cost-benefit analysis and assessment of sustainment costs.

149. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 911 and insert the following new section:

SEC. 911. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.

(a) **IN GENERAL.**—The Federal Communications Commission shall not lift the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of widespread harmful interference by such commercial terrestrial operations to the Global Positioning System devices of the Department of Defense.

(b) **NOTICE AND COMMENT ON WORKING GROUP REPORT.**—Prior to permitting such commercial terrestrial operations, the Federal Communications Commission shall make available the final working group report mandated by such Order and Authorization and provide all interested parties an opportunity to comment on such report.

(c) **NOTICE TO CONGRESS.**—

(1) **IN GENERAL.**—At the conclusion of the proceeding on such commercial terrestrial operations, the Federal Communications Commission shall submit to the congressional committees described in paragraph (2) official copies of the documents containing the final decision of the Commission regarding whether to permit such commercial terrestrial operations. If the decision is to permit such commercial terrestrial operations, such documents shall contain or be accompanied by an explanation of how the concerns described in subsection (a) have been resolved.

(2) **CONGRESSIONAL COMMITTEES DESCRIBED.**—The congressional committees described in this paragraph are the following:

(A) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

150. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

SEC. ____ . REAUTHORIZATION OF AUTHORITY TO USE FUNDS FOR RE-INTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) **AUTHORITY.**—Subsection (a) of section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392) is amended by striking “fiscal year 2011” and inserting “fiscal year 2012”.

(b) EXPIRATION.—Subsection (e) of such section is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

151. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 507, after line 2, insert the following:

SEC. 1078. REPORT ON THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE ARMED FORCES.

(a) 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 on the National Guard and the reserve components of the Armed Forces.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include a plan to—

(1) ensure that each military department has access to trained, experienced, and ready members of the National Guard and reserve components of the Armed Forces for any mission less than war;

(2) capitalize on the gains made in the readiness of the National Guard and the reserve components during the previous 10-year period; and

(3) ensure the total force is able to sustain commitments throughout the world using the unique skills and capabilities of the National Guard and the reserve components in a predictable and consistent manner.

152. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAVAACK OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. REPEAL OF UNITED STATES INSTITUTE OF PEACE ACT.

Effective as of the date of the enactment of this Act, the United States Institute of Peace Act (title XVII of Public Law 98–525; 22 U.S.C. 4601 et seq.) is repealed.