

112TH CONGRESS  
2D SESSION

# S. 2467

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2012

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

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## A BILL

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

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Defense Au-  
5       thorization Act for Fiscal Year 2013”.

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

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

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

7 (2) DIVISION B.—Military Construction Au-  
 8 thorizations.

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

Sec. 1. Short title.

Sec. 2. Organization of act into divisions; table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Joint Improvised Explosive Device Defeat Fund.

Sec. 106. Defense Production Act purchases.

Subtitle B—Specific Programs

Sec. 111. Multiyear procurement authority for Army CH-47F helicopters.

Sec. 112. Multiyear procurement authority for Arleigh Burke class destroyers  
and associated systems.

Sec. 113. Multiyear procurement authority for V-22 joint aircraft program.

Sec. 114. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 115. Multiyear procurement authority for Virginia class submarine pro-  
gram.

Sec. 116. Extension of multiyear procurement authority for F/A-18E, F/A-  
18F, and EA-18G aircraft.

Sec. 117. Authority for reallocation of certain Aegis weapon system assets be-  
tween and within the DDG-51 destroyer and Aegis Ashore  
programs in order to meet mission requirements.

Sec. 118. Reduction in number of aircraft required to be maintained in stra-  
tegic airlift aircraft inventory.

Sec. 119. Quadrennial long-term plan for the procurement of aircraft for the  
Navy and the Air Force.

Sec. 120. Ford class aircraft carrier procurement.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

## TITLE III—OPERATION AND MAINTENANCE

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

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

## Subtitle B—Reserve Forces

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

## Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

## TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

## Subtitle A—Officer Personnel Policy

- Sec. 501. Exception to 30-year retirement for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 502. Standardization of grade for certain medical and dental branch chief positions.
- Sec. 503. Revision to definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.

- Sec. 505. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.
- Sec. 506. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 507. Force management enhancements.

#### Subtitle B—Reserve Component Management

- Sec. 511. Authority for persons who are lawful permanent residents to be appointed as officers of the National Guard.
- Sec. 512. Placement of National Guard non-dual status technicians in the excepted service with all dual status National Guard technicians.
- Sec. 513. Transfer of responsibility for Reserve Component Suicide Prevention and Resilience Program.
- Sec. 514. Authority for service commitment for reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.
- Sec. 515. Pilot program to allow establishment of active status and inactive status lists of members in the inactive National Guard.
- Sec. 516. Reinstatement of temporary special retirement qualification authority for reserve component members of the Air National Guard of the United States with 15 years of qualifying service.

#### Subtitle C—Education and Training

- Sec. 521. Inclusion of the School of Advanced Military Studies Senior Level Course as a Senior Level service school.
- Sec. 522. Support of Naval Academy athletic programs.
- Sec. 523. Modification of eligibility for associate degree programs under the Community College of the Air Force.
- Sec. 524. Repeal of requirement that at least 50 percent of participants in Senior Reserve Officers' Training Corps program be eligible for in-State tuition.
- Sec. 525. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC.

#### Subtitle D—Defense Dependents Education

- Sec. 531. Transfer of Troops-to-Teachers program from Department of Education to Department of Defense and enhancements to the program.
- Sec. 532. Modification of authority to allow Department of Defense Domestic Dependent Elementary and Secondary schools to enroll certain students.
- Sec. 533. Authority for acceptance of gifts and other private support for Marine Corps University.

#### Subtitle E—Other Matters

- Sec. 541. Air Force Chief and Deputy Chief of Chaplains.
- Sec. 542. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.

- Sec. 543. Modification of prohibition on refusal of voter registration applications and absentee ballot requests.
- Sec. 544. Inclusion of Northern Mariana Islands as a “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 545. Clarification and enhancement of the role of the Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 546. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.
- Sec. 547. Clarification of authorized Fisher House residents at the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.
- Sec. 548. Repeal of alternative mechanism for required allotments from pay for child and spousal support owed by members of the uniformed services on active duty.
- Sec. 549. Reduction in requirements for publication in Federal Register under Solomon Amendment.

#### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

- Sec. 601. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.
- Sec. 602. Transitional compensation for dependent children who were carried during pregnancy at the time of the dependent-abuse offense.
- Sec. 603. Increase in amount of Officer Affiliation Bonus for officers in the Selected Reserve.
- Sec. 604. Basic allowance for housing for two-member couples when one is on sea duty.
- Sec. 605. Change to the definition of dependent for purposes of limiting the terms of consumer credit for certain members of the Armed Forces and their dependents.
- Sec. 606. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 607. Revision to certain definitions relating to families of servicemembers for purposes of family and medical leave.
- Sec. 608. Increase in maximum amount of incentive bonus for reserve component members who convert Military Occupational Specialty to ease personnel shortages.
- Sec. 609. Modifications to Career Intermission Pilot Program.
- Sec. 610. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

#### TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Revisions to TRICARE cost sharing requirements.
- Sec. 702. Requirement for Medicare participating physician or supplier to accept TRICARE and Veterans Affairs participating rates.
- Sec. 703. Authority for automatic enrollment in TRICARE prime of dependents of members in pay grades above pay grade E-4.
- Sec. 704. Exclusion from authorized medical care for dependents of maternity care for fee-basis surrogate pregnancies.

- Sec. 705. Extension of TRICARE Standard coverage and TRICARE Dental Program for members of the Selected Reserve who are involuntarily separated.
- Sec. 706. Clarification of applicability of Federal Tort Claims Act to subcontractors employed to provide health care services to the Department of Defense.
- Sec. 707. Modifications to requirement for Secretary of Defense to conduct mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
- Sec. 708. Inclusion of certain over-the-counter drugs in TRICARE Uniform formulary.

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

- Sec. 801. Reduction in requirements for submission of Selected Acquisition Reports for major defense acquisition programs.
- Sec. 802. Authorization for entering into multiyear contracts with federally funded research and development centers.
- Sec. 803. Authority for the Secretary of Defense to provide fee-for-service inspection and testing by the Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract.
- Sec. 804. Elimination of continuous-days-of-session requirement for congressional notification of the lease of certain vessels by the Department of Defense.
- Sec. 805. Disestablishment of Defense Materiel Readiness Board.
- Sec. 806. Revision to definition of term “commercial item” for purposes of Federal procurement statutes providing procedures for procurement of commercial items.
- Sec. 807. Treatment of reviews of programs experiencing critical cost growth when cost growth is primarily due to quantity changes.
- Sec. 808. Change in authorities relating to scope of work variations.
- Sec. 809. Treatment of procurements on behalf of the Department of Defense in accordance with the Department of Energy’s Work for Others program.
- Sec. 810. Enhancement of review of acquisition process for rapid fielding of capabilities in response to urgent operational needs.
- Sec. 811. Repeal of application of requirement to review ongoing programs initiated prior to certification under section 2366b of title 10, United States Code.
- Sec. 812. Permanent authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 813. Special emergency procurement authority for domestic emergency operations.
- Sec. 814. Defense Coalition Repair Fund.
- Sec. 815. Enhancement of Department of Defense capabilities to deter and respond to contractor fraud.
- Sec. 816. Extension of authority for Task Force for Business and Stability Operations in Afghanistan.
- Sec. 817. Timeliness rules for filing bid protests at the United States Court of Federal Claims.

#### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—Intelligence-Related Matters

- Sec. 901. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
- Sec. 902. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
- Sec. 903. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities and military operations abroad.

### Subtitle B—Space Activities

- Sec. 911. Revisions to policy on development and procurement of unmanned systems.
- Sec. 912. Repeal of requirement for biennial report on Global Positioning System.
- Sec. 913. Repeal of requirement for Operationally Responsive Space Program Office in Department of Defense.
- Sec. 914. Commercial space launch cooperation.

## TITLE X—GENERAL PROVISIONS

- Sec. 1001. Technical amendments to repeal statutory references to United States Joint Forces Command.
- Sec. 1002. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 1003. Congressional funeral support.
- Sec. 1004. Military museums' acceptance of private support.
- Sec. 1005. Clarification of parties with whom Department of Defense may conduct exchanges of real property at military installations.
- Sec. 1006. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
- Sec. 1007. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1008. Pueblo Chemical Depot and Blue Grass Army Depot chemical agent and munitions destruction technologies.
- Sec. 1009. Streamlining of procedures for purchase and release of materials under Strategic and Critical Materials Stockpiling Act.
- Sec. 1010. Requirement for certification once every three years rather than annually for authority to provide certain support for counter-drug activities to specified foreign countries.
- Sec. 1011. Extension of authority to support unified counter-drug and counter-terrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.
- Sec. 1012. Technical clarification of scope of procedures required for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

## TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.
- Sec. 1102. Authority for transportation of family household pets of civilian personnel during evacuation of non-essential personnel.
- Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.

- Sec. 1104. Authority to waive annual limitations on premium and aggregate pay for certain Federal civilian employees working overseas.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Improved administration of the American, British, Canadian, and Australian Armies' Program.
- Sec. 1202. Three-year extension of authority for non-reciprocal exchanges of Defense personnel between the United States and foreign countries.
- Sec. 1203. Repeal of requirement for advance notification to Congress of transfer of certain excess defense articles.
- Sec. 1204. Designation of additional "High Income" countries prohibited from receiving International Military Education and Training Grant Assistance under chapter 5 of the Foreign Assistance Act.
- Sec. 1205. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1206. United States participation in Headquarters Eurocorps.
- Sec. 1207. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
- Sec. 1208. Extension of expiration date of transitional authorities to provide assistance to enhance the capacity of counterterrorism forces of certain East African countries and Yemen.
- Sec. 1209. Three-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense Regional Centers for Security Studies.
- Sec. 1210. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1211. Extension of Commanders' Emergency Response Program in Afghanistan.
- Sec. 1212. Extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1213. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1214. Authority for funds available in the Joint Improvised Explosive Device Defeat Fund to be used to support programs that mitigate threats to United States forces in Afghanistan.
- Sec. 1215. One-year extension and modification of the authority to carry out infrastructure projects in Afghanistan.
- Sec. 1216. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.

## TITLE XIII—OTHER AUTHORIZATIONS

### Subtitle A—Military Programs

- Sec. 1301. Working capital funds.
- Sec. 1302. National Defense Sealift Fund.
- Sec. 1303. Joint Urgent Operational Needs Fund.
- Sec. 1304. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1305. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1306. Defense Inspector General.
- Sec. 1307. Defense Health Program.



Subtitle B—Other Matters

- Sec. 1311. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1312. Authority for transfer of funds to Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

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

- Sec. 1401. Purpose.
- Sec. 1402. Army procurement.
- Sec. 1403. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1404. Navy and Marine Corps procurement.
- Sec. 1405. Air Force procurement.
- Sec. 1406. Joint Urgent Operational Needs Fund.
- Sec. 1407. Defense-wide activities procurement.
- Sec. 1408. Research, development, test, and evaluation.
- Sec. 1409. Operation and maintenance.
- Sec. 1410. Military personnel.
- Sec. 1411. Working Capital Funds.
- Sec. 1412. Defense Health Program.
- Sec. 1413. Drug Interdiction and Counter-Drug Activities, Defense-Wide.
- Sec. 1414. Defense Inspector General.
- Sec. 1415. Afghanistan Security Forces Fund.

TITLE XV—MILITARY RETIREMENT MODERNIZATION  
COMMISSION

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

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

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

Sec. 1606. Other benefits for deployed employees in a designated zone of armed conflict.

#### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

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

#### TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2105. Additional authority to carry out certain fiscal year 2013 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2107. Extension of authorizations of certain fiscal year 2010 projects.

#### TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Extension of authorizations of certain fiscal year 2010 projects.

#### TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized air force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Additional authority to carry out certain fiscal year 2013 projects.

Sec. 2306. Extension of authorizations of certain fiscal year 2010 projects.

#### TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

##### Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized defense agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Extension of authorization of certain fiscal year 2010 project.

Sec. 2405. Modification of authority to carry out certain fiscal year 2012 projects.

##### Subtitle B—Chemical Demilitarization Authorizations

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

Sec. 2412. Modification of authority to carry out certain fiscal year 1997 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2010 and 2011 projects.

Sec. 2612. Additional authority to carry out certain fiscal year 2013 Army projects.

Sec. 2613. Additional authority to carry out certain fiscal year 2013 Air Force projects.

Sec. 2614. Extension of authorization of certain fiscal year 2009 project.

Sec. 2615. Extension of authorization of certain fiscal year 2010 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Technical amendments to section 2702 of fiscal year 2012 act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Sec. 2801. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.

Sec. 2802. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.

Sec. 2803. Authority for use of multiple appropriations for infrastructure projects at Arlington National Cemetery.

Sec. 2804. Revisions to minor military construction authorities.

Sec. 2805. Authority for acceptance of funds to cover administrative expenses associated with real property leases and easements.

Sec. 2806. Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.  
 Sec. 2902. The Commission.  
 Sec. 2903. Procedure for making recommendations for base closures and re-alignments.  
 Sec. 2904. Closure and realignment of military installations.  
 Sec. 2905. Implementation.  
 Sec. 2906. Department of Defense Base Closure Account 2012.  
 Sec. 2907. Reports.  
 Sec. 2908. Congressional consideration of Commission report.  
 Sec. 2909. Restriction on other base closure authority.  
 Sec. 2910. Definitions.  
 Sec. 2911. Treatment as a base closure law for purposes of other provisions of law.  
 Sec. 2912. Conforming amendments.

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

6     **SEC. 101. ARMY.**

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

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

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

11            (3) For weapons and tracked combat vehicles,  
 12     \$1,501,706,000.

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

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

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

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

19            (1) For aircraft, \$17,129,296,000.

1           (2) For weapons, including missiles and tor-  
2 pedoes, \$3,117,578,000.

3           (3) For shipbuilding and conversion,  
4 \$13,579,845,000.

5           (4) For other procurement, \$6,169,378,000.

6           (5) For procurement, Marine Corps,  
7 \$1,622,955,000.

8           (6) For ammunition procurement, Navy and  
9 Marine Corps, \$759,539,000.

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

11       (a) FISCAL YEAR 2013.—Funds are hereby author-  
12 ized to be appropriated for fiscal year 2013 for procure-  
13 ment for the Air Force as follows:

14           (1) For aircraft, \$11,002,999,000.

15           (2) For ammunition, \$599,194,000.

16           (3) For missiles, \$5,491,846,000.

17           (4) For other procurement, \$16,720,848,000.

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

25           (1) For fiscal year 2014, \$833,500,000.

1 (2) For fiscal year 2015, \$763,900,000.

2 (3) For fiscal year 2016, \$708,400,000.

3 (4) For fiscal year 2017, \$1,107,200,000.

4 (5) For fiscal year 2018, \$1,013,700,000.

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

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2013 for Defense-wide procurement in the  
8 amount of \$4,187,935,000.

9 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
10 **FUND.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal year 2013 for the Joint Improvised Explosive Device  
13 Defeat Fund in the amount of \$227,414,000.

14 **SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2013 for purchases under the Defense Produc-  
17 tion Act of 1950 (50 U.S.C. App. 2061 et seq.) in the  
18 amount of \$89,189,000.

19 **Subtitle B—Specific Programs**

20 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
21 **ARMY CH-47F HELICOPTERS.**

22 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—  
23 Subject to section 2306b of title 10, United States Code,  
24 the Secretary of the Army may enter into a multiyear con-  
25 tract or contracts, beginning with the fiscal year 2013 pro-

1 gram year, for the procurement of airframes for CH-47F  
2 helicopters.

3 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
4 MENTS.—A contract entered into under subsection (a)  
5 shall provide that any obligation of the United States to  
6 make a payment under the contract for a fiscal year after  
7 fiscal year 2013 is subject to the availability of appropria-  
8 tions for that purpose for such later fiscal year.

9 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
10 **ARLEIGH BURKE CLASS DESTROYERS AND**  
11 **ASSOCIATED SYSTEMS.**

12 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—  
13 Subject to section 2306b of title 10, United States Code,  
14 the Secretary of the Navy may enter into multiyear con-  
15 tracts, beginning with the fiscal year 2013 program year,  
16 for the procurement of Arleigh Burke class guided missile  
17 destroyers, as well as the AEGIS Weapon Systems, MK  
18 41 Vertical Launching Systems, and Commercial  
19 Broadband Satellite Systems associated with those vessels.

20 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The  
21 Secretary of the Navy may enter into one or more con-  
22 tracts, beginning in fiscal year 2013, for advance procure-  
23 ment associated with the vessels and systems for which  
24 authorization to enter into a multiyear procurement con-  
25 tract is provided under subsection (a).

1 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
 2 MENTS.—A contract entered into under subsection (a)  
 3 shall provide that any obligation of the United States to  
 4 make a payment under the contract for a fiscal year after  
 5 fiscal year 2013 is subject to the availability of appropria-  
 6 tions or funds for that purpose for such later fiscal year.

7 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22**  
 8 **JOINT AIRCRAFT PROGRAM.**

9 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—  
 10 Subject to section 2306b of title 10, United States Code,  
 11 the Secretary of the Navy may enter into a multiyear con-  
 12 tract or contracts, beginning with the fiscal year 2013 pro-  
 13 gram year, for the procurement of V-22 aircraft for the  
 14 Department of the Navy, Department of the Air Force  
 15 and the United States Special Operations Command.

16 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
 17 MENTS.—A contract entered into under subsection (a)  
 18 shall provide that any obligation of the United States to  
 19 make a payment under the contract for a fiscal year after  
 20 fiscal year 2013 is subject to the availability of appropria-  
 21 tions for that purpose for such later fiscal year.

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

24 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—  
 25 Of the amount appropriated or otherwise made available



1 for shipbuilding and conversion, Navy, for fiscal year  
 2 2013, \$1,613,392,000 is authorized to be available for the  
 3 commencement of the nuclear refueling and complex over-  
 4 haul of the U.S.S. Abraham Lincoln (CVN-72) during fis-  
 5 cal year 2013. The amount authorized to be made avail-  
 6 able in the preceding sentence is the first increment in  
 7 the two-year sequence of incremental funding planned for  
 8 the nuclear refueling and complex overhaul of that vessel.

9 (b) CONTRACT AUTHORITY.—The Secretary of the  
 10 Navy is authorized to enter into a contract during fiscal  
 11 year 2013 for the nuclear refueling and complex overhaul  
 12 of the U.S.S. Abraham Lincoln.

13 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
 14 MENTS.—A contract entered into under subsection (b)  
 15 shall provide that any obligation of the United States to  
 16 make a payment under the contract for a fiscal year after  
 17 fiscal year 2013 is subject to the availability of appropria-  
 18 tions for that purpose for that later fiscal year.

19 **SEC. 115. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**  
 20 **GINIA CLASS SUBMARINE PROGRAM.**

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

1 Government-furnished equipment associated with the Vir-  
 2 ginia class submarine program.

3 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The  
 4 Secretary of the Navy may enter into one or more con-  
 5 tracts, beginning in fiscal year 2013, for advance procure-  
 6 ment associated with the vessels and equipment for which  
 7 authorization to enter into a multiyear procurement con-  
 8 tract is provided under subsection (a).

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

15 **SEC. 116. EXTENSION OF MULTIYEAR PROCUREMENT AU-**  
 16 **THORITY FOR F/A-18E, F/A-18F, AND EA-18G**  
 17 **AIRCRAFT.**

18 Section 128 of the National Defense Authorization  
 19 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
 20 2217), as amended by Public Law 111–238 (124 Stat.  
 21 2500), is further amended by adding at the end the fol-  
 22 lowing new subsection:

23 “(f) EXTENSION OF MULTIYEAR AUTHORITY.—With  
 24 respect to a multiyear contract entered into under sub-  
 25 section (a), the Secretary of the Navy may, notwith-

1 standing any provision of section 2306b of title 10, United  
 2 States Code, to the contrary, modify such contract to add  
 3 a fifth production year to the contract.”.

4 **SEC. 117. AUTHORITY FOR REALLOCATION OF CERTAIN**  
 5 **AEGIS WEAPON SYSTEM ASSETS BETWEEN**  
 6 **AND WITHIN THE DDG-51 DESTROYER AND**  
 7 **AEGIS ASHORE PROGRAMS IN ORDER TO**  
 8 **MEET MISSION REQUIREMENTS.**

9 (a) **AUTHORITY.**—Notwithstanding any other provi-  
 10 sion of law, the Secretary of the Navy is authorized to  
 11 provide Aegis Weapon System (AWS) equipment with Bal-  
 12 listic Missile Defense (BMD) capability to the Missile De-  
 13 fense Agency (MDA) for use in its Aegis Ashore System  
 14 for installation in the country designated as Host Nation  
 15 #1 (HN-1) by transferring to MDA such equipment pro-  
 16 cured with prior-year Shipbuilding and Conversion, Navy  
 17 (SCN) appropriations for the DDG-51 Destroyer Pro-  
 18 gram. The Secretary of the Navy is further authorized to  
 19 make adjustments in equipment deliveries in accordance  
 20 with subparagraph (a)(2) of this section as needed to sup-  
 21 port shipbuilding schedules for affected ships. The Sec-  
 22 retary of the Navy is further authorized to install on an  
 23 SCN-funded DDG-51 Class Destroyer, AWS equipment  
 24 with BMD capability procured using appropriations for  
 25 Research, Development, Test and Evaluation, Defense-

1 Wide (RDT&E,DW). The authority of the Secretary of the  
2 Navy under this section shall consist of the following spe-  
3 cific authorizations:

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

9 (2) The Secretary of the Navy may obligate  
10 funds appropriated under the subdivision of appro-  
11 priations “DDG-51 Destroyer” under the heading  
12 “SHIPBUILDING AND CONVERSION, NAVY” for FY  
13 2012, or may use any AWS assets acquired with  
14 such funds, to deliver complete, mission-ready AWS  
15 with BMD capability to any DDG-51 Class De-  
16 stroyer for which SCN funds were appropriated in  
17 FY 2011.

18 (3) The Director, MDA shall transfer AWS  
19 equipment with BMD capability procured for instal-  
20 lation in a shore-based AWS to the Department of  
21 the Navy for the DDG-51 Destroyer Program to re-  
22 place equipment transferred to MDA under the au-  
23 thority of subparagraph (a)(1). Notwithstanding the  
24 appropriation that funded the acquisition of such re-  
25 placement equipment, the Secretary of the Navy

1 shall fund all work necessary to complete construc-  
 2 tion and outfitting of any recipient DDG-51 Class  
 3 Destroyer in the same manner as if the replacement  
 4 equipment had been acquired using SCN appropria-  
 5 tions.

6 (b) RELATIONSHIP TO OTHER LAW.—Nothing in this  
 7 section shall be construed to repeal or otherwise modify  
 8 in any way the limitation on obligation or expenditure of  
 9 funds for missile defense interceptors in Europe as speci-  
 10 fied in section 223 of the Ike Skelton National Defense  
 11 Authorization Act for Fiscal Year 2011 (Public Law 111-  
 12 383).

13 **SEC. 118. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED**  
 14 **TO BE MAINTAINED IN STRATEGIC AIRLIFT**  
 15 **AIRCRAFT INVENTORY.**

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

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

21 (2) by striking “301 aircraft” and inserting  
 22 “275 aircraft”.

23 (b) MODIFICATION OF CERTIFICATION REQUIRE-  
 24 MENT.—Subsection (d)(3)(B) of section 137 of the Na-  
 25 tional Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84; 123 Stat. 2221) is amended by strik-  
 2 ing “316 strategic airlift aircraft” and inserting “275  
 3 strategic airlift aircraft”.

4 **SEC. 119. QUADRENNIAL LONG-TERM PLAN FOR THE PRO-**  
 5 **CUREMENT OF AIRCRAFT FOR THE NAVY**  
 6 **AND THE AIR FORCE.**

7 (a) IN GENERAL.—Section 231a of title 10, United  
 8 States Code, is amended to read as follows:

9 **“§ 231a. Long-range plan for procurement of aircraft**  
 10 **for the Navy and Air Force**

11 “(a) QUADRENNIAL AIRCRAFT PROCUREMENT  
 12 PLAN.—At the same time that the budget of the President  
 13 is submitted under section 1105(a) of title 31 during each  
 14 year in which the Secretary of Defense submits a quadren-  
 15 nial defense review, the Secretary of Defense shall submit  
 16 to the congressional defense committees a long-range plan  
 17 for the procurement of covered aircraft for the Depart-  
 18 ment of the Navy and the Department of the Air Force  
 19 that supports the aviation force structure recommenda-  
 20 tions of the quadrennial defense review.

21 “(b) MATTERS INCLUDED.—Each aircraft procure-  
 22 ment plan under subsection (a) shall include the following:

23 “(1) A detailed schedule for procurement of  
 24 covered aircraft for the Department of the Navy and  
 25 the Department of the Air Force for the 10-year pe-

1       riod beginning on the date on which the plan is sub-  
2       mitted.

3           “(2) A notional procurement schedule for the  
4       20-year period beginning on the date that is 10  
5       years after the date on which the plan is submitted.

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

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

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

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

20       “(c) ASSESSMENT WHEN AIRCRAFT PROCUREMENT  
21       BUDGET IS INSUFFICIENT.—If the budget for a fiscal  
22       year provides for funding of the procurement of covered  
23       aircraft for either the Department of the Navy or the De-  
24       partment of the Air Force at a level that is less than the  
25       level determined necessary by the Director of Cost Assess-

1 ment and Program Evaluation under subsection  
 2 (b)(3)(B), the Secretary of Defense shall include with the  
 3 defense budget materials for that fiscal year an assess-  
 4 ment that describes and discusses the risks associated  
 5 with the budget, including the risk associated with a re-  
 6 duced force structure of aircraft that may result from  
 7 funding covered aircraft procurement at such level.

8 “(d) CBO EVALUATION.—Not later than 60 days  
 9 after the date on which the congressional defense commit-  
 10 tees receive the plan under subsection (a), the Director  
 11 of the Congressional Budget Office shall submit to such  
 12 committees a report assessing the sufficiency of the esti-  
 13 mated levels of annual funding included in such plan with  
 14 respect to the budget submitted during the year in which  
 15 the plan is submitted and the future-years defense pro-  
 16 gram submitted under section 221 of this title.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘covered aircraft’ means the fol-  
 19 lowing:

20 “(A) Fighter aircraft.

21 “(B) Attack aircraft.

22 “(C) Bomber aircraft.

23 “(D) Strategic lift aircraft.

24 “(E) Intratheater lift aircraft.



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

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

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

•S 2467 IS

1 **SEC. 120. FORD CLASS AIRCRAFT CARRIER PROCUREMENT.**

2 (a) CONTRACT AUTHORITY FOR CONSTRUCTION OF  
3 AIRCRAFT CARRIERS DESIGNATED AS CVN-78, CVN-79,  
4 AND CVN-80.—In the fiscal year immediately following  
5 the last fiscal year of the contract for advance procure-  
6 ment for a CVN-21 class aircraft carrier designated  
7 CVN-78, CVN-79 or CVN-80, the Secretary of the Navy  
8 may enter into a contract for the construction of such air-  
9 craft carrier to be funded in the fiscal year of such con-  
10 tract for construction and the succeeding four fiscal years,  
11 in the case of the vessel designated CVN-78, and the suc-  
12 ceeding five fiscal years, in the case of the vessels des-  
13 ignated CVN-79 and CVN-80.

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

20 (c) REPEAL OF SUPERSEDED PROVISION.—Section  
21 121 of the John Warner National Defense Authorization  
22 Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat.  
23 2104) is repealed.

1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUA-**  
3 **TION**

4 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

8 (1) For the Army, \$8,929,415,000.

9 (2) For the Navy, \$16,882,877,000.

10 (3) For the Air Force, \$25,428,046,000.

11 (4) For Defense-wide activities,  
12 \$17,982,161,000.

13 (5) For the Director of Operational Test and  
14 Evaluation, \$185,268,000.

15 **SEC. 202. ELIGIBILITY FOR DEPARTMENT OF DEFENSE**  
16 **LABORATORIES TO ENTER INTO EDU-**  
17 **CATIONAL PARTNERSHIPS WITH EDU-**  
18 **CATIONAL INSTITUTIONS IN UNITED STATES**  
19 **TERRITORIES AND POSSESSIONS.**

20 (a) **ELIGIBILITY.**—Section 2194(a) of title 10,  
21 United States Code, is amended by inserting “, the Com-  
22 monwealth of Puerto Rico, the Commonwealth of the  
23 Northern Mariana Islands, and any possession of the  
24 United States” after “institutions of the United States”.

1 (b) TECHNICAL AMENDMENT.—Paragraph (2) of  
 2 such section is amended by inserting “(20 U.S.C. 7801)”  
 3 before the period.

4 **SEC. 203. TRANSFER OF ADMINISTRATION OF OCEAN RE-**  
 5 **SEARCH ADVISORY PANEL FROM DEPART-**  
 6 **MENT OF THE NAVY TO NATIONAL OCEANIC**  
 7 **AND ATMOSPHERIC ADMINISTRATION.**

8 (a) AUTHORITY FOR OCEAN RESEARCH AND RE-  
 9 SOURCES ADVISORY PANEL.—Subsection (a) of section  
 10 7903 of title 10, United States Code, is amended—

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

12 (A) by inserting “, through the Adminis-  
 13 trator of the National Oceanic and Atmospheric  
 14 Administration,” after “The Council”;

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

17 (C) by striking “Panel consisting” and in-  
 18 serting “Panel. The Panel shall consist”; and

19 (D) by striking “chairman” and inserting  
 20 “Administrator of the National Oceanic and At-  
 21 mospheric Administration, on behalf of the  
 22 Council”;

23 (2) in paragraph (1), by striking “National  
 24 Academy of Science” and inserting “National Acad-  
 25 emies”; and

1           (3) by striking paragraphs (2) and (3) and re-  
 2           designating paragraphs (4) and (5) as paragraphs  
 3           (2) and (3), respectively.

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

6           (1) by inserting “, through the Administrator of  
 7           the National Oceanic and Atmospheric Administra-  
 8           tion,” after “The Council”;

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

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

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

15               “(3) To provide the Council strategic advice re-  
 16               garding national ocean program execution and col-  
 17               laboration.”.

18          (c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—  
 19          Subsection (c) of such section is amended by striking  
 20          “Secretary of the Navy” and inserting “Secretary of Com-  
 21          merce”.

22          (d) CONFORMING AMENDMENT.—Section 7902(e)(1)  
 23          of such title is amended by striking “Ocean Research Ad-  
 24          visory Panel” and inserting “Ocean Research and Re-  
 25          sources Advisory Panel”.

1 (e) CLERICAL AMENDMENTS.—

2 (1) SECTION HEADING.—The heading of section  
3 7903 of such title is amended to read as follows:

4 “§ 7903. **Ocean Research and Resources Advisory**  
5 **Panel**”.

6 (2) TABLE OF SECTIONS.—The item relating to  
7 such section in the table of sections at the beginning  
8 of chapter 665 of such title is amended to read as  
9 follows:

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

10 (f) REFERENCES.—Any reference to the Ocean Re-  
11 search Advisory Panel in any law, regulation, map, docu-  
12 ment, record, or other paper of the United States shall  
13 be deemed to be a reference to the Ocean Research and  
14 Resources Advisory Panel.

## 15 **TITLE III—OPERATION AND** 16 **MAINTENANCE**

### 17 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

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

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

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

25 (3) For the Marine Corps, \$5,983,163,000.

1           (4) For the Air Force, \$35,435,360,000.

2           (5)       For       Defense-wide       activities,  
3     \$31,993,013,000.

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

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

6           (8)   For   the   Marine   Corps   Reserve,  
7     \$272,285,000.

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

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

11          (11)   For   the   Air   National   Guard,  
12    \$6,015,455,000.

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

15          (13) For the Department of Defense Acquisi-  
16    tion Workforce Development Fund, \$274,198,000.

17          (14) For Environmental Restoration, Army,  
18    \$335,921,000.

19          (15) For Environmental Restoration, Navy,  
20    \$310,594,000.

21          (16) For Environmental Restoration, Air Force,  
22    \$529,263,000.

23          (17) For Environmental Restoration, Defense-  
24    wide, \$11,133,000.

1           (18) For Environmental Restoration, Formerly  
2       Used Defense Sites, \$237,543,000.

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

5           (20) For Cooperative Threat Reduction pro-  
6       grams, \$519,111,000.

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

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

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

14           (2) by striking subsection (b).

15       **SEC. 303. REPEAL OF CERTAIN RECORD KEEPING AND RE-**  
16                               **PORTING REQUIREMENTS APPLICABLE TO**  
17                               **COMMISSARY AND EXCHANGE STORES OVER-**  
18                               **SEAS.**

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

21       (b) TECHNICAL AMENDMENTS.—Such section is fur-  
22   ther amended—

23           (1) by striking “(1)” after “(a) GENERAL AU-  
24       THORITY.—”;



1           (2) by redesignating paragraph (2) as sub-  
 2           section (b) and inserting “LIMITATIONS.—” before  
 3           “In establishing”; and

4           (3) by redesignating subparagraphs (A) and  
 5           (B) as paragraphs (1) and (2), respectively.

6 **SEC. 304. AUTHORITY TO PAY FOR CONTRACT FEES AND**  
 7 **PROGRAM COSTS OF THE DEPARTMENT OF**  
 8 **DEFENSE OVERSEAS MILITARY BANKING**  
 9 **PROGRAM FROM OPERATING AND RETAINED**  
 10 **REVENUE OF THE PROGRAM.**

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

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

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

25           (b) COLLECTION OF AMOUNTS OWED.—

1           (1) AUTHORITY TO COLLECT AMOUNTS OWED  
2       BY DEDUCTIONS FROM PAY.—Under regulations pre-  
3       scribed by the Secretary of Defense, at the request  
4       of the head of the Program, a disbursing official of  
5       the United States may, on behalf of the Program,  
6       collect by deduction from the amount of pay owed to  
7       a member or an employee any amount of funds the  
8       member or employee owes to the Program as a re-  
9       sult of delinquencies or a default on loans or fees  
10      not disputed by the member or employee. The  
11      amount deducted from the pay owed to a member or  
12      an employee with respect to a pay period may not  
13      exceed 15 percent of the disposable pay of the mem-  
14      ber or employee for that pay period, except that a  
15      greater percentage may be deducted with the written  
16      consent of the member or employee.

17           (2) DUE PROCESS PROTECTIONS.—Collections  
18      under this subsection shall be carried out in accord-  
19      ance with procedures substantially equivalent to the  
20      procedures required under section 3716(a) of title  
21      31, United States Code.

1 **SEC. 305. EXPANSION OF USE OF UNIFORM FUNDING AU-**  
2 **THORITY TO PERMANENT CHANGE OF STA-**  
3 **TION AND TEMPORARY DUTY LODGING PRO-**  
4 **GRAMS OPERATED THROUGH NON-**  
5 **APPROPRIATED FUND INSTRUMENTALITIES.**

6 (a) INCLUSION OF ADDITIONAL PROGRAMS.—Sub-  
7 section (a) of section 2491 of title 10, United States Code,  
8 is amended—

9 (1) by striking “Under regulations” and insert-  
10 ing “(1) Under regulations”;

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

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

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

19 “(2) This section applies with respect to the fol-  
20 lowing:

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

23 “(B) Permanent change of station and tem-  
24 porary duty lodging programs conducted as supple-  
25 mental mission programs of the Department of De-  
26 fense.”.

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

3 (1) in subsection (b), by striking “morale, wel-  
 4 fare, and recreation program” and inserting “pro-  
 5 gram specified in subsection (a)(2)”; and

6 (2) in subsection (c)(1), by striking “morale,  
 7 welfare, and recreation programs within the Depart-  
 8 ment of Defense” and inserting “a program speci-  
 9 fied in subsection (a)(2)”.

10 (c) CLERICAL AMENDMENTS.—

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

13 **“§ 2491. Uniform funding and management of morale,**  
 14 **welfare, and recreation programs and**  
 15 **certain supplemental mission programs”.**

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

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

1                   **TITLE IV—MILITARY**  
2           **PERSONNEL AUTHORIZATIONS**  
3                   **Subtitle A—Active Forces**

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

5           The Armed Forces are authorized strengths for active  
6   duty personnel as of September 30, 2013, as follows:

- 7                   (1) The Army, 552,100.  
8                   (2) The Navy, 322,700.  
9                   (3) The Marine Corps, 197,300.  
10                  (4) The Air Force, 328,900.

11                   **Subtitle B—Reserve Forces**

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

13           (a) IN GENERAL.—The Armed Forces are authorized  
14   strengths for Selected Reserve personnel of the reserve  
15   components as of September 30, 2013, as follows:

- 16                   (1) The Army National Guard of the United  
17   States, 358,200.  
18                   (2) The Army Reserve, 205,000.  
19                   (3) The Navy Reserve, 62,500.  
20                   (4) The Marine Corps Reserve, 39,600.  
21                   (5) The Air National Guard of the United  
22   States, 101,600.  
23                   (6) The Air Force Reserve, 70,500.  
24                   (7) The Coast Guard Reserve, 9,000.

1       (b)   END   STRENGTH   REDUCTIONS.—The   end  
2 strengths prescribed by subsection (a) for the Selected Re-  
3 serve of any reserve component shall be proportionately  
4 reduced by—

5           (1) the total authorized strength of units orga-  
6 nized to serve as units of the Selected Reserve of  
7 such component which are on active duty (other  
8 than for training) at the end of the fiscal year; and  
9           (2) the total number of individual members not  
10 in units organized to serve as units of the Selected  
11 Reserve of such component who are on active duty  
12 (other than for training or for unsatisfactory partici-  
13 pation in training) without their consent at the end  
14 of the fiscal year.

15       (c) END STRENGTH INCREASES.—Whenever units or  
16 individual members of the Selected Reserve for any reserve  
17 component are released from active duty during any fiscal  
18 year, the end strength prescribed for such fiscal year for  
19 the Selected Reserve of such reserve component shall be  
20 increased proportionately by the total authorized strengths  
21 of such units and by the total number of such individual  
22 members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section  
4 411(a), the reserve components of the Armed Forces are  
5 authorized, as of September 30, 2013, the following num-  
6 ber of Reserves to be serving on full-time active duty or  
7 full-time duty, in the case of members of the National  
8 Guard, for the purpose of organizing, administering, re-  
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United  
11 States, 32,060.

12 (2) The Army Reserve, 16,277.

13 (3) The Navy Reserve, 10,114.

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

15 (5) The Air National Guard of the United  
16 States, 14,305.

17 (6) The Air Force Reserve, 2,888.

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

20 The minimum number of military technicians (dual  
21 status) as of the last day of fiscal year 2013 for the re-  
22 serve components of the Army and the Air Force (notwith-  
23 standing section 129 of title 10, United States Code) shall  
24 be the following:

25 (1) For the Army Reserve, 8,445.

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

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

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

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

8           (a) LIMITATIONS.—

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

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

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

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

21           (3) AIR FORCE RESERVE.—The number of non-  
22 dual status technicians employed by the Air Force  
23 Reserve as of September 30, 2013, may not exceed  
24 90.



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

5 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
 6 **THORIZED TO BE ON ACTIVE DUTY FOR**  
 7 **OPERATIONAL SUPPORT.**

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

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

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

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

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

18           (5) The Air National Guard of the United  
 19 States, 16,000.

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

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

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

4        (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 hereby authorized to be appropriated for military per-  
6 sonnel for fiscal year 2013 a total of \$128,430,025,000.

7        (b) CONSTRUCTION OF AUTHORIZATION.—The au-  
8 thorization of appropriations in subsection (a) supersedes  
9 any other authorization of appropriations (definite or in-  
10 definite) for such purpose for fiscal year 2013.

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

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

#### 15    **SEC. 501. EXCEPTION TO 30-YEAR RETIREMENT FOR REG-** 16        **ULAR NAVY WARRANT OFFICERS IN THE** 17        **GRADE OF CHIEF WARRANT OFFICER, W-5.**

18        (a) EXCEPTION TO 30-YEAR STATUTORY RETIRE-  
19 MENT.—Paragraph (1) of section 1305(a) of title 10,  
20 United States Code, is amended—

21            (1) by inserting “or a regular Navy warrant of-  
22 ficer in the grade of chief warrant officer, W-5, ex-  
23 empted under paragraph (3)” after “Army warrant  
24 officer”; and

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

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

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

9 **SEC. 502. STANDARDIZATION OF GRADE FOR CERTAIN**  
 10 **MEDICAL AND DENTAL BRANCH CHIEF POSI-**  
 11 **TIONS.**

12 (a) ARMY.—

13 (1) CHIEF OF NURSE CORPS.—Section 3069(b)  
 14 of title 10, United States Code, is amended by strik-  
 15 ing “major general” in the second sentence and in-  
 16 serting “brigadier general”.

17 (2) DEPUTY AND ASSISTANT CHIEFS OF  
 18 BRANCHES.—Section 3039(b) of such title is amend-  
 19 ed by striking “major general” in the last sentence  
 20 and inserting “brigadier general”.

21 (b) NAVY.—

22 (1) CHIEF OF DENTAL CORPS.—Section  
 23 5138(a) of such title is amended by striking “not  
 24 below” and inserting “in”.

1           (2) DIRECTOR OF NURSE CORPS.—Section  
2       5150(c) of such title is amended—

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

7           (B) by striking the last sentence.

8           (3) CONFORMING AMENDMENT.—Section  
9       526(a)(2) of such title is amended by striking “160”  
10      and inserting “161”.

11      (c) AIR FORCE.—

12           (1) CHIEF OF NURSE CORPS.—Section 8069(b)  
13      of such title is amended by striking “major general”  
14      in the second sentence and inserting “brigadier gen-  
15      eral”.

16           (2) ASSISTANT SURGEON GENERAL FOR DEN-  
17      TAL SERVICES.—Section 8081 of such title is  
18      amended by striking “major general” in the second  
19      sentence and inserting “brigadier general”.

20      **SEC. 503. REVISION TO DEFINITION OF JOINT DUTY AS-**  
21                                   **SIGNMENT TO INCLUDE ALL INSTRUCTOR AS-**  
22                                   **SIGNMENTS FOR JOINT TRAINING AND EDU-**  
23                                   **CATION.**

24      Section 668(b)(2) of title 10, United States Code, is  
25      amended by striking “assignments for joint” and all that

1 follows through “Phase II” and inserting “student assign-  
2 ments for joint training and education”.

3 **SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO RE-**  
4 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**  
5 **AS A COMMISSIONED OFFICER REQUIRED**  
6 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**  
7 **CER.**

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

11 (b) NAVY AND MARINE CORPS.—Section  
12 6323(a)(2)(B) of such title is amended by striking “Sep-  
13 tember 30, 2013” and inserting “September 30, 2018”.

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

17 (d) TECHNICAL AMENDMENTS.—Each of the sections  
18 specified in subsections (a), (b), and (c) is further amend-  
19 ed by striking “the date of the enactment of the Ike Skel-  
20 ton National Defense Authorization Act for Fiscal Year  
21 2011” and inserting “January 7, 2011,”.

1 **SEC. 505. TEMPORARY INCREASE IN THE TIME-IN-GRADE**  
 2 **RETIREMENT WAIVER LIMITATION FOR LIEU-**  
 3 **TENANT COLONELS AND COLONELS IN THE**  
 4 **ARMY, AIR FORCE, AND MARINE CORPS AND**  
 5 **COMMANDERS AND CAPTAINS IN THE NAVY.**

6 Section 1370(a)(2)(F) of title 10, United States  
 7 Code, is amended—

8 (1) by striking “December 31, 2007” and in-  
 9 serting “September 30, 2018”; and

10 (2) by striking “Air Force” and inserting  
 11 “Army, Air Force, and Marine Corps”.

12 **SEC. 506. MODIFICATION TO LIMITATIONS ON NUMBER OF**  
 13 **OFFICERS FOR WHOM SERVICE-IN-GRADE RE-**  
 14 **QUIREMENTS MAY BE REDUCED FOR RETIRE-**  
 15 **MENT IN GRADE UPON VOLUNTARY RETIRE-**  
 16 **MENT.**

17 Section 1370(a)(2) of title 10, United States Code,  
 18 is amended—

19 (1) in subparagraph (E), by inserting “, or two,  
 20 whichever is greater” before the period at the end;  
 21 and

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

24 “(G) Notwithstanding subparagraph (E), during the  
 25 period ending on September 30, 2017, the total number  
 26 of brigadier generals and major generals of the Army, Air

1 Force, and Marine Corps, and the total number of rear  
 2 admirals (lower half) and rear admirals of the Navy, for  
 3 whom a reduction is made under this section during any  
 4 fiscal year in the period of service-in-grade otherwise re-  
 5 quired under this paragraph—

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

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

14 **SEC. 507. FORCE MANAGEMENT ENHANCEMENTS.**

15 (a) REINSTATEMENT OF AUTHORITY FOR EN-  
 16 HANCED SELECTIVE EARLY RETIREMENT BOARDS AND  
 17 EARLY DISCHARGES.—Section 638a of title 10, United  
 18 States Code, is amended—

19 (1) in subsection (a)—

20 (A) by striking “, during the period begin-  
 21 ning on October 1, 1990,” and all that follows  
 22 through “December 31, 2012,”; and

23 (B) by inserting at the end the following  
 24 new sentence: “Any such authority provided the  
 25 Secretary of a military department under the

1 preceding sentence shall expire as specified by  
 2 the Secretary of Defense, but not later than  
 3 December 31, 2018.”;

4 (2) in subsection (b), by striking paragraph (3);  
 5 (3) by adding at the end of subsection (c) the  
 6 following new paragraph:

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

15 (4) in subsection (d)(2), by striking “except  
 16 that during the period beginning on October 1,  
 17 2006, and ending on December 31, 2012,” in sub-  
 18 paragraphs (A) and (B) and inserting “except that  
 19 through December 31, 2018,”.

20 (b) AUTHORITY TO REDUCE YEARS OF SERVICE FOR  
 21 MANDATORY RETIREMENT FOR CERTAIN OFFICERS IN  
 22 PAY GRADES O–5 AND O–6.—

23 (1) LIEUTENANT COLONELS AND NAVY COM-  
 24 MANDERS.—Section 633 of such title is amended by  
 25 adding at the end the following new subsection:



1       “(c) AUTHORITY FOR EARLIER MANDATORY RETIRE-  
 2 MENT.—Under regulations prescribed by the Secretary of  
 3 Defense, during the period beginning on January 1, 2013,  
 4 and ending on December 31, 2018, the Secretary con-  
 5 cerned may reduce the amount of service specified in sub-  
 6 section (a) from 28 years to a period (determined by the  
 7 Secretary concerned) of not less than 25 years of active  
 8 commissioned service. Any such reduction under this sub-  
 9 section may not become effective before the first day of  
 10 the twelfth calendar month beginning after the month in  
 11 which the Secretary concerned approves and announces  
 12 the reduction.”.

13           (2) COLONELS AND NAVY CAPTAINS.—Section  
 14 634 of such title is amended by adding at the end  
 15 the following new subsection:

16       “(c) AUTHORITY FOR EARLIER MANDATORY RETIRE-  
 17 MENT.—Under regulations prescribed by the Secretary of  
 18 Defense, during the period beginning on January 1, 2013,  
 19 and ending on December 31, 2018, the Secretary con-  
 20 cerned may reduce the amount of service specified in sub-  
 21 section (a) from 30 years to a period (determined by the  
 22 Secretary concerned) of not less than 27 years of active  
 23 commissioned service. Any such reduction under this sub-  
 24 section may not become effective before the first day of  
 25 the twelfth calendar month beginning after the month in

1 which the Secretary concerned approves and announces  
 2 the reduction.”.

## 3       **Subtitle B—Reserve Component** 4                               **Management**

### 5       **SEC. 511. AUTHORITY FOR PERSONS WHO ARE LAWFUL** 6                               **PERMANENT RESIDENTS TO BE APPOINTED** 7                               **AS OFFICERS OF THE NATIONAL GUARD.**

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

### 13       **SEC. 512. PLACEMENT OF NATIONAL GUARD NON-DUAL** 14                               **STATUS TECHNICIANS IN THE EXCEPTED** 15                               **SERVICE WITH ALL DUAL STATUS NATIONAL** 16                               **GUARD TECHNICIANS.**

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

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

21                       (2) by striking “if the” and all that follows and  
 22                       inserting a period.

1 **SEC. 513. TRANSFER OF RESPONSIBILITY FOR RESERVE**  
 2 **COMPONENT SUICIDE PREVENTION AND RE-**  
 3 **SILIENCE PROGRAM.**

4 (a) CODIFICATION AND EXTENSION.—

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

8 **“§ 10219. Suicide prevention and community healing**  
 9 **and response program**

10 “(a) PROGRAM REQUIREMENT.—The Secretary of  
 11 Defense shall carry out a program to provide National  
 12 Guard and Reserve members and their families with train-  
 13 ing in suicide prevention and community healing and re-  
 14 sponse to suicide.

15 “(b) SUICIDE PREVENTION TRAINING.—Under the  
 16 program, the Secretary shall provide National Guard and  
 17 Reserve members with training in suicide prevention. Such  
 18 training may include—

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

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

24 “(3) engaging in interactive case scenarios and  
 25 role plays to practice effective intervention strate-  
 26 gies.

1       “(c) COMMUNITY HEALING AND RESPONSE TRAIN-  
 2     ING (POSTVENTION).—Under the program, the Secretary  
 3     shall provide the families and communities of National  
 4     Guard and Reserve members with training in responses  
 5     to suicide that promote individual and community healing.  
 6     Such training may include—

7               “(1) enhancing collaboration among community  
 8               members and local service providers to create an in-  
 9               tegrated, coordinated community response to suicide;

10              “(2) communicating best practices for pre-  
 11              venting suicide, including safe messaging, appro-  
 12              priate memorial services, and media guidelines;

13              “(3) addressing the impact of suicide on the  
 14              military and the larger community, and the in-  
 15              creased risk that can result; and

16              “(4) managing resources to assist key commu-  
 17              nity and military service providers in helping the  
 18              families, friends, and fellow servicemembers of a sui-  
 19              cide victim through the processes of grieving and  
 20              healing.

21       “(d) COMMUNITY TRAINING ASSISTANCE.—The pro-  
 22     gram shall include the provision of assistance with such  
 23     training to the local communities of those members and  
 24     families, to be provided in coordination with local commu-  
 25     nity programs.

1       “(e) COLLABORATION.—The Secretary shall collect  
 2 and analyze ‘lessons learned’ and suggestions from State  
 3 National Guard and Reserve organizations with existing  
 4 or developing suicide prevention and community response  
 5 programs.

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

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

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

11       (b) REPEAL OF SUPERSEDED PROVISION.—Sub-  
 12 section (i) of section 582 of the National Defense Author-  
 13 ization Act for Fiscal Year 2008 (10 U.S.C. 10101 note)  
 14 is repealed.

15 **SEC. 514. AUTHORITY FOR SERVICE COMMITMENT FOR RE-**  
 16 **SERVISTS WHO ACCEPT FELLOWSHIPS,**  
 17 **SCHOLARSHIPS, OR GRANTS TO BE PER-**  
 18 **FORMED IN THE SELECTED RESERVE.**

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

24       (b) EFFECTIVE DATE.—The amendment made by  
 25 subsection (a) shall apply to agreements entered into

1 under section 2603(b) of title 10, United States Code,  
2 after the date of the enactment of this Act.

3 **SEC. 515. PILOT PROGRAM TO ALLOW ESTABLISHMENT OF**  
4 **ACTIVE STATUS AND INACTIVE STATUS LISTS**  
5 **OF MEMBERS IN THE INACTIVE NATIONAL**  
6 **GUARD.**

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

11 “(d)(1) The Secretary of the Army and the Secretary  
12 of the Air Force may maintain an active status list and  
13 an inactive status list of members in the inactive Army  
14 National Guard and the inactive Air National Guard, re-  
15 spectively.

16 “(2) The total number of Army National Guard and  
17 Air National Guard members, combined, on the active sta-  
18 tus lists and the inactive status lists assigned to the inac-  
19 tive National Guard may not exceed 10,000 during any  
20 period.

21 “(3) The total number of Army National Guard and  
22 Air National Guard members, combined, on the active sta-  
23 tus lists of the inactive National Guard may not exceed  
24 4,000 during any period.

1       “(4) The authority under this subsection expires at  
2 the close of December 31, 2015.”.

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

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

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

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

14       “(2) During the period beginning on the date of the  
15 enactment of this paragraph and ending on December 31,  
16 2015, an enlisted member of the active Army National  
17 Guard may be transferred to the inactive Army National  
18 Guard without regard to whether the member was for-  
19 merly enlisted in the inactive Army National Guard and  
20 an enlisted member of the active Air National Guard may  
21 be transferred to the inactive Air National Guard without  
22 regard to whether the member was formerly enlisted in  
23 the inactive Air National Guard.”.

24       (c) DEFINITION OF “ACTIVE STATUS”.—Section  
25 101(d)(4) of title 10, United States Code, is amended by

1 adding at the end the following new sentence: “However,  
 2 in the case of members of the Army National Guard of  
 3 the United States during any period during which there  
 4 is an inactive status list for the inactive Army National  
 5 Guard under section 303(d) of title 32, such term means  
 6 the status of such a member who is not assigned to the  
 7 inactive status list of the inactive Army National Guard,  
 8 on another inactive status list, or in the Retired Reserve,  
 9 and in the case of members of the Air National Guard  
 10 of the United States during any period during which there  
 11 is an inactive status list for the inactive Air National  
 12 Guard under section 303(d) of title 32, such term means  
 13 the status of such a member who is not assigned to the  
 14 inactive status list of the inactive Air National Guard, on  
 15 another inactive status list, or in the Retired Reserve.”.

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

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

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



1 “(B) the exclusion of the Army National Guard  
 2 of the United States under the first sentence of sub-  
 3 section (c) shall be inapplicable.

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

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

11 “(B) the exclusion of the Air National Guard of  
 12 the United States under the first sentence of sub-  
 13 section (c) shall be inapplicable.”.

14 (e) COMPUTATION OF YEARS OF SERVICE FOR ENTI-  
 15 TLEMENT TO RETIRED PAY.—Paragraph (3) of section  
 16 12732(b) of such title is amended to read as follows:

17 “(3) Service in the inactive National Guard (for  
 18 any period other than a period during which there  
 19 is an inactive status list for the inactive National  
 20 Guard under section 303(d) of title 32) and service  
 21 while assigned to the inactive status list of the inac-  
 22 tive National Guard (for any period during which  
 23 there is an inactive status list for the inactive Na-  
 24 tional Guard under section 303(d) of title 32).”.

1       (f) ELIGIBILITY FOR INACTIVE-DUTY TRAINING  
 2 PAY.—Section 206(c) of title 37, United States Code, is  
 3 amended by adding at the end the following new sentence:  
 4 “However, with respect to any period during which there  
 5 is an inactive status list for the inactive National Guard  
 6 under section 303(d) of title 32, the limitation in the pre-  
 7 ceding sentence shall be applicable to persons assigned to  
 8 the inactive status list of the inactive National Guard,  
 9 rather than to persons enlisted in the inactive National  
 10 Guard.”.

11       (g) REPORTING REQUIRED.—

12           (1) IN GENERAL.—For each fiscal year during  
 13 which there is an inactive status list for the inactive  
 14 National Guard under section 303(d) of title 32, the  
 15 Secretary of the Army and the Secretary of the Air  
 16 Force, respectively, shall submit to the Committees  
 17 on Armed Services of the Senate and House of Rep-  
 18 resentatives a report detailing service in the active  
 19 status of the inactive National Guard.

20           (2) MATTERS COVERED.—Reports under this  
 21 subsection shall cover the following:

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

25                           (i) rank;

- 1 (ii) years of service;
- 2 (iii) military occupational specialty;
- 3 (iv) date of transfer to the active sta-
- 4 tus list of the inactive National Guard;
- 5 (v) date of entry, if applicable, into
- 6 the Integrated Disability Evaluation Sys-
- 7 tem;
- 8 (vi) date of exit, if applicable, from
- 9 the Integrated Disability Evaluation Sys-
- 10 tem;
- 11 (vii) date of separation from the Na-
- 12 tional Guard, if applicable; and
- 13 (viii) number of retirement points
- 14 earned.

15 (B) For each member enlisting in or trans-  
 16 ferring to the Selected Reserve to fill a National  
 17 Guard vacancy created by another person's  
 18 transfer to the active status list of the inactive  
 19 National Guard, the member's—

- 20 (i) date of entry into the National
- 21 Guard;
- 22 (ii) rank;
- 23 (iii) military occupational specialty;
- 24 (iv) prior service, if any, in the active
- 25 component or the Selected Reserve;

1 (v) participation in training (as well  
 2 as the length of the training), including  
 3 any specialized or leadership training, to  
 4 facilitate the transfer to the Selected Re-  
 5 serve;

6 (vi) monetary incentives, if any, and  
 7 the period of any corresponding service ob-  
 8 ligation, received for enlisting in or trans-  
 9 ferring to the Selected Reserve;

10 (vii) first period of inactive duty train-  
 11 ing; and

12 (viii) first period of annual training.

13 **SEC. 516. REINSTATEMENT OF TEMPORARY SPECIAL RE-**  
 14 **TIREMENT QUALIFICATION AUTHORITY FOR**  
 15 **RESERVE COMPONENT MEMBERS OF THE AIR**  
 16 **NATIONAL GUARD OF THE UNITED STATES**  
 17 **WITH 15 YEARS OF QUALIFYING SERVICE.**

18 (a) REINSTATEMENT OF AUTHORITY.—Subsection  
 19 (a)(1) of section 12731a of title 10, United States Code,  
 20 is amended—

21 (1) in subparagraph (A), by striking “October  
 22 1, 1991,” and inserting “the first day of a period  
 23 described in subsection (b) that is applicable to that  
 24 member”; and

1           (2) in subparagraph (B), by striking “after that  
 2       date and before the end of the period described in  
 3       subsection (b)” and inserting “during a period de-  
 4       scribed in subsection (b) that is applicable to that  
 5       member”.

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

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

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

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

## 18           **Subtitle C—Education and** 19           **Training**

### 20       **SEC. 521. INCLUSION OF THE SCHOOL OF ADVANCED MILI-** 21           **TARY STUDIES SENIOR LEVEL COURSE AS A** 22           **SENIOR LEVEL SERVICE SCHOOL.**

23       Section 2151(b)(1) of title 10, United States Code,  
 24       is amended by adding at the end the following new sub-  
 25       paragraph:

1                   “(E) The United States Army Command  
2                   and General Staff College’s School of Advanced  
3                   Military Studies Senior Level Course.”.

4 **SEC. 522. SUPPORT OF NAVAL ACADEMY ATHLETIC PRO-**  
5 **GRAMS.**

6           (a) IN GENERAL.—Chapter 603 of title 10, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing new section:

9 **“§ 6981. Support of athletic and physical fitness pro-**  
10 **grams**

11       “(a) AUTHORITY.—

12           “(1) IN GENERAL.—The Secretary of the Navy  
13 may enter into agreements, including cooperative  
14 agreements (as described in section 6305 of title  
15 31), with the association to manage any aspect of  
16 the athletic and physical fitness programs of the  
17 Naval Academy.

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

21       “(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-  
22 TION.—

23           “(1) AUTHORITY TO TRANSFER FUNDS TO THE  
24 ASSOCIATION.—The Secretary may transfer funds to  
25 the association to pay expenses incurred by the asso-

1 ciation in managing the athletic and physical fitness  
2 programs of the Naval Academy.

3 “(2) AUTHORITY TO PROVIDE OTHER SUP-  
4 PORT.—The Secretary may provide personal prop-  
5 erty and the services of members of the naval service  
6 and civilian personnel of the Department of the  
7 Navy to assist the association in managing the ath-  
8 letic and physical fitness programs of the Naval  
9 Academy.

10 “(c) ACCEPTANCE OF GIFTS FROM THE ASSOCIA-  
11 TION.—The Secretary may accept from the association  
12 funds, supplies, and services for the support of the athletic  
13 and physical fitness programs of the Naval Academy.

14 “(d) RECEIPT AND RETENTION OF FUNDS.—

15 “(1) FUNDS RECEIVED FROM THE ASSOCIA-  
16 TION.—The Secretary may receive from the associa-  
17 tion funds generated by the athletic and physical fit-  
18 ness programs of the Naval Academy and any other  
19 activity of the association and to retain and use such  
20 funds to further the mission of the Naval Academy.  
21 Receipt and retention of such funds shall be subject  
22 to oversight by the Secretary of the Navy.

23 “(2) FUNDS RECEIVED FROM NCAA.—The Sec-  
24 retary may accept, use, and retain funds from the  
25 National Collegiate Athletic Association and to

1 transfer all or part of those funds to the association  
2 for the support of the athletic and physical fitness  
3 programs of the Naval Academy.

4 “(3) USER FEES.—The Secretary may charge  
5 user fees to the association for the association’s use  
6 of Naval Academy facilities for the conduct of sum-  
7 mer athletic camps. Fees collected under this sub-  
8 section may be retained for use in support of the  
9 Naval Academy athletic program and shall remain  
10 available until expended.

11 “(e) LICENSING, MARKETING, AND SPONSORSHIP  
12 AGREEMENTS.—The Secretary may enter into an agree-  
13 ment with the association authorizing the association to  
14 represent the Department of the Navy in connection with  
15 licensing, marketing, and sponsorship agreements relating  
16 to trademarks and service marks identifying the Naval  
17 Academy, to the extent authorized by the Chief of Naval  
18 Research and in accordance with sections 2260 and 5022  
19 of this title. Notwithstanding section 2260(d) of this title,  
20 any funds generated by the licensing, marketing, and  
21 sponsorship under such agreement may be accepted, used,  
22 and be retained by the Secretary of the Navy or trans-  
23 ferred by the Secretary to the association for the athletic  
24 and physical fitness programs of the Naval Academy.



1       “(f) AUTHORIZED SERVICE ON BOARD OF DIREC-  
 2 TORS.—The Secretary may authorize members of the  
 3 naval service and civilian personnel of the Department of  
 4 the Navy to serve in accordance with sections 1033 and  
 5 1589 of this title as members of the governing board of  
 6 the association.

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

10           “(1) qualify as a nonprofit organization under  
 11 section 501(c)(3) of the Internal Revenue Code of  
 12 1986 and operates in accordance with this section,  
 13 the laws of the State of Maryland, and the constitu-  
 14 tion and bylaws of the association; and

15           “(2) operate exclusively to support the athletic  
 16 and physical fitness programs of the Naval Acad-  
 17 emy.”.

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

“6981. Support of athletic and physical fitness programs.”.

1 **SEC. 523. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE**  
 2 **DEGREE PROGRAMS UNDER THE COMMU-**  
 3 **NITY COLLEGE OF THE AIR FORCE.**

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

7 “(3) Enlisted members of the armed forces  
 8 other than the Air Force participating in joint-serv-  
 9 ice medical training and education or who are serv-  
 10 ing as instructors in such joint-service medical train-  
 11 ing and education.”.

12 **SEC. 524. REPEAL OF REQUIREMENT THAT AT LEAST 50**  
 13 **PERCENT OF PARTICIPANTS IN SENIOR RE-**  
 14 **SERVE OFFICERS’ TRAINING CORPS PRO-**  
 15 **GRAM BE ELIGIBLE FOR IN-STATE TUITION.**

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

19 **SEC. 525. CONSOLIDATION OF MILITARY DEPARTMENT AU-**  
 20 **THORITY TO ISSUE ARMS, TENTAGE, AND**  
 21 **EQUIPMENT TO EDUCATIONAL INSTITUTIONS**  
 22 **NOT MAINTAINING UNITS OF JUNIOR ROTC.**

23 (a) CONSOLIDATION.—Chapter 152 of title 10,  
 24 United States Code, is amended by inserting after section  
 25 2552 the following new section:

1 **“§ 2552a. Arms, tentage, and equipment: educational**  
 2 **institutions not maintaining units of Jun-**  
 3 **ior ROTC**

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

8 “(1) offers a course in military training pre-  
 9 scribed by that Secretary; and

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

12 (b) CONFORMING REPEALS.—Sections 4651, 7911,  
 13 and 9651 of such title are repealed.

14 (c) CLERICAL AMENDMENTS.—

15 (1) The table of sections at the beginning of  
 16 chapter 152 of such title is amended by inserting  
 17 after the item relating to section 2552 the following  
 18 new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining  
 units of Junior ROTC.”.

19 (2) The table of sections at the beginning of  
 20 chapter 441 of such title is amended by striking the  
 21 item relating to section 4651.

22 (3) The table of sections at the beginning of  
 23 chapter 667 of such title is amended by striking the  
 24 item relating to section 7911.

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

4           **Subtitle D—Defense Dependents**  
 5                           **Education**

6   **SEC. 531. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**  
 7                           **FROM DEPARTMENT OF EDUCATION TO DE-**  
 8                           **PARTMENT OF DEFENSE AND ENHANCE-**  
 9                           **MENTS TO THE PROGRAM.**

10          (a) TRANSFER OF FUNCTIONS.—

11               (1) TRANSFER.—The responsibility and author-  
 12               ity for operation and administration of the Troops-  
 13               to-Teachers Program in chapter A of subpart 1 of  
 14               part C of title II of the Elementary and Secondary  
 15               Education Act of 1965 (20 U.S.C. 6671 et seq.) is  
 16               transferred from the Secretary of Education to the  
 17               Secretary of Defense.

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

24          (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE  
 25   10, UNITED STATES CODE.—

1           (1) IN GENERAL.—Chapter 58 of title 10,  
 2           United States Code, is amended by adding at the  
 3           end the following new section:

4   **“§ 1154. Assistance to eligible members and former**  
 5                 **members to obtain employment as teach-**  
 6                 **ers: Troops-to-Teachers Program**

7           “(a) DEFINITIONS.—In this section:

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

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

14               “(3) CHARTER SCHOOL.—The term ‘charter  
 15          school’ has the meaning given that term in section  
 16          5210(1) of the Elementary and Secondary Edu-  
 17          cation Act of 1965 (20 U.S.C. 7221i(1)).

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

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

22                           “(i) at least 30 percent of the stu-  
 23                   dents enrolled in the school are from fami-  
 24                   lies with incomes below 185 percent of pov-  
 25                   erty level (as defined by the Office of Man-

1                   agement and Budget and revised at least  
 2                   annually in accordance with section 9(b)(1)  
 3                   of the Richard B. Russell National School  
 4                   Lunch Act) applicable to a family of the  
 5                   size involved; or

6                   “(ii) at least 13 percent of the stu-  
 7                   dents enrolled in the school qualify for as-  
 8                   sistance under part B of the Individuals  
 9                   with Disabilities Education Act; or

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

13                  “(5) HIGH-NEED SCHOOL.—The term ‘high-  
 14                  need school’ means—

15                  “(A) an elementary or middle school in  
 16                  which at least 50 percent of the enrolled stu-  
 17                  dents are children from low-income families,  
 18                  based on the number of children eligible for free  
 19                  and reduced priced lunches under the Richard  
 20                  B. Russell National School Lunch Act, the  
 21                  number of children in families receiving assist-  
 22                  ance under the State program funded under  
 23                  part A of title IV of the Social Security Act, the  
 24                  number of children eligible to receive medical

1 assistance under the Medicaid program, or a  
2 composite of these indicators;

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

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

11 “(6) ADDITIONAL TERMS.—The terms ‘elemen-  
12 tary school’, ‘highly qualified teacher’, ‘local edu-  
13 cational agency’, ‘secondary school’, and ‘State’ have  
14 the meanings given those terms in section 9101 of  
15 the Elementary and Secondary Education Act of  
16 1965 (20 U.S.C. 7801).

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

21 “(1) to assist eligible members of the armed  
22 forces described in subsection (d) to obtain certifi-  
23 cation or licensing as elementary school teachers,  
24 secondary school teachers, or career or technical

1 teachers, and to become highly qualified teachers;  
2 and

3 “(2) to facilitate the employment of such mem-  
4 bers—

5 “(A) by local educational agencies or char-  
6 ter schools that the Secretary of Education  
7 identifies as—

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

14 “(ii) experiencing a shortage of highly  
15 qualified teachers, in particular a shortage  
16 of highly qualified science, mathematics,  
17 special education, foreign language, or ca-  
18 reer or technical teachers; and

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

21 “(c) COUNSELING AND REFERRAL SERVICES.—The  
22 Secretary may provide counseling and referral services to  
23 members of the armed forces who do not meet the criteria  
24 described in subsection (d), including meeting the edu-



1 cation qualification requirements under subsection  
 2 (d)(3)(B).

3 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

4 “(1) ELIGIBLE MEMBERS.—The following mem-  
 5 bers of the armed forces are eligible for selection to  
 6 participate in the Program:

7 “(A) Any member who—

8 “(i) on or after October 1, 1999, be-  
 9 comes entitled to retired or retainer pay  
 10 under this title or title 14;

11 “(ii) has an approved date of retire-  
 12 ment that is within one year after the date  
 13 on which the member submits an applica-  
 14 tion to participate in the Program; or

15 “(iii) has been transferred to the Re-  
 16 tired Reserve.

17 “(B) Any member who, on or after Janu-  
 18 ary 8, 2002—

19 “(i)(I) is separated or released from  
 20 active duty after four or more years of con-  
 21 tinuous active duty immediately before the  
 22 separation or release; or

23 “(II) has completed a total of at least  
 24 six years of active duty service, six years of  
 25 service computed under section 12732 of

1                   this title, or six years of any combination  
2                   of such service; and

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

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

9                   “(2) SUBMISSION OF APPLICATIONS.—(A) Se-  
10                  lection of eligible members of the armed forces to  
11                  participate in the Program shall be made on the  
12                  basis of applications submitted to the Secretary  
13                  within the time periods specified in subparagraph  
14                  (B). An application shall be in such form and con-  
15                  tain such information as the Secretary may require.

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

23                  “(3) SELECTION CRITERIA; EDUCATIONAL  
24                  BACKGROUND REQUIREMENTS AND HONORABLE  
25                  SERVICE REQUIREMENT.—(A) Subject to subpara-

1       graphs (B) and (C), the Secretary shall prescribe  
2       the criteria to be used to select eligible members of  
3       the armed forces to participate in the Program.

4           “(B)(i) If a member of the armed forces is ap-  
5       plying for assistance for placement as an elementary  
6       school or secondary school teacher, the Secretary  
7       shall require the member to have received a bacca-  
8       laureate or advanced degree from an accredited in-  
9       stitution of higher education.

10          “(ii) If a member of the armed forces is apply-  
11       ing for assistance for placement as a career or tech-  
12       nical teacher, the Secretary shall require the mem-  
13       ber—

14           “(I) to have received the equivalent of one  
15       year of college from an accredited institution of  
16       higher education or the equivalent in military  
17       education and training as certified by the De-  
18       partment of Defense; or

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

23          “(C) A member of the armed forces is eligible  
24       to participate in the Program only if the member’s  
25       last period of service in the armed forces was honor-

1       able, as characterized by the Secretary concerned. A  
2       member selected to participate in the Program be-  
3       fore the retirement of the member or the separation  
4       or release of the member from active duty may con-  
5       tinue to participate in the Program after the retire-  
6       ment, separation, or release only if the member's  
7       last period of service is characterized as honorable  
8       by the Secretary concerned.

9               “(4) SELECTION PRIORITIES.—In selecting eli-  
10       gible members of the armed forces to receive assist-  
11       ance under the Program, the Secretary—

12               “(A) shall give priority to members who—

13                       “(i) have educational or military expe-  
14                       rience in science, mathematics, special edu-  
15                       cation, foreign language, or career or tech-  
16                       nical subjects; and

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

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

25               “(5) OTHER CONDITIONS ON SELECTION.—

1           “(A) The Secretary may not select an eligi-  
 2           ble member of the armed forces to participate  
 3           in the Program and receive financial assistance  
 4           unless the Secretary has sufficient appropria-  
 5           tions for the Program available at the time of  
 6           the selection to satisfy the obligations to be in-  
 7           curred by the United States under subsection  
 8           (e) with respect to the member.

9           “(B) The Secretary may not select an eli-  
 10          gible member of the armed forces described in  
 11          paragraph (1)(B)(i) to participate in the Pro-  
 12          gram under this section and receive financial  
 13          assistance under subsection (e) unless the mem-  
 14          ber executes a written agreement to serve as a  
 15          member of the Selected Reserve of a reserve  
 16          component of the armed forces for a period of  
 17          not less than three years.

18          “(e) PARTICIPATION AGREEMENT AND FINANCIAL  
 19          ASSISTANCE.—

20               “(1) PARTICIPATION AGREEMENT.—(A) An eli-  
 21               gible member of the armed forces selected to partici-  
 22               pate in the Program under subsection (b) and re-  
 23               ceive financial assistance under this subsection shall  
 24               be required to enter into an agreement with the Sec-  
 25               retary in which the member agrees—

1           “(i) within such time as the Secretary may  
 2           require, to obtain certification or licensing as an  
 3           elementary school teacher, secondary school  
 4           teacher, or career or technical teacher, and to  
 5           become a highly qualified teacher; and

6           “(ii) to accept an offer of full-time employ-  
 7           ment as an elementary school teacher, sec-  
 8           ondary school teacher, or career or technical  
 9           teacher for not less than three school years in  
 10          an eligible school to begin the school year after  
 11          obtaining that certification or licensing.

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

20          “(2) VIOLATION OF PARTICIPATION AGREE-  
 21          MENT; EXCEPTIONS.—A participant in the Program  
 22          shall not be considered to be in violation of the par-  
 23          ticipation agreement entered into under paragraph  
 24          (1) during any period in which the participant—

1           “(A) is pursuing a full-time course of  
2 study related to the field of teaching at an in-  
3 stitution of higher education;

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

6           “(C) is temporarily totally disabled for a  
7 period of time not to exceed three years as es-  
8 tablished by sworn affidavit of a qualified physi-  
9 cian;

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

13          “(E) is a highly qualified teacher who is  
14 seeking and unable to find full-time employ-  
15 ment as a teacher in an elementary school or  
16 secondary school or as a career or technical  
17 teacher for a single period not to exceed 27  
18 months; or

19          “(F) satisfies the provisions of additional  
20 reimbursement exceptions that may be pre-  
21 scribed by the Secretary.

22          “(3) STIPEND AND BONUS FOR PARTICI-  
23 PANTS.—(A) Subject to subparagraph (C), the Sec-  
24 retary may pay to a participant in the Program se-  
25 lected under this section a stipend to cover expenses

1 incurred by the participant to obtain the required  
2 educational level, certification or licensing. Such sti-  
3 pend may not exceed \$5,000 and may vary by par-  
4 ticipant.

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

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

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

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

24 “(4) TREATMENT OF STIPEND AND BONUS.—A  
25 stipend or bonus paid under this subsection to a



1 participant in the Program shall be taken into ac-  
2 count in determining the eligibility of the participant  
3 for Federal student financial assistance provided  
4 under title IV of the Higher Education Act of 1965  
5 (20 U.S.C. 1070 et seq.).

6 “(f) REIMBURSEMENT UNDER CERTAIN CIR-  
7 CUMSTANCES.—

8 “(1) REIMBURSEMENT REQUIRED.—A partici-  
9 pant in the Program who is paid a stipend or bonus  
10 under this subsection shall be required to repay the  
11 stipend or bonus under the following circumstances:

12 “(A) The participant fails to obtain teach-  
13 er certification or licensing, to become a highly  
14 qualified teacher, or to obtain employment as  
15 an elementary school teacher, secondary school  
16 teacher, or career or technical teacher as re-  
17 quired by the participation agreement under  
18 subsection (e)(1).

19 “(B) The participant voluntarily leaves, or  
20 is terminated for cause from, employment as an  
21 elementary school teacher, secondary school  
22 teacher, or career or technical teacher during  
23 the three years of required service in violation  
24 of the participation agreement.

1           “(C) The participant executed a written  
2           agreement with the Secretary concerned under  
3           subsection (d)(5)(B) to serve as a member of a  
4           reserve component of the armed forces for a pe-  
5           riod of three years and fails to complete the re-  
6           quired term of service.

7           “(2) AMOUNT OF REIMBURSEMENT.—A partici-  
8           pant required to reimburse the Secretary for a sti-  
9           pend or bonus paid to the participant under sub-  
10          section (e) shall pay an amount that bears the same  
11          ratio to the amount of the stipend or bonus as the  
12          unserved portion of required service bears to the  
13          three years of required service. Any amount owed by  
14          the participant shall bear interest at the rate equal  
15          to the highest rate being paid by the United States  
16          on the day on which the reimbursement is deter-  
17          mined to be due for securities having maturities of  
18          90 days or less and shall accrue from the day on  
19          which the participant is first notified of the amount  
20          due.

21          “(3) TREATMENT OF OBLIGATION.—The obliga-  
22          tion to reimburse the Secretary under this sub-  
23          section is, for all purposes, a debt owing the United  
24          States. A discharge in bankruptcy under title 11

1       shall not release a participant from the obligation to  
2       reimburse the Secretary under this subsection.

3               “(4) EXCEPTIONS TO REIMBURSEMENT RE-  
4       QUIREMENT.—A participant shall be excused from  
5       reimbursement under this subsection if the partici-  
6       pant becomes permanently totally disabled as estab-  
7       lished by sworn affidavit of a qualified physician.  
8       The Secretary may also waive the reimbursement in  
9       cases of extreme hardship to the participant, as de-  
10      termined by the Secretary.

11           “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
12   UNDER MONTGOMERY GI BILL.—The receipt by a partic-  
13   ipant in the Program of a stipend or bonus under this  
14   subsection (e) shall not reduce or otherwise affect the enti-  
15   tlement of the participant to any benefits under chapter  
16   30 or 33 of title 38 or chapter 1606 of this title.

17           “(h) PARTICIPATION BY STATES.—

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

24               “(2) ASSISTANCE TO STATES.—(A) Subject to  
25   subparagraph (B), the Secretary may make grants

1 to States participating in the Program, or to con-  
 2 sortia of such States, in order to permit such States  
 3 or consortia of States to operate offices for purposes  
 4 of recruiting eligible members of the armed forces  
 5 for participation in the Program and facilitating the  
 6 employment of participants in the Program as ele-  
 7 mentary school teachers, secondary school teachers,  
 8 and career or technical teachers.

9 “(B) The total amount of grants made under  
 10 subparagraph (A) in any fiscal year may not exceed  
 11 \$5,000,000.”.

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

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

15 (c) CONFORMING AMENDMENT.—Section  
 16 1142(b)(4)(C) of such title is amended by striking “under  
 17 sections 1152 and 1153 of this title and the Troops-to-  
 18 Teachers Program under section 2302 of the Elementary  
 19 and Secondary Education Act of 1965 (20 U.S.C. 6672)”  
 20 and inserting “under sections 1152, 1153, and 1154 of  
 21 this title”.

22 (d) TERMINATION OF ORIGINAL PROGRAM.—

23 (1) TERMINATION.—

1           (A) Chapter A of subpart 1 of Part C of  
2           title II of the Elementary and Secondary Edu-  
3           cation Act of 1965 (20 U.S.C. 6671 et seq.) is  
4           repealed.

5           (B) The table of contents in section 2 of  
6           Part I of the Elementary and Secondary Edu-  
7           cation Act 1965 is amended by striking the  
8           items relating to such chapter.

9           (2) EXISTING AGREEMENTS.—The repeal of  
10          chapter A of subpart 1 of Part C of title II of the  
11          Elementary and Secondary Education Act of 1965  
12          (20 U.S.C. 6671 et seq.) by paragraph (1)(A) shall  
13          not affect the validity or terms of any agreement en-  
14          tered into before the date of the enactment of this  
15          Act under such chapter, or to pay assistance, make  
16          grants, or obtain reimbursement in connection with  
17          such an agreement as in effect before such repeal.

18          (e) EFFECTIVE DATE.—The amendments made by  
19          this section shall take effect on the effective date of the  
20          transfer under subsection (a).

1 **SEC. 532. MODIFICATION OF AUTHORITY TO ALLOW DE-**  
 2 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**  
 3 **ENT ELEMENTARY AND SECONDARY**  
 4 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

5 Section 2164 of title 10, United States Code, is  
 6 amended by inserting at the end the following new sub-  
 7 sections:

8 “(k) TUITION-FREE ENROLLMENT FOR DEPEND-  
 9 ENTS OF DOMESTIC DEPENDENT ELEMENTARY AND SEC-  
 10 ONDARY SCHOOLS.—Tuition-free enrollment in the do-  
 11 mestic dependent elementary and secondary schools is au-  
 12 thorized for dependents who are currently enrolled in the  
 13 defense dependents’ education school system pursuant to  
 14 the Defense Dependents’ Education Act of 1978, as  
 15 amended (20 U.S.C. 921 et seq.) if—

16 “(1) such dependents departed their overseas  
 17 location due to an authorized departure or evacu-  
 18 ation order;

19 “(2) the designated safe haven of such depend-  
 20 ents is located within commuting distance of a  
 21 school operated by the domestic dependent elemen-  
 22 tary and secondary schools; and

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

25 “(l) TUITION-PAYING ENROLLMENT IN THE DE-  
 26 PARTMENT’S VIRTUAL ELEMENTARY AND SECONDARY

1 EDUCATION PROGRAM.—Under circumstances prescribed  
 2 by the Secretary, tuition-paying enrollment in the depart-  
 3 ment’s virtual elementary and secondary education pro-  
 4 gram for dependents of active-duty members of the armed  
 5 forces is authorized for dependents when such depend-  
 6 ents—

7 “(1) transition from an overseas defense de-  
 8 pendents’ education system school into a school op-  
 9 erated by a local educational agency or another ac-  
 10 credited educational program in the United States,  
 11 and

12 “(2) are not otherwise eligible to enroll in a De-  
 13 partment of Defense domestic dependent elementary  
 14 or secondary school pursuant to subsection (a).”.

15 **SEC. 533. AUTHORITY FOR ACCEPTANCE OF GIFTS AND**  
 16 **OTHER PRIVATE SUPPORT FOR MARINE**  
 17 **CORPS UNIVERSITY.**

18 (a) IN GENERAL.—Chapter 609 of title 10, United  
 19 States Code, is amended by adding at the end the fol-  
 20 lowing new section:

21 **“§ 7105. Marine Corps University: acceptance of gifts**  
 22 **and support from nonprofit entities**

23 “(a) ACCEPTANCE OF GIFTS.—The Secretary of the  
 24 Navy may accept, hold, administer, and spend any gift,  
 25 including a gift from an international organization and a

1 foreign gift or donation (as defined in section 2166(f)(4)  
 2 of this title), that is made on the condition that it be used  
 3 for the benefit of or in connection with the Marine Corps  
 4 University. The Secretary may pay all necessary expenses  
 5 in connection with the acceptance of a gift under this sub-  
 6 section. For the purposes of Federal income, estate, and  
 7 gift taxes, any property, money, or services accepted under  
 8 this section shall be considered as a gift to or for the use  
 9 of the United States. This authority is in addition to exist-  
 10 ing authority to accept gifts and services under this title,  
 11 and notwithstanding section 1342 of title 31.

12       “(b) ACCEPTANCE OF GIFTS OF FUNDS.—A gift of  
 13 funds shall be accepted under this section in the same  
 14 manner as funds accepted under subsection (c) of section  
 15 2601 of this title.

16       “(c) LIMITATION ON USE OF GIFTS OF FUNDS.—A  
 17 gift of money, and the proceeds of the sale of all property,  
 18 received under subsection (a), for, the Marine Corps Uni-  
 19 versity shall be deposited into the Navy General Gift Fund  
 20 pursuant to section 2601 of this title and shall be available  
 21 for obligation and disbursement only for the benefit of or  
 22 in connection with the Marine Corps University or any of  
 23 its programs. Subject to the prohibitions set forth in sec-  
 24 tion 2601(d)(2) of this title, funds donated to the Marine  
 25 Corps University from nonprofit entities, and accepted by



1 the Secretary, are not otherwise subject to the limitations  
 2 set forth in section 2601 and may be used for any purpose  
 3 in furtherance of a Marine Corps University mission.

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

8 “(e) EMPLOYEE STATUS.—For purposes of this sec-  
 9 tion, employees or personnel of a nonprofit entity may not  
 10 be considered to be employees of the United States.

11 “(f) DEFINITIONS.—In this section:

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

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

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

18 “(4) The term ‘Marine Corps University’ in-  
 19 cludes any school or other component of the Marine  
 20 Corps University.

21 “(5) The term ‘nonprofit entity’ means any en-  
 22 tity—

23 “(A) that qualifies as an exempt organiza-  
 24 tion under section 501(c)(3) of the Internal  
 25 Revenue Code of 1986; and

1 “(B) that has as a primary purpose sup-  
 2 porting a military university or museum pro-  
 3 gram.

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

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

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

## 10 **Subtitle E—Other Matters**

### 11 **SEC. 541. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAP-** 12 **LAINS.**

13 (a) IN GENERAL.—Chapter 805 of title 10, United  
 14 States Code, is amended by adding at the end the fol-  
 15 lowing new section:

### 16 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-** 17 **pointment; duties**

18 “(a) CHIEF OF CHAPLAINS.—

19 “(1) There is a Chief of Chaplains in the Air  
 20 Force, appointed by the President, by and with the  
 21 advice and consent of the Senate, from officers of  
 22 the Air Force designated under section 8067(h) of  
 23 this title as chaplains who are serving in the grade  
 24 of colonel or above, are serving on active duty, and

1 have served on active duty as a chaplain for at least  
2 eight years.

3 “(2) An officer appointed as the Chief of Chap-  
4 lains shall be appointed for a term of three years.  
5 However, the President may terminate or extend the  
6 appointment at any time.

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

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

12 “(b) DEPUTY CHIEF OF CHAPLAINS.—

13 “(1) There is a Deputy Chief of Chaplains in  
14 the Air Force, appointed by the President, by and  
15 with the advice and consent of the Senate, from offi-  
16 cers of the Air Force designated under section  
17 8067(h) of this title as chaplains, who are serving in  
18 the grade of colonel, are serving on active duty, and  
19 have served on active duty as a chaplain for at least  
20 eight years.

21 “(2) An officer appointed as the Deputy Chief  
22 of Chaplains shall be appointed for a term of three  
23 years. However, the President may terminate or ex-  
24 tend the appointment at any time.

1           “(3) The Deputy Chief of Chaplains shall be  
2           appointed in the regular grade of brigadier general.

3           “(4) The Deputy Chief of Chaplains shall per-  
4           form such duties as may be prescribed by the Sec-  
5           retary of the Air Force and the Chief of Chaplains  
6           and by law.

7           “(c) SELECTION BOARD.—Under regulations ap-  
8           proved by the Secretary of Defense, the Secretary of the  
9           Air Force in selecting an officer for recommendation to  
10          the President under subsection (a) for appointment as the  
11          Chief of Chaplains or under subsection (b) for appoint-  
12          ment as the Deputy Chief of Chaplains, shall ensure that  
13          the officer selected is recommended by a board of officers  
14          that, insofar as practicable, is subject to the procedures  
15          applicable to the selection boards convened under chapter  
16          36 of this title.”.

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

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

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

24          Section 1177(a) of title 10, United States Code, is  
25          amended—

- 1           (1) in paragraph (1), by striking “or psychia-  
 2           trist” and inserting “psychiatrist, licensed clinical  
 3           social worker, or psychiatric nurse practitioner”; and  
 4           (2) in paragraph (3), by striking “or psychia-  
 5           trist” and inserting “, psychiatrist, licensed clinical  
 6           social worker, or psychiatric nurse practitioner”.

7 **SEC. 543. MODIFICATION OF PROHIBITION ON REFUSAL OF**  
 8 **VOTER REGISTRATION APPLICATIONS AND**  
 9 **ABSENTEE BALLOT REQUESTS.**

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

12           (1) By inserting “(a) PROHIBITION ON RE-  
 13           FUSAL OF APPLICATIONS SUBMITTED IN YEAR OF A  
 14           FEDERAL ELECTION ON GROUNDS OF EARLY SUB-  
 15           MISSION.—” before “A State may not”;

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

18           (3) by inserting “or overseas voter” after “ab-  
 19           sentee voters who are not members of the uniformed  
 20           services”; and

21           (4) by adding at the end the following new sub-  
 22           sections:

23       “(b) PROHIBITION ON REFUSAL OF APPLICATIONS  
 24 SUBMITTED IN A YEAR WHEN A FEDERAL ELECTION  
 25 WILL BE HELD WITHIN 120 DAYS OF THE FOLLOWING

1 YEAR ON GROUNDS OF EARLY SUBMISSION.—A State  
 2 may not refuse to accept or process, with respect to any  
 3 election for Federal office to be held in the first 120 days  
 4 of the following year, any otherwise valid voter registration  
 5 application or absentee ballot application (including the  
 6 post card form prescribed under section 101) submitted  
 7 by an absent uniformed services voter or overseas voter  
 8 during a year on the grounds that the voter submitted the  
 9 application before the first date on which the State other-  
 10 wise accepts or processes such applications submitted by  
 11 absentee voters who are not members of the uniformed  
 12 services or an overseas voter.

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

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

20 “(2) request an absentee ballot for only the  
 21 next scheduled election for Federal office held in a  
 22 State.”.

1 **SEC. 544. INCLUSION OF NORTHERN MARIANA ISLANDS AS**  
 2 **A “STATE” FOR PURPOSES OF THE UNI-**  
 3 **FORMED AND OVERSEAS CITIZENS ABSEN-**  
 4 **TEE VOTING ACT.**

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

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

13 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-  
 14 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—  
 15 Subsection (a) of section 5046 of title 10, United States  
 16 Code, is amended—

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

20 (2) in the second sentence—

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

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

1 (b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—

2 Such section is further amended—

3 (1) by redesignating subsection (c) as sub-  
4 section (d); and

5 (2) by inserting after subsection (b) the fol-  
6 lowing new subsection (c):

7 “(c) The Staff Judge Advocate to the Commandant  
8 of the Marine Corps, under the direction of the Com-  
9 mandant of the Marine Corps and the Secretary of the  
10 Navy, shall—

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

14 “(2) perform the functions and duties and exer-  
15 cise the powers prescribed for the Staff Judge Advo-  
16 cate to the Commandant of the Marine Corps in  
17 chapter 47 of this title (the Uniform Code of Mili-  
18 tary Justice) and chapter 53 of this title; and

19 “(3) perform such other duties as may be as-  
20 signed to him.”.

21 (c) COMPOSITION OF HEADQUARTERS, MARINE  
22 CORPS.—Section 5041(b) of such title is amended—

23 (1) by redesignating paragraphs (4) and (5) as  
24 paragraphs (5) and (6), respectively; and



1           (2) by inserting after paragraph (3) the fol-  
 2           lowing new paragraph (4):

3           “(4) The Staff Judge Advocate to the Com-  
 4           mandant of the Marine Corps.”.

5           (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

6           (1) ADMINISTRATION OF MILITARY JUSTICE.—

7           Section 806(a) of such title (article 6(a) of the Uni-  
 8           form Code of Military Justice) is amended by insert-  
 9           ing “, and within the Marine Corps the Staff Judge  
 10          Advocate to the Commandant of the Marine Corps,”  
 11          in the third sentence after “Judge Advocate Gen-  
 12          eral”.

13          (2) DELIVERY OF LEGAL ASSISTANCE.—Section  
 14          1044(b) of such title is amended by inserting “and  
 15          within the Marine Corps the Staff Judge Advocate  
 16          to the Commandant of the Marine Corps” after  
 17          “title”).

18 **SEC. 546. ADDITIONAL REQUIREMENTS FOR ACCOUNTING**  
 19 **FOR MEMBERS OF THE ARMED FORCES AND**  
 20 **DEPARTMENT OF DEFENSE CIVILIAN EM-**  
 21 **PLOYEES LISTED AS MISSING.**

22          (a) FAMILY BRIEFINGS.—Paragraph (1) of section  
 23          1501(a) of title 10, United States Code, is amended—

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

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

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

5           “(D) coordination of periodic briefing of fami-  
6       lies of missing persons about the efforts of the De-  
7       partment of Defense to account for those persons.”.

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

11       “(D) To facilitate accounting for missing persons, the  
12      Secretary of Defense may accept voluntary or gratuitous  
13      services provided by persons or entities outside of the  
14      United States Government that further the purposes of  
15      this chapter.”.

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

21       (a) TREATMENT OF FISHER HOUSE FOR THE FAMI-  
22      LIES OF THE FALLEN AND MEDITATION PAVILION AT  
23      DOVER AIR FORCE BASE.—Subsection (a) of section  
24      2493 of title 10, United States Code, is amended—

25           (1) in paragraph (1)—

1 (A) by striking “by patients” in subpara-  
2 graph (B) and all that follows through “such  
3 patients;” and inserting “by authorized Fisher  
4 House residents;”; and

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

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

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

14 “(3) The term ‘authorized Fisher House resi-  
15 dents’ means the following:

16 “(A) With respect to a facility described in  
17 the first sentence of paragraph (1) that is lo-  
18 cated in proximity to a health care facility of  
19 the Army, the Air Force, or the Navy, the fol-  
20 lowing persons:

21 “(i) Patients of that health care facil-  
22 ity.

23 “(ii) Members of the families of such  
24 patients.

1                   “(iii) Others providing the equivalent  
2                   of familial support for such patients.

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

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

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

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

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

18                  (c) REPEAL OF FISCAL YEAR 2012 PROVISION.—  
19                  Section 643 of the National Defense Authorization Act for  
20                  Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466)  
21                  is repealed.

1 **SEC. 548. REPEAL OF ALTERNATIVE MECHANISM FOR RE-**  
 2 **QUIRED ALLOTMENTS FROM PAY FOR CHILD**  
 3 **AND SPOUSAL SUPPORT OWED BY MEMBERS**  
 4 **OF THE UNIFORMED SERVICES ON ACTIVE**  
 5 **DUTY.**

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

8 **SEC. 549. REDUCTION IN REQUIREMENTS FOR PUBLICA-**  
 9 **TION IN FEDERAL REGISTER UNDER SOL-**  
 10 **OMON AMENDMENT.**

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

## 13 **TITLE VI—COMPENSATION AND** 14 **OTHER PERSONNEL BENEFITS**

15 **SEC. 601. REPEAL OF REQUIREMENT FOR PAYMENT OF**  
 16 **SURVIVOR BENEFIT PLAN PREMIUMS WHEN**  
 17 **PARTICIPANT WAIVES RETIRED PAY TO PRO-**  
 18 **VIDE A SURVIVOR ANNUITY UNDER FEDERAL**  
 19 **EMPLOYEES RETIREMENT SYSTEM AND TER-**  
 20 **MINATING PAYMENT OF THE SURVIVOR BEN-**  
 21 **EFIT PLAN ANNUITY.**

22 (a) **DEPOSITS NOT REQUIRED.**—Section 1452(e) of  
 23 title 10, United States Code, is amended—

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

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

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

4       and

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

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

8           (1) by inserting “or for the purposes of chapter  
9       84 of title 5,” after “chapter 83 of title 5,”;

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

11       and

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

13       (c) APPLICATION OF AMENDMENTS.—The amend-  
14 ments made by this section shall apply with respect to any  
15 participant electing an annuity for survivors under chapter  
16 84 of title 5, United States Code, on or after the date  
17 of the enactment of this Act.

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

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

24           (1) in subsection (f), by adding at the end the  
25       following new paragraph:

1 “(4) Payment to a child under this section shall not  
2 be paid for any period that the child was in utero.”; and

3 (2) in subsection (1), by striking “at the time of  
4 the dependent-abuse offense resulting in the separa-  
5 tion of the former member” and inserting “or eligi-  
6 ble spouse at the time of the dependent-abuse of-  
7 fense resulting in the separation of the former mem-  
8 ber or who was carried during pregnancy at the time  
9 of the dependent-abuse offense resulting in the sepa-  
10 ration of the former member and was subsequently  
11 born alive to the eligible spouse or former spouse”.

12 (b) PROSPECTIVE APPLICABILITY.—No benefits shall  
13 accrue by reason of the amendments made by this section  
14 for any month that begins before the date of the enact-  
15 ment of this Act.

16 **SEC. 603. INCREASE IN AMOUNT OF OFFICER AFFILIATION**  
17 **BONUS FOR OFFICERS IN THE SELECTED RE-**  
18 **SERVE.**

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

21 **SEC. 604. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**  
22 **BER COUPLES WHEN ONE IS ON SEA DUTY.**

23 (a) IN GENERAL.—Subparagraph (C) of section  
24 403(f)(2) of title 37, United States Code, is amended to  
25 read as follows:

1       “(C) Notwithstanding section 421 of this title, a  
 2 member of a uniformed service in a pay grade below pay  
 3 grade E-6 who is assigned to sea duty and is married  
 4 to another member of a uniformed service is entitled to  
 5 a basic allowance for housing subject to the limitations  
 6 of subsection (e).”.

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

9       **SEC. 605. CHANGE TO THE DEFINITION OF DEPENDENT**  
 10                               **FOR PURPOSES OF LIMITING THE TERMS OF**  
 11                               **CONSUMER CREDIT FOR CERTAIN MEMBERS**  
 12                               **OF THE ARMED FORCES AND THEIR DEPEND-**  
 13                               **ENTS.**

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

16       “(2) DEPENDENT.—The term ‘dependent’, with re-  
 17 spect to a covered member, has the meaning given that  
 18 term in subparagraphs (A), (D), (E), and (I) of section  
 19 1072(2) of this title.”.

20       **SEC. 606. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**  
 21                               **BONUS AND SPECIAL PAY AUTHORITIES.**

22       (a) AUTHORITIES RELATING TO RESERVE  
 23 FORCES.—The following sections of title 37, United  
 24 States Code, are amended by striking “December 31,  
 25 2012” and inserting “December 31, 2013”:



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

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

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

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

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

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

17          (7) Section 910(g), relating to income replace-  
18      ment payments for reserve component members ex-  
19      periencing extended and frequent mobilization for  
20      active duty service.

21      (b) TITLE 10 AUTHORITIES RELATING TO HEALTH  
22      CARE PROFESSIONALS.—The following sections of title  
23      10, United States Code, are amended by striking “Decem-  
24      ber 31, 2012” and inserting “December 31, 2013”:

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

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

6           (c) TITLE 37 AUTHORITIES RELATING TO HEALTH  
7           CARE PROFESSIONALS.—The following sections of title  
8           37, United States Code, are amended by striking “Decem-  
9           ber 31, 2012” and inserting “December 31, 2013”:

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

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

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

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

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

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

23           (7) Section 302k(f), relating to accession bonus  
24           for medical officers in critically short wartime spe-  
25           cialties.

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

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

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

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

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

15          (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-  
16          DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-  
17          THORITIES.—The following sections of title 37, United  
18          States Code, are amended by striking “December 31,  
19          2012” and inserting “December 31, 2013”:

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

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

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

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

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

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

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

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

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

14      (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-  
15   THORITIES.—The following sections of title 37, United  
16   States Code, are amended by striking “December 31,  
17   2012” and inserting “December 31, 2013”:

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

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

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

24          (4) Section 309(e), relating to enlistment  
25      bonus.

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

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

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

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

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

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

15          (a) DEFINITIONS APPLICABLE UNDER FAMILY AND  
16 MEDICAL LEAVE ACT OF 1993.—

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

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

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

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

5       (b) DEFINITIONS APPLICABLE TO LEAVE FOR CIVIL  
 6       SERVICE EMPLOYEES.—

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

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

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

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

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

1 **SEC. 608. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**  
2 **BONUS FOR RESERVE COMPONENT MEM-**  
3 **BERS WHO CONVERT MILITARY OCCUPA-**  
4 **TIONAL SPECIALTY TO EASE PERSONNEL**  
5 **SHORTAGES.**

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

10 **SEC. 609. MODIFICATIONS TO CAREER INTERMISSION**  
11 **PILOT PROGRAM.**

12 (a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE  
13 GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of  
14 section 533 of Duncan Hunter National Defense Author-  
15 ization Act for Fiscal Year 2009 (Public Law 110–417;  
16 122 Stat. 4449; prec. 10 U.S.C. 701 note) is amended  
17 by inserting “and members on active Guard and Reserve  
18 duty” after “officers and enlisted members of the regular  
19 components”.

20 (b) AUTHORITY TO CARRY FORWARD UNUSED AC-  
21 CRUED LEAVE.—Subsection (h) of such section is amend-  
22 ed by adding at the end the following new paragraph:

23 “(5) LEAVE.—A member who participates in a  
24 pilot program is entitled to carry forward the exist-  
25 ing leave balance accumulated in accordance with

1 section 701 of title 10, United States Code, but not  
2 to exceed 60 days.”.

3 (c) AUTHORITY FOR DISABILITY PROCESSING.—Sub-  
4 section (j) of such section is amended—

5 (1) by striking “for purposes of the entitle-  
6 ment” and inserting “for purposes of—

7 “(1) the entitlement”;

8 (2) by striking the period at the end and insert-  
9 ing “; and”; and

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

12 “(2) retirement or separation for physical dis-  
13 ability under the provisions of chapters 55 and 61  
14 of title 10, United States Code.”.

15 **SEC. 610. PERMANENT CHANGE OF STATION ALLOWANCES**  
16 **FOR MEMBERS OF SELECTED RESERVE**  
17 **UNITS FILLING A VACANCY IN ANOTHER**  
18 **UNIT AFTER BEING INVOLUNTARILY SEPA-**  
19 **RATED.**

20 (a) TRAVEL AND TRANSPORTATION ALLOWANCES  
21 GENERALLY.—Section 474 of title 37, United States  
22 Code, as transferred and redesignated by section  
23 631(d)(2) of the National Defense Authorization Act for  
24 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460),  
25 is amended—



1 (1) in subsection (a)—

2 (A) by striking “and” at the end of para-  
3 graph (4);

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

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

8 “(6) upon filling a vacancy in a Selected Re-  
9 serve unit at a duty station that is more than 150  
10 miles from the member’s residence, if during the  
11 preceding three years the member was involuntarily  
12 separated under other than adverse conditions, as  
13 characterized by the Secretary concerned, while as-  
14 signed to a unit of the Selective Reserve and if that  
15 separation was during the period beginning on Octo-  
16 ber 1, 2012, and ending on December 31, 2018.”;

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

19 “(4)(A) A member may be provided travel and trans-  
20 portation allowances under subsection (a)(6) only with re-  
21 spect to the filling of a vacancy in a Selected Reserve unit  
22 one time.

23 “(B) Regulations under this section shall provide that  
24 whenever travel and transportation allowances are paid

1 under subsection (a)(6), the cost shall be borne by the unit  
 2 filling the vacancy.”; and

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

5 (b) TRAVEL AND TRANSPORTATION ALLOWANCES  
 6 FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section  
 7 476(a) of such title, as transferred and redesignated by  
 8 section 631(d)(2) of the National Defense Authorization  
 9 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
 10 1460), is amended—

11 (1) in paragraph (2)(B)—

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

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

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

18 “(vi) who fills a vacancy in a Selected Reserve  
 19 unit at a duty station that is more than 150 miles  
 20 from the member’s residence, if during the preceding  
 21 three years the member was involuntarily separated  
 22 under other than adverse conditions, as character-  
 23 ized by the Secretary concerned, while assigned to a  
 24 unit of the Selective Reserve and if that separation

1 was during the period beginning on October 1, 2012,  
 2 and ending on December 31, 2018.”; and

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

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

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

10 (a) REVISION OF ANNUAL ENROLLMENT FEES.—  
 11 Section 1097(e)(2) of title 10, United States Code, is  
 12 amended to read as follows:

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

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

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

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

23 “(i) Tier 1, which shall be applicable to former  
 24 members (or their survivors) with retired pay (or in  
 25 the case of survivors, annuity under the Survivor

1 Benefits Plan under chapter 73 of this title) in 2012  
2 less than \$22,590.

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

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

13 “(C) Each amount specified in subparagraph (B)  
14 shall be adjusted in subsequent years by the cost of living  
15 adjustment applied to retired pay. In subsequent years,  
16 tier placement will be based on retired pay or annuity dur-  
17 ing the calendar year in which the fiscal year starts. For  
18 purposes of applying subparagraph (B), the amount of re-  
19 tired pay or annuity determined to be received by any eli-  
20 gible beneficiary under this section and any other tier  
21 placement issues under this section shall be determined  
22 by the Secretary of Defense.

23 “(D) The annual family enrollment fee by fiscal year  
24 referred to in paragraph (1), based upon the Tiers deter-  
25 mined under subparagraphs (B) and (C), is the following:

1           “(i) For 2013, \$600 for Tier 1, \$720 for Tier  
2           2, and \$820 for Tier 3.

3           “(ii) For 2014, \$680 for Tier 1, \$920 for Tier  
4           2, and \$1,120 for Tier 3.

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

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

9           “(v) For years after 2016, the amount for  
10          2016, indexed by the National Health Expenditures  
11          per capita rate, as established by the Secretary of  
12          Health and Human Services.”.

13          (b) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE  
14          FOR CERTAIN TRICARE STANDARD BENEFICIARIES.—  
15          Section 1086(b)(1) of such title is amended to read as fol-  
16          lows:

17               “(1) Beginning October 1, 2012, an annual en-  
18               rollment fee, which shall be a precondition to cov-  
19               erage under this section (including coverage that  
20               provides for discounts on cost-sharing for using  
21               TRICARE network providers) and section 1074g,  
22               except that such fee shall not apply to persons de-  
23               scribed in paragraph (5) or in subsection (d), or to  
24               those covered by an enrollment fee under section

1       1097. The amount of the enrollment fee by fiscal  
2       year shall be:

3               “(A) in 2013, \$70 for an individual or  
4               \$140 for a family group;

5               “(B) in 2014, \$85 for an individual or  
6               \$170 for a family group;

7               “(C) in 2015, \$100 for an individual or  
8               \$200 for a family group;

9               “(D) in 2016, \$115 for an individual or  
10              \$230 for a family group;

11              “(E) in 2017, \$130 for an individual or  
12              \$250 for a family group; and

13              “(F) after 2017, the amounts for 2017 ad-  
14              justed based on the National Health Expendi-  
15              tures per capita rate, as established by the Sec-  
16              retary of Health and Human Services.”.

17       (c) REVISION OF ANNUAL DEDUCTIBLE AMOUNTS.—

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

20              “(2) An annual deductible amount applicable to  
21              the charges for all types of care authorized by this  
22              section and received while in an outpatient status  
23              and 25 percent of the additional charges for such  
24              care during a year. The annual deductible amount,

1       except for persons described in paragraph (5), by  
2       fiscal year shall be:

3               “(A) in 2013, \$160 for an individual or  
4               \$320 for a family group;

5               “(B) in 2014, \$200 for an individual or  
6               \$400 for a family group;

7               “(C) in 2015, \$230 for an individual or  
8               \$460 for a family group;

9               “(D) in 2016, \$260 for an individual or  
10              \$520 for a family group;

11              “(E) in 2017, \$290 for an individual or  
12              \$580 for a family group; and

13              “(F) after 2017, the amounts for 2017 ad-  
14              justed based on the National Health Expendi-  
15              tures per capita rate, as established by the Sec-  
16              retary of Health and Human Services.”.

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

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

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

1           “(B) the deductible amounts in effect in  
2           fiscal year 2012 shall remain in effect; and

3           “(C) the maximum payment amount re-  
4           ferred to in paragraph (4)(A) shall remain in  
5           effect.”.

6           (d) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE  
7   FOR TRICARE FOR LIFE BENEFICIARIES.—Section  
8   1086(d)(3) of such title is amended by adding at the end  
9   the following new subparagraph:

10           “(D) A person described in paragraph (2) (ex-  
11           cept a person described in clause (i) of this subpara-  
12           graph), shall pay an annual fiscal year enrollment  
13           fee as an additional condition of eligibility for health  
14           care benefits under this section.

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

20           “(ii) The annual enrollment fee shall have  
21           three Tiers, with Tier 1 applicable to former  
22           members (or their survivors) with retired pay  
23           (or in the case of survivors, annuity under the  
24           Survivor Benefits Plan under chapter 73 of this  
25           title) in 2012 less than \$22,590, Tier 2 between



1           \$22,590 and \$45,178 (inclusive), and Tier 3  
2           more than \$45,178.

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

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

10          “(v) For purposes of tier placement, the  
11          amount of retired pay or annuity determined to  
12          be received by any eligible beneficiary under  
13          this subparagraph, and any other tier place-  
14          ment issues under this section shall be deter-  
15          mined by the Secretary of Defense.

16          “(vi) In 2013 the enrollment fee for an in-  
17          dividual shall be \$35 for Tier 1, \$75 for Tier  
18          2, and \$115 for Tier 3.

19          “(vii) In 2014 the enrollment fee for an in-  
20          dividual shall be \$75 for Tier 1, \$150 for Tier  
21          2, and \$225 for Tier 3.

22          “(viii) In 2015 the enrollment fee for an  
23          individual shall be \$115 for Tier 1, \$225 for  
24          Tier 2, and \$335 for Tier 3.

1           “(ix) In 2016 the enrollment fee for an in-  
 2           dividual shall be \$150 for Tier 1, \$300 for Tier  
 3           2, and \$450 for Tier 3.

4           “(x) In subsequent years, the enrollment  
 5           fee for an individual shall be the amount in  
 6           2016, indexed by the National Health Expendi-  
 7           tures per capita rate, as established by the Sec-  
 8           retary of Health and Human Services.”.

9           (e) REVISIONS TO CATASTROPHIC CAP.—Section  
 10   1086(b)(4) of such title is amended—

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

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

14           “(B) Beginning October 1, 2012, the amount  
 15           referred to in subparagraph (A) shall be adjusted  
 16           based on the National Health Expenditures per cap-  
 17           ita rate, as established by the Secretary of Health  
 18           and Human Services, and shall not include enroll-  
 19           ment fees under this chapter.”.

20           (f) REVISIONS TO TRICARE PHARMACY PROGRAM  
 21   REQUIREMENTS.—(1) Section 1074g(a)(5) of such title is  
 22   amended by striking “at least one of the means described  
 23   in paragraph (2)(E)” and inserting “the national mail  
 24   order pharmacy program”.

1       (2) Section 1074g(a)(6) of such title is amended by  
2 adding at the end the following new subparagraph:  
3       “(C)(i) Notwithstanding any limitation in subpara-  
4 graph (A) and subject to clause (iv), the generally applica-  
5 ble cost sharing amounts specified in the following table  
6 shall apply in the years 2013 through 2021.

	“Retail Generic	Retail Formulary	Mail Order Generic	Mail Order Formulary	Mail Order Non-For- mulary
2013	\$5	\$26	\$0	\$26	\$51
2014	\$6	\$28	\$0	\$28	\$54
2015	\$7	\$30	\$0	\$30	\$58
2016	\$8	\$32	\$0	\$32	\$62
2017	\$9	\$34	\$9	\$34	\$66
2018	\$10	\$36	\$10	\$36	\$70
2019	\$11	\$38	\$11	\$38	\$75
2020	\$12	\$40	\$12	\$40	\$80
2021	\$13	\$43	\$13	\$43	\$85

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

12       “(iii) The amounts specified in the table in clause (i)  
13 shall be adjusted by the Secretary for years after 2021  
14 based on changes (as determined by the Secretary) in the

1 costs of pharmaceutical agents and prescription dis-  
 2 pensing, rounded to the nearest dollar.

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

9 (g) EFFECTIVE DATE AND REGULATIONS.—This sec-  
 10 tion shall take effect October 1, 2012. The Secretary of  
 11 Defense may issue an interim final rule or take such other  
 12 action as necessary to ensure implementation as of that  
 13 date. Such action may include presumptive enrollment for  
 14 designated beneficiaries (subject to declination) and auto-  
 15 matic deduction from retired pay or annuity of enrollment  
 16 fee amounts.

17 **SEC. 702. REQUIREMENT FOR MEDICARE PARTICIPATING**  
 18 **PHYSICIAN OR SUPPLIER TO ACCEPT**  
 19 **TRICARE AND VETERANS AFFAIRS PARTICI-**  
 20 **PATING RATES.**

21 Section 1842(h)(1) of the Social Security Act (42  
 22 U.S.C. 1395u(h)(1)) is amended by adding at the end the  
 23 following new sentence: “Any physician or supplier who  
 24 voluntarily enters into an agreement with the Secretary  
 25 to become a participating physician or supplier shall be

1 deemed to have agreed to be a participating provider of  
 2 medical care or services under any health plan contracted  
 3 for under section 1079 or 1086 of title 10, United States  
 4 Code, or under section 1781 of title 38, United States  
 5 Code, in accordance with the payment methodology and  
 6 amounts prescribed under joint regulations prescribed by  
 7 the Secretary, the Secretary of Defense, and the Secretary  
 8 of Homeland Security pursuant to sections 1079 and 1086  
 9 of title 10, United States Code.”.

10 **SEC. 703. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**  
 11 **TRICARE PRIME OF DEPENDENTS OF MEM-**  
 12 **BERS IN PAY GRADES ABOVE PAY GRADE E-**  
 13 **4.**

14 Subsection (a) of section 1097a of title 10, United  
 15 States Code, is amended to read as follows:

16 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-  
 17 PENDENTS.—(1) In the case of a dependent of a member  
 18 of the uniformed services who is entitled to medical and  
 19 dental care under section 1076(a)(2)(A) of this title and  
 20 resides in an area in which TRICARE Prime is offered,  
 21 the Secretary—

22 “(A) shall automatically enroll the dependent in  
 23 TRICARE Prime if the member is in pay grade E-  
 24 4 or below; and

1           “(B) may automatically enroll the dependent in  
 2       TRICARE Prime if the member is in pay grade E–  
 3       5 or higher.

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

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

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

14       Section 1077(b) of title 10, United States Code, is  
 15   amended by adding at the end the following new para-  
 16   graph:

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

19   **SEC. 705. EXTENSION OF TRICARE STANDARD COVERAGE**  
 20                           **AND TRICARE DENTAL PROGRAM FOR MEM-**  
 21                           **BERS OF THE SELECTED RESERVE WHO ARE**  
 22                           **INVOLUNTARILY SEPARATED.**

23       (a) EXTENSION OF TRICARE STANDARD COV-  
 24   ERAGE.—Section 1076d(b) of title 10, United States  
 25   Code, is amended—

1           (1) by striking “Eligibility” and inserting “(1)  
 2       Except as provided in paragraph (2), eligibility”;  
 3       and

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

6       “(2) Eligibility for a member under this section who  
 7       is involuntarily separated from the Selected Reserve under  
 8       other than adverse conditions, as characterized by the Sec-  
 9       retary concerned, shall terminate 180 days after the date  
 10      on which the member is separated.”.

11       (b) EXTENSION OF TRICARE DENTAL PROGRAM  
 12      COVERAGE.—Section 1076a(a)(1) of such title is amended  
 13      by adding at the end the following new sentence: “Such  
 14      plan shall provide that coverage for a member of the Se-  
 15      lected Reserve who is involuntarily separated from the Se-  
 16      lected Reserve under other than adverse conditions, as  
 17      characterized by the Secretary concerned, shall not termi-  
 18      nate earlier than 180 days after the date on which the  
 19      member is separated.”.

20      **SEC. 706. CLARIFICATION OF APPLICABILITY OF FEDERAL**  
 21                                   **TORT CLAIMS ACT TO SUBCONTRACTORS EM-**  
 22                                   **PLOYED TO PROVIDE HEALTH CARE SERV-**  
 23                                   **ICES TO THE DEPARTMENT OF DEFENSE.**

24       Section 1089(a) of title 10, United States Code, is  
 25      amended in the last sentence by—

1 (1) striking “if the physician, dentist, nurse,  
2 pharmacist, or paramedical” and inserting “to such  
3 a physician, dentist, nurse, pharmacist, or para-  
4 medical”;

5 (2) striking “involved is”; and

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

9 **SEC. 707. MODIFICATIONS TO REQUIREMENT FOR SEC-**  
10 **RETARY OF DEFENSE TO CONDUCT MENTAL**  
11 **HEALTH ASSESSMENTS FOR MEMBERS OF**  
12 **THE ARMED FORCES DEPLOYED IN CONNEC-**  
13 **TION WITH A CONTINGENCY OPERATION.**

14 (a) **TIMING OF MENTAL HEALTH ASSESSMENTS.—**  
15 Subsection (a)(1) of section 1074m of title 10, United  
16 States Code, is amended in subparagraph (C)(i) by strik-  
17 ing “one year” and inserting “18 months”.

18 (b) **EXCLUSION OF CERTAIN MEMBERS.—**Subsection  
19 (a)(2) of such section is amended—

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

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

24 “(A) in the case of an assessment other-  
25 wise required under subparagraph (A) of that



paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

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

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

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

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

(1) in subparagraph (D), by striking “No pharmaceutical agent may be excluded” and inserting “Except as provided in subparagraph (F), no pharmaceutical agent may be excluded”; and

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

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

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

19           “(I) A determination of the means and condi-  
20      tions under paragraphs (5) and (6) of this section  
21      through which over-the-counter drugs will be avail-  
22      able to eligible covered beneficiaries and the amount  
23      of cost share that such beneficiaries will be required  
24      to pay for over-the-counter drugs, except that no

1       such cost share may be required for a member of a  
2       uniformed service on active duty.

3               “(II) Any terms and conditions for the dis-  
4       pensing of over-the-counter drugs to eligible covered  
5       beneficiaries.”.

6       (b) DEFINITIONS.—Subsection (g) of such section is  
7       amended by adding at the end the following new para-  
8       graphs:

9               “(3) The term ‘over-the-counter drug’ means a  
10       drug that is not subject to section 503(b) of the  
11       Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
12       353(b)).

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

16       (c) TECHNICAL AMENDMENTS.—

17              (1) CROSS-REFERENCE AMENDMENTS.—Sub-  
18       sections (a)(6)(A) and (b)(1) of such section are  
19       amended by striking “subsection (g)” and inserting  
20       “subsection (h)”.

21              (2) REPEAL OF OBSOLETE PROVISIONS.—

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

24                      (B) Subsection (b)(2) of such section is  
25       amended by striking “Not later than” and all

1 that follows through “such 90-day period, the  
2 committee” and inserting “The committee”.

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

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

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

12 **TITLE VIII—ACQUISITION POL-**  
13 **ICY, ACQUISITION MANAGE-**  
14 **MENT, AND RELATED MAT-**  
15 **TERS**

16 **SEC. 801. REDUCTION IN REQUIREMENTS FOR SUBMISSION**  
17 **OF SELECTED ACQUISITION REPORTS FOR**  
18 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

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

1 **SEC. 802. AUTHORIZATION FOR ENTERING INTO**  
2 **MULTIYEAR CONTRACTS WITH FEDERALLY**  
3 **FUNDED RESEARCH AND DEVELOPMENT**  
4 **CENTERS.**

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

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

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

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

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

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

1 “(B) may include in the sponsoring agreement,  
 2 or in applicable contracts with that center, provi-  
 3 sions—

4 “(i) for special close-out costs, cancellation  
 5 costs, termination costs and other types of ex-  
 6 penses that may be incurred at the end of spon-  
 7 sorship; and

8 “(ii) for transfer of title to, or liquidation  
 9 of, the proceeds of sale or transfer of any prop-  
 10 erty held by the center for the benefit of the  
 11 Government.

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

14 **SEC. 803. AUTHORITY FOR THE SECRETARY OF DEFENSE**  
 15 **TO PROVIDE FEE-FOR-SERVICE INSPECTION**  
 16 **AND TESTING BY THE DEFENSE CONTRACT**  
 17 **MANAGEMENT AGENCY FOR CERTAIN CRIT-**  
 18 **ICAL EQUIPMENT IN THE ABSENCE OF A PRO-**  
 19 **CUREMENT CONTRACT.**

20 (a) **AUTHORITY.**—Section 2539b of title 10, United  
 21 States Code, is amended—

22 (1) In subsection (a)—

23 (A) by striking “and” at the end of para-  
 24 graph (3);

1 (B) by striking the period at the end of  
2 paragraph (4) and inserting “; and”; and

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

5 “(5) make available to any person or entity, in  
6 advance of the award of a procurement contract,  
7 through contracts or other appropriate arrangements  
8 and subject to subsection (e), the services of the De-  
9 fense Contract Management Agency for testing and  
10 inspection of items when such testing and inspection  
11 is determined by the Secretary to be critical to a  
12 specific program of the Department of Defense.”;  
13 and

14 (2) by adding at the end the following new sub-  
15 section:

16 “(e) DCMA SERVICES.—Services of the Defense  
17 Contract Management Agency may be made available  
18 under subsection (a)(5) only if the contract or other ar-  
19 rangement for those services—

20 “(1) holds the United States harmless if the  
21 items covered by the contract or other arrangement  
22 (whether or not tested and inspected under the con-  
23 tract or other arrangement) are not subsequently or-  
24 dered by or delivered to the United States under a

1 procurement contract entered into after the contract  
2 or other arrangement is entered into; and

3 “(2) holds the United States harmless against  
4 any claim arising out of the inspection and testing,  
5 or the use in any commercial application, of the  
6 equipment tested and inspected by the Defense Con-  
7 tract Management Agency under the contract or  
8 other arrangement.”.

9 (b) FEES.—Subsection (c) of such section is amend-  
10 ed—

11 (1) by striking “and (a)(4)” in the first sen-  
12 tence and inserting “, (a)(4), and (a)(5)”;

13 (2) by inserting “, travel, and other incidental  
14 overhead expenses” in the second sentence after  
15 “salaries”; and

16 (3) by inserting “or inspection” before the pe-  
17 riod at the end of the second sentence.

18 (c) USE OF FEES.—Subsection (d) of such section  
19 is amended by striking “and (a)(4)” and inserting “,  
20 (a)(4), and (a)(5)”.



1 **SEC. 804. ELIMINATION OF CONTINUOUS-DAYS-OF-SESSION**  
2 **REQUIREMENT FOR CONGRESSIONAL NOTI-**  
3 **FICATION OF THE LEASE OF CERTAIN VES-**  
4 **SELS BY THE DEPARTMENT OF DEFENSE.**

5 Section 2401(h)(2) of title 10, United States Code,  
6 is amended by striking “of continuous session of Con-  
7 gress”.

8 **SEC. 805. DISESTABLISHMENT OF DEFENSE MATERIEL**  
9 **READINESS BOARD.**

10 (a) DISESTABLISHMENT OF BOARD.—The Defense  
11 Materiel Readiness Board established pursuant to section  
12 871 of the National Defense Authorization Act for Fiscal  
13 Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is  
14 hereby disestablished.

15 (b) TERMINATION OF DEFENSE STRATEGIC READI-  
16 NESS FUND.—The Defense Strategic Readiness Fund es-  
17 tablished by section 872(d) of the National Defense Au-  
18 thorization Act for Fiscal Year 2008 (Public Law 110–  
19 181; 10 U.S.C. 117 note) is hereby closed.

20 (c) REPEAL.—Subtitle G of title VIII of the National  
21 Defense Authorization Act for Fiscal Year 2008 (Public  
22 Law 110–181; 10 U.S.C. 117 note) is repealed.

1 **SEC. 806. REVISION TO DEFINITION OF TERM “COMMER-**  
2 **CIAL ITEM” FOR PURPOSES OF FEDERAL**  
3 **PROCUREMENT STATUTES PROVIDING PRO-**  
4 **CEDURES FOR PROCUREMENT OF COMMER-**  
5 **CIAL ITEMS.**

6 (a) **ELIMINATION OF “OF A TYPE” CRITERION.—**  
7 Section 103 of title 41, United States Code, is amended  
8 by striking “of a type” in paragraphs (1)(A), (3)(A), and  
9 (4).

10 (b) **ELIMINATION OF ITEMS AND SERVICES MERELY**  
11 **OFFERED FOR SALE, LEASE, OR LICENSE.—**

12 (1) **ITEMS.—**Paragraph (1)(B) of such section  
13 is amended by striking “, or offered for sale, lease,  
14 or license,”.

15 (2) **SERVICES.—**Paragraph (6) of such section  
16 is amended by striking “offered and”.

17 (c) **ADJUSTMENT OF THRESHOLD RELATING TO**  
18 **PRIOR SALES.—**Paragraphs (6) and (8) of such section  
19 are amended by striking “substantial quantities” and in-  
20 serting “like quantities”.

1 **SEC. 807. TREATMENT OF REVIEWS OF PROGRAMS EXPERI-**  
2 **ENCING CRITICAL COST GROWTH WHEN**  
3 **COST GROWTH IS PRIMARILY DUE TO QUAN-**  
4 **TITY CHANGES.**

5 Section 2433a(c)(3)(A) of title 10, United States  
6 Code, is amended by striking “subparagraphs (B) and  
7 (C)” and inserting “subparagraphs (B), (C), and (E)”.

8 **SEC. 808. CHANGE IN AUTHORITIES RELATING TO SCOPE**  
9 **OF WORK VARIATIONS.**

10 Section 2853(b) of title 10, United States Code, is  
11 amended—

12 (1) in paragraph (2), by striking “The scope of  
13 work” and inserting “Except as provided in para-  
14 graph (3), the scope of work”; and

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

17 “(3) The scope of work for a military construction  
18 project or for the construction, improvement, and acquisi-  
19 tion of a military family housing project may be increased  
20 by not more than 5 percent if the Secretary concerned de-  
21 termines that such increase is necessary to accommodate  
22 revised design criteria or new technologies not available  
23 at the time of budget submission, but only if the increase  
24 in the scope of work does not change the function of the  
25 project.”.

1 **SEC. 809. TREATMENT OF PROCUREMENTS ON BEHALF OF**  
2 **THE DEPARTMENT OF DEFENSE IN ACCORD-**  
3 **ANCE WITH THE DEPARTMENT OF ENERGY'S**  
4 **WORK FOR OTHERS PROGRAM.**

5 (a) EXEMPTION FROM INSPECTOR GENERAL RE-  
6 VIEWS AND DETERMINATIONS.—Subsection (a) of section  
7 801 of the National Defense Authorization Act for Fiscal  
8 Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note)  
9 is amended by adding at the end the following new para-  
10 graph:

11 “(7) TREATMENT OF PROCUREMENTS  
12 THROUGH THE DEPARTMENT OF ENERGY.—For  
13 purposes of this subsection, the procurement of any  
14 property or services on behalf of the Department of  
15 Defense pursuant to an interagency agreement be-  
16 tween the Department of Defense and the Depart-  
17 ment of Energy in accordance with the Department  
18 of Energy’s Work For Others Program, where the  
19 property or services are provided by a Management  
20 and Operating contractor of the Department of En-  
21 ergy, and are procured on behalf of the Department  
22 of Defense, shall not be considered a procurement of  
23 property or services on behalf of the Department of  
24 Defense by a covered non-defense agency.”.

1 (b) EXEMPTION FROM CERTAIN CERTIFICATION RE-  
2 QUIREMENTS.—Subsection (b) of such section is amend-  
3 ed—

4 (1) in paragraph (1), by striking “paragraph  
5 (2)” and inserting “paragraphs (2) and (4)”; and

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

8 “(4) EXCEPTION FOR PROCUREMENTS IN AC-  
9 CORDANCE WITH THE DEPARTMENT OF ENERGY’S  
10 WORK FOR OTHERS PROGRAM.—The limitation in  
11 paragraph (1) shall not apply to the procurement of  
12 any property and services on behalf of the Depart-  
13 ment of Defense pursuant to an interagency agree-  
14 ment between the Department of Defense and the  
15 Department of Energy in accordance with the De-  
16 partment of Energy’s Work for Others Program,  
17 where the property or services are provided by a  
18 Management and Operating contractor of the De-  
19 partment of Energy and procured on behalf of the  
20 Department of Defense.”.

1 **SEC. 810. ENHANCEMENT OF REVIEW OF ACQUISITION**  
 2 **PROCESS FOR RAPID FIELDING OF CAPABILI-**  
 3 **TIES IN RESPONSE TO URGENT OPER-**  
 4 **ATIONAL NEEDS.**

5 Section 804(b)(3) of the Ike Skelton National De-  
 6 fense Authorization Act for Fiscal Year 2011 (Public Law  
 7 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amend-  
 8 ed—

9 (1) by inserting “and” at the end of subpara-  
 10 graph (B);

11 (2) by striking “; and” at the end of subpara-  
 12 graph (C) and inserting a period; and

13 (3) by striking subparagraph (D).

14 **SEC. 811. REPEAL OF APPLICATION OF REQUIREMENT TO**  
 15 **REVIEW ONGOING PROGRAMS INITIATED**  
 16 **PRIOR TO CERTIFICATION UNDER SECTION**  
 17 **2366B OF TITLE 10, UNITED STATES CODE.**

18 Subsection (b) of section 205 of the Weapon Systems  
 19 Acquisition Reform Act of 2009 (Public Law 111–23; 123  
 20 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

21 **SEC. 812. PERMANENT AUTHORITY FOR USE OF SIM-**  
 22 **PLIFIED ACQUISITION PROCEDURES FOR**  
 23 **CERTAIN COMMERCIAL ITEMS.**

24 Section 4202 of the Clinger-Cohen Act of 1996 (divi-  
 25 sion D of Public Law 104–106; 10 U.S.C. 2304 note) is  
 26 amended by striking subsection (e).

1 **SEC. 813. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**  
2 **ITY FOR DOMESTIC EMERGENCY OPER-**  
3 **ATIONS.**

4 Section 1903(a) of title 41, United States Code, is  
5 amended—

6 (1) by striking “or” at the end of paragraph  
7 (1);

8 (2) by striking the period at the end of para-  
9 graph (2) and inserting “; or”; and

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

12 “(3) in support of a declared emergency or  
13 major disaster (as defined in paragraphs (1) and  
14 (2), respectively, of section 102 of the Robert T.  
15 Stafford Disaster Relief and Emergency Assistance  
16 Act (42 U.S.C. 5122)).”.

17 **SEC. 814. DEFENSE COALITION REPAIR FUND.**

18 (a) **ESTABLISHMENT.**—There is established in the  
19 Treasury of the United States the Defense Coalition Re-  
20 pair Fund (in this section referred to as the “Fund”), con-  
21 sisting of amounts credited to the Fund pursuant to sub-  
22 section (e).

23 (b) **ADMINISTRATION.**—The Fund shall be adminis-  
24 tered by the Secretary of Defense.

1 (c) OBJECTIVE.—The objective of the Fund shall be  
2 to support the sale, transfer, or distribution of defense ar-  
3 ticles to coalition partners and allied or friendly nations.

4 (d) USE OF AMOUNTS.—

5 (1) AUTHORITY.—In pursuit of the objective  
6 stated in subsection (c), the Secretary of Defense  
7 may authorize the Secretaries of the military depart-  
8 ments to expend amounts from the Fund to repair,  
9 overhaul, or refurbish in-stock defense articles before  
10 distribution of those articles to coalition partners, or  
11 allied and friendly nations, in accordance with—

12 (A) the Arms Export Control Act (22  
13 U.S.C. 2751 et seq.);

14 (B) the Foreign Assistance Act of 1961  
15 (22 U.S.C. 2151 et seq.); or

16 (C) any other provision of law authorizing  
17 such distributions.

18 (2) SECRETARY OF STATE CONCURRENCE RE-  
19 QUIRED FOR DISTRIBUTION TO FOREIGN COUN-  
20 TRIES.—In addition to any otherwise applicable re-  
21 quirements of law, in the case of any distribution of  
22 such repaired, overhauled, or refurbished articles  
23 under a provision of law referred to in paragraph  
24 (1)(C) that does not otherwise require the concur-  
25 rence of the Secretary of State for such a distribu-



1       tion, the distribution may be made only with the  
2       concurrence of the Secretary of State.

3       (e) CREDITS TO THE FUND.—The following shall be  
4       credited to the Fund:

5           (1) At the discretion of the Secretary of De-  
6       fense, up to \$50,000,000 per year of operation and  
7       maintenance funds made available to the Depart-  
8       ment of Defense in annual defense appropriations  
9       Acts. Amounts transferred under this paragraph  
10      shall be merged with funds otherwise made available  
11      under this section and remain available until ex-  
12      pended.

13          (2) Notwithstanding section 114(c) of title 10,  
14      United States Code, any collection from the sale or  
15      transfer of defense articles from Department of De-  
16      fense stocks repaired, overhauled, or refurbished  
17      with amounts from the Fund that are not intended  
18      to be replaced and that is made pursuant to section  
19      21(a)(1)(A) of the Arms Export Control Act (22  
20      U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act  
21      of 1961, or other law, but not to exceed the actual  
22      value thereof.

23          (3) Amounts authorized and appropriated, or  
24      otherwise made available, to the Fund.

1       (f) EXCESS PROCEEDS CREDITED TO THE SPECIAL  
2 DEFENSE ACQUISITION FUND.—

3           (1) Amounts credited to the Fund pursuant to  
4 subsection (e)(2) shall be limited to the amount of  
5 the cost incurred to repair, overhaul, or refurbish  
6 such defense articles under subsection (d)(1).

7           (2) Amounts from sales or transfers of defense  
8 articles described in subsection (e)(2) that exceed  
9 the amounts described in paragraph (1) shall be  
10 credited to the Special Defense Acquisition Fund es-  
11 tablished pursuant to chapter 5 of the Arms Export  
12 Control Act (22 U.S.C. 2795 et seq.).

13       (g) TRANSFERS TO OTHER ACCOUNTS.—Amounts in  
14 the Fund may be transferred to any Department of De-  
15 fense appropriation used to carry out activities that will  
16 further the objective stated in subsection (c). Any amount  
17 so transferred shall be merged with the appropriation to  
18 which transferred and shall be available for the same pur-  
19 poses and the same time period as the appropriation to  
20 which transferred.

21       (h) TRANSFERS FROM OTHER ACCOUNTS.—Upon a  
22 determination by the Secretary of Defense with respect to  
23 an amount transferred under subsection (g) that all or  
24 part of such transfer is not necessary for the purposes  
25 provided, such amount may be transferred back to the

1 Fund and remain available for the objective stated in sub-  
2 section (c) notwithstanding the expiration of the period  
3 of obligation.

4 (i) DEFINITIONS.—In this section:

5 (1) The term “coalition partner” means a for-  
6 eign country or international organization des-  
7 ignated by the Secretary of Defense.

8 (2) The term “defense article” has the meaning  
9 given that term in paragraph (3) of section 47 of the  
10 Arms Export Control Act (22 U.S.C. 2794).

11 (j) EXPIRATION OF AUTHORITY.—The authority to  
12 use amounts in the Fund to repair, overhaul, or refurbish  
13 defense articles under this section shall expire on Sep-  
14 tember 30, 2015.

15 (k) EVALUATION.—Not later than February 1, 2015,  
16 the Secretary of Defense shall submit to the congressional  
17 defense committees a report on the operation of this sec-  
18 tion. The report shall include an evaluation of the effec-  
19 tiveness of the authority provided by this section in meet-  
20 ing the objectives stated in subsection (c).

1 **SEC. 815. ENHANCEMENT OF DEPARTMENT OF DEFENSE**  
2 **CAPABILITIES TO DETER AND RESPOND TO**  
3 **CONTRACTOR FRAUD.**

4 (a) WITHHOLDING OF CONTRACTUAL PAYMENTS.—  
5 Subsection (a) of section 2207 of title 10, United States  
6 Code, is amended—

7 (1) by striking “unless that contract provides  
8 that—” and inserting “unless that contract provides  
9 each of the following:”;

10 (2) in paragraph (1)—

11 (A) by inserting “That” after “(1)”; and

12 (B) by striking “; and” and inserting a pe-  
13 riod;

14 (3) in paragraph (2), by inserting “That,” after  
15 “(2)”; and

16 (4) by inserting after paragraph (2) the fol-  
17 lowing new paragraphs:

18 “(3) That with respect to a contract that could  
19 have been terminated under paragraph (1) but for  
20 the prior completion of the contract’s performance,  
21 the United States is entitled to exemplary damages  
22 as set forth in paragraph (2), in accordance with the  
23 notice and hearing process set forth in paragraph  
24 (1).

25 “(4) That the Secretary of a military depart-  
26 ment or head of a Defense Agency may, after noti-

1       fying the contractor but pending the determination  
 2       concerning exemplary damages referred to in para-  
 3       graph (2), withhold from payments otherwise due to  
 4       the contractor under any contract between the con-  
 5       tractor and that military department or Defense  
 6       Agency an amount that is up to 10 times the cost  
 7       incurred by the contractor in giving gratuities to the  
 8       officer, official, or employee concerned, as such cost  
 9       is estimated by the Secretary.”.

10       (b) RETENTION OF DAMAGES; FRAUD FIGHTING  
 11 FUNDS.—Such section is further amended—

12               (1) by redesignating subsection (b) as sub-  
 13       section (c); and

14               (2) by inserting after subsection (a) the fol-  
 15       lowing new subsection (b):

16       “(b) RETENTION OF DAMAGES; FRAUD FIGHTING  
 17 FUNDS.—(1) Exemplary damages recovered under sub-  
 18 section (a)(2), once assessed against a contractor, may be  
 19 retained by the Secretary of Defense, if assessed by a De-  
 20 fense Agency, or by the Secretary of the military depart-  
 21 ment that assessed the damages against the contractor  
 22 without regard to section 3302 of title 31.

23       “(2) The Secretary of Defense and the Secretaries  
 24 of the military departments shall each establish a ‘Fraud-  
 25 Fighting Fund’ (in this section referred to as the ‘Fund’)

1 for use by the Defense Agencies, in the case of the Fund  
2 established by the Secretary of Defense, or military de-  
3 partment, in the case of a Fund established by the Sec-  
4 retary of a military department, which shall be available  
5 to provide funds, in addition to funds which may be other-  
6 wise available for activities including training, investiga-  
7 tions, administrative proceedings, enforcement actions,  
8 and other related activities associated with deterring and  
9 preventing fraud. Exemplary damages identified in sub-  
10 section (a)(2), once assessed against the contractor, shall  
11 be paid into the Fund and shall be available until ex-  
12 pended.”.

13 (c) BURDEN OF PROOF.—Subsection (a)(1) of such  
14 section, as amended by subsection (a), is further amended  
15 by inserting “and by a preponderance of the evidence”  
16 after “after notice and hearing”.

17 (d) TECHNICAL AMENDMENTS.—Subsection (a) of  
18 such section is further amended by striking “clause (1)”  
19 in paragraph (2) and in the flush sentence at the end and  
20 inserting “paragraph (1)”.

21 (e) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply to contracts that are awarded on  
23 or after the date that is 90 days after the date of the  
24 enactment of this Act.

1 (f) CONFORMING AMENDMENTS.—Section 2410m(a)  
 2 of title 10, United States Code, is amended—

3 (1) by inserting “or arising from an assessment  
 4 of exemplary damages under section 2207 of this  
 5 title,” after “of title 41”;

6 (2) by striking “or” at the end of paragraph  
 7 (2);

8 (3) by striking the period at the end of para-  
 9 graph (3) and inserting “; or”; and

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

12 “(4) any determination under section 2207 of  
 13 this title.”.

14 (g) PROCUREMENT REGULATIONS.—Regulations  
 15 governing actions under section 2207 shall be revised to  
 16 implement the amendments to section 2207 of title 10,  
 17 United States Code, made by this section not later than  
 18 90 days after the date of the enactment of this Act.

19 **SEC. 816. EXTENSION OF AUTHORITY FOR TASK FORCE FOR**  
 20 **BUSINESS AND STABILITY OPERATIONS IN**  
 21 **AFGHANISTAN.**

22 Section 1535(a) of the Ike Skelton National Defense  
 23 Authorization Act for Fiscal Year 2011 (Public Law 111–  
 24 383; 124 Stat. 4426), as amended by section 1534 of the  
 25 National Defense Authorization Act for Fiscal Year 2012

1 (Public Law 112–81; 125 Stat. 1658), is further amend-  
 2 ed—

3 (1) in the second sentence of paragraph (4)—

4 (A) by striking “The amount of funds  
 5 used” and inserting “The amount of funds obli-  
 6 gated”;

7 (B) by inserting “and \$93,000,000 for fis-  
 8 cal year 2013” after “fiscal year 2012”; and

9 (C) by inserting “for fiscal year 2012”  
 10 after “except that”; and

11 (2) in paragraph (7)—

12 (A) by striking “provided in” and inserting  
 13 “to obligate funds for projects under”; and

14 (B) by striking “September 30, 2012” and  
 15 inserting “September 30, 2013”.

16 **SEC. 817. TIMELINESS RULES FOR FILING BID PROTESTS**

17 **AT THE UNITED STATES COURT OF FEDERAL**  
 18 **CLAIMS.**

19 (a) **JURISDICTION.**—Paragraph (1) of section  
 20 1491(b) of title 28, United States Code, is amended—

21 (1) in the first sentence, by striking “Both the”  
 22 and all the follows through “shall have” and insert-  
 23 ing “The United States Court of Federal Claims  
 24 shall have”; and

25 (2) in the second sentence—



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

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

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

21 “(B) A protest other than one covered by sub-  
22 paragraph (A) shall be filed not later than 10 days  
23 after the basis of the protest is known or should  
24 have been known (whichever is earlier), with the ex-  
25 ception of a protest challenging a procurement con-

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

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

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

11       (b) AVAILABLE RELIEF.—Paragraph (2) of such sec-  
12      tion is amended by striking “except that” and inserting  
13      “except injunctive relief shall not be combined with mone-  
14      tary relief, and”.

15       (c) AGENCY DECISIONS OVERRIDING STAY OF CON-  
16      TRACT AWARD OR PERFORMANCE.—Such section is fur-  
17      ther amended—

18           (1) by redesignating paragraphs (5) and (6) as  
19      paragraphs (6) and (7), respectively; and

20           (2) by inserting after paragraph (4) the fol-  
21      lowing new paragraph (5):

22       “(5) The United States Court of Federal Claims shall  
23      have jurisdiction to render judgment on an action by an  
24      interested party challenging an agency’s decision to over-

ride a stay of contract award or contract performance that would otherwise be required by section 3553 of title 31.”.

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

## **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

### **Subtitle A—Intelligence-Related Matters**

#### **SEC. 901. TECHNICAL AMENDMENTS TO REFLECT CHANGE IN NAME OF NATIONAL DEFENSE INTELLIGENCE COLLEGE TO NATIONAL INTELLIGENCE UNIVERSITY.**

(a) CONFORMING AMENDMENTS TO REFLECT NAME CHANGE.—Section 2161 of title 10, United States Code, is amended by striking “National Defense Intelligence College” each place it appears and inserting “National Intelligence University”.

(b) CLERICAL AMENDMENTS.—

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

1 **“§ 2161. Degree granting authority for National Intel-**  
 2 **ligence University”.**

3 (2) TABLE OF SECTIONS.—The item related to  
 4 such section in the table of sections at the beginning  
 5 of chapter 108 of such title is amended to read as  
 6 follows:

“2161. Degree granting authority for National Intelligence University.”.

7 **SEC. 902. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-**  
 8 **LIGENCE SUPPORT TO CERTAIN SECURITY**  
 9 **ALLIANCES AND REGIONAL ORGANIZATIONS.**

10 (a) EXTENSION OF AUTHORITY TO CERTAIN SECU-  
 11 RITY ALLIANCES AND REGIONAL ORGANIZATIONS.—Sec-  
 12 tion 443(a) of title 10, United States Code, is amended  
 13 by inserting “, regional organizations with defense or secu-  
 14 rity components, and security alliances of which the  
 15 United States is a member” after “foreign countries”.

16 (b) CLERICAL AMENDMENTS.—

17 (1) SECTION HEADING.—The heading of section 443  
 18 of such title is amended to read as follows:

19 **“§ 443. Imagery intelligence and geospatial informa-**  
 20 **tion: support for foreign countries and**  
 21 **certain security alliances and regional or-**  
 22 **ganizations”**

23 (2) TABLE OF SECTIONS.—The item relating to such  
 24 section in the table of sections at the beginning of sub-

1 chapter I of chapter 22 of such title is amended to read  
2 as follows:

“443. Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations.”.

3 **SEC. 903. REVISION OF SECRETARY OF DEFENSE AUTHOR-**  
4 **ITY TO ENGAGE IN COMMERCIAL ACTIVITIES**  
5 **AS SECURITY FOR INTELLIGENCE COLLEC-**  
6 **TION ACTIVITIES AND MILITARY OPER-**  
7 **ATIONS ABROAD.**

8 (a) EXTENSION OF AUTHORITY TO INCLUDE ACTIVI-  
9 TIES UNDERTAKEN AS SECURITY FOR MILITARY OPER-  
10 ATIONS.—

11 (1) AUTHORITY.—Subsection (a) of section 431  
12 of title 10, United States Code, is amended by in-  
13 serting “and military operations” after “intelligence  
14 collection activities”.

15 (2) CLERICAL AMENDMENTS.—(A) The heading  
16 of such section is amended to read as follows:

17 **“§ 431. Authority to engage in commercial activities**  
18 **as security for intelligence collection ac-**  
19 **tivities and military operations abroad”.**

20 (B) The item relating to that section in the  
21 table of sections at the beginning of subchapter II  
22 of chapter 21 of such chapter is amended to read as  
23 follows:

“431. Authority to engage in commercial activities as security for intelligence collection activities and military operations abroad.”.

1       (b) REPEAL OF DESIGNATION OF DEFENSE INTEL-  
2       LIGENCE AGENCY AS REQUIRED OVERSIGHT AUTHORITY  
3       WITHIN DEPARTMENT OF DEFENSE.—Section 436(4) of  
4       such title is amended—

5               (1) by striking “within the Defense Intelligence  
6       Agency” and inserting “within the Department of  
7       Defense”; and

8               (2) by striking “management and supervision”  
9       and inserting “oversight”.

10       (c) TECHNICAL AMENDMENTS.—Section 437 of such  
11       title is amended—

12               (1) in subsections (a) and (b), by inserting  
13       “congressional” before “intelligence committees”;  
14       and

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

17       “(c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
18       DEFINED.—In this section, the term ‘congressional intel-  
19       ligence committees’ has the meaning given that term in  
20       section 3 of the National Security Act of 1947 (50 U.S.C.  
21       401a)).”.

1           **Subtitle B—Space Activities**

2   **SEC. 911. REVISIONS TO POLICY ON DEVELOPMENT AND**  
3           **PROCUREMENT OF UNMANNED SYSTEMS.**

4           (a) REVISION TO REQUIRED POLICY.—Subsection (a)  
5 of section 941 of the John Warner National Defense Au-  
6 thorization Act for Fiscal Year 2007 (Public Law 109–  
7 364; 120 Stat. 2083) is amended—

8               (1) by striking “on” and inserting “for the con-  
9 duct of”;

10              (2) by striking “procurement, and operation”  
11 and inserting “and for the conduct of procure-  
12 ment,”;

13              (3) by inserting “manned and” before “un-  
14 manned systems”; and

15              (4) by inserting “in a manner that is fiscally re-  
16 sponsible and enhances warfighter capability” before  
17 the period at the end.

18           (b) MODIFICATION TO ELEMENTS OF POLICY.—Sub-  
19 section (b) of such section is amended—

20               (1) by striking paragraphs (1) and (2) and in-  
21 serting the following new paragraphs:

22                   “(1) An identification of those Department of  
23 Defense capabilities for which manned and un-  
24 manned systems may address potential needs.



1           “(2) A thorough and objective consideration of  
2           the acquisition of manned and unmanned systems  
3           whenever a new system is to be acquired to meet a  
4           capability requirement.”;

5           (2) in paragraph (5), by striking “, including”  
6           and all that follows through “on unmanned sys-  
7           tems”; and

8           (3) in paragraph (6), by striking “missions”  
9           and inserting “capabilities”.

10          (c) ROADMAP.—Such section is further amended—

11           (1) by striking subsection (d);

12           (2) by redesignating subsection (c) as sub-  
13           section (d);

14           (3) by inserting after subsection (b) the fol-  
15           lowing new subsection (c):

16          “(c) ROADMAP.—The Secretary of Defense shall pre-  
17          pare and update periodically a roadmap for the policy re-  
18          quired by subsection (a) that includes—

19           “(1) goals for the development of unmanned  
20           system technologies to address capabilities identified  
21           pursuant to subsection (b)(1); and

22           “(2) plans to address technical, operational,  
23           and production challenges, and gaps in capabilities,  
24           with respect to unmanned systems.”; and

(4) in subsection (d), as redesignated by paragraph (2), by inserting “, and implement the road map required by subsection (c),” after “subsection (a)”.

(d) CONFORMING AMENDMENT.—The heading of such section is amended by inserting “**MANNED AND**” before “**UNMANNED**”.

8 SEC. 912. REPEAL OF REQUIREMENT FOR BIENNIAL RE-  
9 PORT ON GLOBAL POSITIONING SYSTEM.

10       Section 2281 of title 10, United States Code, is  
11   amended by striking subsection (d).

12 SEC. 913. REPEAL OF REQUIREMENT FOR OPERATIONALLY  
13 RESPONSIVE SPACE PROGRAM OFFICE IN DE-  
14 PARTMENT OF DEFENSE.

15 (a) REPEAL.—Section 2273a of title 10, United  
16 States Code is repealed.

(b) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 135 of such title is amended by striking the item relating to section 2273a.

20 SEC. 914. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

1 **“§ 2275. Commercial space launch cooperation**

2       “(a) AUTHORITY.—The Secretary of Defense may, to  
3 assist the Secretary of Transportation in carrying out re-  
4 sponsibilities set forth in titles 49 and 51 with respect to  
5 private sector involvement in commercial space activities  
6 and public-private partnerships pertaining to space trans-  
7 portation infrastructure, take such actions as the Sec-  
8 retary considers to be in the best interest of the Federal  
9 Government to do the following:

10           “(1) Maximize the use by the private sector in  
11 the United States of the capacity of the space trans-  
12 portation infrastructure of the Department of De-  
13 fense.

14           “(2) Maximize the effectiveness and efficiency  
15 of the space transportation infrastructure of the De-  
16 partment of Defense.

17           “(3) Reduce the cost of services provided by the  
18 Department of Defense related to space transpor-  
19 tation infrastructure at launch support facilities and  
20 space recovery support facilities.

21           “(4) Encourage commercial space activities by  
22 enabling investment by covered entities in the space  
23 transportation infrastructure of the Department of  
24 Defense.

25           “(5) Foster cooperation between the Depart-  
26 ment of Defense and covered entities.

1       “(b) AUTHORITY FOR CONTRACTS AND OTHER  
2 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-  
3 FRASTRUCTURE.—The Secretary of Defense—

4           “(1) may enter into a contract or other agree-  
5 ment with a covered entity to provide to the covered  
6 entity support and services related to the space  
7 transportation infrastructure of the Department of  
8 Defense; and

9           “(2) upon the request of that covered entity,  
10 may include such support and services in the space  
11 launch and reentry range support requirements of  
12 the Department of Defense if—

13           “(A) the Secretary determines that the in-  
14 clusion of such support and services in such re-  
15 quirements—

16           “(i) is in the best interest of the Fed-  
17 eral Government;

18           “(ii) does not interfere with the re-  
19 quirements of the Department of Defense;  
20 and

21           “(iii) does not compete with the com-  
22 mercial space activities of other covered en-  
23 tities, unless that competition is in the na-  
24 tional security interests of the United  
25 States; and

1           “(B) any commercial requirement included  
2           in that contract or other agreement has full  
3           non-Federal funding before the execution of the  
4           contract or other agreement.

5           “(c) CONTRIBUTIONS.—

6           “(1) IN GENERAL.—The Secretary of Defense  
7           may enter into contracts or other agreements with  
8           covered entities on a cooperative and voluntary basis  
9           to accept contributions of funds, services, and equip-  
10          ment to carry out this section.

11          “(2) USE OF CONTRIBUTIONS.—Any funds,  
12          services, or equipment accepted by the Secretary  
13          under this subsection—

14                 “(A) may be used only for the objectives  
15                 specified in this section in accordance with  
16                 terms of use set forth in the contract or other  
17                 agreement entered into under this subsection;  
18                 and

19                 “(B) shall be managed by the Secretary in  
20                 accordance with regulations of the Department  
21                 of Defense.

22          “(3) REQUIREMENTS WITH RESPECT TO  
23          AGREEMENTS.—A contract or other agreement en-  
24          tered into under this subsection with a covered enti-  
25          ty—

1           “(A) shall address the terms of use, owner-  
2           ship, and disposition of the funds, services, or  
3           equipment contributed pursuant to the contract  
4           or other agreement; and

5           “(B) shall include a provision that the cov-  
6           ered entity will not recover the costs of its con-  
7           tribution through any other contract or agree-  
8           ment with the United States.

9           “(d) DEFENSE COOPERATION SPACE LAUNCH AC-  
10          COUNT.—

11           “(1) ESTABLISHMENT.—There is established in  
12          the Treasury of the United States a special account  
13          to be known as the ‘Defense Cooperation Space  
14          Launch Account’.

15           “(2) CREDITING OF FUNDS.—Funds received  
16          by the Secretary of Defense under subsection (c)  
17          shall be credited to the Defense Cooperation Space  
18          Launch Account and shall be available until ex-  
19          pended without further authorization or appropria-  
20          tion only for the objectives specified in this section.

21           “(e) ANNUAL REPORT.—Not later than January 31  
22          of each year, the Secretary of Defense shall submit to the  
23          congressional defense committees a report on the funds,  
24          services, and equipment accepted and used by the Sec-  
25          retary under this section during the previous fiscal year.

1 “(f) REGULATIONS.—The Secretary of Defense shall  
2 prescribe regulations to carry out this section.

3 “(g) DEFINITIONS.—In this section:

4 “(1) COVERED ENTITY.—The term ‘covered en-  
5 tity’ means a non-Federal entity that—

6 “(A) is organized under the laws of the  
7 United States or of any jurisdiction within the  
8 United States; and

9 “(B) is engaged in commercial space ac-  
10 tivities.

11 “(2) LAUNCH SUPPORT FACILITIES.—The term  
12 ‘launch support facilities’ has the meaning given  
13 that term in section 50501(7) of title 51.

14 “(3) SPACE RECOVERY SUPPORT FACILITIES.—  
15 The term ‘space recovery support facilities’ has the  
16 meaning given that term in section 50501(11) of  
17 title 51.

18 “(4) SPACE TRANSPORTATION INFRASTRUC-  
19 TURE.—The term ‘space transportation infrastruc-  
20 ture’ has the meaning given that term in section  
21 50501(12) of title 51.”.

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

“2275. Commercial space launch cooperation.”.

1 **TITLE X—GENERAL PROVISIONS**

2 **SEC. 1001. TECHNICAL AMENDMENTS TO REPEAL STATU-**  
3 **TORY REFERENCES TO UNITED STATES**  
4 **JOINT FORCES COMMAND.**

5 Title 10, United States Code, is amended as follows:

6 (1)(A) Section 232 is repealed.

7 (B) The table of sections at the beginning of  
8 chapter 9 is amended by striking the item relating  
9 to section 232.

10 (2) Section 485(b) is amended—

11 (A) in paragraph (5)—

12 (i) by striking “including a description  
13 of” and all that follows through “(A) Spe-  
14 cific outcomes” and inserting “including a  
15 description of specific outcomes”; and

16 (ii) by striking subparagraph (B);

17 (B) by striking paragraph (8); and

18 (C) by redesignating paragraph (9) as  
19 paragraph (8).

20 (3) Section 2859(d) is amended by striking  
21 paragraph (2).

22 (4) Section 10503(13)(B) is amended by strik-  
23 ing clause (iii) and redesignating clause (iv) as  
24 clause (iii).



1 **SEC. 1002. REDESIGNATION OF THE CENTER FOR HEMI-**  
 2 **SPHERIC DEFENSE STUDIES AS THE WILLIAM**  
 3 **J. PERRY CENTER FOR HEMISPHERIC DE-**  
 4 **FENSE STUDIES.**

5 (a) REDESIGNATION.—The Department of Defense  
 6 regional center for security studies known as the Center  
 7 for Hemispheric Defense Studies is hereby renamed the  
 8 “William J. Perry Center for Hemispheric Defense Stud-  
 9 ies”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 184 of title 10, United States Code,  
 12 is amended—

13 (A) by striking “The Center for Hemi-  
 14 spheric Defense Studies” in subsection

15 (b)(2)(C) and inserting “The William J. Perry  
 16 Center for Hemispheric Defense Studies”; and

17 (B) by striking “the Center for Hemi-  
 18 spheric Defense Studies” in subsection (f)(5)  
 19 and inserting “the William J. Perry Center for  
 20 Hemispheric Defense Studies”.

21 (2) Section 2611(a)(2)(C) of such title is  
 22 amended by striking “The Center for Hemispheric  
 23 Defense Studies.” and inserting “The William J.  
 24 Perry Center for Hemispheric Defense Studies.”.

25 (c) REFERENCES.—Any reference to the Department  
 26 of Defense Center for Hemispheric Defense Studies in any

1 law, regulation, map, document, record, or other paper of  
2 the United States shall be deemed to be a reference to  
3 the William J. Perry Center for Hemispheric Defense  
4 Studies.

5 **SEC. 1003. CONGRESSIONAL FUNERAL SUPPORT.**

6 (a) ACTIVE DUTY SUPPORT.—Section 1491(a) of  
7 title 10, United States Code, is amended—

8 (1) by inserting “(1)” before “The Secretary”;  
9 and

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

12 “(2) The Secretary of Defense may, upon request of  
13 the leadership of the House of Representatives or Senate,  
14 provide a funeral honors detail and ceremonial support,  
15 to include transportation, for the funeral of a member of  
16 Congress or a delegate to Congress who dies while in of-  
17 fice.”.

18 (b) NATIONAL GUARD SUPPORT.—Section 115(a) of  
19 title 32, United States Code, is amended by inserting “or  
20 a member of Congress or a delegate to Congress who dies  
21 in office” in the first sentence after “veteran”.

22 **SEC. 1004. MILITARY MUSEUMS’ ACCEPTANCE OF PRIVATE**  
23 **SUPPORT.**

24 (a) MUSEUM SUPPORT AUTHORITY.—

1           (1) GENERAL.—Chapter 155 of title 10, United  
2       States Code, is amended by adding at the end the  
3       following new section:

4   **“§ 2615. Military museum support**

5       “(a) ACCEPTANCE OF GIFTS.—Notwithstanding sec-  
6       tion 1342 of title 31, the Secretary concerned may accept  
7       services from a nonprofit entity to support a military mu-  
8       seum program.

9       “(b) LIMITATION ON USE OF GIFT FUNDS.—Any gift  
10      made for the purpose of assisting in the development, op-  
11      eration, maintenance, and management of, or for the ac-  
12      quisition of collections for, a military museum and depos-  
13      ited into a General Gift Fund pursuant to section 2601  
14      of this title shall be available only for the purpose of devel-  
15      opment, operation, maintenance, and management of, or  
16      for the acquisition of collections for, a military museum  
17      program.

18      “(c) SOLICITATION OF GIFTS.—Under regulations  
19      prescribed under this section, the Secretary concerned  
20      may solicit from any person or public or private entity,  
21      for the use and benefit of a military museum program,  
22      a gift of books, manuscripts, works of art, historical arti-  
23      facts, drawings, plans, models, and condemned or obsolete  
24      combat materiel.

1       “(d) LEASING.—The Secretary concerned may, in ac-  
2 cordance with section 2667 of this title, lease real and per-  
3 sonal property of a military museum, but not including  
4 any part of its collection, to a nonprofit entity for purposes  
5 related to the military museum program. Money rentals  
6 received from any such lease may be retained and spent  
7 by the Secretary to support the military museum program.

8       “(e) COOPERATIVE AGREEMENTS.—The Secretary  
9 concerned may enter into a cooperative agreement with  
10 a nonprofit entity for purposes related to support of a mili-  
11 tary museum program.

12       “(f) EMPLOYEE STATUS.—For purposes of this sec-  
13 tion, employees or personnel of a nonprofit entity may not  
14 be considered to be employees of the United States.

15       “(g) REGULATIONS.—

16               “(1) IN GENERAL.—The Secretary of Defense  
17 shall prescribe regulations to implement this section.  
18 Such regulations shall apply uniformly throughout  
19 the Department of Defense.

20               “(2) LIMITATION.—Such regulations shall pro-  
21 vide that solicitation of a gift, acceptance of a gift  
22 (including a gift of services), or use of a gift under  
23 this section may not occur if the nature or cir-  
24 cumstances of the solicitation, acceptance, or use  
25 would compromise the integrity or the appearance of

1 integrity of any program of the Department of De-  
 2 fense or any individual involved in such program.

3 “(h) DEFINITIONS.—In this section:

4 “(1) The term ‘military museum program’ may  
 5 include an individual museum.

6 “(2) The term ‘nonprofit entity’ means any en-  
 7 tity—

8 “(A) qualifying as an exempt organization  
 9 under section 501(c)(3) of the Internal Revenue  
 10 Code of 1986, and

11 “(B) with a primary purpose of supporting  
 12 a military museum program.

13 “(3) The term ‘Secretary concerned’ includes  
 14 the Secretary of Defense with respect to matters  
 15 concerning the Defense Agencies.”.

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

“2615. Military museum support.”.

19 (b) CONFORMING AMENDMENT.—Section 2667(e)(1)  
 20 of such title is amended by striking subparagraph (E).

1 **SEC. 1005. CLARIFICATION OF PARTIES WITH WHOM DE-**  
2 **PARTMENT OF DEFENSE MAY CONDUCT EX-**  
3 **CHANGES OF REAL PROPERTY AT MILITARY**  
4 **INSTALLATIONS.**

5 Section 2869(a)(1) of title 10, United States Code  
6 is amended—

7 (1) by striking “eligible”; and

8 (2) by striking “entity” both places it appears  
9 and inserting “person”.

10 **SEC. 1006. EXTENSION OF AUTHORITY TO PROVIDE AS-**  
11 **SURED BUSINESS GUARANTEES TO CAR-**  
12 **RIERS PARTICIPATING IN CIVIL RESERVE AIR**  
13 **FLEET.**

14 (a) EXTENSION.—Subsection (k) of section 9515 of  
15 title 10, United States Code, is amended by striking “De-  
16 cember 31, 2015” and inserting “December 31, 2020”.

17 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—  
18 Such section is further amended—

19 (1) in subsection (a)(3), by striking “pas-  
20 senger”; and

21 (2) in subsection (j), by striking “, except that  
22 it only means such transportation for which the Sec-  
23 retary of Defense has entered into a contract for the  
24 purpose of passenger travel”.

1 **SEC. 1007. EXTENSION OF AUTHORITY FOR JOINT TASK**  
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
3 **FORCEMENT AGENCIES CONDUCTING**  
4 **COUNTER-TERRORISM ACTIVITIES.**

5 Subsection (b) of section 1022 of the National De-  
6 fense Authorization Act for Fiscal Year 2004 (Public Law  
7 108–136; 10 U.S.C. 371 note) is amended by striking  
8 “fiscal years 2006 through 2012” and inserting “the pe-  
9 riod ending on December 31, 2014”.

10 **SEC. 1008. PUEBLO CHEMICAL DEPOT AND BLUE GRASS**  
11 **ARMY DEPOT CHEMICAL AGENT AND MUNI-**  
12 **TIONS DESTRUCTION TECHNOLOGIES.**

13 (a) LIMITATION.—Section 1412 of the Department  
14 of Defense Authorization Act, 1986 (50 U.S.C. 1521), is  
15 amended by adding at the end the following new sub-  
16 section:

17 “(p) LIMITATION ON SUPPLEMENTAL DESTRUCTION  
18 TECHNOLOGIES.—In determining the technologies to sup-  
19 plement the neutralization destruction of the stockpile of  
20 lethal chemical agents and munitions at Pueblo Chemical  
21 Depot, Colorado, and Blue Grass Army Depot, Kentucky,  
22 the Secretary of Defense may consider the following:

23 “(1) Explosive Destruction Technologies.

24 “(2) Any technologies developed for treatment  
25 and disposal of agent or energetic hydrolysates, if

1 problems with the current on-site treatment of hy-  
 2 drolysates are encountered.”.

3 (b) REPEAL OF OBSOLETE PROVISION OF LAW.—  
 4 Section 151 of the Floyd D. Spence National Defense Au-  
 5 thorization Act for Fiscal Year 2001 (as enacted by Public  
 6 Law 106–398; 114 Stat. 1645A–30) is repealed.

7 **SEC. 1009. STREAMLINING OF PROCEDURES FOR PUR-**  
 8 **CHASE AND RELEASE OF MATERIALS UNDER**  
 9 **STRATEGIC AND CRITICAL MATERIALS**  
 10 **STOCKPILING ACT.**

11 (a) ACQUISITION OF MATERIALS.—

12 (1) OBLIGATION OF FUNDS FOR ACQUI-  
 13 TION.—Section 5(a) of the Strategic and Critical  
 14 Materials Stock Piling Act (50 U.S.C. 98d(a)(1)) is  
 15 amended—

16 (A) in paragraph (1), by striking “Except  
 17 for” and all that follows through “obligated or”  
 18 and inserting “No funds may be”; and

19 (B) by adding at the end the following new  
 20 paragraph;

21 “(3) Except for acquisitions made under the author-  
 22 ity of paragraph (3) or (4) of section 6(a), no funds may  
 23 be obligated for acquisition of any material under this Act  
 24 until the President has submitted a full statement of the  
 25 proposed acquisition to the appropriate committees of



1 Congress and a period of 45 days has passed from the  
2 date of the receipt of such statement by such commit-  
3 tees.”.

4 (2) CONFORMING AMENDMENT.—Section  
5 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amend-  
6 ed by striking “Subject to section 5(a)(1), moneys”  
7 and inserting “Moneys”.

8 (b) RELEASE OF MATERIALS NEEDED FOR NA-  
9 TIONAL DEFENSE PURPOSES.—

10 (1) AUTHORITY FOR PRESIDENT TO DELEGATE  
11 SPECIAL DISPOSAL AUTHORITY OF THE PRESIDENT  
12 FOR RELEASE FOR NATIONAL DEFENSE PUR-  
13 POSES.—Section 7(a) of such Act (50 U.S.C. 98f(a))  
14 is amended—

15 (A) by striking “and” at the end of para-  
16 graph (1);

17 (B) by striking the period at the end of  
18 paragraph (2) and inserting “; and”; and

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

21 “(3) on the order of the National Defense  
22 Stockpile Manager if the President has designated  
23 the Stockpile Manager to have authority to issue re-  
24 lease orders under this subsection and, in the case  
25 of any such order, if the Stockpile Manager deter-

1 mines that the release of such materials is required  
 2 for use, manufacture, or production for purposes of  
 3 national defense.”.

4 (2) EXCLUSION FROM DELEGATION LIMITA-  
 5 TION.—Section 16 of such Act (50 U.S.C. 98h–7) is  
 6 amended by striking “sections 7 and 13” each place  
 7 it appears and inserting “sections 7(a)(1) and 13”.

8 **SEC. 1010. REQUIREMENT FOR CERTIFICATION ONCE**  
 9 **EVERY THREE YEARS RATHER THAN ANNU-**  
 10 **ALLY FOR AUTHORITY TO PROVIDE CERTAIN**  
 11 **SUPPORT FOR COUNTER-DRUG ACTIVITIES**  
 12 **TO SPECIFIED FOREIGN COUNTRIES.**

13 Section 1033 of the National Defense Authorization  
 14 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
 15 1629), as most recently amended by section 1014 of the  
 16 Ike Skelton National Defense Authorization Act for Fiscal  
 17 Year 2011 (Public Law 111–383; 124 Stat. 4347), is  
 18 amended—

19 (1) in subsection (f)(1), by striking “the written  
 20 certification described in subsection (g) for that fis-  
 21 cal year.” and inserting the following: “a written  
 22 certification described in subsection (g) applicable to  
 23 that fiscal year. The first such certification with re-  
 24 spect to any such government may apply only to a  
 25 period of one fiscal year. Subsequent certifications

1 with respect to any such government may apply to  
 2 a period of not to exceed three fiscal years.”; and

3 (2) in subsection (g), in the matter preceding  
 4 paragraph (1)—

5 (A) by striking “The written” and insert-  
 6 ing “A written”; and

7 (B) by striking “for a fiscal year” and all  
 8 that follows through the colon and inserting  
 9 “with respect to a government to receive sup-  
 10 port under this section for any period of time  
 11 is a certification of each of the following with  
 12 respect to that government:”.

13 **SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNI-**  
 14 **FIED COUNTER-DRUG AND COUNTERTER-**  
 15 **RORISM CAMPAIGN IN COLOMBIA AND OF**  
 16 **NUMERICAL LIMITATION ON ASSIGNMENT OF**  
 17 **UNITED STATES PERSONNEL IN COLOMBIA.**

18 Section 1021 of the Ronald W. Reagan National De-  
 19 fense Authorization Act for Fiscal Year 2005 (Public Law  
 20 108–375; 118 Stat. 2042), as most recently amended by  
 21 section 1007 of the National Defense Authorization Act  
 22 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
 23 1588), is further amended—

1 (1) in subsection (a)(1), by striking “In fiscal  
 2 years 2005 through 2012” and inserting “During  
 3 the period ending on December 31, 2014”; and

4 (2) in subsection (c), by striking “in fiscal years  
 5 2005 through 2012” and inserting “during the pe-  
 6 riod ending on December 31, 2014,”.

7 **SEC. 1012. TECHNICAL CLARIFICATION OF SCOPE OF PRO-**  
 8 **CEDURES REQUIRED FOR PERIODIC DETEN-**  
 9 **TION REVIEW OF INDIVIDUALS DETAINED AT**  
 10 **UNITED STATES NAVAL STATION, GUANTA-**  
 11 **NAMO BAY, CUBA.**

12 (a) TECHNICAL CLARIFICATION.—In establishing  
 13 and applying the procedures required by section 1023 of  
 14 the National Defense Authorization Act for Fiscal Year  
 15 2012 (Public Law 112–81; 125 Stat. 1564; 10 U.S.C. 801  
 16 note) for implementing the periodic review process re-  
 17 quired by Executive Order No. 13567, issued on March  
 18 7, 2011, as such procedures pertain to individuals de-  
 19 tained as of that date at United States Naval Station,  
 20 Guantanamo Bay, Cuba, pursuant to the Authorization  
 21 for Use of Military Force (Public Law 107–40; 50 U.S.C.  
 22 1541 note), the Secretary of Defense may (notwith-  
 23 standing subsection (b)(3) of such section) provide that  
 24 the periodic review process required by section 3 of that  
 25 Executive Order applies to such a detainee only if the de-

1 tainee is described in section 1(a) of such Executive Order,  
2 as in effect on December 31, 2011.

3 (b) NOTIFICATION OF MODIFICATION OF PROCE-  
4 DURES.—

5 (1) REQUIREMENT.—The Secretary of Defense  
6 shall submit to the appropriate committees of Con-  
7 gress a notification of any modification under the  
8 authority of subsection (a) to the procedures sub-  
9 mitted to those committees under section 1023 of  
10 the National Defense Authorization Act for Fiscal  
11 Year 2012 (Public Law 112–81; 125 Stat. 1564; 10  
12 U.S.C. 801 note). Any such notification shall be sub-  
13 mitted not later than 15 days before the date on  
14 which such modification goes into effect.

15 (2) APPROPRIATE COMMITTEES OF CONGRESS  
16 DEFINED.—In this subsection, the term “appro-  
17 priate committees of Congress” has the meaning  
18 given that term in subsection (c) of such section  
19 1023.

1 **TITLE XI—CIVILIAN PERSONNEL**  
 2 **MATTERS**

3 **SEC. 1101. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**  
 4 **DITED FEDERAL HIRING FOLLOWING COM-**  
 5 **PLETION OF NATIONAL SECURITY EDU-**  
 6 **CATION PROGRAM SCHOLARSHIP.**

7 Section 802(k) of the David L. Boren National Secu-  
 8 rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-  
 9 ed to read as follows:

10 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

11 “(1) APPOINTMENT AUTHORITY.—The Sec-  
 12 retary of Defense, the Secretary of Homeland Secu-  
 13 rity, the Secretary of State, or the head of a Federal  
 14 agency or office identified by the Secretary of De-  
 15 fense under subsection (g) as having national secu-  
 16 rity responsibilities—

17 “(A) may, without regard to any provision  
 18 of title 5 governing appointments in the com-  
 19 petitive service, appoint an eligible program  
 20 participant—

21 “(i) to a position in the excepted serv-  
 22 ice that is identified under clause (i) of  
 23 subsection (b)(2)(A) as contributing to the  
 24 national security; or

1 “(ii) subject to clause (ii) of such sub-  
 2 section, to a position in the excepted serv-  
 3 ice in such Federal agency or office with  
 4 national security responsibilities; and

5 “(B) may, upon satisfactory completion of  
 6 two years of substantially continuous service by  
 7 an incumbent who was appointed to an ex-  
 8 cepted service position under the authority of  
 9 subparagraph (A), convert the appointment of  
 10 such individual, without competition, to a career  
 11 or career conditional appointment.

12 “(2) ELIGIBLE PROGRAM PARTICIPANT.—For  
 13 purposes of paragraph (1), the term ‘eligible pro-  
 14 gram participant’ means an individual who—

15 “(A) has successfully completed an aca-  
 16 demic program for which a scholarship or fel-  
 17 lowship under this section was awarded; and

18 “(B) at the time of the appointment of the  
 19 individual to an excepted service position under  
 20 paragraph (1)(A)—

21 “(i) under the terms of the agreement  
 22 for such individual’s scholarship or fellow-  
 23 ship that was awarded under this section,  
 24 owes a service commitment to a Depart-

1           ment or such Federal agency or office re-  
2           ferred to in paragraph (1);

3           “(ii) is employed by the Federal Gov-  
4           ernment under a non-permanent appoint-  
5           ment to a position in the excepted service  
6           that has national security responsibilities;  
7           or

8           “(iii) is a former civilian employee of  
9           the Federal Government who has less than  
10          a one-year break of service from the indi-  
11          vidual’s last period of Federal employment  
12          in a non-permanent appointment in the ex-  
13          cepted service with national security re-  
14          sponsibilities.

15          “(3) TREATMENT OF CERTAIN SERVICE.—In  
16          the case of an individual described in paragraph  
17          (2)(B)(ii) or (2)(B)(iii) who receives an appointment  
18          under paragraph (1)(A), any period that the indi-  
19          vidual served in a position with the Federal Govern-  
20          ment may be counted towards satisfaction of the  
21          service requirement under paragraph (1)(B) if that  
22          service—

23               “(A) in the case of an appointment under  
24               clause (i) of paragraph (1)(A), was in a position  
25               that is identified under clause (i) of subsection



1 (b)(2)(A) as contributing to the national secu-  
 2 rity; or

3 “(B) in the case of an appointment under  
 4 clause (ii) of paragraph (1)(A), was in the Fed-  
 5 eral agency or office in which the appointment  
 6 under that clause is made.”.

7 **SEC. 1102. AUTHORITY FOR TRANSPORTATION OF FAMILY**  
 8 **HOUSEHOLD PETS OF CIVILIAN PERSONNEL**  
 9 **DURING EVACUATION OF NON-ESSENTIAL**  
 10 **PERSONNEL.**

11 Section 5725 of title 5, United States Code, is  
 12 amended—

13 (1) in subsection (a)(2), by inserting after “per-  
 14 sonal effects,” the following: “and family household  
 15 pets,”; and

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

18 “(c)(1) Authority under subsection (a) to transport  
 19 family household pets of an employee includes authority  
 20 for shipment and the payment of quarantine costs, if any.

21 “(2) An employee for whom transportation of family  
 22 household pets is authorized under subsection (a) may be  
 23 paid reimbursement or a monetary allowance if other com-  
 24 mercial transportation means have been used.

1       “(3) The provision of transportation of family house-  
 2 hold pets for an employee of the Department of Defense  
 3 under subsection (a) and the payment of reimbursement  
 4 under paragraph (2) shall be subject to the same terms  
 5 and conditions as apply under subsection 406(b)(1)(H)(iii)  
 6 of title 37 with respect to family household pets of mem-  
 7 bers of the uniformed services, including limitations on the  
 8 types, size, and number of pets for which transportation  
 9 may be provided or reimbursement paid.”.

10 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**  
 11 **CATEGORY POSITIONS FOR CERTAIN FED-**  
 12 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**  
 13 **AGENCIES.**

14       Section 1703(j) of title 41, United States Code, is  
 15 amended—

16           (1) in paragraph (1)—

17               (A) by striking “sections 3304, 5333, and  
 18 5753” and inserting “section 3304”; and

19               (B) by striking “use the authorities in  
 20 those sections to recruit and”; and

21           (2) in paragraph (2), by striking “September  
 22 30, 2012” and inserting “September 30, 2017”.

1 **SEC. 1104. AUTHORITY TO WAIVE ANNUAL LIMITATIONS ON**  
2 **PREMIUM AND AGGREGATE PAY FOR CER-**  
3 **TAIN FEDERAL CIVILIAN EMPLOYEES WORK-**  
4 **ING OVERSEAS.**

5 (a) WAIVER OF LIMITATION ON PREMIUM PAY.—

6 Section 5547 of title 5, United States Code, is amended  
7 by adding at the end the following new subsection:

8 “(e)(1) Subsection (a) shall not apply to an employee  
9 who performs work while assigned to duty in a designated  
10 zone of armed conflict.

11 “(2) Notwithstanding paragraph (1), no employee re-  
12 ferred to in such paragraph may be paid premium pay  
13 under the provisions of law cited in subsection (a) to the  
14 extent that the aggregate of the basic pay and premium  
15 pay under those provisions for such employee would, in  
16 any calendar year, exceed the annual rate of salary pay-  
17 able to the Vice President under section 104 of title 3.

18 “(3) To the extent that a waiver under paragraph  
19 (1) results in payment of additional premium pay of a type  
20 that is normally creditable as basic pay for retirement or  
21 any other purpose, such additional pay shall not be consid-  
22 ered to be basic pay for any purpose, nor shall it be used  
23 in computing a lump-sum payment for accumulated and  
24 accrued annual leave under section 5551.

25 “(4) The Office of Personnel Management may pre-  
26 scribe regulations to ensure appropriate consistency

1 among heads of Executive agencies in the exercise of the  
2 authority granted by this subsection.

3 “(5) For the purpose of this subsection—

4 “(A) ‘assigned to duty in’ refers to an employee  
5 who is officially assigned to work or duty (including  
6 serving on temporary duty) in a designated zone of  
7 armed conflict, which may include short periods  
8 away from the zone to perform work in connection  
9 with the assignment, subject to any limitations or  
10 requirements established by regulation or official  
11 policy;

12 “(B) ‘designated zone of armed conflict’ means  
13 a foreign country or other foreign geographic area  
14 outside of the United States (as that term is defined  
15 in section 202(7) of the State Department Basic Au-  
16 thorities Act of 1956 (22 U.S.C. 4302(7)) that is  
17 designated by the Secretary of State, in coordination  
18 with the Secretary of Defense, as an area where  
19 there are exceptional levels of armed violence. In  
20 making such a designation, the Secretary of State  
21 may consider—

22 “(i) whether the Armed Forces of the  
23 United States are involved in hostilities in the  
24 country or area;

1           “(ii) whether the incidence of civil insur-  
 2           rection, civil war, terrorism, or wartime condi-  
 3           tions threatens physical harm or imminent dan-  
 4           ger to the health or well-being of United States  
 5           civilian employees in the country or area;

6           “(iii) whether the country or area has been  
 7           designated a combat zone by the President  
 8           under section 112(c) of the Internal Revenue  
 9           Code of 1986;

10           “(iv) whether a contingency operation in-  
 11           volving combat operations directly affects civil-  
 12           ian employees in the country or area; or

13           “(v) any other relevant conditions and fac-  
 14           tors.

15           “(6) The authority under this subsection expires at  
 16           the close of December 31, 2015.”.

17           (b) WAIVER OF LIMITATION ON AGGREGATE PAY.—  
 18           Section 5307 of such title is amended—

19           (1) in subsection (a)(1), by striking “or as oth-  
 20           erwise provided under subsection (d)” and inserting  
 21           “or as otherwise provided by this section”; and

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

24           “(e)(1) The preceding subsections of this section shall  
 25           not apply to payments in addition to basic pay earned by

1 an employee during a calendar year for performing work  
 2 while assigned to duty in a designated zone of armed con-  
 3 flict (as such terms are defined in section 5547(e)(5)(A)  
 4 and (B)).

5 “(2) For the purpose of this subsection, the term  
 6 ‘basic pay’ includes any applicable locality-based com-  
 7 parability payment under section 5304, any applicable  
 8 special rate supplement under section 5305, and any simi-  
 9 lar payment under any other provision of law.

10 “(3) The Office of Personnel Management may pre-  
 11 scribe regulations to implement this subsection.

12 “(4) The authority in paragraph (1) shall not apply  
 13 to calendar years after 2015.”.

14 (c) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED  
 15 EXPERTS.—Section 9903(d) of such title is amended—

16 (1) in subparagraph (1) by striking “12-month  
 17 period” and inserting “calendar year”; and

18 (2) in subparagraph (2)(B) by striking “in sup-  
 19 port of a contingency operation (as defined by sec-  
 20 tion 101 (a)(13) of title 10” and inserting “to duty  
 21 in a designated zone of armed conflict (as such  
 22 terms are defined in section 5547(e)(5)(A) and  
 23 (B))”.

1 (d) EFFECTIVE DATE.—(1) The amendments made  
 2 by subsection (a) shall apply to premium payments pay-  
 3 able on or after January 1, 2013.

4 (2) The amendments made by subsections (b) and (c)  
 5 shall take effect on January 1, 2013.

## 6 **TITLE XII—MATTERS RELATING** 7 **TO FOREIGN NATIONS**

### 8 **SEC. 1201. IMPROVED ADMINISTRATION OF THE AMER-** 9 **ICAN, BRITISH, CANADIAN, AND AUSTRALIAN** 10 **ARMIES' PROGRAM.**

11 (a) AUTHORITY.—Chapter 6 of title 10, United  
 12 States Code, is amended by adding at the end the fol-  
 13 lowing new section:

#### 14 **“§ 168a. American, British, Canadian, and Australian** 15 **Armies' Program: administration; agree-** 16 **ments with other participating countries**

17 “(a) AUTHORITY.—As part of the participation by  
 18 the United States in the land-force program known as the  
 19 American, British, Canadian, and Australian Armies' Pro-  
 20 gram (in this section referred to as the ‘Program’), the  
 21 Secretary of Defense, with the concurrence of the Sec-  
 22 retary of State, may enter into agreements with the other  
 23 participating countries in accordance with this section,  
 24 and the Program shall be managed pursuant to a joint  
 25 agreement among the participating countries.

1       “(b) PARTICIPATING COUNTRIES.—In addition to the  
2 United States, the countries participating in the Program  
3 are the following:

4           “(1) Australia.

5           “(2) Canada.

6           “(3) New Zealand.

7           “(4) The United Kingdom.

8       “(c) CONTRIBUTIONS BY PARTICIPANTS.—(1) An  
9 agreement under subsection (a) shall provide that each  
10 participating country shall contribute to the Program (A)  
11 its equitable share of the full cost for the Program, includ-  
12 ing the full cost of overhead and administrative costs re-  
13 lated to the Program, and (B) any amount allocated to  
14 it in accordance with the agreement for the cost for mone-  
15 tary claims asserted against any participating country as  
16 a result of participation in the Program.

17       “(2) Such an agreement shall also provide that each  
18 participating country (including the United States) may  
19 provide its contribution for its equitable share under the  
20 agreement in funds, in personal property, or in services  
21 required for the Program (or in any combination thereof).

22       “(3) Any contribution by the United States to the  
23 Program that is provided in funds shall be made from  
24 funds available to the Department of Defense for oper-  
25 ation and maintenance.



1       “(4) Any contribution received by the United States  
2 from another participating country to meet that country’s  
3 share of the costs of the Program shall be credited to ap-  
4 propriations available to the Department of Defense, as  
5 determined by the Secretary of Defense. The amount of  
6 a contribution credited to an appropriation account in con-  
7 nection with the Program shall be available only for pay-  
8 ment of the share of the Program expenses allocated to  
9 the participating country making the contribution.  
10 Amounts so credited shall be available for the following  
11 purposes:

12           “(A) Payments to contractors and other sup-  
13 pliers (including the Department of Defense and  
14 participating countries acting as suppliers) for nec-  
15 essary goods and services of the Program.

16           “(B) Payments for any damages and costs re-  
17 sulting from the performance or cancellation of any  
18 contract or other obligation in support of the Pro-  
19 gram.

20           “(C) Payments for a monetary claim against a  
21 participating country as a result of the participation  
22 of that country in the Program.

23           “(D) Payments or reimbursements of other  
24 Program expenses, including overhead and adminis-

1       trative costs for any administrative office for the  
2       Program.

3               “(E) Refunds to other participating countries.

4       “(5) Costs for the operation of any office established  
5 to carry out the Program shall be borne jointly by the  
6 participating countries as provided for in an agreement  
7 referred to in subsection (a).

8       “(d) AUTHORITY TO CONTRACT FOR PROGRAM AC-  
9 TIVITIES.—As part of the participation by the United  
10 States in the Program, the Secretary of Defense may  
11 enter into contracts or incur other obligations on behalf  
12 of the other participating countries for activities under the  
13 Program. Any payment for such a contract or other obli-  
14 gation under this subsection may be paid only from con-  
15 tributions credited to an appropriation under subsection  
16 (c)(4).

17       “(e) DISPOSAL OF PROPERTY.—As part of the par-  
18 ticipation by the United States in the Program, the Sec-  
19 retary of Defense may, with respect to any property that  
20 is jointly acquired by the countries participating in the  
21 Program, agree to the disposal of the property without re-  
22 gard to any law of the United States that is otherwise  
23 applicable to the disposal of property owned by the United  
24 States. Such disposal may include the transfer of the in-  
25 terest of the United States in the property to one or more

1 of the other participating countries or the sale of the prop-  
 2 erty. Reimbursement for the value of the property dis-  
 3 posed of (including the value of the interest of the United  
 4 States in the property) shall be made in accordance with  
 5 an agreement under subsection (a).”.

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

“168a. American, British, Canadian, and Australian Armies’ Program: adminis-  
 tration; agreements with other participating countries.”.

9 **SEC. 1202. THREE-YEAR EXTENSION OF AUTHORITY FOR**  
 10 **NON-RECIPROCAL EXCHANGES OF DEFENSE**  
 11 **PERSONNEL BETWEEN THE UNITED STATES**  
 12 **AND FOREIGN COUNTRIES.**

13 Section 1207(f) of the National Defense Authoriza-  
 14 tion Act for Fiscal Year 2010 (Public Law 111–84; 10  
 15 U.S.C. 168 note) is amended by striking “September 30,  
 16 2012” and inserting “September 30, 2015”.

17 **SEC. 1203. REPEAL OF REQUIREMENT FOR ADVANCE NOTI-**  
 18 **FICATION TO CONGRESS OF TRANSFER OF**  
 19 **CERTAIN EXCESS DEFENSE ARTICLES.**

20 Section 516(f)(1) of the Foreign Assistance Act (22  
 21 U.S.C. 2321j(f)(1)) is amended by striking “excess de-  
 22 fense articles that are significant military equipment (as  
 23 defined in section 47(9) of the Arms Export Control Act)  
 24 or”.

1 **SEC. 1204. DESIGNATION OF ADDITIONAL “HIGH INCOME”**  
2 **COUNTRIES PROHIBITED FROM RECEIVING**  
3 **INTERNATIONAL MILITARY EDUCATION AND**  
4 **TRAINING GRANT ASSISTANCE UNDER CHAP-**  
5 **TER 5 OF THE FOREIGN ASSISTANCE ACT.**

6 Section 546(b) of the Foreign Assistance Act of 1961  
7 (22 U.S.C. 2347e(b)) is amended by striking “and Spain”  
8 and inserting “Spain, Saudi Arabia, Kuwait, United Arab  
9 Emirates, Qatar, Brunei, Ireland, Sweden, Switzerland,  
10 and Taiwan”.

11 **SEC. 1205. AUTHORITY TO SUPPORT OPERATIONS AND AC-**  
12 **TIVITIES OF THE OFFICE OF SECURITY CO-**  
13 **OPERATION IN IRAQ.**

14 (a) **AUTHORITY.**—Subsection (b) of section 1215 of  
15 the National Defense Authorization Act for Fiscal Year  
16 2012 (Public Law 112–81; 125 Stat. 1631) is amended—

17 (1) by striking “**SUPPORT.**—The operations”  
18 and inserting “**SUPPORT.**—

19 “(1) **IN GENERAL.**—The operations”; and

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

22 “(2) **TRAIN AND ASSIST.**—The operations and  
23 activities that may be carried out by the Office of  
24 Security Cooperation in Iraq using funds provided  
25 under subsection (a) may, with the concurrence of

1 the Secretary of State, include training and assisting  
 2 Iraqi Ministry of Defense personnel.”.

3 (b) LIMITATION.—Subsection (c) of such section is  
 4 amended by striking “in fiscal year 2012 may not exceed  
 5 \$524,000,000” and inserting “in fiscal year 2013 may not  
 6 exceed \$508,000,000”.

7 (c) SOURCE OF FUNDS.—Subsection (d) of such sec-  
 8 tion is amended by striking “fiscal year 2012” and insert-  
 9 ing “fiscal year 2013”.

10 **SEC. 1206. UNITED STATES PARTICIPATION IN HEAD-**  
 11 **QUARTERS EUROCORPS.**

12 (a) PARTICIPATION AUTHORIZED.—The Secretary of  
 13 Defense may, with the concurrence of the Secretary of  
 14 State, authorize the participation of members of the  
 15 Armed Forces and Department of Defense civilian per-  
 16 sonnel as members of the staff of Headquarters Eurocorps  
 17 for the purpose of integrating United States subject mat-  
 18 ter experts into the nucleus of the growing defense struc-  
 19 ture of the European Union.

20 (b) MEMORANDUM OF UNDERSTANDING.—

21 (1) REQUIREMENT.—The participation of mem-  
 22 bers of the Armed Forces or Department of Defense  
 23 civilian personnel as members of the staff of Head-  
 24 quarters Eurocorps shall be in accordance with the  
 25 terms of one or more memoranda of understanding

1 entered into by the Secretary of Defense, with the  
2 concurrence of the Secretary of State, and Head-  
3 quarters Eurocorps.

4 (2) COST-SHARING ARRANGEMENTS.—If De-  
5 partment of Defense facilities, equipment, or funds  
6 are used to support Headquarters Eurocorps, the  
7 memoranda of understanding under paragraph (1)  
8 shall provide details of any cost-sharing arrangement  
9 or other funding arrangement.

10 (c) AVAILABILITY OF APPROPRIATED FUNDS.—

11 (1) AVAILABILITY.—Funds appropriated to the  
12 Department of Defense for operation and mainte-  
13 nance are available as follows:

14 (A) To pay the United States' share of the  
15 operating expenses of the Headquarters  
16 Eurocorps.

17 (B) To pay the costs of the participation  
18 of members of the Armed Forces and Depart-  
19 ment of Defense civilian personnel participating  
20 as members of the staff of the Headquarters  
21 Eurocorps, including the costs of expenses of  
22 such participants.

23 (2) LIMITATION.—No funds may be used under  
24 this section to fund the pay or salaries of members  
25 of the Armed Forces and Department of Defense ci-

1 vilian personnel who participate as members of the  
2 staff of the Headquarters, North Atlantic Treaty  
3 Organization (NATO) Rapid Deployable Corps  
4 under this section.

5 (d) DEFINITION.—The term “Headquarters  
6 Eurocorps” refers to the multinational military head-  
7 quarters, established on October 1, 1993, which is one of  
8 the High Readiness Forces (Land) associated with the Al-  
9 lied Rapid Reaction Corps of NATO.

10 **SEC. 1207. DEPARTMENT OF DEFENSE PARTICIPATION IN**  
11 **EUROPEAN PROGRAM ON MULTILATERAL EX-**  
12 **CHANGE OF AIR TRANSPORTATION AND AIR**  
13 **REFUELING SERVICES.**

14 (a) PARTICIPATION AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary of Defense  
16 may, with the concurrence of the Secretary of State,  
17 authorize the participation of the United States in  
18 the Air Transport, Air-to-Air Refueling and other  
19 Exchanges of Services program (in this section re-  
20 ferred to as the “ATARES program”) of the Move-  
21 ment Coordination Centre Europe.

22 (2) SCOPE OF PARTICIPATION.—Participation  
23 in the ATARES program under paragraph (1) shall  
24 be limited to the reciprocal exchange or transfer of  
25 air transportation and air refueling services on a re-

1       imbursable basis or by replacement-in-kind or the  
2       exchange of air transportation or air refueling serv-  
3       ices of an equal value.

4           (3) LIMITATION.—The United States’ balance  
5       of executed flight hours, whether as credits or deb-  
6       its, in participation in the ATARES program under  
7       paragraph (1) may not exceed 500 hours.

8       (b) WRITTEN ARRANGEMENTS OR AGREEMENTS.—

9           (1) ARRANGEMENTS OR AGREEMENT RE-  
10      QUIRED.—The participation of the United States in  
11      the ATARES program under subsection (a) shall be  
12      in accordance with a written arrangement or agree-  
13      ment entered into by the Secretary of Defense, with  
14      the concurrence of the Secretary of State, and the  
15      Movement Coordination Centre Europe.

16          (2) FUNDING ARRANGEMENTS.—If Department  
17      of Defense facilities, equipment, or funds are used to  
18      support the ATARES program, the written arrange-  
19      ment or agreement under paragraph (1) shall specify  
20      the details of any equitable cost sharing or other  
21      funding arrangement.

22          (3) OTHER ELEMENTS.—Any written arrange-  
23      ment or agreement entered into under paragraph (1)  
24      shall require that any accrued credits and liabilities  
25      resulting from an unequal exchange or transfer of



1       air transportation or air refueling services shall be  
2       liquidated, not less than once every five years,  
3       through the ATARES program.

4       (c) IMPLEMENTATION.—In carrying out any written  
5       arrangement or agreement entered into under subsection  
6       (b), the Secretary of Defense may—

7               (1) pay the United States' equitable share of  
8       the operating expenses of the Movement Coordina-  
9       tion Centre Europe and the ATARES consortium  
10      from funds available to the Department of Defense  
11      for operation and maintenance; and

12              (2) assign members of the Armed Forces or De-  
13      partment of Defense civilian personnel, from among  
14      members and personnel within billets authorized for  
15      the United States European Command, to duty at  
16      the Movement Coordination Centre Europe as nec-  
17      essary to fulfill the United States' obligations under  
18      that arrangement or agreement.

19      (d) CREDITING OF RECEIPTS.—Any amount received  
20      by the United States in carrying out a written arrange-  
21      ment or agreement entered into under subsection (b) shall  
22      be credited, as elected by the Secretary of Defense, to the  
23      following:

1           (1) The appropriation, fund, or account used in  
 2           incurring the obligation for which such amount is re-  
 3           ceived.

4           (2) An appropriation, fund, or account cur-  
 5           rently available for the purposes for which such obli-  
 6           gation was made.

7           (e) EXPIRATION.—The authority provided by this  
 8           section to participate in the ATARES program shall ex-  
 9           pire five years after the date on which the Secretary of  
 10          Defense first enters into a written arrangement or agree-  
 11          ment under subsection (b). The Secretary shall publish no-  
 12          tice of such date on a public website of the Department  
 13          of Defense.

14   **SEC. 1208. EXTENSION OF EXPIRATION DATE OF TRANSI-**  
 15                   **TIONAL AUTHORITIES TO PROVIDE ASSIST-**  
 16                   **ANCE TO ENHANCE THE CAPACITY OF**  
 17                   **COUNTERTERRORISM FORCES OF CERTAIN**  
 18                   **EAST AFRICAN COUNTRIES AND YEMEN.**

19          (a) EXPIRATION DATE.—Subsection (n) of section  
 20          1207 of the National Defense Authorization Act for Fiscal  
 21          Year 2012 (Public Law 112–81; 125 Stat. 1628) is  
 22          amended—

23               (1) in paragraph (1), by striking “fiscal year  
 24               2012” and inserting “fiscal years 2012 and 2013”;  
 25               and

1           (2) in paragraph (4)(A)(ii), by striking “Sep-  
2       tember 30, 2012” and inserting “September 30,  
3       2013”.

4       (b) FUNDING.—Subsection (o) of such section is  
5 amended—

6           (1) in paragraph (1)—

7               (A) by striking “FISCAL YEAR 2012” and  
8       inserting “FISCAL YEARS 2012 AND 2013”;

9               (B) by inserting “and during fiscal year  
10       2013 may not exceed \$450,000,000” after  
11       “during fiscal year 2012 may not exceed  
12       \$350,000,000”; and

13              (C) by inserting “in each such fiscal year”  
14       in subparagraphs (A) and (B) after  
15       “\$75,000,000 may be used”; and

16       (2) in paragraph (2)—

17              (A) by striking “FISCAL YEARS 2013 AND  
18       AFTER” and inserting “FISCAL YEARS 2014 AND  
19       AFTER” in the subsection heading; and

20              (B) by striking “after fiscal year 2012”  
21       and inserting “after fiscal year 2013”.

1 **SEC. 1209. THREE-YEAR EXTENSION OF AUTHORITY TO**  
 2 **WAIVE REIMBURSEMENT OF COSTS OF AC-**  
 3 **TIVITIES FOR NONGOVERNMENTAL PER-**  
 4 **SONNEL AT DEPARTMENT OF DEFENSE RE-**  
 5 **GIONAL CENTERS FOR SECURITY STUDIES.**

6 Paragraph (1) of section 941(b) of the Duncan Hun-  
 7 ter National Defense Authorization Act for Fiscal Year  
 8 2009 (Public Law 110–417; 10 U.S.C. 184 note), is  
 9 amended by striking “through 2012” and inserting  
 10 “through 2015”.

11 **SEC. 1210. EXTENSION AND EXPANSION OF AUTHORITY TO**  
 12 **ACQUIRE PRODUCTS AND SERVICES PRO-**  
 13 **DUCED IN COUNTRIES ALONG A MAJOR**  
 14 **ROUTE OF SUPPLY TO AFGHANISTAN.**

15 (a) EXTENSION OF TERMINATION DATE.—Sub-  
 16 section (f) of section 801 of the National Defense Author-  
 17 ization Act for Fiscal Year 2010 (Public Law 111–84; 123  
 18 Stat. 2399) is amended by striking “on or after the date  
 19 occurring three years after the date of the enactment of  
 20 this Act” and inserting “after December 31, 2014”.

21 (b) EXPANSION OF AUTHORITY TO COVER FORCES  
 22 OF THE UNITED STATES AND COALITION FORCES.—Sub-  
 23 section (b)(1)(C) of such section is amended by inserting  
 24 “, the United States, or coalition forces” before the semi-  
 25 colon at the end.

1 (c) REPEAL OF EXPIRED REPORT REQUIREMENT.—

2 Subsection (g) of such section is repealed.

3 (d) CLERICAL AMENDMENT.—The heading of such

4 section is amended by striking “; **REPORT**”.

5 **SEC. 1211. EXTENSION OF COMMANDERS’ EMERGENCY RE-**

6 **SPONSE PROGRAM IN AFGHANISTAN.**

7 (a) EXTENSION OF CERP AUTHORITY.—Subsection

8 (a) of section 1201 of the National Defense Authorization

9 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.

10 1619) is amended—

11 (1) in the subsection heading, by striking “FIS-

12 CAL YEAR 2012” and inserting “FISCAL YEAR

13 2013”; and

14 (2) by striking “fiscal year 2012” and inserting

15 “fiscal year 2013”.

16 (b) EXTENSION OF AUTHORITY TO ACCEPT CON-

17 TRIBUTIONS.—Subsection (f) of such section is amended

18 by striking “in fiscal year 2012” and inserting “during

19 any period during which the authority in subsection (a)

20 is in effect”.

21 **SEC. 1212. EXTENSION OF AUTHORITIES RELATING TO PRO-**

22 **GRAM TO BUILD THE CAPACITY OF FOREIGN**

23 **MILITARY FORCES.**

24 Section 1206(g) of the National Defense Authoriza-

25 tion Act for Fiscal Year 2006 (Public Law 109–163; 119

1 Stat. 3456), as most recently amended by section 1204(c)  
2 of the National Defense Authorization Act for Fiscal Year  
3 2012 (Public Law 112–81; 125 Stat. 1622), is further  
4 amended—

5 (1) by striking “September 30, 2013” and in-  
6 serting “September 30, 2014”; and

7 (2) by striking “fiscal years 2006 through  
8 2013” and inserting “fiscal years 2006 through  
9 2014”.

10 **SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE**  
11 **FUNDS FOR REINTEGRATION ACTIVITIES IN**  
12 **AFGHANISTAN.**

13 Section 1216 of the Ike Skelton National Defense  
14 Authorization Act for Fiscal Year 2011 (Public Law 111–  
15 383; 124 Stat. 4392), as amended by section 1216 of the  
16 National Defense Authorization Act for Fiscal Year 2012  
17 (Public Law 112–81; 125 Stat. 1632), is amended—

18 (1) in subsection (a)—

19 (A) by striking “\$50,000,000” and insert-  
20 ing “\$35,000,000”; and

21 (B) by striking “in each of fiscal years  
22 2011 and 2012” and inserting “for fiscal year  
23 2013”; and

24 (2) in subsection (e)—

1 (A) by striking “utilize funds” and insert-  
 2 ing “obligate funds”; and

3 (B) by striking “December 31, 2012” and  
 4 inserting “December 31, 2013”.

5 **SEC. 1214. AUTHORITY FOR FUNDS AVAILABLE IN THE**  
 6 **JOINT IMPROVISED EXPLOSIVE DEVICE DE-**  
 7 **FEAT FUND TO BE USED TO SUPPORT PRO-**  
 8 **GRAMS THAT MITIGATE THREATS TO UNITED**  
 9 **STATES FORCES IN AFGHANISTAN.**

10 Subsection (b) of section 1514 of the John Warner  
 11 National Defense Authorization Act for Fiscal Year 2007  
 12 (Public Law 109–364; 120 Stat. 2439) is amended—

13 (1) by inserting “(1)” after “USE OF FUNDS.—  
 14 ”; and

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

17 “(2) In addition, funds in the Joint Improvised Ex-  
 18 plosive Device Defeat Fund for the purposes stated in  
 19 paragraph (1) shall, with the concurrence of the Secretary  
 20 of State, be available for the purpose of monitoring, dis-  
 21 rupting, and interdicting the movement of explosive device  
 22 precursors from a country that borders Afghanistan to a  
 23 location within Afghanistan. For a country in which the  
 24 actions and activities described in the preceding sentence  
 25 are carried out, such funds may, with the concurrence of

1 the Secretary of State, also be used to train and equip  
 2 the security forces of that country that support those  
 3 counter-improvised explosive device missions.”.

4 **SEC. 1215. ONE-YEAR EXTENSION AND MODIFICATION OF**  
 5 **THE AUTHORITY TO CARRY OUT INFRA-**  
 6 **STRUCTURE PROJECTS IN AFGHANISTAN.**

7 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-  
 8 section (f) of section 1217 of the Ike Skelton National De-  
 9 fense Authorization Act for Fiscal Year 2011 (Public Law  
 10 111–383; 22 U.S.C. 7513 note) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “up to \$400,000,000 of”;

13 (B) by striking “for fiscal year 2012”; and

14 (C) by striking “under subsection (a).”

15 and inserting “under subsection (a) in amounts  
 16 as follows:

17 “(A) From funds for fiscal year 2012, up  
 18 to \$400,000,000.

19 “(B) From funds for fiscal year 2013, up  
 20 to \$400,000,000.”; and

21 (2) in paragraph (3)—

22 (A) by striking subparagraph (A);

23 (B) by redesignating subparagraph (B) as  
 24 subparagraph (A); and



1 (C) by adding at the end the following new  
2 subparagraph (B):

3 “(B) In the case of funds for fiscal year  
4 2013, until September 30, 2014.”.

5 (b) TRANSFERS.—Such subsection is further amend-  
6 ed by adding at the end the following new paragraph:

7 “(4) TRANSFER AUTHORITY.—(A) From funds  
8 made available to the Department of Defense, the  
9 Secretary of Defense may transfer up to  
10 \$200,000,000 into the Afghanistan Infrastructure  
11 Fund in fiscal year 2013.

12 “(B) Funds transferred to the Fund under sub-  
13 paragraph (A) shall be merged with funds in the  
14 Fund and shall remain available until September 30,  
15 2014.

16 “(C) The authority to transfer funds under  
17 subparagraph (A) is in addition to any other author-  
18 ity available to the Department of Defense to trans-  
19 fer funds.

20 “(D) Whenever funds are transferred to the  
21 Fund under subparagraph (A) for any fiscal year,  
22 the limitation in effect for that fiscal year under  
23 paragraph (1) shall be deemed to be increased by  
24 the amount transferred.”.

1 **SEC. 1216. EXTENSION OF AUTHORITY FOR REIMBURSE-**  
2 **MENT OF CERTAIN COALITION NATIONS FOR**  
3 **SUPPORT PROVIDED TO UNITED STATES**  
4 **MILITARY OPERATIONS.**

5 (a) EXTENSION OF AUTHORITY.—Subsection (a) of  
6 section 1233 of the National Defense Authorization Act  
7 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
8 393), as most recently amended by section 1213 of the  
9 National Defense Authorization Act for Fiscal Year 2012  
10 (Public Law 112–81; 125 Stat. 1630), is further amend-  
11 ed—

12 (1) by striking “for fiscal year 2012”; and

13 (2) by inserting “, during the period ending on  
14 September 13, 2014,” after “Secretary of Defense”.

15 (b) LIMITATION ON AMOUNT AVAILABLE.—Sub-  
16 section (d)(1) of such section is amended by striking “dur-  
17 ing fiscal year 2012 may not exceed \$1,690,000,000” and  
18 inserting “may not exceed \$1,750,000,000 during each of  
19 fiscal year 2013 and 2014”.

20 (c) SUPPORTED OPERATIONS.—Such section is fur-  
21 ther amended by striking “Operation Iraqi Freedom or”  
22 in subsections (a)(1) and (b).

1                   **TITLE XIII—OTHER**  
2                   **AUTHORIZATIONS**  
3           **Subtitle A—Military Programs**

4   **SEC. 1301. WORKING CAPITAL FUNDS.**

5           Funds are hereby authorized to be appropriated for  
6   fiscal year 2013 for the use of the Armed Forces and other  
7   activities and agencies of the Department of Defense for  
8   providing capital for the Defense Working Capital Funds  
9   in the amount of \$1,516,184,000.

10   **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

11           Funds are hereby authorized to be appropriated for  
12   fiscal year 2013 for the National Defense Sealift Fund  
13   in the amount of \$608,136,000.

14   **SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.**

15           Funds are hereby authorized to be appropriated for  
16   fiscal year 2013 for the Joint Urgent Operational Needs  
17   Fund in the amount of \$99,477,000.

18   **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
19                   **TION, DEFENSE.**

20           (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
21   are hereby authorized to be appropriated for the Depart-  
22   ment of Defense for fiscal year 2013 for expenses, not oth-  
23   erwise provided for, for Chemical Agents and Munitions  
24   Destruction, Defense, in the amount of \$1,301,786,000,  
25   of which—

1           (1) \$635,843,000 is for Operation and Maintenance;  
2

3           (2) \$647,351,000 is for Research, Development,  
4       Test, and Evaluation; and

5           (3) \$18,592,000 is for Procurement.

6       (b) USE.—Amounts authorized to be appropriated  
7   under subsection (a) are authorized for—

8           (1) the destruction of lethal chemical agents  
9       and munitions in accordance with section 1412 of  
10      the Department of Defense Authorization Act, 1986  
11      (50 U.S.C. 1521); and

12          (2) the destruction of chemical warfare materiel  
13      of the United States that is not covered by section  
14      1412 of such Act.

15 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
16 **TIVITIES, DEFENSE-WIDE.**

17      Funds are hereby authorized to be appropriated for  
18   the Department of Defense for fiscal year 2013 for ex-  
19   penses, not otherwise provided for, for Drug Interdiction  
20   and Counter-Drug Activities, Defense-wide, in the amount  
21   of \$999,363,000.

22 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

23      Funds are hereby authorized to be appropriated for  
24   the Department of Defense for fiscal year 2013 for ex-  
25   penses, not otherwise provided for, for the Office of the

1 Inspector General of the Department of Defense, in the  
2 amount of \$273,821,000, of which—

3 (1) \$272,821,000 is for Operation and Mainte-  
4 nance; and

5 (2) \$1,000,000 is for Procurement.

6 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

7 Funds are hereby authorized to be appropriated for  
8 the Department of Defense for fiscal year 2013 for ex-  
9 penses, not otherwise provided for, for the Defense Health  
10 Program, in the amount of \$32,980,718,000, of which—

11 (1) \$31,801,279,000 is for Operation and  
12 Maintenance;

13 (2) \$672,977,000 is for Research, Development,  
14 Test, and Evaluation; and

15 (3) \$506,462,000 is for Procurement.

16 **Subtitle B—Other Matters**

17 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS FOR**  
18 **ARMED FORCES RETIREMENT HOME.**

19 There is hereby authorized to be appropriated for fis-  
20 cal year 2013 from the Armed Forces Retirement Home  
21 Trust Fund the sum of \$67,590,000 for the operation of  
22 the Armed Forces Retirement Home.

1 **SEC. 1312. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**  
2 **DEPARTMENT OF DEFENSE—DEPARTMENT OF**  
3 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**  
4 **ONSTRATION FUND FOR CAPTAIN JAMES A.**  
5 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

6 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the  
7 funds authorized to be appropriated for section 1307 and  
8 available for the Defense Health Program for operation  
9 and maintenance, \$139,204,000 may be transferred by the  
10 Secretary of Defense to the Joint Department of Defense—  
11 Department of Veterans Affairs Medical Facility Dem-  
12 onstration Fund established by subsection (a)(1) of sec-  
13 tion 1704 of the National Defense Authorization Act for  
14 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).  
15 For purposes of subsection (a)(2) of such section 1704,  
16 any funds so transferred shall be treated as amounts au-  
17 thorized and appropriated specifically for the purpose of  
18 such a transfer.

19 (b) **USE OF TRANSFERRED FUNDS.**—For the pur-  
20 poses of subsection (b) of such section 1704, facility oper-  
21 ations for which funds transferred under subsection (a)  
22 may be used are operations of the Captain James A.  
23 Lovell Federal Health Care Center, consisting of the  
24 North Chicago Veterans Affairs Medical Center, the Navy  
25 Ambulatory Care Center, and supporting facilities des-  
26 ignated as a combined Federal medical facility under an

1 operational agreement covered by section 706 of the Dun-  
2 can Hunter National Defense Authorization Act for Fiscal  
3 Year 2009 (Public Law 110–417; 122 Stat. 4500).

4 **TITLE XIV—AUTHORIZATION OF**  
5 **ADDITIONAL APPROPRIA-**  
6 **TIONS FOR OVERSEAS CON-**  
7 **TINGENCY OPERATIONS FOR**  
8 **FISCAL YEAR 2013**

9 **SEC. 1401. PURPOSE.**

10 The purpose of this title is to authorize appropria-  
11 tions for the Department of Defense for fiscal year 2013  
12 to provide additional funds for overseas contingency oper-  
13 ations being carried out by the Armed Forces.

14 **SEC. 1402. ARMY PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2013 for procurement for the Army in amounts  
17 as follows:

18 (1) For aircraft procurement, \$486,200,000.

19 (2) For missile procurement, \$49,653,000.

20 (3) For weapons and tracked combat vehicles  
21 procurement, \$15,422,000.

22 (4) For ammunition procurement,  
23 \$357,493,000.

24 (5) For other procurement, \$2,015,907,000.

1 **SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
2 **FUND.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2013 for the Joint Improvised Explosive Device  
5 Defeat Fund in the amount of \$1,675,400,000.

6 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

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

10 (1) For aircraft procurement, Navy,  
11 \$164,582,000.

12 (2) For weapons procurement, Navy,  
13 \$23,500,000.

14 (3) For ammunition procurement, Navy and  
15 Marine Corps, \$285,747,000.

16 (4) For other procurement, Navy, \$98,882,000.

17 (5) For procurement, Marine Corps,  
18 \$943,683,000.

19 **SEC. 1405. AIR FORCE PROCUREMENT.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2013 for procurement for the Air Force in  
22 amounts as follows:

23 (1) For aircraft procurement, \$305,600,000.

24 (2) For ammunition procurement,  
25 \$116,203,000.

26 (3) For missile procurement, \$34,350,000.



1 (4) For other procurement, \$2,818,270,000.

2 **SEC. 1406. JOINT URGENT OPERATIONAL NEEDS FUND.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2013 for the Joint Urgent Operational Needs  
5 Fund in the amount of \$100,000,000.

6 **SEC. 1407. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2013 for the procurement account for Defense-  
9 wide activities in the amount of \$196,349,000.

10 **SEC. 1408. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
11 **TION.**

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

15 (1) For the Army, \$19,860,000.

16 (2) For the Navy, \$60,119,000.

17 (3) For the Air Force, \$53,150,000.

18 (4) For Defense-wide activities, \$112,387,000.

19 **SEC. 1409. OPERATION AND MAINTENANCE.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2013 for the use of the Armed Forces for ex-  
22 penses, not otherwise provided for, for operation and  
23 maintenance, in amounts as follows:

24 (1) For the Army, \$28,591,441,000.

25 (2) For the Navy, \$5,880,395,000.

1           (3) For the Marine Corps, \$4,066,340,000.

2           (4) For the Air Force, \$9,241,613,000.

3           (5)       For       Defense-wide       activities,  
4       \$7,824,579,000.

5           (6) For the Army Reserve, \$154,537,000.

6           (7) For the Navy Reserve, \$55,924,000.

7           (8)   For   the   Marine   Corps   Reserve,  
8       \$25,477,000.

9           (9) For the Air Force Reserve, \$120,618,000.

10          (10) For the Army National Guard,  
11       \$382,448,000.

12          (11) For the Air National Guard, \$19,975,000.

13          (12) For the Afghanistan Security Forces  
14       Fund, \$5,749,167,000.

15          (13) For the Afghanistan Infrastructure Fund,  
16       \$400,000,000.

17 **SEC. 1410. MILITARY PERSONNEL.**

18       Funds are hereby authorized to be appropriated for  
19   fiscal year 2013 to the Department of Defense for military  
20   personnel accounts in the total amount of  
21   \$13,788,421,000.

22 **SEC. 1411. WORKING CAPITAL FUNDS.**

23       Funds are hereby authorized to be appropriated for  
24   fiscal year 2013 for the use of the Armed Forces and other  
25   activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds  
2 in the amount of \$503,364,000.

3 **SEC. 1412. DEFENSE HEALTH PROGRAM.**

4 Funds are hereby authorized to be appropriated for  
5 the Department of Defense for fiscal year 2013 for ex-  
6 penses, not otherwise provided for, for the Defense Health  
7 Program in the amount of \$993,898,000 for operation and  
8 maintenance.

9 **SEC. 1413. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
10 **TIVITIES, DEFENSE-WIDE.**

11 Funds are hereby authorized to be appropriated for  
12 the Department of Defense for fiscal year 2013 for ex-  
13 penses, not otherwise provided for, for Drug Interdiction  
14 and Counter-Drug Activities, Defense-wide in the amount  
15 of \$469,025,000.

16 **SEC. 1414. DEFENSE INSPECTOR GENERAL.**

17 Funds are hereby authorized to be appropriated for  
18 the Department of Defense for fiscal year 2013 for ex-  
19 penses, not otherwise provided for, for the Office of the  
20 Inspector General of the Department of Defense in the  
21 amount of \$10,766,000.

22 **SEC. 1415. AFGHANISTAN SECURITY FORCES FUND.**

23 Funds available to the Department of Defense for the  
24 Afghanistan Security Forces Fund for fiscal year 2013  
25 shall be subject to the conditions contained in subsections

1 (b) through (g) of section 1513 of the National Defense  
 2 Authorization Act for Fiscal Year 2008 (Public Law 110–  
 3 181; 122 Stat. 428), as amended by section 1531(b) of  
 4 the Ike Skelton National Defense Authorization Act for  
 5 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

6 **TITLE XV—MILITARY RETIRE-**  
 7 **MENT MODERNIZATION COM-**  
 8 **MISSION**

9 **SEC. 1501. SHORT TITLE.**

10 This title may be cited as the “Military Retirement  
 11 Modernization Commission Act”.

12 **SEC. 1502. PURPOSE.**

13 The purpose of this title is to establish a Commission  
 14 to review and make recommendations to modernize the  
 15 military retirement system to ensure that the system (1)  
 16 remains fiscally sustainable, and (2) supports the need to  
 17 recruit and retain the highest quality personnel required  
 18 for the Nation’s defense.

19 **SEC. 1503. DEFINITIONS.**

20 For the purposes of this title:

21 (1) The term “military retirement system”  
 22 means the provisions of law providing eligibility for  
 23 and the computation of—

24 (A) retired pay based upon service in the  
 25 uniformed services; and

1 (B) survivor annuities based upon such  
2 service.

3 (2) The term “uniformed services” has the  
4 meaning given that term in section 101(a)(5) of title  
5 10, United States Code.

6 (3) The term “Secretary” means the Secretary  
7 of Defense.

8 (4) The term “Commission” means the commis-  
9 sion established under section 1504.

10 (5) The term “Commission establishment date”  
11 means the first day of the first month beginning on  
12 or after the date of the enactment of this Act.

13 (6) The terms “veterans service organization”  
14 and “military-related advocacy group or association”  
15 mean an organization the primary purpose of which  
16 is to advocate for veterans, military personnel, mili-  
17 tary retirees, or military families.

18 **SEC. 1504. ESTABLISHMENT OF MILITARY RETIREMENT**  
19 **MODERNIZATION COMMISSION.**

20 (a) ESTABLISHMENT.—There is established in the ex-  
21 ecutive branch an independent commission to be known  
22 as the Military Retirement Modernization Commission.  
23 The Commission shall be considered an independent estab-  
24 lishment of the Federal Government as defined by section

1 104 of title 5, United States Code, and a temporary orga-  
2 nization under section 3161 of such title.

3 (b) APPOINTMENT.—

4 (1)(A) The Commission shall be composed of  
5 nine members appointed by the President. In select-  
6 ing individuals for appointment to the Commission,  
7 the President shall consult with—

8 (i) the Speaker of the House of Represent-  
9 atives concerning the appointment of two mem-  
10 bers;

11 (ii) the Majority Leader of the Senate con-  
12 cerning the appointment of two members;

13 (iii) the Minority Leader of the House of  
14 Representatives concerning the appointment of  
15 one member; and

16 (iv) the Minority Leader of the Senate con-  
17 cerning the appointment of one member.

18 (B) The President shall make appointments to  
19 the Commission not later than 6 months after the  
20 Commission establishment date.

21 (C) If the President does not make all appoint-  
22 ments to the Commission on or before the date spec-  
23 ified in subparagraph (B), the Commission shall be  
24 terminated.

1           (2) At the time the President appoints the  
2       members of the Commission, the President shall des-  
3       ignate one of the members to be Chair of the Com-  
4       mission. The individual designated as Chair of the  
5       Commission shall be a person who has expertise in  
6       the military retirement system. The Chair shall pre-  
7       side over meetings of the Commission and be respon-  
8       sible for establishing the agenda of Commission  
9       meetings and hearings.

10       (c) QUALIFICATIONS.—

11           (1) In appointing individuals to the Commis-  
12       sion, the President shall ensure that—

13                (A) there are members with significant ex-  
14       pertise in Federal retirement systems, including  
15       the military retirement system, private sector  
16       retirement or human resource systems, and ac-  
17       tuarial science; and

18                (B) at least three, but no more than four,  
19       members have active-duty military experience,  
20       including—

21                   (i) at least one of whom has active-  
22       duty experience as an enlisted member;  
23       and

24                   (ii) at least one of whom has experi-  
25       ence as a member of a reserve component.

1           (2) The President may not appoint to the Com-  
2           mission an individual who within the preceding year  
3           has been employed by a veterans service organiza-  
4           tion or military-related advocacy group or associa-  
5           tion, and no member of the Commission may be a  
6           member of such an organization, group, or associa-  
7           tion.

8           (d) TERMS.—Members shall be appointed for the life  
9           of the Commission (subject to subsection (c)(2)). A va-  
10          cancy in the Commission shall not affect its powers, and  
11          shall be filled in the same manner as the original appoint-  
12          ment was made.

13          (e) MEETINGS.—

14                (1) The Commission shall hold its initial meet-  
15                ing not later than 30 days after the date as of which  
16                all members have been appointed.

17                (2) After its initial meeting, the Commission  
18                shall meet upon the call of the Chair or a majority  
19                of its members.

20          (f) QUORUM.—Five members of the Commission shall  
21          constitute a quorum, but a lesser number may hold hear-  
22          ings.

23          (g) STATUS AS FEDERAL EMPLOYEES.—Notwith-  
24          standing the requirements under section 2105 of title 5,  
25          United States Code, including the required supervision



1 under subsection (a)(3) of such section, the members of  
2 the Commission shall be deemed Federal employees.

3 **SEC. 1505. COMMISSION HEARINGS AND MEETINGS.**

4 (a) HEARINGS AND MEETINGS.—

5 (1) HEARINGS.—The Commission shall conduct  
6 hearings on the recommendations it is taking under  
7 consideration. Any such hearing, except a hearing in  
8 which classified information is to be considered, shall  
9 be open to the public. Any hearing open to the pub-  
10 lic shall be announced on a Federal website at least  
11 14 days in advance. For all hearings open to the  
12 public, the Commission shall release an agenda and  
13 a listing of materials relevant to the topics to be dis-  
14 cussed.

15 (2) MEETINGS.—Each meeting of the Commis-  
16 sion shall be held in public unless any member ob-  
17 jects.

18 (b) PUBLIC COMMENTS.—

19 (1) The Commission shall seek written com-  
20 ments from the general public and interested parties  
21 on measures to modernize the military retirement  
22 system. Comments shall be requested through a so-  
23 licitation in the Federal Register and announcement  
24 on the Commission's website.

1           (2) The period for the submission of comments  
 2           pursuant to the solicitation under paragraph (1)  
 3           shall end not earlier than 30 days after the date of  
 4           the solicitation and shall end on or before the date  
 5           on which the Secretary transmits the Secretary's  
 6           recommendations to the Commission under section  
 7           1506(b).

8           (3) The Commission shall consider the com-  
 9           ments submitted under this subsection when devel-  
 10          oping its recommendations.

11 **SEC. 1506. PRINCIPLES AND PROCEDURE FOR COMMISSION**

12 **RECOMMENDATIONS.**

13 (a) PRINCIPLES.—

14           (1) CONTEXT OF COMMISSION REVIEW.—The  
 15           Commission shall conduct a review of the military  
 16           retirement system in the context of all elements of  
 17           the current military compensation system, force  
 18           management objectives, and changes in life expect-  
 19           ancy and the labor force.

20           (2) DEVELOPMENT OF COMMISSION REC-  
 21           COMMENDATIONS.—

22           (A) CONSISTENCY WITH PRESIDENTIAL  
 23           PRINCIPLES.—The Commission shall develop  
 24           recommendations for modernizing the military  
 25           retirement system that are consistent with prin-

1 principles established by the President under para-  
2 graph (3).

3 (B) GRANDFATHERING.—The Commis-  
4 sion's recommendations may not apply to any  
5 person who first becomes a member of a uni-  
6 formed service before the date of the enactment  
7 of a military retirement modernization bill pur-  
8 suant to this title (except that such rec-  
9 ommendations may include provisions allowing  
10 for such a member to make a voluntary election  
11 to be covered by some or all of the provisions  
12 of such recommendations).

13 (3) PRESIDENTIAL PRINCIPLES.—Not later  
14 than 5 months after the Commission establishment  
15 date, the President shall establish and transmit to  
16 the Commission and the Congress principles for  
17 modernizing the military retirement system. The  
18 principles established by the President shall address  
19 the following:

20 (A) Maintaining recruitment and retention  
21 of the best military personnel.

22 (B) Modernizing the active and reserve  
23 military retirement systems.

24 (C) Differentiating between active and re-  
25 serve military service.

1 (D) Assisting with force management.

2 (E) Ensuring budget savings.

3 (b) SECRETARY OF DEFENSE RECOMMENDATIONS.—

4 (1) IN GENERAL.—Not later than 9 months  
5 after the Commission establishment date, the Sec-  
6 retary shall transmit to the Commission the Sec-  
7 retary's recommendations for military retirement  
8 modernization. The Secretary shall concurrently  
9 transmit the recommendations to Congress.

10 (2) DEVELOPMENT OF RECOMMENDATIONS.—

11 The Secretary shall develop the Secretary's rec-  
12 ommendations under paragraph (1)—

13 (A) on the basis of the principles estab-  
14 lished by the President pursuant to subsection  
15 (a)(3); and

16 (B) in consultation with the Director of  
17 the Office of Management and Budget.

18 (3) JUSTIFICATION.—The Secretary shall in-  
19 clude with the recommendations under paragraph  
20 (1) the Secretary's justification for each rec-  
21 ommendation.

22 (4) AVAILABILITY OF INFORMATION.—The Sec-  
23 retary shall make available to the Commission and  
24 to Congress the information used by the Secretary

1 to prepare the Secretary's recommendations under  
2 paragraph (1).

3 (c) COMMISSION HEARINGS ON SECRETARY'S REC-  
4 OMMENDATIONS.—After receiving from the Secretary the  
5 Secretary's recommendations for military retirement mod-  
6 ernization pursuant to subsection (b), the Commission  
7 shall conduct public hearings on those recommendations.

8 (d) COMMISSION REPORT AND RECOMMENDA-  
9 TIONS.—

10 (1) REPORT.—Not later than 15 months after  
11 the Commission establishment date, the Commission  
12 shall transmit to the President a report containing  
13 the Commission's findings and conclusions, together  
14 with the Commission's recommendations for the  
15 modernization of the military retirement system.  
16 The Commission shall include in the report legisla-  
17 tive language to implement the Commission's rec-  
18 ommendations. The findings and conclusions in the  
19 report shall be based on the Commission's review  
20 and analysis of the recommendations of the Sec-  
21 retary.

22 (2) REQUIREMENT FOR APPROVAL.—The Com-  
23 mission's recommendations must be approved by at  
24 least five members of the Commission before the rec-

1       ommendations may be transmitted to the President  
2       under paragraph (1).

3           (3)   PROCEDURES   FOR   CHANGING   REC-  
4       COMMENDATIONS OF SECRETARY.—The Commission  
5       may make a change described in paragraph (4) in  
6       the recommendations made by the Secretary only if  
7       the Commission—

8           (A) determines that the change is con-  
9       sistent with the principles established by the  
10      President under subsection (a)(3);

11          (B) publishes a notice of the proposed  
12      change not less than 45 days before transmit-  
13      ting its recommendations to the President pur-  
14      suant to paragraph (1); and

15          (C) conducts a public hearing on the pro-  
16      posed change.

17          (4) COVERED CHANGES.—Paragraph (3) ap-  
18      plies to a change by the Commission in the Sec-  
19      retary's recommendations that would—

20           (A) add a new recommendation;

21           (B) delete a recommendation; or

22           (C) substantially change a recommenda-  
23      tion.

24          (5) EXPLANATION AND JUSTIFICATION FOR  
25      CHANGES.—The Commission shall explain and jus-

1       tify in its report submitted to the President under  
2       paragraph (1) any recommendation made by the  
3       Commission that is different from the recommenda-  
4       tions made by the Secretary pursuant to subsection  
5       (b).

6           (6) TRANSMITTAL TO CONGRESS.—The Com-  
7       mission shall transmit a copy of its report to the  
8       Congress on the same date on which it transmits its  
9       report to the President under paragraph (1).

10 **SEC. 1507. PRESIDENTIAL AND CONGRESSIONAL CONSID-**  
11 **ERATION OF COMMISSION RECOMMENDA-**  
12 **TIONS.**

13       (a) REVIEW BY THE PRESIDENT.—

14           (1) REPORT OF PRESIDENTIAL APPROVAL OR  
15       DISAPPROVAL.—Not later than 60 days after the  
16       date on which the Commission transmits its report  
17       to the President under section 1506(d), the Presi-  
18       dent shall transmit to the Commission and to Con-  
19       gress a report containing the President’s approval or  
20       disapproval of the Commission’s recommendations in  
21       the report.

22           (2) PRESIDENTIAL APPROVAL.—If in the report  
23       under paragraph (1) the President approves all the  
24       recommendations of the Commission, the President  
25       shall include with the report the following:

1 (A) A copy of the recommendations of the  
2 Commission.

3 (B) The President's certification of the  
4 President's approval of each recommendation.

5 (C) The legislative language transmitted  
6 by the Commission to the President as part of  
7 the report of the Commission under section  
8 1506(d)(1).

9 (3) PRESIDENTIAL DISAPPROVAL.—

10 (A) REASONS FOR DISAPPROVAL.—If in  
11 the report under paragraph (1) the President  
12 disapproves the recommendations of the Com-  
13 mission, in whole or in part, the President shall  
14 include in the report the reasons for that dis-  
15 approval.

16 (B) REVISED RECOMMENDATIONS FROM  
17 COMMISSION.—The Commission shall then  
18 transmit to the President, not later than one  
19 month after the date of the report of the Presi-  
20 dent under paragraph (1), revised recommenda-  
21 tions for the modernization of the military re-  
22 tirement system, together with revised legisla-  
23 tive language to implement the Commission's  
24 revised recommendations.



1           (4) ACTION ON REVISED RECOMMENDATIONS.—

2           If the President approves all of the revised rec-  
3           ommendations of the Commission transmitted pur-  
4           suant to paragraph (3)(B), the President shall  
5           transmit to Congress, not later than one month after  
6           receiving the revised recommendations, the following:

7                   (A) A copy of such revised recommenda-  
8           tions.

9                   (B) The President's certification of the  
10          President's approval of each recommendation as  
11          so revised.

12                  (C) The revised legislative language trans-  
13          mitted to the President under paragraph  
14          (3)(B).

15          (5) TERMINATION OF COMMISSION.—If the  
16          President does not transmit to Congress an approval  
17          and certification described in paragraph (2) or (4)  
18          in accordance with the applicable deadline under  
19          such paragraph, the Commission shall be terminated  
20          not later than one month after the expiration of the  
21          period for transmittal of a report under paragraph  
22          (4).

23          (b) CONGRESSIONAL CONSIDERATION.—

24                  (1) RULEMAKING.—The provisions of this sub-  
25          section are enacted by Congress—

1 (A) as an exercise of the rulemaking power  
2 of the Senate and the House of Representa-  
3 tives, respectively, and as such they shall be  
4 considered as part of the rules of each House,  
5 respectively, or of that House to which they  
6 specifically apply, and such rules supersede  
7 other rules only to the extent that they are in-  
8 consistent therewith; and

9 (B) with full recognition of the constitu-  
10 tional right of either House to change such  
11 rules (so far as relating to the procedure of that  
12 House) at any time, in the same manner and  
13 to the same extent as in the case of any other  
14 rule of that House.

15 (2) MILITARY RETIREMENT MODERNIZATION  
16 BILL.—For the purpose of this subsection, the term  
17 “military retirement modernization bill” means only  
18 a bill consisting of the proposed legislative language  
19 recommended by the Commission and submitted to  
20 Congress by the President pursuant to subsection  
21 (a).

22 (3) INTRODUCTION OF LEGISLATIVE PROPOSAL  
23 IN HOUSE AND SENATE.—If the President transmits  
24 to Congress under subsection (a) a copy of the rec-  
25 ommendations of the Commission (including the leg-

1       islative language recommended by the Commission),  
 2       together with a certification of the President's ap-  
 3       proval of those recommendations, the proposed legis-  
 4       lative language recommended by the Commission  
 5       and submitted to Congress by the President pursu-  
 6       ant to that subsection—

7               (A) shall be introduced in the Senate (by  
 8       request) on the next day on which the Senate  
 9       is in session by the chairman of the Committee  
 10      on Armed Services of the Senate; and

11              (B) shall be introduced in the House of  
 12      Representatives (by request) on the next legisla-  
 13      tive day by the chair of the Committee on  
 14      Armed Services of the House.

15              (4) CONSIDERATION IN THE HOUSE OF REP-  
 16      RESENTATIVES.—

17              (A) REFERRAL AND REPORTING.—Any  
 18      committee of the House of Representatives to  
 19      which the military retirement modernization bill  
 20      is referred shall report it to the House without  
 21      amendment not later than the end of the 60-  
 22      day period beginning on the date on which the  
 23      bill is introduced. If a committee fails to report  
 24      the Commission bill to the House within that  
 25      period, it shall be in order to move that the

1 House discharge the committee from further  
2 consideration of the bill. Such a motion shall  
3 not be in order after the last committee author-  
4 ized to consider the bill reports it to the House  
5 or after the House has disposed of a motion to  
6 discharge the bill. The previous question shall  
7 be considered as ordered on the motion to its  
8 adoption without intervening motion except 20  
9 minutes of debate equally divided and controlled  
10 by the proponent and an opponent. If such a  
11 motion is adopted, the House shall proceed im-  
12 mediately to consider the Commission bill in ac-  
13 cordance with subparagraphs (B) and (C). A  
14 motion to reconsider the vote by which the mo-  
15 tion is disposed of shall not be in order.

16 (B) PROCEEDING TO CONSIDERATION.—  
17 After the last committee authorized to consider  
18 a military retirement modernization bill reports  
19 it to the House or has been discharged (other  
20 than by motion) from its consideration, it shall  
21 be in order to move to proceed to consider the  
22 military retirement modernization bill in the  
23 House. Such a motion shall not be in order  
24 after the House has disposed of a motion to  
25 proceed with respect to the military retirement

1 modernization bill. The previous question shall  
2 be considered as ordered on the motion to its  
3 adoption without intervening motion. A motion  
4 to reconsider the vote by which the motion is  
5 disposed of shall not be in order.

6 (C) CONSIDERATION.—The military retire-  
7 ment modernization bill shall be considered as  
8 read. All points of order against the bill and  
9 against its consideration are waived. The pre-  
10 vious question shall be considered as ordered on  
11 the bill to its passage without intervening mo-  
12 tion except two hours of debate equally divided  
13 and controlled by the proponent and an oppo-  
14 nent and one motion to limit debate on the bill.  
15 A motion to reconsider the vote on passage of  
16 the bill shall not be in order.

17 (D) VOTE ON PASSAGE.—The vote on pas-  
18 sage of the military retirement modernization  
19 bill shall occur not later than the end of the 90-  
20 day period beginning on the date on which the  
21 bill is introduced.

22 (5) EXPEDITED PROCEDURE IN THE SENATE.—

23 (A) COMMITTEE CONSIDERATION.—A mili-  
24 tary retirement modernization bill introduced in  
25 the Senate under subsection (a) shall be jointly

1 referred to the committee or committees of ju-  
2 risdiction, which committees shall report the bill  
3 without any revision and with a favorable rec-  
4 ommendation, an unfavorable recommendation,  
5 or without recommendation, not later than the  
6 end of the 60-day period beginning on the date  
7 on which the bill is introduced. If any com-  
8 mittee fails to report the bill within that period,  
9 that committee shall be automatically dis-  
10 charged from consideration of the bill, and the  
11 bill shall be placed on the appropriate calendar.

12 (B) MOTION TO PROCEED.—Notwith-  
13 standing rule XXII of the Standing Rules of  
14 the Senate, it is in order, not later than two  
15 days of session after the date on which a mili-  
16 tary retirement modernization bill is reported or  
17 discharged from all committees to which it was  
18 referred, for the majority leader of the Senate  
19 or the majority leader's designee to move to  
20 proceed to the consideration of the military re-  
21 tirement modernization bill. It shall also be in  
22 order for any Member of the Senate to move to  
23 proceed to the consideration of the military re-  
24 tirement modernization bill at any time after  
25 the conclusion of such two-day period. A motion

1 to proceed is in order even though a previous  
2 motion to the same effect has been disagreed  
3 to. All points of order against the motion to  
4 proceed to the military retirement moderniza-  
5 tion bill are waived. The motion to proceed is  
6 not debatable. The motion is not subject to a  
7 motion to postpone. A motion to reconsider the  
8 vote by which the motion is agreed to or dis-  
9 agreed to shall not be in order. If a motion to  
10 proceed to the consideration of the military re-  
11 tirement modernization bill is agreed to, the  
12 military retirement modernization bill shall re-  
13 main the unfinished business until disposed of.

14 (C) CONSIDERATION.—All points of order  
15 against the military retirement modernization  
16 bill and against consideration of the bill are  
17 waived. Consideration of the bill and of all de-  
18 batable motions and appeals in connection  
19 therewith shall not exceed a total of 10 hours  
20 which shall be divided equally between the ma-  
21 jority and minority leaders or their designees. A  
22 motion further to limit debate on the bill is in  
23 order, shall require an affirmative vote of three-  
24 fifths of the Members duly chosen and sworn,  
25 and is not debatable. Any debatable motion or

1 appeal is debatable for not to exceed one hour,  
2 to be divided equally between those favoring  
3 and those opposing the motion or appeal. All  
4 time used for consideration of the bill, including  
5 time used for quorum calls and voting, shall be  
6 counted against the total 10 hours of consider-  
7 ation.

8 (D) NO AMENDMENTS.—An amendment to  
9 the Commission bill, or a motion to postpone,  
10 or a motion to proceed to the consideration of  
11 other business, or a motion to recommit the  
12 Commission bill, is not in order.

13 (E) VOTE ON PASSAGE.—If the Senate has  
14 voted to proceed to the military retirement  
15 modernization bill, the vote on passage of the  
16 bill shall occur immediately following the con-  
17 clusion of the debate on a military retirement  
18 modernization bill, and a single quorum call at  
19 the conclusion of the debate if requested. The  
20 vote on passage of the bill shall occur not later  
21 than the end of the 90-day period beginning on  
22 the date on which the bill is introduced.

23 (F) RULINGS OF THE CHAIR ON PROCE-  
24 DURE.—Appeals from the decisions of the Chair  
25 relating to the application of the rules of the



1 Senate, as the case may be, to the procedure re-  
2 lating to a military retirement modernization  
3 bill shall be decided without debate.

4 (6) AMENDMENT.—The military retirement  
5 modernization bill shall not be subject to amendment  
6 in either the House of Representatives or the Sen-  
7 ate.

8 (7) CONSIDERATION BY THE OTHER HOUSE.—  
9 If, before passing the military retirement moderniza-  
10 tion bill, one House receives from the other a mili-  
11 tary retirement modernization bill—

12 (A) the military retirement modernization  
13 bill of the other House shall not be referred to  
14 a committee; and

15 (B) the procedure in the receiving House  
16 shall be the same as if no military retirement  
17 modernization bill had been received from the  
18 other House until the vote on passage, when the  
19 military retirement modernization bill received  
20 from the other House shall supplant the mili-  
21 tary retirement modernization bill of the receiv-  
22 ing House.

1 **SEC. 1508. AUTHORIZATION OF APPROPRIATIONS AND**  
2 **FUNDING.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Commission such  
5 funds as are necessary to carry out its duties under this  
6 title.

7 (b) AVAILABILITY OF FUNDS.—Funds appropriated  
8 or otherwise made available to the Commission to carry  
9 out its duties under this title shall remain available until  
10 expended.

11 (c) FISCAL YEAR 2013.—In fiscal year 2013, the  
12 Secretary may transfer not more than \$10,000,000 from  
13 unobligated funds of the Department of Defense remain-  
14 ing available for obligation in that fiscal year to the Com-  
15 mission to carry out its duties under this title. Funds  
16 transferred under the preceding sentence shall remain  
17 available until expended.

18 **SEC. 1509. PAY FOR MEMBERS OF THE COMMISSION.**

19 (a) IN GENERAL.—Each member, other than the  
20 Chair, of the Commission shall be paid at a rate equal  
21 to the daily equivalent of the annual rate of basic pay pay-  
22 able for level IV of the Executive Schedule under section  
23 5315 of title 5, United States Code, for each day (includ-  
24 ing travel time) during which the member is engaged in  
25 the actual performance of duties vested in the Commis-  
26 sion.

1 (b) CHAIR.—The Chair of the Commission shall be  
2 paid at a rate equal to the daily equivalent of the annual  
3 rate of basic pay payable for level III of the Executive  
4 Schedule under section 5314, of title 5, United States  
5 Code, for each day (including travel time) during which  
6 the member is engaged in the actual performance of duties  
7 vested in the Commission.

8 **SEC. 1510. EXECUTIVE DIRECTOR.**

9 (a) APPOINTMENT.—The Commission shall appoint  
10 and fix the rate of basic pay for an Executive Director  
11 in accordance with section 3161 of title 5, United States  
12 Code.

13 (b) LIMITATIONS.—The Executive Director may not  
14 have served on active duty in the Armed Forces or as a  
15 civilian employee of the Department of Defense during the  
16 one-year period preceding the date of such appointment  
17 and may not have been employed by a veterans service  
18 organization or a military-related advocacy group or asso-  
19 ciation during that one-year period.

20 **SEC. 1511. STAFF.**

21 (a) IN GENERAL.—Subject to subsections (b) and (c),  
22 the Executive Director, with the approval of the Commis-  
23 sion, may appoint and fix the rate of basic pay for addi-  
24 tional personnel as staff of the Commission in accordance  
25 with section 3161 of title 5, United States Code.

1 (b) LIMITATIONS ON STAFF.—(1) Not more than  
2 one-third of the personnel employed by or detailed to the  
3 Commission may be on detail from the Department of De-  
4 fense.

5 (2) A person may not be detailed from the Depart-  
6 ment of Defense to the Commission if, in the year before  
7 the detail is to begin, that person participated personally  
8 and substantially in any matter within the Department of  
9 Defense concerning the preparation of recommendations  
10 for military retirement modernization.

11 (3) Not more than one-fourth of the personnel em-  
12 ployed by or detailed to the Commission may be persons  
13 eligible for or receiving military retired pay.

14 (4) A person may not be employed by or detailed to  
15 the Commission if, in the year before the employment or  
16 detail is to begin, that person was employed by a veterans  
17 service organization or a military-related advocacy group  
18 or association.

19 (c) LIMITATIONS ON PERFORMANCE REVIEWS.—No  
20 member of the Armed Forces, and no officer or employee  
21 of the Department of Defense, may—

22 (1) prepare any report concerning the effective-  
23 ness, fitness, or efficiency of the performance of the  
24 staff of the Commission or any person detailed from  
25 the Department of Defense to that staff;

1 (2) review the preparation of such a report; or

2 (3) approve or disapprove such a report.

3 **SEC. 1512. CONTRACTING AUTHORITY.**

4 The Commission may lease space and acquire per-  
5 sonal property to the extent funds are available.

6 **SEC. 1513. JUDICIAL REVIEW PRECLUDED.**

7 The following shall not be subject to judicial review:

8 (1) Actions of the President, the Secretary, and  
9 the Commission under section 1506.

10 (2) Actions of the President under section  
11 1507(a).

12 **SEC. 1514. TERMINATION.**

13 The Commission shall terminate not later than 26  
14 months after the Commission establishment date.

15 **TITLE XVI—BENEFITS FOR FED-**  
16 **ERAL CIVILIAN EMPLOYEES**  
17 **IN ZONES OF ARMED CON-**  
18 **FLICT**

19 **SEC. 1601. SHORT TITLE.**

20 This title may be cited as the “Federal Civilian Em-  
21 ployees in Zones of Armed Conflict Benefits Act of 2012”.

22 **SEC. 1602. DEFINITION OF DESIGNATED ZONE OF ARMED**  
23 **CONFLICT.**

24 Section 102 of the Foreign Service Act of 1980 (22  
25 U.S.C. 3902) is amended—

1           (1) by redesignating paragraphs (5) through  
2           (12) as paragraphs (6) through (13), respectively;  
3           and

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

6           “(5) ‘designated zone of armed conflict’ means  
7           a foreign country or other foreign geographic area  
8           outside of the United States (as that term is defined  
9           in section 202(7) of the State Department Basic Au-  
10          thorities Act of 1956 (22 U.S.C. 4302(7)) that is  
11          designated by the Secretary of State, in coordination  
12          with the Secretary of Defense, as an area where  
13          there are exceptional levels of armed violence. Any  
14          such designation shall be communicated to affected  
15          civilian agencies. In making such a designation, the  
16          Secretary of State may consider—

17                 “(A) whether the Armed Forces of the  
18                 United States are involved in hostilities in the  
19                 country or area;

20                 “(B) whether the incidence of civil insur-  
21                 rection, civil war, terrorism, or wartime condi-  
22                 tions threatens physical harm or imminent dan-  
23                 ger to the health or well-being of United States  
24                 civilian employees in the country or area;

1 “(C) whether the country or area has been  
 2 designated a combat zone by the President  
 3 under section 112(c) of the Internal Revenue  
 4 Code of 1986 (26 U.S.C. 112(c));

5 “(D) whether a contingency operation in-  
 6 volving combat operations directly affects civil-  
 7 ian employees in the country or area; or

8 “(E) any other relevant conditions and fac-  
 9 tors.”.

10 **SEC. 1603. BENEFITS FOR EMPLOYEES IN DESIGNATED**  
 11 **ZONES OF ARMED CONFLICT.**

12 (a) IN GENERAL.—Chapter 59 of title 5, United  
 13 States Code, is amended—

14 (1) by amending the chapter heading to read as  
 15 follows:

16 **“CHAPTER 59—ALLOWANCES, SPECIAL**  
 17 **PAYMENTS, AND BENEFITS”;**

18 (2) by adding at the end the following new sub-  
 19 chapter:

20 **“SUBCHAPTER V—BENEFITS FOR EMPLOYEES**  
 21 **IN DESIGNATED ZONES OF ARMED CONFLICT**

22 **“§ 5951. Definitions**

23 “For the purposes of this subchapter—

24 “(1) ‘assigned to duty in’ refers to an employee  
 25 who is officially assigned to work or duty (including

1       serving on temporary duty) in a designated zone of  
2       armed conflict, which may include short periods  
3       away from the zone to perform work in connection  
4       with the assignment, subject to any limitations or  
5       requirements established by regulation or official  
6       policy;

7               “(2) ‘designated zone of armed conflict’ has the  
8       meaning given that term in section 102 of the For-  
9       eign Service Act of 1980 (22 U.S.C. 3902(5));

10              “(3) ‘Director’ means the Director of the Office  
11       of Personnel Management;

12              “(4) ‘Executive agency’ has the meaning given  
13       that term in section 105 but does not include the  
14       Government Accountability Office;

15              “(5) ‘healthcare provider’ means—

16                      “(A) a physician (including a mental  
17       health physician);

18                      “(B) a physician’s assistant, nurse practi-  
19       tioner, or advanced practice nurse;

20                      “(C) a mental health practitioner;

21                      “(D) a member of the Armed Forces who  
22       is an independent duty corpsman, an inde-  
23       pendent duty medical technician, or a Special  
24       Forces medical sergeant; and



1           “(E) any other person in a healthcare pro-  
 2           vider category designated by the Secretary of  
 3           State or Secretary of Defense;

4           “(6) ‘pre-deployment health assessment’ means  
 5           an evaluation by a healthcare provider to determine  
 6           if an employee meets the requirements for deploy-  
 7           ment outside the United States and to identify any  
 8           need for medical care;

9           “(7) ‘post-deployment health assessment’ means  
 10          an evaluation by a healthcare provider to assess an  
 11          employee’s physical and mental health following a  
 12          deployment outside the United States and to identify  
 13          any need for medical care; and

14          “(8) ‘United States’ has the meaning given that  
 15          term in section 202(7) of the State Department  
 16          Basic Authorities Act of 1956 (22 U.S.C. 4302(7)).

17       **“§ 5952. Authority to grant allowances, benefits, and**  
 18               **gratuities**

19          “(a) The Secretary of State may require the head of  
 20          an Executive agency to provide to an employee assigned  
 21          to duty in a designated zone of armed conflict such allow-  
 22          ances, benefits, and gratuities under sections 413, 901,  
 23          902, and 906 of the Foreign Service Act of 1980 (22  
 24          U.S.C. 3973, 4081, 4082, and 4086) as are prescribed  
 25          in regulation by the Secretary.

1       “(b) The authority in subsection (a) may not be used  
2 to provide benefits that are similar to those provided in  
3 sections 5955 and 5956.

4       **“§ 5953. Pre- and post-deployment health assessments**

5       “The head of an Executive agency shall establish a  
6 pre-deployment health assessment and post-deployment  
7 health assessment program for employees assigned to duty  
8 in designated zones of armed conflict. Programs imple-  
9 mented after the date of the enactment of this section pur-  
10 suant to the preceding sentence or other comparable agen-  
11 cy-level authority existing before that date shall be carried  
12 out consistent with any regulations prescribed by the Sec-  
13 retary of State or the Secretary of Defense, as determined  
14 appropriate by mission requirements.

15       **“§ 5954. Special pay for certain employees**

16       “(a) The Secretary of State may require the head of  
17 an Executive agency to provide, subject to regulations pre-  
18 scribed under subsection (d), special pay to Foreign Serv-  
19 ice officers and members of the Senior Foreign Service  
20 assigned to duty in a designated zone of armed conflict  
21 who perform additional work on a recurring basis in sub-  
22 stantial excess of normal requirements.

23       “(b) The Director may require the head of an Execu-  
24 tive agency to provide, subject to regulations prescribed  
25 under subsection (d), special pay to an employee (other

1 than a member of the Foreign Service) assigned to duty  
2 in a designated zone of armed conflict when the em-  
3 ployee—

4           “(1) is not covered by the overtime and other  
5 premium pay provisions of subchapter V of chapter  
6 55 or similar premium pay authority; and

7           “(2) performs additional work on a recurring  
8 basis in substantial excess of normal requirements.

9           “(c) Special payments under this section are in addi-  
10 tion to compensation otherwise authorized and are not  
11 considered to be basic pay for any purpose, nor shall they  
12 be used in computing lump-sum payments for accumu-  
13 lated and accrued annual leave under section 5551. No  
14 special payments may be authorized which, when added  
15 to an employee’s basic pay, would result in a total amount  
16 payable for any calendar year in excess of the annual rate  
17 of salary payable to the Vice President under section 104  
18 of title 3.

19           “(d) The Director and the Secretary of State shall  
20 each prescribe regulations to carry out this section, includ-  
21 ing regulations providing for any employee exclusions, eli-  
22 gibility requirements, criteria and certification for special  
23 payments, payment rates and methods, and effective  
24 dates.

1   **“§ 5955. Rest and recuperation travel**

2           “(a) Subject to any regulations the Secretary of State  
3 may prescribe, the Secretary may require the head of an  
4 Executive agency to pay the travel and related expenses  
5 for rest and recuperation travel for an employee who is  
6 a United States citizen assigned to duty in a designated  
7 zone of armed conflict and who is granted recuperation  
8 leave under section 6392 and, if applicable, for members  
9 of the employee’s family accompanying the employee in the  
10 designated zone of armed conflict.

11          “(b) Rest and recuperation travel under subsection  
12 (a) shall be provided to the same extent and subject to  
13 the same conditions as such travel is provided to members  
14 of the Foreign Service under section 901(6) of the Foreign  
15 Service Act of 1980 (22 U.S.C. 4081(6)), except that, sub-  
16 ject to any regulations the Secretary of State may pre-  
17 scribe, the head of an Executive agency, in that agency  
18 head’s sole discretion, may in extraordinary circumstances  
19 waive any or all conditions on rest and recuperation travel  
20 set forth in that section.

21   **“§ 5956. Emergency visitation travel**

22           “(a) Subject to regulations the Secretary of State  
23 shall prescribe, the Secretary may require the head of an  
24 Executive agency to pay the travel and related expenses  
25 for round-trip travel to or from an employee’s duty loca-  
26 tion or temporary duty station for purposes of family visi-

1 tation in an emergency situation involving personal hard-  
 2 ship, including the serious illness, injury, or death of the  
 3 employee or a family member, if the head of the agency  
 4 determines that the criteria in those regulations are met.

5 “(b) Payments under subsection (a) may be provided  
 6 only for the travel of an employee who is assigned to duty  
 7 in a designated zone of armed conflict at the time the  
 8 emergency situation arises or for the travel of the family  
 9 members of such employee.

10 **“§ 5957. Locality payments**

11 “(a)(1) Notwithstanding section 5304, the head of an  
 12 Executive agency shall pay, out of available resources, to  
 13 an employee assigned to duty in a designated zone of  
 14 armed conflict a locality payment as provided in this sec-  
 15 tion and in any regulations the Director may prescribe.  
 16 The Director may prescribe a minimum period during  
 17 which an employee is required to remain in a designated  
 18 zone of armed conflict in order to be eligible to receive  
 19 such a locality payment.

20 “(2) For the purpose of this section, ‘employee’  
 21 means—

22 “(A) an employee in a General Schedule posi-  
 23 tion to which subchapter III of chapter 53 applies;

24 “(B) a member of the Foreign Service who is  
 25 designated class 1 or below for purposes of section

1       403 of the Foreign Service Act of 1980 (22 U.S.C.  
2       3963); and

3           “(C) an employee in a position for which local-  
4       ity-based comparability payments under section  
5       5304 have been approved under subsection (h) of  
6       that section or otherwise authorized by law.

7       “(b) The percentage amount used to compute the lo-  
8       cality payment paid under this section shall be determined  
9       as follows:

10           “(1) The percentage amount shall equal the  
11       higher of—

12           “(A) the applicable locality-based com-  
13       parability payment percentage authorized under  
14       section 5304 for the employee’s official work-  
15       site; or

16           “(B) the locality-based comparability pay-  
17       ment percentage authorized under section 5304  
18       for Washington, DC.

19           “(2) If the employee’s official worksite is not  
20       covered by a locality-based comparability payment  
21       authorized under section 5304, the locality payment  
22       percentage under this section shall equal the locality-  
23       based comparability payment percentage authorized  
24       under section 5304 for Washington, DC.

1       “(c) Except as otherwise provided in this section and  
2 any regulations the Director may prescribe, a locality pay-  
3 ment under this section is subject to the provisions of sec-  
4 tion 5304, including the limitations under subsection (g)  
5 of that section. A locality payment under this section is  
6 paid in lieu of any locality-based comparability payment  
7 that would otherwise be payable under section 5304 or  
8 similar locality pay authority.

9       “(d) A locality payment under this section shall be  
10 considered to be part of basic pay for the same purposes  
11 that a locality-based comparability payment under section  
12 5304 is considered to be part of basic pay, for the purpose  
13 of computing post differentials under section 5925(a) and  
14 danger pay allowances under section 5928, and for such  
15 other purposes as the Director may prescribe by regula-  
16 tion.

17       “(e) Nothing in this section shall affect any authority  
18 of any agency to pay a locality-based comparability pay-  
19 ment under section 5304, or a similar locality payment  
20 under any other provision of law, to an employee who is  
21 assigned to duty in a location outside a designated zone  
22 of armed conflict.

1   **“§ 5958. Traumatic injury gratuity for qualifying inju-**  
2                   **ries**

3           “(a) The United States shall pay, out of available re-  
4 sources, a traumatic injury gratuity to each eligible em-  
5 ployee who sustains a qualifying traumatic injury. Such  
6 payment shall be made promptly upon receiving official  
7 notification from the relevant agency that the employee  
8 has incurred that injury.

9           “(b) For purposes of this section—

10           “(1) an eligible employee is an employee who  
11 sustains a qualifying traumatic injury on or after  
12 the date of enactment of this section in the perform-  
13 ance of duty in a designated zone of armed conflict;  
14 and

15           “(2) a qualifying traumatic injury is a trau-  
16 matic injury that results in a loss that is a ‘quali-  
17 fying loss’ under subsection (b) of section 1980A of  
18 title 38. The provisions of paragraph (3) of that  
19 subsection and of subsection (c)(2) of that section,  
20 including the regulations prescribed hereunder, shall  
21 apply for purposes of this section.

22           “(c) Notwithstanding subsections (a) and (b)(1), the  
23 head of an Executive agency, in that agency head’s sole  
24 discretion, may grant a payment under subsection (a) to  
25 an employee who sustained a qualifying traumatic injury  
26 on or after November 30, 2005, and before the date speci-



1   fied in subsection (b)(1) in connection with the employee’s  
2   service with an Armed Force in the theater of operations  
3   of Operation Enduring Freedom, Operation Iraqi Free-  
4   dom, or Operation New Dawn.

5       “(d)(1) The amount of a gratuity payment paid to  
6   an employee under this section shall be the applicable  
7   amount in effect under the schedule prescribed pursuant  
8   to subsection (d) of section 1980A of title 38 for the quali-  
9   fying traumatic injury sustained by the employee. If an  
10   employee suffers more than one loss that is a ‘qualifying  
11   loss’ under section 1980A(b) of title 38 as a result of trau-  
12   matic injury from the same traumatic event, payment  
13   shall be made under this section in accordance with the  
14   schedule prescribed pursuant to such subsection (d) for  
15   the single loss providing the highest payment.

16       “(2) Notwithstanding paragraph (1), the amount of  
17   a gratuity payment under this section paid to locally em-  
18   ployed staff employed outside the United States may be  
19   less than the amount that would otherwise be paid under  
20   this section, consistent with prevailing compensation prac-  
21   tices, as determined by the Secretary of State in coordina-  
22   tion with the head of the employing agency and the admin-  
23   istrator of the program under subsection (e)(1).

1       “(e)(1) The Secretary of Defense, or the head of such  
2 other Executive agency as the President designates, shall  
3 administer the program under this section.

4       “(2) When the administrator of the program under  
5 paragraph (1) makes a gratuity payment under this sec-  
6 tion to an employee of another agency, that employee’s  
7 agency shall reimburse the administrator’s agency for the  
8 amount of the payment and for administrative expenses  
9 incurred in connection with such payment.

10       “(f)(1) The administrator of the program under sub-  
11 section (e)(1) may prescribe regulations to carry out this  
12 section.

13       “(2) Regulations under paragraph (1) shall be issued  
14 in consultation with the Director unless the Director is  
15 the administrator.

16       “(g) For the purposes of this section, ‘employee’ has  
17 the meaning given that term in section 2105, except that  
18 such term also includes—

19               “(1) an employee described in subsection (c) of  
20 that section;

21               “(2) an individual employed by personal serv-  
22 ices contract, including pursuant to section 2(c) of  
23 the State Department Basic Authorities Act of 1956  
24 and section 636(a)(3) of the Foreign Assistance Act  
25 of 1961;

1 “(3) locally employed staff who are employed by  
2 an Executive agency outside the United States; and

3 “(4) any other individual employed by the Fed-  
4 eral Government who meets conditions prescribed in  
5 regulations issued under subsection (f)(1).”;  
6 and

7 (3) in the table of sections by inserting the fol-  
8 lowing after the item relating to section 5949:

“SUBCHAPTER V—BENEFITS FOR EMPLOYEES IN DESIGNATED ZONES OF  
ARMED CONFLICT

“5951. Definitions.

“5952. Authority to grant allowances, benefits, and gratuities.

“5953. Pre- and post-deployment health assessments.

“5954. Special pay for certain employees.

“5955. Rest and recuperation travel.

“5956. Emergency visitation travel.

“5957. Locality payments.

“5958. Traumatic injury gratuity for qualifying injuries.”.

9 (b) CLERICAL AMENDMENT.—The table of chapters  
10 for part III of title 5, United States Code, is amended  
11 by amending the item relating to chapter 59 to read as  
12 follows:

“59. Allowances, Special Payments, and Benefits ..... 5901”.

13 (c) TECHNICAL AMENDMENTS.—(1) Chapter 57 of  
14 title 5, United States Code, is amended—

15 (A) in section 5753(a)(2)(A) by inserting “, ex-  
16 cluding members of the Foreign Service other than  
17 chiefs of mission, ambassadors at large, and other  
18 members of the Foreign Service covered by section

1       302(b) of the Foreign Service Act of 1980 (22  
2       U.S.C. 3942)” before the semicolon at the end; and

3               (B) in section 5754(a)(2)(A) by inserting “, ex-  
4       cluding members of the Foreign Service other than  
5       chiefs of mission, ambassadors at large, and other  
6       members of the Foreign Service covered by section  
7       302(b) of the Foreign Service Act of 1980 (22  
8       U.S.C. 3942)” before the semicolon at the end.

9       (2) Section 901(9) of the Foreign Service Act of 1980  
10   (22 U.S.C. 4081(9)) is amended by striking “post of as-  
11   signment” each place it appears and inserting “post of  
12   assignment or, in the case of an employee assigned to duty  
13   in a designated zone of armed conflict, temporary duty  
14   station”.

15       (d) TRANSITION PERIOD FOR LOCALITY PAY-  
16   MENTS.—(1) This subsection applies to an employee  
17   who—

18               (A) is assigned to duty in a designated zone of  
19       armed conflict (as defined in section 5951 (1) and  
20       (2) of title 5, United States Code) while maintaining  
21       an official worksite in a nonforeign area and an enti-  
22       tlement to a cost-of-living allowance under section  
23       5941(a)(1) of that title; and

24               (B) is entitled to a transitional locality pay per-  
25       centage equal to  $\frac{1}{3}$  or  $\frac{2}{3}$  of the applicable locality

1 pay percentage under section 1914 of the Non-For-  
2 eign Area Retirement Equity Assurance Act of 2009  
3 (subtitle B of title XIX of Public Law 111–84; 123  
4 Stat 2621; 5 U.S.C. 5304 note).

5 (2) In the case of an employee described in paragraph  
6 (1), notwithstanding section 5957 of title 5, United States  
7 Code—

8 (A) the locality pay percentage used in applying  
9 subparagraph (A) of section 5957(b)(1) of title 5,  
10 United States Code, shall be the transitional locality  
11 pay percentage referred to in paragraph (1)(B); and

12 (B) the locality pay percentage used in applying  
13 subparagraph (B) of section 5957(b)(1) of title 5,  
14 United States Code, shall be the percentage result-  
15 ing from multiplying the locality pay percentage au-  
16 thorized under section 5304 of that title for Wash-  
17 ington, DC, by the transitional fraction,  $\frac{1}{3}$  or  $\frac{2}{3}$ , as  
18 applicable.

19 **SEC. 1604. WAIVER OF CERTAIN PAY LIMITATIONS.**

20 (a) **WAIVER OF LIMITATION ON PREMIUM PAY.**—

21 Section 5547 of title 5, United States Code, is amended  
22 by adding at the end the following new subsection:

23 “(e)(1) Subsection (a) shall not apply to an employee  
24 who performs work while assigned to duty in a designated

1 zone of armed conflict (as defined in section 5951 (1) and  
2 (2)).

3 “(2) Notwithstanding paragraph (1), no employee re-  
4 ferred to in such paragraph may be paid premium pay  
5 under the provisions of law cited in subsection (a) to the  
6 extent that the aggregate of the basic pay and premium  
7 pay under those provisions for such employee would, in  
8 any calendar year, exceed the annual rate of salary pay-  
9 able to the Vice President under section 104 of title 3.

10 “(3) To the extent that paragraph (1) results in pay-  
11 ment of additional premium pay of a type that is normally  
12 creditable as basic pay for retirement or any other pur-  
13 pose, such additional pay shall not be considered to be  
14 basic pay for any purpose, nor shall it be used in com-  
15 puting a lump-sum payment for accumulated and accrued  
16 annual leave under section 5551.”.

17 (b) WAIVER OF LIMITATION ON AGGREGATE PAY.—  
18 Section 5307 of title 5, United States Code, is amended—

19 (1) in subsection (a)(1) by striking “or as oth-  
20 erwise provided under subsection (d)” and inserting  
21 “or as otherwise provided by this section”; and

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

24 “(e) The preceding subsections of this section shall  
25 not apply to payments in addition to basic pay earned by

1 an employee for performing work while assigned to duty  
 2 in a designated zone of armed conflict (as defined in sec-  
 3 tion 5951 (1) and (2)). For the purpose of this subsection,  
 4 the term ‘basic pay’ includes any applicable locality-based  
 5 comparability payment under section 5304, any applicable  
 6 special rate supplement under section 5305, and any simi-  
 7 lar payment under any other provision of law.”.

8 (c) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED  
 9 EXPERTS.—Section 9903(d) of title 5, United States  
 10 Code, is amended—

11 (1) by amending paragraph (2) to read as fol-  
 12 lows:

13 “(2) An employee appointed under this section  
 14 is not eligible for any bonus, monetary award, or  
 15 other monetary incentive for service except for—

16 “(A) payments authorized under this sec-  
 17 tion; and

18 “(B) in the case of such an employee who  
 19 is assigned to duty in a designated zone of  
 20 armed conflict (as defined in section 5951 (1)  
 21 and (2)), allowances, special payments, and  
 22 benefits under chapter 59.”;

23 and

24 (2) in paragraph (3), by adding at the end the  
 25 following new sentence: “In computing an employ-

1 ee’s total annual compensation for purposes of the  
 2 preceding sentence, any payment referred to in para-  
 3 graph (2)(B) shall be excluded.”.

4 **SEC. 1605. LEAVE AUTHORITIES.**

5 (a) IN GENERAL.—Chapter 63 of title 5, United  
 6 States Code, is amended—

7 (1) by redesignating section 6391 as section  
 8 6341 and transferring that section to the end of  
 9 subchapter III;

10 (2) by amending subchapter VI to read as fol-  
 11 lows:

12 “SUBCHAPTER VI—LEAVE AUTHORITIES FOR  
 13 EMPLOYEES IN DESIGNATED ZONES OF  
 14 ARMED CONFLICT

15 **“§ 6391. Definitions**

16 “For purposes of this subchapter—

17 “(1) ‘assigned to duty in’ has the meaning  
 18 given that term in section 5951(1);

19 “(2) ‘designated zone of armed conflict’ has the  
 20 meaning given that term in section 5951(2);

21 “(3) ‘Director’ means the Director of the Office  
 22 of Personnel Management;

23 “(4) ‘Executive agency’ has the meaning given  
 24 that term in section 5951(4); and



1           “(5) ‘rest and recuperation travel’ and ‘rest and  
2       recuperation trip’ mean travel or a trip authorized  
3       pursuant to section 5955, section 901(6) of the For-  
4       eign Service Act of 1980 (22 U.S.C. 4081(6)), or  
5       any other similar provision of law.

6   **“§ 6392. Recuperation leave**

7       “(a) Recuperation leave is intended to provide respite  
8       from the work environment in designated zones of armed  
9       conflict and to enable employees to carry out their duties  
10      more effectively for the remainder of their assignment.

11      “(b) The Director may require the head of an Execu-  
12      tive agency to grant an employee assigned to duty in a  
13      designated zone of armed conflict recuperation leave, sub-  
14      ject to the requirements of this section and any regula-  
15      tions the Director may prescribe in consultation with the  
16      Secretary of State.

17      “(c) Upon a determination to grant recuperation  
18      leave under subsection (b), an employee shall accrue three-  
19      fourths of a day of recuperation leave for each full bi-  
20      weekly pay period that the employee is assigned to duty  
21      in a designated zone of armed conflict.

22      “(d)(1) An employee may use recuperation leave  
23      under subsection (b) only if—

24           “(A) the employee has been assigned to duty in  
25           a designated zone of armed conflict for the minimum

1 period established by the Director in consultation  
2 with the Secretary of State;

3 “(B) the recuperation leave is used in conjunc-  
4 tion with authorized rest and recuperation travel  
5 under section 5955;

6 “(C) the employee is expected to return to a  
7 designated zone of armed conflict following the rest  
8 and recuperation travel; and

9 “(D) the recuperation leave is used while the  
10 employee is assigned to duty in a designated zone of  
11 armed conflict.

12 “(2) An employee may use no more than 10 workdays  
13 of recuperation leave for each rest and recuperation trip,  
14 not to exceed a total of 20 workdays for any 12 consecu-  
15 tive months in a designated zone of armed conflict.

16 “(3) An agency head may deny the use of accumu-  
17 lated and accrued recuperation leave only in exceptional  
18 circumstances that prevent the agency from releasing the  
19 employee from his or her duties.

20 “(4) An agency head may advance recuperation leave  
21 up to the number of hours the employee is expected to  
22 accrue and accumulate while assigned to duty in the des-  
23 ignated zone of armed conflict based on the special needs  
24 of the employee.

1       “(e)(1) An employee who has unused accumulated  
2 and accrued recuperation leave under subsection (c) at the  
3 end of his or her assignment in a designated zone of armed  
4 conflict shall receive a lump-sum payment at the end of  
5 his or her assignment for the amount of recuperation leave  
6 the agency head denied for use by the employee under sub-  
7 section (d)(3).

8       “(2) A lump-sum payment for recuperation leave  
9 under this subsection shall be computed using the employ-  
10 ee’s rate of basic pay (including any applicable locality  
11 payment under section 5957, special rate of pay under sec-  
12 tion 5305, or similar payment under other legal authority)  
13 in effect on the last day the employee is assigned to duty  
14 in the designated zone of armed conflict. The lump-sum  
15 payment shall exclude overseas differentials and allow-  
16 ances under subchapter III of chapter 59.

17   **“§ 6393. Readjustment leave**

18       “(a) Readjustment leave is intended to provide em-  
19 ployees a period of paid time off following duty in a des-  
20 ignated zone of armed conflict to rest and attend to per-  
21 sonal and family matters before returning to work.

22       “(b) Subject to any regulations the Director may pre-  
23 scribe in consultation with the Secretary of State, the Di-  
24 rector may require the head of an Executive agency to  
25 grant an employee assigned to duty in a designated zone

1 of armed conflict readjustment leave of up to 15 workdays  
 2 for any 12 consecutive months in a designated zone of  
 3 armed conflict, contingent upon the employee entering into  
 4 a written service agreement for a period of employment  
 5 of no less than 6 months.

6 “(c) Readjustment leave not used within the first 90  
 7 days after completion of an employee’s duty assignment  
 8 in a designated zone of armed conflict shall be forfeited,  
 9 subject to such exceptions as the Director may approve.

10 “(d) Readjustment leave shall not be converted to a  
 11 cash payment or form a part of a lump-sum payment for  
 12 accrued leave under any circumstances.

### 13 **“§ 6394. Regulations**

14 “The Director may prescribe regulations necessary  
 15 for the administration of this subchapter”;

16 and

17 (3) in the table of sections—

18 (A) by adding after the item relating to  
 19 section 6340 the following new item:

“6341. Authority for leave transfer program in disasters and emergencies”;

20 and

21 (B) by amending the items relating to sub-  
 22 chapter VI to read as follows:

“SUBCHAPTER VI— LEAVE AUTHORITIES FOR EMPLOYEES IN DESIGNATED  
 ZONES OF ARMED CONFLICT

“6391. Definitions.

“6392. Recuperation leave.

“6393. Readjustment leave.

“6394. Regulations.”.

1 (b) CONFORMING AMENDMENT.—Section 903 of the  
2 Foreign Service Act of 1980 (22 U.S.C. 4083) is amended  
3 by adding at the end the following new subsections:

4 “(d) The Secretary may, in exceptional cir-  
5 cumstances, order a member of the Service to take leave  
6 under this section upon completion by that member of  
7 fewer than 12 months of continuous service abroad—

8 “(1) to meet the needs of the service; or

9 “(2) where the member has been assigned to  
10 duty in a designated zone of armed conflict.

11 “(e) The Secretary may order a member of the Serv-  
12 ice to take leave under subsection (d)(2) without regard  
13 to whether such member is expected to return to service  
14 abroad.”.

15 **SEC. 1606. OTHER BENEFITS FOR DEPLOYED EMPLOYEES**  
16 **IN A DESIGNATED ZONE OF ARMED CON-**  
17 **FLICT.**

18 (a) CONTINUATION OF PAY FOR OCCUPATIONAL DIS-  
19 EASES AND ILLNESS RELATED TO EMPLOYEES IN DES-  
20 IGNATED ZONES OF ARMED CONFLICT.—Section 8118 of  
21 title 5, United States Code, is amended—

22 (1) in subsection (a) by striking “clause (B) or  
23 (E)” and inserting “subparagraph (B) or (E)”; and

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

3       “(f) The United States shall authorize the continu-  
4       ation of pay of an employee as defined in section 8101(1)  
5       (other than those referred to in subparagraph (B) or (E)),  
6       who has filed a claim for a period of wage loss due to  
7       traumatic or occupational injury in performance of duty  
8       in a designated zone of armed conflict as defined in section  
9       5951(2) as long as the employee files a claim for such  
10      wage loss benefit with his immediate superior no later  
11      than 45 days following termination of assignment to a  
12      zone of armed conflict or return to the United States,  
13      whichever occurs later. Continuation of pay under this  
14      subsection shall be furnished in accordance with sub-  
15      sections (c) and (d) for a period not to exceed 135 days  
16      without any break in time or waiting period unless con-  
17      troverted pursuant to regulations prescribed by the Sec-  
18      retary of Labor, which shall be issued after consultation  
19      with the Secretary of State and the Secretary of De-  
20      fense.”.

21      (b) DEATH GRATUITY FOR FOREIGN SERVICE EM-  
22      PLOYEES ABROAD.—Section 413(a) of the Foreign Service  
23      Act of 1980 (22 U.S.C. 3973(a)) is amended in the first  
24      sentence by striking “at the time of death” and inserting  
25      “at level II of the Executive Schedule under section 5313

1 of title 5, United States Code, at the time of death, except  
 2 that, for employees compensated under local compensation  
 3 plans established under section 408, the amount shall be  
 4 equal to the greater of either one year's basic salary at  
 5 the time of death, or one year's basic salary at the highest  
 6 step of the highest grade on the Local Compensation Plan  
 7 from which the employee was being paid at the time of  
 8 death”.

9 **DIVISION B—MILITARY CON-**  
 10 **STRUCTION AUTHORIZA-**  
 11 **TIONS**

12 **SEC. 2001. SHORT TITLE.**

13 This division may be cited as the “Military Construc-  
 14 tion Authorization Act for Fiscal Year 2013”.

15 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
 16 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
 17 **LAW.**

18 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
 19 YEARS.—Except as provided in subsection (b), all author-  
 20 izations contained in titles XXI through XXVII for mili-  
 21 tary construction projects, land acquisition, family housing  
 22 projects and facilities, and contributions to the North At-  
 23 lantic Treaty Organization Security Investment Program  
 24 (and authorizations of appropriations therefor) shall ex-  
 25 pire on the later of—

1 (1) October 1, 2015; or

2 (2) the date of the enactment of an Act author-  
 3 izing funds for military construction for fiscal year  
 4 2016.

5 (b) EXCEPTION.—Subsection (a) shall not apply to  
 6 authorizations for military construction projects, land ac-  
 7 quisition, family housing projects and facilities, and con-  
 8 tributions to the North Atlantic Treaty Organization Se-  
 9 curity Investment Program (and authorizations of appro-  
 10 priations therefor), for which appropriated funds have  
 11 been obligated before the later of—

12 (1) October 1, 2015; or

13 (2) the date of the enactment of an Act author-  
 14 izing funds for fiscal year 2016 for military con-  
 15 struction projects, land acquisition, family housing  
 16 projects and facilities, or contributions to the North  
 17 Atlantic Treaty Organization Security Investment  
 18 Program.

## 19 **TITLE XXI—ARMY MILITARY** 20 **CONSTRUCTION**

### 21 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND** 22 **ACQUISITION PROJECTS.**

23 (a) INSIDE THE UNITED STATES.—Using amounts  
 24 appropriated pursuant to the authorization of appropria-  
 25 tions in section 2103(1), the Secretary of the Army may



1 acquire real property and carry out military construction  
 2 projects for the installations or locations inside the United  
 3 States, and in the amounts, set forth in the following  
 4 table:

**Army: Inside the United States**

State	Installation	Amount
Alaska .....	Fort Wainwright .....	\$10,400,000
	Joint Base Elmendorf-Richardson .....	\$7,900,000
California .....	Concord .....	\$8,900,000
Colorado .....	Fort Carson .....	\$18,000,000
District of Columbia	Fort McNair .....	\$7,200,000
Georgia .....	Fort Benning .....	\$16,000,000
	Fort Gordon .....	\$23,300,000
	Fort Stewart .....	\$49,650,000
Hawaii .....	Pohakuloa Training Area .....	\$29,000,000
	Schofield Barracks .....	\$96,000,000
	Wheeler Army Air Field .....	\$85,000,000
Kansas .....	Fort Riley .....	\$12,200,000
Kentucky .....	Fort Campbell .....	\$81,800,000
	Fort Knox .....	\$6,000,000
Missouri .....	Fort Leonard Wood .....	\$123,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$47,000,000
	Picatinny Arsenal .....	\$10,200,000
New York .....	Fort Drum .....	\$95,000,000
	U.S. Military Academy .....	\$192,000,000
North Carolina .....	Fort Bragg .....	\$98,000,000
Oklahoma .....	Fort Sill .....	\$4,900,000
South Carolina .....	Fort Jackson .....	\$24,000,000
Texas .....	Corpus Christi .....	\$37,200,000
	Fort Bliss .....	\$7,200,000
	Fort Hood .....	\$51,200,000
	Joint Base San Antonio .....	\$21,000,000
Virginia .....	Arlington .....	\$84,000,000
	Fort Belvoir .....	\$94,000,000
	Fort Lee .....	\$81,000,000
Washington .....	Joint Base Lewis-McChord .....	\$164,000,000
	Yakima .....	\$5,100,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2103(2), the Secretary of the Army may  
 8 acquire real property and carry out military construction  
 9 projects for the installations or locations outside the  
 10 United States, and in the amounts, set forth in the fol-  
 11 lowing table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation</b>	<b>Amount</b>
Italy .....	Camp Ederle .....	\$36,000,000
	Vicenza .....	\$32,000,000
Japan .....	Okinawa .....	\$78,000,000
	Sagami .....	\$18,000,000
Korea .....	Camp Humphreys .....	\$45,000,000

**1 SEC. 2102. FAMILY HOUSING.**

2       Using amounts appropriated pursuant to the author-  
3 ization of appropriations in section 2103(5)(A), the Sec-  
4 retary of the Army may carry out architectural and engi-  
5 neering services and construction design activities with re-  
6 spect to the construction or improvement of family hous-  
7 ing units in an amount not to exceed \$4,641,000.

**8 SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

9       Funds are hereby authorized to be appropriated for  
10 fiscal years beginning after September 30, 2012, for mili-  
11 tary construction, land acquisition, and military family  
12 housing functions of the Department of the Army in the  
13 total amount of \$2,458,015,000 as follows:

14           (1) For military construction projects inside the  
15 United States authorized by section 2101(a),  
16 \$1,590,150,000.

17           (2) For military construction projects outside  
18 the United States authorized by section 2101(b),  
19 \$209,000,000.

1           (3) For unspecified minor military construction  
2 projects authorized by section 2805 of title 10,  
3 United States Code, \$25,000,000.

4           (4) For architectural and engineering services  
5 and construction design under section 2807 of title  
6 10, United States Code, \$99,173,000.

7           (5) For military family housing functions:

8                 (A) For construction and acquisition, plan-  
9 ning and design, and improvement of military  
10 family housing and facilities, \$4,641,000.

11                (B) For support of military family housing  
12 (including the functions described in section  
13 2833 of title 10, United States Code),  
14 \$530,051,000.

15 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**  
16 **CERTAIN FISCAL YEAR 2010 PROJECT.**

17         In the case of the authorization contained in the table  
18 in section 2101(a) of the Military Construction Authoriza-  
19 tion Act for Fiscal Year 2010 (division B of Public Law  
20 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for  
21 construction of a Road and Access Control Point at the  
22 installation, the Secretary of the Army may construct a  
23 standard design Access Control Point consistent with the  
24 Army’s construction guidelines for Access Control Points.

1 **SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT CER-**  
2 **TAIN FISCAL YEAR 2013 PROJECTS.**

3 (a) PROJECT AUTHORIZATIONS.—The Secretary of  
4 the Army may carry out military construction projects to  
5 construct the following:

6 (1) A central energy plant for Fort Carson,  
7 Colorado, in the amount of \$34,000,000.

8 (2) A pier on Kwajalein Atoll in the amount of  
9 \$62,000,000.

10 (b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILI-  
11 TARY CONSTRUCTION FUNDS.—The Secretary may use  
12 available, unobligated Army military construction funds  
13 appropriated for a fiscal year before fiscal year 2013 for  
14 the projects described in subsection (a).

15 (c) CONGRESSIONAL NOTIFICATION.—The Secretary  
16 of the Army shall provide information in accordance with  
17 section 2851(c) of title 10, United States Code, regarding  
18 the projects described in subsection (a). If it becomes nec-  
19 essary to exceed the estimated project cost, the Secretary  
20 shall utilize the authority provided by section 2853 of such  
21 title regarding authorized cost and scope of work vari-  
22 ations.

23 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
24 **FISCAL YEAR 2009 PROJECTS.**

25 (a) EXTENSION.—Notwithstanding section 2002 of  
26 the Military Construction Authorization Act for Fiscal

1 Year 2009 (division B of Public Law 110–417; 122 Stat.  
 2 4658), authorizations set forth in the table in subsection  
 3 (b), as provided in section 2101 of that Act (122 Stat.  
 4 4659), shall remain in effect until October 1, 2013, or the  
 5 date of the enactment of an Act authorizing funds for mili-  
 6 tary construction for fiscal year 2014, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a)  
 8 is as follows:

**Army: Extension of 2009 Project Authorizations**

State	Installation or Location	Project	Amount
Alabama .....	Anniston Army Depot ....	Lake Yard Interchange ..	\$1,400,000
New Jersey ..	Picatinny Arsenal .....	Ballistic Evaluation Facility, Phase I.	\$9,900,000

9 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 10 **FISCAL YEAR 2010 PROJECTS.**

11 (a) EXTENSION.—Notwithstanding section 2002 of  
 12 the Military Construction Authorization Act for Fiscal  
 13 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 14 2627), authorizations set forth in the table in subsection  
 15 (b), as provided in section 2101 of that Act (123 Stat.  
 16 2628), shall remain in effect until October 1, 2013, or the  
 17 date of the enactment of an Act authorizing funds for mili-  
 18 tary construction for fiscal year 2014, whichever is later.

19 (b) TABLE.—The table referred to in subsection (a)  
 20 is as follows:

**Army: Extension of 2010 Project Authorizations**

<b>State/ Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Louisiana .....	Fort Polk .....	Land Purchases and Condemnation.	\$17,000,000
New Jersey ..	Picatinny Arsenal .....	Ballistic Evaluation Fa- cility, Phase II.	\$10,200,000
Virginia .....	Fort Belvoir .....	Road and Access Control Point.	\$9,500,000
Washington	Fort Lewis .....	Fort Lewis-McChord AFB Joint Access.	\$9,000,000
Kuwait .....	Kuwait .....	APS Warehouses .....	\$82,000,000

1       **TITLE XXII—NAVY MILITARY**  
2       **CONSTRUCTION**

3       **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
4       **ACQUISITION PROJECTS.**

5       (a) INSIDE THE UNITED STATES.—Using amounts  
6 appropriated pursuant to the authorization of appropria-  
7 tions in section 2204(1), the Secretary of the Navy may  
8 acquire real property and carry out military construction  
9 projects for the installations or locations inside the United  
10 States, and in the amounts, set forth in the following  
11 table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation</b>	<b>Amount</b>
Arizona .....	Yuma .....	\$29,285,000
California .....	Camp Pendleton .....	\$88,110,000
	Coronado .....	\$78,541,000
	Lemoore .....	\$14,843,000
	Miramar .....	\$27,897,000
	San Diego .....	\$71,188,000
	Seal Beach .....	\$30,594,000
	Twentynine Palms .....	\$47,270,000
Florida .....	Jacksonville .....	\$21,980,000
Hawaii .....	Kaneohe Bay .....	\$97,310,000
Mississippi .....	Meridian .....	\$10,926,000
New Jersey .....	Earle .....	\$33,498,000
North Carolina .....	Camp Lejeune .....	\$69,890,000
	Cherry Point Marine Corps Air Station .....	\$45,891,000
	New River .....	\$8,525,000
South Carolina .....	Beaufort .....	\$81,780,000
	Parris Island .....	\$10,135,000
Virginia .....	Dahlgren .....	\$28,228,000

**Navy: Inside the United States**—Continued

State	Installation	Amount
Washington .....	Oceana Naval Air Station .....	\$39,086,000
	Portsmouth .....	\$32,706,000
	Quantico .....	\$58,714,000
	Yorktown .....	\$48,823,000
	Whidbey Island .....	\$6,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation	Amount
Bahrain Island .....	SW Asia .....	\$51,348,000
Diego Garcia .....	Diego Garcia .....	\$1,691,000
Djibouti .....	Camp Lemonier .....	\$99,420,000
Greece .....	Souda Bay .....	\$25,123,000
Japan .....	Iwakuni .....	\$13,138,000
	Okinawa .....	\$8,206,000
Romania .....	Deveselu .....	\$45,205,000
Spain .....	Rota .....	\$17,215,000
Worldwide Unspecified.	Unspecified Worldwide Locations .....	\$34,048,000

**SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,527,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2204(5)(A), the  
6 Secretary of the Navy may improve existing military fam-  
7 ily housing units in an amount not to exceed \$97,655,000.

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 Funds are hereby authorized to be appropriated for  
10 fiscal years beginning after September 30, 2012, for mili-  
11 tary construction, land acquisition, and military family  
12 housing functions of the Department of the Navy in the  
13 total amount of \$2,182,397,000, as follows:

14 (1) For military construction projects inside the  
15 United States authorized by section 2201(a),  
16 \$981,492,000.

17 (2) For military construction projects outside  
18 the United States authorized by section 2201(b),  
19 \$295,394,000.

20 (3) For unspecified minor military construction  
21 projects authorized by section 2805 of title 10,  
22 United States Code, \$16,535,000.

23 (4) For architectural and engineering services  
24 and construction design under section 2807 of title  
25 10, United States Code, \$102,619,000.

26 (5) For military family housing functions:



1 (A) For construction and acquisition, plan-  
 2 ning and design, and improvement of military  
 3 family housing and facilities, \$102,182,000.

4 (B) For support of military family housing  
 5 (including functions described in section 2833  
 6 of title 10, United States Code), \$378,230,000.

7 (6) For the construction of increment 2 of  
 8 north ramp parking at Andersen Air Force Base,  
 9 Guam, authorized by section 2201(b) of the Military  
 10 Construction Authorization Act for Fiscal Year 2010  
 11 (division B of Public Law 111–84; 123 Stat. 2633),  
 12 \$25,904,000.

13 (7) For the construction of increment 2 of ex-  
 14 plosives handling wharf 2 at Kitsap, Washington,  
 15 authorized by section 2201(a) of the Military Con-  
 16 struction Authorization Act for Fiscal Year 2012  
 17 (division B of Public Law 112–81; 125 Stat. 1666),  
 18 \$280,041,000.

19 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 20 **CERTAIN FISCAL YEAR 2012 PROJECT.**

21 In the case of the authorization contained in the table  
 22 in section 2201(a) of the Military Construction Authoriza-  
 23 tion Act for Fiscal Year 2012 (division B of Public Law  
 24 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-  
 25 ington, for construction of Explosives Handling Wharf #2

1 at that location, the Secretary of the Navy may acquire  
 2 fee or lesser real property interests to accomplish required  
 3 environmental mitigation for the project using appropria-  
 4 tions authorized for the project.

5 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 6 **FISCAL YEAR 2009 PROJECTS.**

7 (a) EXTENSION.—Notwithstanding section 2002 of  
 8 the Military Construction Authorization Act for Fiscal  
 9 Year 2009 (division B of Public Law 110–417; 122 Stat.  
 10 4658), the authorization set forth in the table in sub-  
 11 section (b), as provided in section 2201 of that Act (122  
 12 Stat. 4670) and extended by section 2206 of the Military  
 13 Construction Authorization Act for Fiscal Year 2012 (di-  
 14 vision B of Public Law 112–81; 125 Stat. 1668), shall  
 15 remain in effect until October 1, 2013, or the date of an  
 16 Act authorizing funds for military construction for fiscal  
 17 year 2014, whichever is later.

18 (b) TABLE.—The table referred to in subsection (a)  
 19 is as follows:

**Navy: Extension of 2009 Project Authorizations**

State/ Country	Installation or Location	Project	Amount
California ....	Marine Corps Base, Camp Pendleton.	Operations Access Points, Red Beach.	\$11,970,000
	Marine Corps Air Sta- tion, Miramar.	Emergency Response Station.	\$6,530,000
District of Columbia.	Washington Navy Yard	Child Development Cen- ter.	\$9,340,000

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 6 2627), the authorization set forth in the table in sub-  
 7 section (b), as provided in section 2201 of that Act (123  
 8 Stat. 2632), shall remain in effect until October 1, 2013,  
 9 or the date of an Act authorizing funds for military con-  
 10 struction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)  
 12 is as follows:

**Navy: Extension of 2010 Project Authorizations**

State/ Country	Installation or Location	Project	Amount
California ....	Bridgeport .....	Mountain Warfare Training, Commissary.	\$6,830,000
Maine .....	Portsmouth Naval Ship- yard.	Gate 2 Security Improve- ments.	\$7,090,000
Djibouti .....	Camp Lemonier .....	Security Fencing .....	\$8,109,000
		Ammo Supply Point .....	\$21,689,000
		Interior Paved Roads .....	\$7,275,000

13 **TITLE XXIII—AIR FORCE**  
 14 **MILITARY CONSTRUCTION**

15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 16 **LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts  
 18 appropriated pursuant to the authorization of appropria-  
 19 tions in section 2304(1), the Secretary of the Air Force  
 20 may acquire real property and carry out military construc-

tion projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation	Amount
Arkansas .....	Little Rock AFB .....	\$30,178,000
Florida .....	Tyndall AFB .....	\$14,750,000
Georgia .....	Fort Stewart .....	\$7,250,000
	Moody AFB .....	\$8,500,00
New Mexico .....	Holloman AFB .....	\$25,000,000
North Dakota .....	Minot AFB .....	\$4,600,000
Texas .....	Joint Base San Antonio .....	\$18,000,000
Utah .....	Hill AFB .....	\$13,530,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation	Amount
Greenland .....	Thule AB .....	\$24,500,000
Italy .....	Aviano AB .....	\$9,400,000
Worldwide Unspecified.	Unspecified Worldwide Locations .....	\$34,657,000

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities

1 with respect to the construction or improvement of family  
2 housing units in an amount not to exceed \$4,253,000.

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2304(5)(A), the  
8 Secretary of the Air Force may improve existing military  
9 family housing units in an amount not to exceed  
10 \$79,571,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
12 **FORCE.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal years beginning after September 30, 2012, for mili-  
15 tary construction, land acquisition, and military family  
16 housing functions of the Department of the Air Force in  
17 the total amount of \$969,853,000, as follows:

18 (1) For military construction projects inside the  
19 United States authorized by section 2301(a),  
20 \$121,808,000.

21 (2) For military construction projects outside  
22 the United States authorized by section 2301(b),  
23 \$68,557,000.

1           (3) For unspecified minor military construction  
2 projects authorized by section 2805 of title 10,  
3 United States Code, \$18,200,000.

4           (4) For architectural and engineering services  
5 and construction design under section 2807 of title  
6 10, United States Code, \$18,635,000.

7           (5) For military family housing functions:

8                 (A) For construction and acquisition, plan-  
9 ning and design, and improvement of military  
10 family housing and facilities, \$83,824,000.

11                (B) For support of military family housing  
12 (including functions described in section 2833  
13 of title 10, United States Code), \$497,829,000.

14           (6) For the construction of increment 2 of the  
15 U.S. Strategic Command Replacement Facility at  
16 Offutt Air Force Base, Nebraska, authorized by sec-  
17 tion 2301(a) of the Military Construction Authoriza-  
18 tion Act for Fiscal Year 2012 (division B of Public  
19 Law 112–81; 125 Stat. 1670), \$161,000,000.

20 **SEC. 2305. ADDITIONAL AUTHORITY TO CARRY OUT CER-**  
21 **TAIN FISCAL YEAR 2013 PROJECTS.**

22           (a) PROJECT AUTHORIZATIONS.—The Secretary of  
23 the Air Force may carry out military construction projects  
24 to construct the following:

1           (1) A fuel systems hangar for Joint Region  
2 Marianas, Guam, in the amount of \$128,000,000.

3           (2) A consolidated engineer shop and supply fa-  
4 cility for Thule Air Base, Greenland, in the amount  
5 of \$39,000,000.

6           (3) A fire crash rescue station for Hill Air  
7 Force Base, Utah, in the amount of \$21,000,000.

8           (4) A range communications facility for Cape  
9 Canaveral Air Force Station, Florida, in the amount  
10 of \$20,000,000.

11          (5) An air traffic control tower and base oper-  
12 ations complex for Seymour-Johnson Air Force  
13 Base, North Carolina, in the amount of  
14 \$16,500,000.

15          (6) An aircraft maintenance hangar for Dover  
16 Air Force Base, Delaware, in the amount of  
17 \$31,000,000.

18          (7) A fire rescue center for Altus Air Force  
19 Base, Oklahoma, in the amount of \$17,000,000.

20          (8) Front gate force protection enhancements  
21 for the United States Air Force Academy, Colorado,  
22 in the amount of \$8,000,000.

23          (9) A munitions storage area for Joint Base  
24 McGuire-Dix-Lakehurst, New Jersey, in the amount  
25 of \$10,000,000.

1           (10) A flight line fire station for Edwards Air  
2       Force Base, California, in the amount of  
3       \$24,000,000.

4       (b) USE OF UNOBLIGATED PRIOR-YEAR AIR FORCE  
5       MILITARY CONSTRUCTION FUNDS.—The Secretary may  
6       use available, unobligated Air Force military construction  
7       funds appropriated for a fiscal year before fiscal year 2013  
8       for the projects described in subsection (a).

9       (c) CONGRESSIONAL NOTIFICATION.—The Secretary  
10      of the Air Force shall provide information in accordance  
11      with section 2851(c) of title 10, United States Code, re-  
12      garding the projects described in subsection (a). If it be-  
13      comes necessary to exceed the estimated project cost, the  
14      Secretary shall utilize the authority provided by section  
15      2853 of such title regarding authorized cost and scope of  
16      work variations.

17   **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
18                           **FISCAL YEAR 2010 PROJECTS.**

19      (a) EXTENSION.—Notwithstanding section 2002 of  
20      the Military Construction Authorization Act for Fiscal  
21      Year 2010 (division B of Public Law 111–84; 123 Stat.  
22      2627), authorizations set forth in the table in subsection  
23      (b), as provided in section 2301 of that Act (123 Stat.  
24      2636), shall remain in effect until October 1, 2013, or the



1 date of an Act authorizing funds for military construction  
 2 for fiscal year 2014, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)  
 4 is as follows:

**Air Force: Extension of 2010 Project Authorizations**

State	Installation or Location	Project	Amount
Missouri .....	Whiteman AFB .....	Land Acquisition North & South Bdry.	\$5,500,000
Montana .....	Malmstrom AFB .....	Weapons Storage Area (WSA), Phase 2.	\$10,600,000

5 **TITLE XXIV—DEFENSE AGEN-**  
 6 **CIES MILITARY CONSTRU-**  
 7 **TION**

8 **Subtitle A—Defense Agency**  
 9 **Authorizations**

10 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 11 **TION AND LAND ACQUISITION PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts  
 13 appropriated pursuant to the authorization of appropria-  
 14 tions in section 2403(1), the Secretary of Defense may  
 15 acquire real property and carry out military construction  
 16 projects for the installations or locations inside the United  
 17 States, and in the amounts, set forth in the following  
 18 table:

**Defense Agencies: Inside the United States**

State	Installation	Amount
Arizona .....	Yuma .....	\$1,300,000
California .....	Coronado .....	\$55,259,000
	DEF Fuel Support Point-San Diego .....	\$91,563,000
	Edwards Air Force Base .....	\$27,500,000
	Twentynine Palms .....	\$27,400,000

**Defense Agencies: Inside the United States**—Continued

State	Installation	Amount
Colorado .....	Buckley Air Force Base .....	\$30,000,000
	Fort Carson .....	\$56,673,000
	Pikes Peak .....	\$3,600,000
CONUS Classified ....	Classified Location .....	\$6,477,000
Delaware .....	Dover AFB .....	\$2,000,000
Florida .....	Eglin AFB .....	\$41,695,000
	Hurlburt Field .....	\$16,000,000
	MacDill AFB .....	\$34,409,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$24,289,000
Illinois .....	Great Lakes .....	\$28,700,000
	Scott AFB .....	\$86,711,000
Indiana .....	Grissom AFB .....	\$26,800,000
Kentucky .....	Fort Campbell .....	\$71,639,000
Louisiana .....	Barksdale AFB .....	\$11,700,000
Maryland .....	Annapolis .....	\$66,500,000
	Bethesda Naval Hospital .....	\$69,200,000
	Fort Meade .....	\$128,600,000
Missouri .....	Fort Leonard Wood .....	\$18,100,000
New Mexico .....	Cannon AFB .....	\$93,085,000
New York .....	Fort Drum .....	\$43,200,000
North Carolina .....	Camp Lejeune .....	\$80,064,000
	Fort Bragg .....	\$100,422,000
	Seymour Johnson AFB .....	\$55,450,000
Pennsylvania .....	DEF Distribution Depot-New Cumberland	\$17,400,000
South Carolina .....	Shaw AFB .....	\$57,200,000
Texas .....	Red River Army Depot .....	\$16,715,000
Virginia .....	Joint Expeditionary Base Little Creek- Story.	\$11,132,000
	Norfolk .....	\$8,500,000
Washington .....	Fort Lewis .....	\$50,520,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

Country	Installation	Amount
Belgium .....	Brussels .....	\$26,969,000
Germany .....	Stuttgart-Patch Barracks .....	\$2,413,000
	Vogelweh .....	\$61,415,000
	Weisbaden .....	\$52,178,000
Guam .....	Andersen AFB .....	\$67,500,000
Guantanamo Bay, Cuba.	Guantanamo Bay .....	\$40,200,000
Japan .....	Camp Zama .....	\$13,273,000

**Defense Agencies: Outside the United States**—Continued

Country	Installation	Amount
	Kadena AB .....	\$143,545,000
	Sasebo .....	\$35,733,000
	Zukeran .....	\$79,036,000
Korea .....	Kunsan AB .....	\$13,000,000
	Osan AB .....	\$77,292,000
Romania	Deveselu .....	\$157,900,000
United Kingdom .....	Menwith Hill Station .....	\$50,283,000
	RAF Feltwell .....	\$30,811,000
	RAF Mildenhall .....	\$6,490,000

1 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**  
2 **PROJECTS.**

3 Using amounts appropriated pursuant to the author-  
4 ization of appropriations in section 2403(6), the Secretary  
5 of Defense may carry out energy conservation projects  
6 under chapter 173 of title 10, United States Code, in the  
7 amount of \$150,000,000.

8 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
9 **FENSE AGENCIES.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal years beginning after September 30, 2012, for mili-  
12 tary construction, land acquisition, and military family  
13 housing functions of the Department of Defense (other  
14 than the military departments) in the total amount of  
15 \$3,708,647,000, as follows:

16 (1) For military construction projects inside the  
17 United States authorized by section 2401(a),  
18 \$1,356,203,000.

1           (2) For military construction projects outside  
2           the United States authorized by section 2401(b),  
3           \$858,038,000.

4           (3) For unspecified minor military construction  
5           projects under section 2805 of title 10, United  
6           States Code, \$38,785,000.

7           (4) For contingency construction projects of the  
8           Secretary of Defense under section 2804 of title 10,  
9           United States Code, \$10,000,000.

10          (5) For architectural and engineering services  
11          and construction design under section 2807 of title  
12          10, United States Code, \$315,562,000.

13          (6) For energy conservation projects under  
14          chapter 173 of title 10, United States Code,  
15          \$150,000,000.

16          (7) For military family housing functions:

17                (A) For support of military family housing  
18                (including functions described in section 2833  
19                of title 10, United States Code), \$52,238,000.

20                (B) For credits to the Department of De-  
21                fense Family Housing Improvement Fund  
22                under section 2883 of title 10, United States  
23                Code, and the Homeowners Assistance Fund es-  
24                tablished under section 1013 of the Demonstra-

1           tion Cities and Metropolitan Development Act  
2           of 1966 (42 U.S.C. 3374), \$1,786,000.

3           (8) For the construction of increment 7 of the  
4           Army Medical Research Institute of Infectious Dis-  
5           eases Stage I at Fort Detrick, Maryland, authorized  
6           by section 2401(a) of the Military Construction Au-  
7           thorization Act of Fiscal Year 2007 (division B of  
8           Public Law 109–364; 120 Stat. 2457), \$19,000,000.

9           (9) For the construction of increment 4 of a  
10          National Security Agency data center at Camp Wil-  
11          liams, Utah, authorized as a Military Construction,  
12          Defense-Wide project by the Supplemental Appro-  
13          priations Act, 2009 (Public Law 111–32; 123 Stat.  
14          1888), \$191,414,000.

15          (10) For the construction of increment 4 of the  
16          hospital at Fort Bliss, Texas, authorized by section  
17          2401(a) of the Military Construction Authorization  
18          Act for Fiscal Year 2010 (division B of Public Law  
19          111–84; 123 Stat. 2642), \$207,400,000.

20          (11) For the construction of increment 2 of the  
21          high performance computing center at Fort Meade,  
22          Maryland, authorized by section 2401(a) of the Mili-  
23          tary Construction Authorization Act for Fiscal Year  
24          2012 (division B of Public Law 112–81; 125 Stat.

1       1672), as amended by section 2405(a),  
2       \$300,521,000.

3           (12) For the construction of increment 2 of the  
4       ambulatory care center phase 3 at Joint Base San  
5       Antonio, Texas, authorized by section 2401(a) of the  
6       Military Construction Authorization Act for Fiscal  
7       Year 2012 (division B of Public Law 112–81; 125  
8       Stat. 1672), \$80,700,000.

9           (13) For the construction of increment 2 of the  
10      medical center replacement at Rhine Ordnance Bar-  
11      racks, Germany, authorized by section 2401(b) of  
12      the Military Construction Authorization Act for Fis-  
13      cal Year 2012 (division B of Public Law 112–81;  
14      125 Stat. 1673), \$127,000,000.

15 **SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN**  
16 **FISCAL YEAR 2010 PROJECT.**

17       (a) EXTENSION.—Notwithstanding section 2002 of  
18      the Military Construction Authorization Act for Fiscal  
19      Year 2010 (division B of Public Law 111–84; 123 Stat.  
20      2627), authorizations set forth in the table in subsection  
21      (b), as provided in section 2401(a) of that Act (123 Stat.  
22      2640), shall remain in effect until October 1, 2013, or the  
23      date of the enactment of an Act authorizing funds for mili-  
24      tary construction for fiscal year 2014, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Washington Headquarters Services: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Virginia .....	Pentagon Reservation ....	Pentagon electrical upgrade.	\$19,272,000

**SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) MARYLAND.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking “\$29,640,000” in the amount column and inserting “\$792,200,000”.

(b) GERMANY.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), is amended in the item relating to Rhine Ordnance Barracks, Germany, by striking “\$750,000,000” in the amount column and inserting “\$1,251,431,000”.

**Subtitle B—Chemical  
Demilitarization Authorizations**

**SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL  
DEMILITARIZATION CONSTRUCTION,  
DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization in the total amount of \$151,000,000 as follows:

(1) For the construction of phase 14 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$36,000,000.



1           (2) For the construction of phase 13 of a muni-  
 2           tions demilitarization facility at Blue Grass Army  
 3           Depot, Kentucky, authorized by section 2401(a) of  
 4           the Military Construction Authorization Act for Fis-  
 5           cal Year 2000 (division B of Public Law 106–65;  
 6           113 Stat. 835), as amended by section 2405 of the  
 7           Military Construction Authorization Act for Fiscal  
 8           Year 2002 (division B of Public Law 107–107; 115  
 9           Stat. 1298), section 2405 of the Military Construc-  
 10          tion Authorization Act for Fiscal Year 2003 (divi-  
 11          sion B of Public Law 107–314; 116 Stat. 2698),  
 12          section 2414 of the Military Construction Authoriza-  
 13          tion Act for Fiscal Year 2009 (division B of Public  
 14          Law 110–417; 122 Stat. 4697), and section 2412 of  
 15          the Military Construction Authorization Act for Fis-  
 16          cal Year 2011 (division B of Public Law 111–383;  
 17          124 Stat. 4450), \$115,000,000.

18 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 1997 PROJECT.**

20          (a) MODIFICATIONS.—The table in section 2401(a)  
 21          of the Military Construction Authorization Act for Fiscal  
 22          Year 1997 (division B of Public Law 104–201; 110 Stat.  
 23          2775), as amended by section 2406 of the Military Con-  
 24          struction Authorization Act for Fiscal Year 2000 (division  
 25          B of Public Law 106–65; 113 Stat. 839), section 2407

1 of the Military Construction Authorization Act for Fiscal  
2 Year 2003 (division B of Public Law 107–314; 116 Stat.  
3 2699), and section 2413 of the Military Construction Au-  
4 thorization Act for Fiscal Year 2009 (division B of Public  
5 Law 110–417; 122 Stat. 4697), is amended—

6           (1) under the agency heading relating to Chem-  
7 ical Demilitarization Program, in the item relating  
8 to Pueblo Army Depot, Colorado, by striking  
9 “\$484,000,000” in the amount column and inserting  
10 “\$520,000,000”; and

11           (2) by striking the amount identified as the  
12 total in the amount column and inserting  
13 “\$866,454,000”.

14       (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
15 of the Military Construction Authorization Act for Fiscal  
16 Year 1997 (110 Stat. 2779), as so amended, is further  
17 amended by striking “\$484,000,000” and inserting  
18 “\$520,000,000”.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7       The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment Program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16       Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2012, for con-  
18 tributions by the Secretary of Defense under section 2806  
19 of title 10, United States Code, for the share of the United  
20 States of the cost of projects for the North Atlantic Treaty  
21 Organization Security Investment Program authorized by  
22 section 2501, in the amount of \$254,163,000.

1           **TITLE XXVI—GUARD AND**  
2           **RESERVE FORCES FACILITIES**  
3   **Subtitle A—Project Authorizations**  
4           **and Authorization of Appropria-**  
5           **tions**

6   **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
7                   **STRUCTION AND LAND ACQUISITION**  
8                   **PROJECTS.**

9           (a) INSIDE THE UNITED STATES.—Using amounts  
10 appropriated pursuant to the authorization of appropria-  
11 tions in section 2606(1), the Secretary of the Army may  
12 acquire real property and carry out military construction  
13 projects for the Army National Guard locations inside the  
14 United States, and in the amounts, set forth in the fol-  
15 lowing table:

**Army National Guard: Inside the United States**

State	Installation	Amount
Alabama .....	Fort McClellan .....	\$5,400,000
Arkansas .....	Searcy .....	\$6,800,000
California .....	Fort Irwin .....	\$25,000,000
Connecticut .....	Camp Hartell .....	\$32,000,000
Delaware .....	Bethany Beach .....	\$5,500,000
Florida .....	Camp Blanding .....	\$9,000,000
	Miramar .....	\$20,000,000
Hawaii .....	Kapolei .....	\$28,000,000
Idaho .....	Orchard Training Area .....	\$40,000,000
Indiana .....	South Bend .....	\$21,000,000
	Terre Haute .....	\$9,000,000
Iowa .....	Camp Dodge .....	\$3,000,000
Kansas .....	Topeka .....	\$9,500,000
Kentucky .....	Frankfort .....	\$32,000,000
Massachusetts .....	Camp Edwards .....	\$22,000,000
Minnesota .....	Camp Ripley .....	\$17,000,000
	St. Paul .....	\$17,000,000
Missouri .....	Fort Leonard Wood .....	\$18,000,000
	Kansas City .....	\$1,900,000
	Monett .....	\$820,000
	Perryville .....	\$700,000
Montana .....	Miles City .....	\$11,000,000
New Jersey .....	Sea Girt .....	\$34,000,000

**Army National Guard: Inside the United States**—Continued

State	Installation	Amount
New York .....	Stormville .....	\$24,000,000
Ohio .....	Chillicothe .....	\$3,100,000
	Delaware .....	\$12,000,000
Oklahoma .....	Camp Gruber .....	\$25,000,000
Utah .....	Camp Williams .....	\$36,000,000
Washington .....	Fort Lewis .....	\$35,000,000
West Virginia .....	Logan .....	\$14,200,000
Wisconsin .....	Wausau .....	\$10,000,000

1       (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2606(1), the Secretary of the Army may  
4 acquire real property and carry out military construction  
5 projects for the Army National Guard locations outside  
6 the United States, and in the amounts, set forth in the  
7 following table:

**Army National Guard: Outside the United States**

Country	Installation	Amount
Guam .....	Barrigada .....	\$8,500,000
Puerto Rico .....	Camp Santiago .....	\$3,800,000
	Ceiba .....	\$2,200,000
	Guaynabo .....	\$15,000,000
	Gurabo .....	\$14,700,000

8 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**  
9 **AND LAND ACQUISITION PROJECTS.**

10       Using amounts appropriated pursuant to the author-  
11 ization of appropriations in section 2606(2), the Secretary  
12 of the Army may acquire real property and carry out mili-  
13 tary construction projects for the Army Reserve locations  
14 inside the United States, and in the amounts, set forth  
15 in the following table:

**Army Reserve**

<b>State</b>	<b>Installation</b>	<b>Amount</b>
California .....	Fort Hunter Liggett .....	\$68,300,000
	Tustin .....	\$27,000,000
Illinois .....	Fort Sheridan .....	\$28,000,000
Maryland .....	Aberdeen Proving Ground .....	\$21,000,000
	Baltimore .....	\$10,000,000
Massachusetts .....	Devens Reserve Forces Training Area.	\$8,500,000
Nevada .....	Las Vegas .....	\$21,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst	\$7,400,000
Washington .....	Joint Base Lewis-McChord .....	\$40,000,000
Wisconsin .....	Fort McCoy .....	\$47,800,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
2 **CORPS RESERVE CONSTRUCTION AND LAND**  
3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-  
5 ization of appropriations in section 2606(3), the Secretary  
6 of the Navy may acquire real property and carry out mili-  
7 tary construction projects for the Navy Reserve and Ma-  
8 rine Corps Reserve locations inside the United States, and  
9 in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

<b>State</b>	<b>Installation</b>	<b>Amount</b>
Arizona .....	Yuma .....	\$5,379,000
Iowa .....	Fort Des Moines .....	\$19,162,000
Louisiana .....	New Orleans .....	\$7,187,000
New York .....	Brooklyn .....	\$4,430,000
Texas .....	Fort Worth .....	\$11,256,000

10 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
11 **TION AND LAND ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-  
13 ization of appropriations in section 2606(4), the Secretary  
14 of the Air Force may acquire real property and carry out  
15 military construction projects for the Air National Guard

1 locations inside the United States, and in the amounts,  
 2 set forth in the following table:

**Air National Guard**

State	Installation	Amount
California .....	Fresno Yosemite IAP ANG .....	\$11,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam ..	\$6,500,000
New Mexico .....	Kirtland AFB .....	\$8,500,000
Wyoming .....	Cheyenne MAP .....	\$6,486,000

3 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**  
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-  
 6 ization of appropriations in section 2606(5), the Secretary  
 7 of the Air Force may acquire real property and carry out  
 8 military construction projects for the Air Force Reserve  
 9 locations inside the United States, and in the amounts,  
 10 set forth in the following table:

**Air Force Reserve**

State	Installation	Amount
New York .....	Niagara Falls IAP .....	\$6,100,000

11 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**  
 12 **TIONAL GUARD AND RESERVE.**

13 Funds are hereby authorized to be appropriated for  
 14 fiscal years beginning after September 30, 2012, for the  
 15 costs of acquisition, architectural and engineering services,  
 16 and construction of facilities for the Guard and Reserve  
 17 Forces, and for contributions therefor, under chapter  
 18 1803 of title 10, United States Code (including the cost

1 of acquisition of land for those facilities), in the following  
2 amounts:

3 (1) For the Department of the Army, for the  
4 Army National Guard of the United States,  
5 \$613,799,000.

6 (2) For the Department of the Army, for the  
7 Army Reserve, \$305,846,000.

8 (3) For the Department of the Navy, for the  
9 Navy and Marine Corps Reserve, \$49,532,000.

10 (4) For the Department of the Air Force, for  
11 the Air National Guard of the United States,  
12 \$42,386,000.

13 (5) For the Department of the Air Force, for  
14 the Air Force Reserve, \$10,979,000.

## 15 **Subtitle B—Other Matters**

### 16 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT** 17 **CERTAIN FISCAL YEAR 2010 AND 2011** 18 **PROJECTS.**

19 (a) AUTHORITY TO CARRY OUT ARMY NATIONAL  
20 GUARD READINESS CENTER PROJECT, NORTH LAS  
21 VEGAS, NEVADA.—In the case of the authorization con-  
22 tained in the table in section 2601 of the Military Con-  
23 struction Authorization Act for Fiscal Year 2010 (division  
24 B of Public Law 111–84; 123 Stat. 2648) for North Las  
25 Vegas, Nevada, for construction of a Readiness Center,



1 the Secretary of the Army may construct up to 68,593  
2 square feet of readiness center, 10,000 square feet of  
3 unheated equipment storage area, and 25,000 square feet  
4 of unheated vehicle storage, consistent with the Army's  
5 construction guidelines for readiness centers.

6 (b) AUTHORITY TO CARRY OUT ARMY RESERVE  
7 CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case  
8 of the authorization contained in the table in section 2602  
9 of the Military Construction Authorization Act for Fiscal  
10 Year 2010 (division B of Public Law 111–84; 123 Stat.  
11 2649) for Camp Pendleton, California, for construction of  
12 an Army Reserve Center, the Secretary of the Army may  
13 instead construct an Army Reserve Center in the vicinity  
14 of the Marine Corps Air Station, Miramar, California.

15 (c) AUTHORITY TO CARRY OUT ARMY RESERVE  
16 CENTER PROJECT, BRIDGEPORT, CONNECTICUT.—In the  
17 case of the authorization contained in the table in section  
18 2602 of the Military Construction Authorization Act for  
19 Fiscal Year 2010 (division B of Public Law 111–84; 123  
20 Stat. 2649) for Bridgeport, Connecticut, for construction  
21 of an Army Reserve Center/Land, the Secretary of the  
22 Army may instead construct an Army Reserve Center and  
23 acquire land in the vicinity of Bridgeport, Connecticut.

24 (d) AUTHORITY TO CARRY OUT ARMY RESERVE  
25 CENTER PROJECT, FORT STORY, VIRGINIA.—In the case

1 of the authorization contained in the table in section 2602  
2 of the Military Construction Authorization Act for Fiscal  
3 Year 2011 (division B of Public Law 111–383; 124 Stat.  
4 4453) for Fort Story, Virginia, for construction of an  
5 Army Reserve Center, the Secretary of the Army may in-  
6 stead construct an Army Reserve Center in the vicinity  
7 of Fort Story, Virginia.

8 **SEC. 2612. ADDITIONAL AUTHORITY TO CARRY OUT CER-**  
9 **TAIN FISCAL YEAR 2013 ARMY PROJECTS.**

10 (a) PROJECT AUTHORIZATIONS.—The Secretary of  
11 the Army may carry out military construction projects to  
12 construct the following:

13 (1) A defense access road for Conneaut Lake,  
14 Pennsylvania, in the amount of \$4,800,000.

15 (2) An access control point for Fort Hunter  
16 Liggett, California, in the amount of \$10,000,000.

17 (3) An Operational Readiness Training Com-  
18 plex (ORTC) barracks for Camp Grayling, Michigan,  
19 in the amount of \$17,000,000.

20 (4) A field maintenance shop for North Hyde  
21 Park, Vermont, in the amount of \$4,397,000.

22 (5) A ground water extraction, treatment, and  
23 recharge system for Camp Edwards, Massachusetts,  
24 in the amount of \$5,200,000.

1       (b) USE OF UNOBLIGATED PRIOR-YEAR ARMY RE-  
 2 SERVE AND ARMY NATIONAL GUARD MILITARY CON-  
 3 STRUCTION FUNDS.—The Secretary may use available,  
 4 unobligated Army Reserve and Army National Guard mili-  
 5 tary construction funds appropriated for a fiscal year be-  
 6 fore fiscal year 2013 for the projects described in sub-  
 7 section (a).

8       (c) CONGRESSIONAL NOTIFICATION.—The Secretary  
 9 of the Army shall provide information in accordance with  
 10 section 2851(c) of title 10, United States Code, regarding  
 11 the projects described in subsection (a). If it becomes nec-  
 12 essary to exceed the estimated project cost, the Secretary  
 13 shall utilize the authority provided by section 2853 of such  
 14 title regarding authorized cost and scope of work vari-  
 15 ations.

16 **SEC. 2613. ADDITIONAL AUTHORITY TO CARRY OUT CER-**  
 17 **TAIN FISCAL YEAR 2013 AIR FORCE**  
 18 **PROJECTS.**

19       (a) PROJECT AUTHORIZATIONS.—The Secretary of  
 20 the Air Force may carry out military construction projects  
 21 to construct the following:

- 22           (1) A dormitory classroom facility for McGhee-  
 23 Tyson Airport, Tennessee, in the amount of  
 24 \$18,000,000.

1           (2) A joint regional deployment processing cen-  
2           ter, phase 1, for March Air Reserve Base, Cali-  
3           fornia, in the amount of \$16,900,000.

4           (b) USE OF UNOBLIGATED PRIOR-YEAR AIR FORCE  
5 RESERVE AND AIR NATIONAL GUARD MILITARY CON-  
6 STRUCTION FUNDS.—The Secretary may use available,  
7 unobligated Air Force Reserve and Air National Guard  
8 military construction funds appropriated for a fiscal year  
9 before fiscal year 2013 for the projects described in sub-  
10 section (a).

11          (c) CONGRESSIONAL NOTIFICATION.—The Secretary  
12 of the Air Force shall provide information in accordance  
13 with section 2851(c) of title 10, United States Code, re-  
14 garding the projects described in subsection (a). If it be-  
15 comes necessary to exceed the estimated project cost, the  
16 Secretary shall utilize the authority provided by section  
17 2853 of such title regarding authorized cost and scope of  
18 work variations.

19 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**  
20 **FISCAL YEAR 2009 PROJECT.**

21          (a) EXTENSION.—Notwithstanding section 2002 of  
22 the Military Construction Authorization Act for Fiscal  
23 Year 2009 (division B of Public Law 110–417; 122 Stat.  
24 4658), the authorization set forth in the table in sub-  
25 section (b), as provided in section 2604 of that Act (122

1 Stat. 4706), shall remain in effect until October 1, 2013,  
 2 or the date of the enactment of an Act authorizing funds  
 3 for military construction for fiscal year 2014, whichever  
 4 is later.

5 (b) TABLE.—The table referred to in subsection (a)  
 6 is as follows:

**Air National Guard: Extension of 2009 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi ...	Gulfport-Biloxi Airport ..	Relocate Munitions Complex.	\$3,400,000

7 **SEC. 2615. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 8 **FISCAL YEAR 2010 PROJECTS.**

9 (a) EXTENSION.—Notwithstanding section 2002 of  
 10 the Military Construction Authorization Act for Fiscal  
 11 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 12 2627), the authorizations set forth in the tables in sub-  
 13 section (b), as provided in sections 2602 and 2604 of that  
 14 Act (123 Stat. 2649, 2651), shall remain in effect until  
 15 October 1, 2013, or the date of the enactment of an Act  
 16 authorizing funds for military construction for fiscal year  
 17 2014, whichever is later.

18 (b) TABLE.—The tables referred to in subsection (a)  
 19 are as follows:

**Army Reserve: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
California ....	Camp Pendleton .....	Army Reserve Center .....	\$19,500,000
Connecticut	Bridgeport .....	Army Reserve Center/ Land.	\$18,500,000

**Air National Guard: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi ...	Gulfport-Biloxi Airport ..	Relocate Base Entrance	\$6,500,000

1 **TITLE XXVII—BASE REALIGN-**  
2 **MENT AND CLOSURE ACTIVI-**  
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**  
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
6 **TIES FUNDED THROUGH DEPARTMENT OF**  
7 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal years beginning after September 30, 2012, for base  
10 realignment and closure activities, including real property  
11 acquisition and military construction projects, as author-  
12 ized by the Defense Base Closure and Realignment Act  
13 of 1990 (part A of title XXIX of Public Law 101–510;  
14 10 U.S.C. 2687 note) and funded through the Department  
15 of Defense Base Closure Account 1990 established by sec-  
16 tion 2906 of such Act, in the total amount of  
17 \$349,396,000, as follows:

18 (1) For the Department of the Army,  
19 \$79,893,000.

20 (2) For the Department of the Navy,  
21 \$146,951,000.

1           (3) For the Department of the Air Force,  
2       \$122,552,000.

3 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**  
4           **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
5           **TIES FUNDED THROUGH DEPARTMENT OF**  
6           **DEFENSE BASE CLOSURE ACCOUNT 2005.**

7       Funds are hereby authorized to be appropriated for  
8       fiscal years beginning after September 30, 2012, for base  
9       realignment and closure activities, including real property  
10      acquisition and military construction projects, as author-  
11      ized by the Defense Base Closure and Realignment Act  
12      of 1990 (part A of title XXIX of Public Law 101–510;  
13      10 U.S.C. 2687 note) and funded through the Department  
14      of Defense Base Closure Account 2005 established by sec-  
15      tion 2906A of such Act, in the total amount of  
16      \$126,697,000 as follows:

17           (1) For the Department of the Army,  
18       \$106,219,000.

19           (2) For the Department of the Navy,  
20       \$18,210,000.

21           (3) For the Department of the Air Force,  
22       \$2,268,000.

1 **SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF**  
 2 **FISCAL YEAR 2012 ACT.**

3 (a) CORRECTION.—Section 2702 of the Military Con-  
 4 struction Authorization Act for Fiscal Year 2012 (division  
 5 B of Public Law 112–81; 125 Stat. 1681) is amended by  
 6 striking “Using amounts” and all that follows through  
 7 “may carry out” and inserting “Funds are hereby author-  
 8 ized to be appropriated for fiscal years beginning after  
 9 September 30, 2011, for”.

10 (b) CONFORMING AMENDMENT.—The heading of  
 11 such section is amended by striking “**AUTHORIZED**” and  
 12 inserting “**AUTHORIZATION OF APPROPRIATIONS**  
 13 **FOR**”.

14 **TITLE XXVIII—MILITARY CON-**  
 15 **STRUCTION GENERAL PROVI-**  
 16 **SIONS**

17 **SEC. 2801. USE OF PROCEEDS, LAND CONVEYANCE, TYN-**  
 18 **DALL AIR FORCE BASE, FLORIDA.**

19 Section 2862(c) of the National Defense Authoriza-  
 20 tion Act for Fiscal Year 2000 (Public Law 106–65; 113  
 21 Stat. 868) is amended—

22 (1) by striking “and” and inserting a comma;  
 23 and

24 (2) by inserting before the period at the end the  
 25 following: “, or for other purposes, subject to the



1 same limitations, described in section 2667(e) of  
 2 title 10, United States Code”.

3 **SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**  
 4 **ITY TO USE OPERATION AND MAINTENANCE**  
 5 **FUNDS FOR CONSTRUCTION PROJECTS IN**  
 6 **CERTAIN AREAS OUTSIDE THE UNITED**  
 7 **STATES.**

8 Section 2808 of the Military Construction Authoriza-  
 9 tion Act for Fiscal Year 2004 (division B of Public Law  
 10 108–136; 117 Stat. 1723), as most recently amended by  
 11 section 2804 of the Military Construction Authorization  
 12 Act for Fiscal Year 2012 (division B of Public Law 112–  
 13 81; 125 Stat. 1685), is further amended—

14 (1) in subsection (c)—

15 (A) by striking paragraph (2);

16 (B) by redesignating paragraph (3) as  
 17 paragraph (2); and

18 (C) in paragraph (2), as so redesignated,  
 19 by striking the last sentence; and

20 (2) in subsection (h)—

21 (A) in paragraph (1), by striking “Sep-  
 22 tember 30, 2012” and inserting “September 30,  
 23 2013”; and

24 (B) in paragraph (2), by striking “fiscal  
 25 year 2013” and inserting “fiscal year 2014”.

1 **SEC. 2803. AUTHORITY FOR USE OF MULTIPLE APPROPRIA-**  
2 **TIONS FOR INFRASTRUCTURE PROJECTS AT**  
3 **ARLINGTON NATIONAL CEMETERY.**

4 (a) USE OF O&M FUNDS FOR SUSTAINMENT, RES-  
5 TORATION, AND MODERNIZATION OF REAL PROPERTY.—  
6 The Secretary of the Army may use funds authorized to  
7 be appropriated for Operations and Maintenance, Army,  
8 for fiscal year 2013 for sustainment, restoration, and  
9 modernization of real property at Arlington National Cem-  
10 etery in Arlington, Virginia.

11 (b) USE OF MILCON FUNDS TO SUPPORT CEME-  
12 TERY EXPANSION AND INFRASTRUCTURE IMPROVE-  
13 MENT.—The Secretary of the Army may use funds author-  
14 ized to be appropriated for Military Construction, Army,  
15 for fiscal year 2013 as follows:

16 (1) To undertake planning and design, unspec-  
17 ified minor military construction projects, and other  
18 military construction projects authorized by law at  
19 Arlington National Cemetery in Arlington, Virginia.

20 (2) To carry out military construction projects  
21 not covered by paragraph (1) and not otherwise au-  
22 thorized by law to improve or support the expansion  
23 of Arlington National Cemetery, subject to sub-  
24 section (c).

25 (c) LIMITATION ON START OF NEW CONSTRUCTION  
26 PROJECTS.—(1) A military construction project may be

1 carried out under subsection (b)(2) only with notification  
 2 to the congressional defense committees that is provided  
 3 at least 10 days before the start of the project. Such noti-  
 4 fication shall include—

5 (A) the justification for the project and the cur-  
 6 rent estimate of the cost of the project;

7 (B) the justification for carrying out the project  
 8 under this section; and

9 (C) a statement of the source of the funds to  
 10 be used.

11 (2) In this subsection, the term “congressional de-  
 12 fense committees” has the meaning given that term is sec-  
 13 tion 101(a)(16) of title 10, United States Code.

14 (d) **ADDITIONAL AUTHORITY.**—The authority pro-  
 15 vided by this section is in addition to the authority to use  
 16 the Cemeterial Expenses, Army, appropriation for nec-  
 17 essary expenses of the same general purpose.

18 **SEC. 2804. REVISIONS TO MINOR MILITARY CONSTRUCTION**

19 **AUTHORITIES.**

20 (a) **ESTABLISHMENT OF MINOR MILITARY CON-**  
 21 **STRUCTION EXCEPTION THRESHOLD.**—Subsection (a) of  
 22 section 2805 of title 10, United States Code, is amended  
 23 by adding at the end the following new paragraph:

24 “(3) For purposes of this section, the minor military  
 25 construction exception threshold is \$4,000,000.”.

1 (b) INCREASE IN DOLLAR THRESHOLDS FOR CER-  
2 TAIN AUTHORITIES RELATING TO UNSPECIFIED MINOR  
3 MILITARY CONSTRUCTION.—

4 (1) MAXIMUM AMOUNT FOR PROJECTS TO COR-  
5 RECT DEFICIENCIES THAT ARE LIFE-, HEALTH-, OR  
6 SAFETY-THREATENING.—Subsection (a)(2) of such  
7 section is amended by striking “\$3,000,000” in the  
8 second sentence and inserting “the minor military  
9 construction exception threshold”.

10 (2) MAXIMUM AMOUNT FOR GENERAL RULE  
11 FOR PROJECTS FOR WHICH O&M FUNDS MAY BE  
12 USED.—Subsection (c) of such section is amended  
13 by striking “\$750,000” and inserting “\$1,000,000”.

14 (3) EXCEPTION AMOUNT FOR SPECIFIED CAT-  
15 EGORIES OF PROJECTS.—Subsection (c) of such sec-  
16 tion is further amended—

17 (A) by striking “The Secretary” and in-  
18 serting “Except as provided in paragraph (2),  
19 the Secretary”; and

20 (B) by adding at the end the following new  
21 paragraph:

22 “(2) Notwithstanding the amount specified in para-  
23 graph (1), the Secretary concerned may spend from appro-  
24 priations available for operation and maintenance amounts  
25 necessary to carry out an unspecified minor military con-

1 construction project costing not more than the minor military  
 2 construction exception threshold for projects as follows:

3 “(A) For a project to enhance the deployment  
 4 and mobility of military forces and supplies.

5 “(B) For a project that is necessary to meet  
 6 military operational requirements involving the use  
 7 of the armed forces in support of—

8 “(i) a declaration of war;

9 “(ii) a declaration by the President of a  
 10 national emergency under section 201 of the  
 11 National Emergencies Act (50 U.S.C. 1621); or

12 “(iii) a contingency operation.”

13 (c) MINIMUM AMOUNT FOR PROJECTS SUBJECT TO  
 14 SECRETARIAL APPROVAL AND CONGRESSIONAL NOTICE-  
 15 AND-WAIT.—Subsection (b)(1) of such section is amended  
 16 by striking “\$750,000” and inserting “the amount speci-  
 17 fied in subsection (c)(1)”.

18 (d) CONFORMING AMENDMENT.—Subsection (b)(1)  
 19 of such section is amended by striking “made available”  
 20 in the second sentence and all that follows through “sup-  
 21 plies” and inserting “as provided in subsection (c)(2)”.

22 (e) MODIFICATION AND EXTENSION OF AUTHORITY  
 23 FOR LABORATORY REVITALIZATION PROJECTS.—

24 (1) MODIFICATION.—Subsection (d) of such  
 25 section is amended—

1 (A) in paragraph (1)(A), by striking “not  
 2 more than \$2,000,000” and inserting “not  
 3 more than \$4,000,000, notwithstanding sub-  
 4 section (c)”;

5 (B) in paragraph (2), by inserting after  
 6 “(2)” the following new sentence: “For pur-  
 7 poses of this subsection, an unspecified minor  
 8 military construction project is a military con-  
 9 struction project that (notwithstanding sub-  
 10 section (a)) has an approved cost equal to or  
 11 less than \$4,000,000.”.

12 (2) EFFECTIVE DATE.—The amendments made  
 13 by paragraph (1) do not apply to any laboratory re-  
 14 vitalization project for which the design phase has  
 15 been completed as of the date of the enactment of  
 16 this Act.

17 **SEC. 2805. AUTHORITY FOR ACCEPTANCE OF FUNDS TO**  
 18 **COVER ADMINISTRATIVE EXPENSES ASSOCI-**  
 19 **ATED WITH REAL PROPERTY LEASES AND**  
 20 **EASEMENTS.**

21 Section 2667(e)(1)(C) of title 10, United States  
 22 Code, is amended by adding at the end the following new  
 23 clause:

24 “(vi) Amounts as the Secretary considers nec-  
 25 essary to cover program expenses incurred by the

1 Secretary under this section and for easements  
2 under section 2668 of this title.”.

3 **SEC. 2806. MODIFICATION TO AUTHORIZED LAND CONVEY-**  
4 **ANCE AND EXCHANGE, JOINT BASE ELMEN-**  
5 **DORF RICHARDSON, ALASKA.**

6 (a) CHANGE IN OFFICER AUTHORIZED TO CARRY  
7 OUT THE CONVEYANCES.—Subsection (a) of section 2851  
8 of the National Defense Authorization Act for Fiscal Year  
9 2012 (Public Law 112–81; 125 Stat. 1697) is amended—

10 (1) in paragraph (1), by striking “The Sec-  
11 retary of the Air Force may, in consultation with the  
12 Secretary of the Interior” and inserting “The Sec-  
13 retary of the Interior may, in consultation with the  
14 Secretary of the Air Force”; and

15 (2) in paragraph (2)—

16 (A) by striking “The Secretary of the Air  
17 Force may, in consultation with the Secretary  
18 of the Interior, upon terms mutually agreeable  
19 to the Secretary of the Air Force” and inserting  
20 “The Secretary of the Interior may, in con-  
21 sultation with the Secretary of the Air Force,  
22 upon terms mutually agreeable to the Secretary  
23 of the Interior”; and

24 (B) by striking “in consultation with the  
25 Secretary of the Interior” and inserting “in

1           consultation with the Secretary of the Air  
2           Force”.

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

5           (1) in subsection (a)(3), by inserting “of the In-  
6           terior” after “Secretary”;

7           (2) in subsection (c)—

8           (A) by striking “The Secretary of the Air  
9           Force” in paragraph (1) and inserting “The  
10          Secretary of the Interior”; and

11          (B) by striking “the Secretary” each place  
12          it appears and inserting “the Secretaries”; and

13          (3) in subsections (e) and (f), by inserting “of  
14          the Interior” after “Secretary”.

15          (c) TECHNICAL AMENDMENT.—Subsection (a)(1) of  
16 such section is further amended by striking “JBER” and  
17 inserting “Joint Base Elmendorf Richardson, Alaska (in  
18 this section referred to as ‘JBER’),”.

## 19           **TITLE XXIX—DEFENSE BASE** 20           **CLOSURE AND REALIGNMENT**

### 21           **SEC. 2901. SHORT TITLE AND PURPOSE.**

22          (a) SHORT TITLE.—This title may be cited as the  
23 “Defense Base Closure and Realignment Act of 2012”.

24          (b) PURPOSE.—The purpose of this title is to provide  
25 a fair process that will result in the timely closure and



1 realignment of military installations inside the United  
2 States.

3 **SEC. 2902. THE COMMISSION.**

4 (a) ESTABLISHMENT.—There is established an inde-  
5 pendent commission to be known as the “Defense Base  
6 Closure and Realignment Commission”.

7 (b) DUTIES.—The Commission shall carry out the  
8 duties specified for it in this title.

9 (c) APPOINTMENT.—(1)(A) The Commission shall be  
10 composed of nine members appointed by the President, by  
11 and with the advice and consent of the Senate.

12 (B) Subject to the certifications required under sec-  
13 tion 2903(b), the President may commence a round for  
14 the selection of military installations for closure and re-  
15 alignment under this title in 2013 and 2015 by transmit-  
16 ting to the Senate, nominations for appointment to the  
17 Commission—

18 (i) by no later than March 1, 2013, in the case  
19 of members of the Commission whose terms will ex-  
20 pire at the end of the first session of the 113th Con-  
21 gress; and

22 (ii) by no later than March 2, 2015, in the case  
23 of members of the Commission whose terms will ex-  
24 pire at the end of the first session of the 114th Con-  
25 gress.

1 (C) If the President does not transmit to Congress  
2 the nominations for appointment to the Commission on  
3 or before the date specified, the process by which military  
4 installations may be selected for closure or realignment  
5 under this title with respect to that year shall be termi-  
6 nated.

7 (2) In selecting individuals for nominations for ap-  
8 pointments to the Commission, the President should con-  
9 sult with—

10 (A) the Speaker of the House of Representa-  
11 tives concerning the appointment of two members;

12 (B) the majority leader of the Senate con-  
13 cerning the appointment of two members;

14 (C) the minority leader of the House of Rep-  
15 resentatives concerning the appointment of one  
16 member; and

17 (D) the minority leader of the Senate con-  
18 cerning the appointment of one member.

19 (3) At the time the President nominates individuals  
20 for appointment to the Commission for each session of  
21 Congress referred to in paragraph (1)(B), the President  
22 shall designate one such individual who shall serve as  
23 Chairman of the Commission.

24 (d) TERMS.—(1) Except as provided in paragraph  
25 (2), each member of the Commission shall serve until the

1 adjournment of Congress sine die for the session during  
2 which the member was appointed to the Commission.

3 (2) The Chairman of the Commission shall serve until  
4 the confirmation of a successor.

5 (e) MEETINGS.—(1) The Commission shall meet only  
6 during calendar years 2013 and 2015.

7 (2)(A) Each meeting of the Commission, other than  
8 meetings in which classified information is to be discussed,  
9 shall be open to the public.

10 (B) All the proceedings, information, and delibera-  
11 tions of the Commission shall be open, upon request, to  
12 the following:

13 (i) The Chairman and the ranking minority  
14 party member of the Subcommittee on Readiness  
15 and Management Support of the Committee on  
16 Armed Services of the Senate, or such other mem-  
17 bers of the Subcommittee designated by such Chair-  
18 man or ranking minority party member.

19 (ii) The Chairman and the ranking minority  
20 party member of the Subcommittee on Readiness of  
21 the Committee on Armed Services of the House of  
22 Representatives, or such other members of the Sub-  
23 committee designated by such Chairman or ranking  
24 minority party member.

1           (iii) The Chairmen and ranking minority party  
2           members of the subcommittees with jurisdiction for  
3           military construction of the Committees on Appro-  
4           priations of the Senate and of the House of Rep-  
5           resentatives, or such other members of the sub-  
6           committees designated by such Chairmen or ranking  
7           minority party members.

8           (f) VACANCIES.—A vacancy in the Commission shall  
9           be filled in the same manner as the original appointment,  
10          but the individual appointed to fill the vacancy shall serve  
11          only for the unexpired portion of the term for which the  
12          individual's predecessor was appointed.

13          (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each  
14          member, other than the Chairman, shall be paid at a rate  
15          equal to the daily equivalent of the minimum annual rate  
16          of basic pay payable for level IV of the Executive Schedule  
17          under section 5315 of title 5, United States Code, for each  
18          day (including travel time) during which the member is  
19          engaged in the actual performance of duties vested in the  
20          Commission.

21          (B) The Chairman shall be paid for each day referred  
22          to in subparagraph (A) at a rate equal to the daily equiva-  
23          lent of the minimum annual rate of basic pay payable for  
24          level III of the Executive Schedule under section 5314,  
25          of title 5, United States Code.

1       (2) Members shall receive travel expenses, including  
2 per diem in lieu of subsistence, in accordance with sections  
3 5702 and 5703 of title 5, United States Code.

4       (h) DIRECTOR OF STAFF.—(1) The Commission  
5 shall, without regard to section 5311 of title 5, United  
6 States Code, appoint a Director who has not served on  
7 active duty in the Armed Forces or as a civilian employee  
8 of the Department of Defense during the one-year period  
9 preceding the date of such appointment.

10       (2) The Director shall be paid at the rate of basic  
11 pay payable for level IV of the Executive Schedule under  
12 section 5315 of title 5, United States Code.

13       (i) STAFF.—(1) Subject to paragraphs (2) and (3),  
14 the Director, with the approval of the Commission, may  
15 appoint and fix the pay of additional personnel.

16       (2) The Director may make such appointments with-  
17 out regard to the provisions of title 5, United States Code,  
18 governing appointments in the competitive service, and  
19 any personnel so appointed may be paid without regard  
20 to the provisions of chapter 51 and subchapter III of chap-  
21 ter 53 of that title relating to classification and General  
22 Schedule pay rates, except that an individual so appointed  
23 may not receive pay in excess of the annual rate of basic  
24 pay payable for GS–15 of the General Schedule.

1       (3)(A) Not more than one-third of the personnel em-  
2     ployed by or detailed to the Commission may be on detail  
3     from the Department of Defense.

4       (B)(i) Not more than one-fifth of the professional an-  
5     alysts of the Commission staff may be persons detailed  
6     from the Department of Defense to the Commission.

7       (ii) No person detailed from the Department of De-  
8     fense to the Commission may be assigned as the lead pro-  
9     fessional analyst with respect to a military department or  
10    defense agency.

11      (C) A person may not be detailed from the Depart-  
12    ment of Defense to the Commission if, within 12 months  
13    before the detail is to begin, that person participated per-  
14    sonally and substantially in any matter within the Depart-  
15    ment of Defense concerning the preparation of rec-  
16    ommendations for closures or realignments of military in-  
17    stallations.

18      (D) No member of the Armed Forces, and no officer  
19    or employee of the Department of Defense, may—

20           (i) prepare any report concerning the effective-  
21           ness, fitness, or efficiency of the performance on the  
22           staff of the Commission of any person detailed from  
23           the Department of Defense to that staff;

24           (ii) review the preparation of such a report; or

25           (iii) approve or disapprove such a report.

1       (4) Upon request of the Director, the head of any  
2 Federal department or agency may detail any of the per-  
3 sonnel of that department or agency to the Commission  
4 to assist the Commission in carrying out its duties under  
5 this title.

6       (5) The Comptroller General of the United States  
7 shall provide assistance, including the detailing of employ-  
8 ees, to the Commission in accordance with an agreement  
9 entered into with the Commission.

10       (6) The following restrictions relating to the per-  
11 sonnel of the Commission shall apply during 2014:

12           (A) There may not be more than 15 persons on  
13 the staff at any one time.

14           (B) The staff may perform only such functions  
15 as are necessary to prepare for the transition to new  
16 membership on the Commission in the following  
17 year.

18           (C) No member of the Armed Forces and no  
19 employee of the Department of Defense may serve  
20 on the staff.

21       (j) OTHER AUTHORITY.—(1) The Commission may  
22 procure by contract, to the extent funds are available, the  
23 temporary or intermittent services of experts or consult-  
24 ants pursuant to section 3109 of title 5, United States  
25 Code.

1       (2) The Commission may lease space and acquire per-  
2       sonal property to the extent funds are available.

3       (k) FUNDING.—(1) There are authorized to be appro-  
4       priated to the Commission such funds as are necessary  
5       to carry out its duties under this title. Such funds shall  
6       remain available until expended.

7       (2) If no funds are appropriated to the Commission  
8       by the end of the second session of the 112th Congress  
9       for activities of the Commission in 2013 or by the end  
10      of the second session of the 113th Congress for the activi-  
11      ties of the Commission in 2015, the Secretary of Defense  
12      may transfer to the Commission for purposes of its activi-  
13      ties under this title in that year such funds as the Com-  
14      mission may require to carry out such activities. The Sec-  
15      retary may transfer funds under the preceding sentence  
16      from any funds available to the Secretary. Funds so trans-  
17      ferred shall remain available to the Commission for such  
18      purposes until expended.

19      (l) TERMINATION.—The Commission shall terminate  
20      on April 15, 2016.

21      (m) PROHIBITION AGAINST RESTRICTING COMMU-  
22      NICATIONS.—Section 1034 of title 10, United States  
23      Code, shall apply with respect to communications with the  
24      Commission.



1 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS**  
2 **FOR BASE CLOSURES AND REALIGNMENTS.**

3 (a) **FORCE-STRUCTURE PLAN AND INFRASTRUCTURE**  
4 **INVENTORY.—**

5 (1) **PREPARATION AND SUBMISSION.**—Not later  
6 than 60 days after the date of the enactment of this  
7 Act, with respect to a round of base closures and re-  
8 alignments in calendar year 2013, and as part of the  
9 budget justification documents submitted to Con-  
10 gress in support of the budget for the Department  
11 of Defense for fiscal year 2015 with respect to a  
12 round of base closures and realignments in calendar  
13 year 2015, the Secretary shall submit to Congress  
14 the following:

15 (A) A force-structure plan for the Armed  
16 Forces based on an assessment by the Sec-  
17 retary of the probable threats to the national  
18 security during the 20-year period beginning  
19 with that fiscal year, the probable end-strength  
20 levels and major military force units (including  
21 land force divisions, carrier and other major  
22 combatant vessels, air wings, and other com-  
23 parable units) needed to meet these threats,  
24 and the anticipated levels of funding that will  
25 be available for national defense purposes dur-  
26 ing such period.

1 (B) A comprehensive inventory of military  
2 installations world-wide for each military de-  
3 partment, with specifications of the number and  
4 type of facilities in the active and reserve forces  
5 of each military department.

6 (2) RELATIONSHIP OF PLAN AND INVEN-  
7 TORY.—Using the force-structure plan and infra-  
8 structure inventory prepared under paragraph (1),  
9 the Secretary shall prepare (and include as part of  
10 the submission of such plan and inventory) the fol-  
11 lowing:

12 (A) A description of the infrastructure nec-  
13 essary to support the force structure described  
14 in the force-structure plan.

15 (B) A discussion of categories of excess in-  
16 frastructure and infrastructure capacity.

17 (C) An economic analysis of the effect of  
18 the closure or realignment of military installa-  
19 tions to reduce excess infrastructure.

20 (3) SPECIAL CONSIDERATIONS.—In determining  
21 the level of necessary versus excess infrastructure  
22 under paragraph (2), the Secretary shall consider  
23 the following:

24 (A) The anticipated continuing need for  
25 and availability of military installations outside

1           the United States, taking into account current  
2           restrictions on the use of military installations  
3           outside the United States and the potential for  
4           future prohibitions or restrictions on the use of  
5           such military installations.

6           (B) Any efficiencies that may be gained  
7           from joint tenancy by more than one branch of  
8           the Armed Forces at a military installation.

9           (4) REVISION.—The Secretary may revise the  
10          force-structure plan and infrastructure inventory. If  
11          the Secretary makes such a revision, the Secretary  
12          shall submit the revised plan or inventory to Con-  
13          gress not later than March 15th of the year fol-  
14          lowing the year in which such plan was first sub-  
15          mitted. For purposes of selecting military installa-  
16          tions for closure or realignment under this title in  
17          the year in which a revision is submitted, no revision  
18          of the force-structure plan or infrastructure inven-  
19          tory is authorized after that date.

20          (b) CERTIFICATION OF NEED FOR FURTHER CLO-  
21          SURES AND REALIGNMENTS.—

22               (1) CERTIFICATION REQUIRED.—On the basis  
23          of the force-structure plan and infrastructure inven-  
24          tory prepared under subsection (a) and the descrip-  
25          tions and economic analysis prepared under such

1 subsection, the Secretary shall include as part of the  
2 submission of the plan and inventory—

3 (A) a certification regarding whether the  
4 need exists for the closure or realignment of ad-  
5 ditional military installations; and

6 (B) if such need exists, a certification that  
7 the additional round of closures and realign-  
8 ments would result in annual net savings for  
9 each of the military departments beginning not  
10 later than six years following the commence-  
11 ment of such closures and realignments.

12 (2) EFFECT OF FAILURE TO CERTIFY.—If the  
13 Secretary does not include the certifications referred  
14 to in paragraph (1), the President may not com-  
15 mence a round for the selection of military installa-  
16 tions for closure and realignment under this title in  
17 the year following submission of the force-structure  
18 plan and infrastructure inventory.

19 (c) COMPTROLLER GENERAL EVALUATION.—

20 (1) EVALUATION REQUIRED.—If the certifi-  
21 cation is provided under subsection (b), the Comp-  
22 troller General shall prepare an evaluation of the fol-  
23 lowing:

24 (A) The force-structure plan and infra-  
25 structure inventory prepared under subsection

1 (a) and the final selection criteria specified in  
2 paragraph (d), including an evaluation of the  
3 accuracy and analytical sufficiency of such plan,  
4 inventory, and criteria.

5 (B) The need for the closure or realign-  
6 ment of additional military installations.

7 (2) SUBMISSION.—The Comptroller General  
8 shall submit the evaluation to Congress not later  
9 than 60 days after the date on which the force-  
10 structure plan and infrastructure inventory are sub-  
11 mitted to Congress.

12 (d) FINAL SELECTION CRITERIA.—

13 (1) IN GENERAL.—The final criteria to be used  
14 by the Secretary in making recommendations for the  
15 closure or realignment of military installations inside  
16 the United States under this title in 2013 and 2015  
17 shall be the military value and other criteria speci-  
18 fied in paragraphs (2) and (3).

19 (2) MILITARY VALUE CRITERIA.—The military  
20 value criteria are as follows:

21 (A) The current and future mission capa-  
22 bilities and the impact on operational readiness  
23 of the total force of the Department of Defense,  
24 including the impact on joint warfighting, train-  
25 ing, and readiness.

1 (B) The availability and condition of land,  
2 facilities, and associated airspace (including  
3 training areas suitable for maneuver by ground,  
4 naval, or air forces throughout a diversity of cli-  
5 mate and terrain areas and staging areas for  
6 the use of the Armed Forces in homeland de-  
7 fense missions) at both existing and potential  
8 receiving locations.

9 (C) The ability to accommodate contin-  
10 gency, mobilization, surge, and future total  
11 force requirements at both existing and poten-  
12 tial receiving locations to support operations  
13 and training.

14 (D) The cost of operations and the man-  
15 power implications.

16 (3) OTHER CRITERIA.—The other criteria that  
17 the Secretary shall use in making recommendations  
18 for the closure or realignment of military installa-  
19 tions inside the United States under this title in  
20 2013 and 2015 are as follows:

21 (A) The extent and timing of potential  
22 costs and savings, including the number of  
23 years, beginning with the date of completion of  
24 the closure or realignment, for the savings to  
25 exceed the costs.

1                   (B) The economic impact on existing com-  
2                   munities in the vicinity of military installations.

3                   (C) The ability of the infrastructure of  
4                   both the existing and potential receiving com-  
5                   munities to support forces, missions, and per-  
6                   sonnel.

7                   (D) The environmental impact, including  
8                   the impact of costs related to potential environ-  
9                   mental restoration, waste management, and en-  
10                  vironmental compliance activities.

11           (e) PRIORITY GIVEN TO MILITARY VALUE.—The  
12   Secretary shall give priority consideration to the military  
13   value criteria specified in subsection (d)(2) in the making  
14   of recommendations for the closure or realignment of mili-  
15   tary installations.

16           (f) EFFECT ON DEPARTMENT AND OTHER AGENCY  
17   COSTS.—The selection criteria relating to the cost savings  
18   or return on investment from the proposed closure or re-  
19   alignment of military installations shall take into account  
20   the effect of the proposed closure or realignment on the  
21   costs of any other activity of the Department of Defense  
22   or any other Federal agency that may be required to as-  
23   sume responsibility for activities at the military installa-  
24   tions.

1 (g) RELATION TO OTHER MATERIALS.—The final se-  
2 lection criteria specified in this section shall be the only  
3 criteria to be used, along with the force-structure plan and  
4 infrastructure inventory referred to in subsection (a), in  
5 making recommendations for the closure or realignment  
6 of military installations inside the United States under  
7 this title in 2013 and 2015.

8 (h) DoD RECOMMENDATIONS.—(1) If the Secretary  
9 makes the certifications required under subsection (b), the  
10 Secretary shall, by no later than May 17, 2013, and May  
11 15, 2015, publish in the Federal Register and transmit  
12 to the congressional defense committees and to the Com-  
13 mission a list of the military installations inside the United  
14 States that the Secretary recommends for closure or re-  
15 alignment on the basis of the force-structure plan and in-  
16 frastructure inventory prepared by the Secretary under  
17 subsection (a) and the final selection criteria specified in  
18 subsection (d) that are applicable to the year concerned.

19 (2) The Secretary shall include, with the list of rec-  
20 ommendations published and transmitted pursuant to  
21 paragraph (1), a summary of the selection process that  
22 resulted in the recommendation for each installation, in-  
23 cluding a justification for each recommendation. The Sec-  
24 retary shall transmit the matters referred to in the pre-  
25 ceding sentence not later than 7 days after the date of



1 the transmittal to the congressional defense committees  
2 and the Commission of the list referred to in paragraph  
3 (1).

4 (3)(A) In considering military installations for clo-  
5 sure or realignment, the Secretary shall consider all mili-  
6 tary installations inside the United States equally without  
7 regard to whether the installation has been previously con-  
8 sidered or proposed for closure or realignment by the De-  
9 partment.

10 (B) In considering military installations for closure  
11 or realignment, the Secretary may not take into account  
12 for any purpose any advance conversion planning under-  
13 taken by an affected community with respect to the antici-  
14 pated closure or realignment of an installation.

15 (C) For purposes of subparagraph (B), in the case  
16 of a community anticipating the economic effects of a clo-  
17 sure or realignment of a military installation, advance con-  
18 version planning—

19 (i) shall include community adjustment and eco-  
20 nomic diversification planning undertaken by the  
21 community before an anticipated selection of a mili-  
22 tary installation in or near the community for clo-  
23 sure or realignment; and

24 (ii) may include the development of contingency  
25 redevelopment plans, plans for economic develop-

1       ment and diversification, and plans for the joint use  
2       (including civilian and military use, public and pri-  
3       vate use, civilian dual use, and civilian shared use)  
4       of the property or facilities of the installation after  
5       the anticipated closure or realignment.

6       (D) In making recommendations to the Commission,  
7       the Secretary shall consider any notice received from a  
8       local government in the vicinity of a military installation  
9       that the government would approve of the closure or re-  
10      alignment of the installation.

11      (E) Notwithstanding the requirement in subpara-  
12      graph (D), the Secretary shall make the recommendations  
13      referred to in that subparagraph based on the force-struc-  
14      ture plan, infrastructure inventory, and final selection cri-  
15      teria otherwise applicable to such recommendations.

16      (F) The recommendations shall include a statement  
17      of the result of the consideration of any notice described  
18      in subparagraph (D) that is received with respect to a  
19      military installation covered by such recommendations.  
20      The statement shall set forth the reasons for the result.

21      (4) In addition to making all information used by the  
22      Secretary to prepare the recommendations under this sub-  
23      section available to Congress (including any committee or  
24      member of Congress), the Secretary shall also make such

1 information available to the Commission and the Comp-  
2 troller General of the United States.

3 (5)(A) Each person referred to in subparagraph (B),  
4 when submitting information to the Secretary of Defense  
5 or the Commission concerning the closure or realignment  
6 of a military installation, shall certify that such informa-  
7 tion is accurate and complete to the best of that person's  
8 knowledge and belief.

9 (B) Subparagraph (A) applies to the following per-  
10 sons:

11 (i) The Secretaries of the military departments.

12 (ii) The heads of the Defense Agencies.

13 (iii) Each person who is in a position the duties  
14 of which include personal and substantial involve-  
15 ment in the preparation and submission of informa-  
16 tion and recommendations concerning the closure or  
17 realignment of military installations, as designated  
18 in regulations which the Secretary of Defense shall  
19 prescribe, regulations which the Secretary of each  
20 military department shall prescribe for personnel  
21 within that military department, or regulations  
22 which the head of each Defense Agency shall pre-  
23 scribe for personnel within that Defense Agency.

24 (6) Any information provided to the Commission by  
25 a person described in paragraph (5)(B) shall also be sub-

mitted to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Commission.

(i) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the recommendations from the Secretary pursuant to subsection (h) for any year, the Commission shall conduct public hearings on the recommendations. All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.

(2)(A) The Commission shall, by no later than October 1 of each year in which the Secretary transmits recommendations to it pursuant to subsection (h), transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission's recommendations for closures and realignments of military installations inside the United States.

(B) Subject to subparagraphs (C) and (E), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if

1 the Commission determines that the Secretary deviated  
2 substantially from the force-structure plan and final cri-  
3 teria referred to in subsection (d)(1) in making rec-  
4 ommendations.

5 (C) In the case of a change described in subpara-  
6 graph (D) in the recommendations made by the Secretary,  
7 the Commission may make the change only if—

8 (i) the Commission—

9 (I) makes the determination required by  
10 subparagraph (B);

11 (II) determines that the change is con-  
12 sistent with the force-structure plan and final  
13 criteria referred to in subsection (d)(1);

14 (III) publishes a notice of the proposed  
15 change in the Federal Register not less than 45  
16 days before transmitting its recommendations  
17 to the President pursuant to subparagraph (A);  
18 and

19 (IV) conducts public hearings on the pro-  
20 posed change;

21 (ii) at least two members of the Commission  
22 visit the military installation before the date of the  
23 transmittal of the report; and

1           (iii) the decision of the Commission to make the  
2       change is supported by at least seven members of  
3       the Commission.

4       (D) Subparagraph (C) shall apply to a change by the  
5       Commission in the Secretary's recommendations that  
6       would—

7           (i) add a military installation to the list of mili-  
8       tary installations recommended by the Secretary for  
9       closure;

10          (ii) add a military installation to the list of mili-  
11       tary installations recommended by the Secretary for  
12       realignment; or

13          (iii) increase the extent of a realignment of a  
14       particular military installation recommended by the  
15       Secretary.

16       (E) The Commission may not consider making a  
17       change in the recommendations of the Secretary that  
18       would add a military installation to the Secretary's list of  
19       installations recommended for closure or realignment un-  
20       less, in addition to the requirements of subparagraph  
21       (C)—

22           (i) the Commission provides the Secretary with  
23       at least a 15-day period, before making the change,  
24       in which to submit an explanation of the reasons

1        why the installation was not included on the closure  
2        or realignment list by the Secretary; and

3            (ii) the decision to add the installation for Com-  
4        mission consideration is supported by at least seven  
5        members of the Commission.

6        (F) In making recommendations under this para-  
7        graph, the Commission may not take into account for any  
8        purpose any advance conversion planning undertaken by  
9        an affected community with respect to the anticipated clo-  
10       sure or realignment of a military installation.

11       (3) The Commission shall explain and justify in its  
12       report submitted to the President pursuant to paragraph  
13       (2) any recommendation made by the Commission that is  
14       different from the recommendations made by the Sec-  
15       retary pursuant to subsection (h). The Commission shall  
16       transmit a copy of such report to the congressional defense  
17       committees on the same date on which it transmits its rec-  
18       ommendations to the President under paragraph (2).

19       (4) After October 1 of each year in which the Com-  
20       mission transmits recommendations to the President  
21       under this subsection, the Commission shall promptly pro-  
22       vide, upon request, to any Member of Congress informa-  
23       tion used by the Commission in making its recommenda-  
24       tions.

1       (5) The Comptroller General of the United States  
2 shall—

3           (A) assist the Commission, to the extent re-  
4       requested, in the Commission’s review and analysis of  
5       the recommendations made by the Secretary pursu-  
6       ant to subsection (h); and

7           (B) by no later than July 1 of each year in  
8       which the Secretary makes such recommendations,  
9       transmit to the Congress and to the Commission a  
10      report containing a detailed analysis of the Sec-  
11      retary’s recommendations and selection process.

12      (j) REVIEW BY THE PRESIDENT.—(1) The President  
13 shall, by no later than October 15 of each year in which  
14 the Commission makes recommendations under subsection  
15 (i), transmit to the Commission and to the Congress a  
16 report containing the President’s approval or disapproval  
17 of the Commission’s recommendations.

18      (2) If the President approves all the recommenda-  
19 tions of the Commission, the President shall transmit a  
20 copy of such recommendations to the Congress, together  
21 with a certification of such approval.

22      (3) If the President disapproves the recommendations  
23 of the Commission, in whole or in part, the President shall  
24 transmit to the Commission and the Congress the reasons  
25 for that disapproval. The Commission shall then transmit



1 to the President, by no later than November 18 of the  
2 year concerned, a revised list of recommendations for the  
3 closure and realignment of military installations.

4 (4) If the President approves all of the revised rec-  
5 ommendations of the Commission transmitted to the  
6 President under paragraph (3), the President shall trans-  
7 mit a copy of such revised recommendations to the Con-  
8 gress, together with a certification of such approval.

9 (5) If the President does not transmit to the Con-  
10 gress an approval and certification described in paragraph  
11 (2) or (4) by December 2 of any year in which the Com-  
12 mission has transmitted recommendations to the Presi-  
13 dent under this title, the process by which military instal-  
14 lations may be selected for closure or realignment under  
15 this title with respect to that year shall be terminated.

16 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY IN-**  
17 **STALLATIONS.**

18 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
19 retary shall—

20 (1) close all military installations recommended  
21 for closure by the Commission in each report trans-  
22 mitted to the Congress by the President pursuant to  
23 section 2903(j);

1           (2) realign all military installations rec-  
2           ommended for realignment by such Commission in  
3           each such report;

4           (3) carry out the privatization in place of a  
5           military installation recommended for closure or re-  
6           alignment by the Commission only if privatization in  
7           place is a method of closure or realignment of the  
8           military installation specified in the recommenda-  
9           tions of the Commission in such report and is deter-  
10          mined by the Commission to be the most cost-effec-  
11          tive method of implementation of the recommenda-  
12          tion;

13          (4) initiate all such closures and realignments  
14          no later than two years after the date on which the  
15          President transmits a report to the Congress pursu-  
16          ant to section 2903(j) containing the recommenda-  
17          tions for such closures or realignments; and

18          (5) complete all such closures and realignments  
19          no later than the end of the six-year period begin-  
20          ning on the date on which the President transmits  
21          the report pursuant to section 2903(j) containing  
22          the recommendations for such closures or realign-  
23          ments.

24          (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-  
25          retary may not carry out any closure or realignment rec-

1 ommended by the Commission in a report transmitted  
2 from the President pursuant to section 2903(j) if a joint  
3 resolution is enacted, in accordance with the provisions of  
4 section 2908, disapproving such recommendations of the  
5 Commission before the earlier of—

6 (A) the end of the 45-day period beginning on  
7 the date on which the President transmits such re-  
8 port; or

9 (B) the adjournment of Congress sine die for  
10 the session during which such report is transmitted.

11 (2) For purposes of paragraph (1) of this subsection  
12 and subsections (a) and (c) of section 2908, the days on  
13 which either House of Congress is not in session because  
14 of adjournment of more than three days to a day certain  
15 shall be excluded in the computation of a period.

16 **SEC. 2905. IMPLEMENTATION.**

17 (a) IN GENERAL.—(1) In closing or realigning any  
18 military installation under this title, the Secretary may—

19 (A) take such actions as may be necessary to  
20 close or realign any military installation, including  
21 the acquisition of such land, the construction of such  
22 replacement facilities, the performance of such ac-  
23 tivities, and the conduct of such advance planning  
24 and design as may be required to transfer functions  
25 from a military installation being closed or realigned

1 to another military installation, and may use for  
2 such purpose funds in the Account or funds appro-  
3 priated to the Department of Defense for use in  
4 planning and design, minor construction, or oper-  
5 ation and maintenance;

6 (B) provide—

7 (i) economic adjustment assistance to any  
8 community located near a military installation  
9 being closed or realigned, and

10 (ii) community planning assistance to any  
11 community located near a military installation  
12 to which functions will be transferred as a re-  
13 sult of the closure or realignment of a military  
14 installation,

15 if the Secretary of Defense determines that the fi-  
16 nancial resources available to the community (by  
17 grant or otherwise) for such purposes are inad-  
18 equate, and may use for such purposes funds in the  
19 Account or funds appropriated to the Department of  
20 Defense for economic adjustment assistance or com-  
21 munity planning assistance;

22 (C) carry out activities for the purposes of envi-  
23 ronmental restoration and mitigation at any such in-  
24 stallation, and shall use for such purposes funds in  
25 the Account;

1           (D) provide outplacement assistance to civilian  
2       employees employed by the Department of Defense  
3       at military installations being closed or realigned,  
4       and may use for such purpose funds in the Account  
5       or funds appropriated to the Department of Defense  
6       for outplacement assistance to employees; and

7           (E) reimburse other Federal agencies for ac-  
8       tions performed at the request of the Secretary with  
9       respect to any such closure or realignment, and may  
10      use for such purpose funds in the Account or funds  
11      appropriated to the Department of Defense and  
12      available for such purpose.

13      (2) In carrying out any closure or realignment under  
14      this title, the Secretary shall ensure that environmental  
15      restoration of any property made excess to the needs of  
16      the Department of Defense as a result of such closure or  
17      realignment be carried out as soon as possible with funds  
18      available for such purpose.

19      (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

20      (1) The Administrator of General Services shall delegate  
21      to the Secretary of Defense, with respect to excess and  
22      surplus real property, facilities, and personal property lo-  
23      cated at a military installation closed or realigned under  
24      this title—

1 (A) the authority of the Administrator to utilize  
2 excess property under subchapter II of chapter 5 of  
3 title 40, United States Code;

4 (B) the authority of the Administrator to dis-  
5 pose of surplus property under subchapter III of  
6 chapter 5 of title 40, United States Code;

7 (C) the authority to dispose of surplus property  
8 for public airports under sections 47151 through  
9 47153 of title 49, United States Code; and

10 (D) the authority of the Administrator to deter-  
11 mine the availability of excess or surplus real prop-  
12 erty for wildlife conservation purposes in accordance  
13 with the Act of May 19, 1948 (16 U.S.C. 667b).

14 (2)(A) Subject to subparagraph (B) and paragraphs  
15 (3), (4), (5), and (6), the Secretary of Defense shall exer-  
16 cise the authority delegated to the Secretary pursuant to  
17 paragraph (1) in accordance with—

18 (i) all regulations governing the utilization of  
19 excess property and the disposal of surplus property  
20 under subtitle I of title 40, United States Code; and

21 (ii) all regulations governing the conveyance  
22 and disposal of property under section 13(g) of the  
23 Surplus Property Act of 1944 (50 U.S.C. App.  
24 1622(g)).

1       (B) The Secretary may, with the concurrence of the  
2 Administrator of General Services—

3           (i) prescribe general policies and methods for  
4 utilizing excess property and disposing of surplus  
5 property pursuant to the authority delegated under  
6 paragraph (1); and

7           (ii) issue regulations relating to such policies  
8 and methods, which shall supersede the regulations  
9 referred to in subparagraph (A) with respect to that  
10 authority.

11       (C) The Secretary of Defense may transfer real prop-  
12 erty or facilities located at a military installation to be  
13 closed or realigned under this title, with or without reim-  
14 bursement, to a military department or other entity (in-  
15 cluding a nonappropriated fund instrumentality) within  
16 the Department of Defense or the Coast Guard.

17       (D) Before any action may be taken with respect to  
18 the disposal of any surplus real property or facility located  
19 at any military installation to be closed or realigned under  
20 this title, the Secretary of Defense shall consult with the  
21 Governor of the State and the heads of the local govern-  
22 ments concerned for the purpose of considering any plan  
23 for the use of such property by the local community con-  
24 cerned.

1       (E) If a military installation to be closed, realigned,  
2 or placed in an inactive status under this title includes  
3 a road used for public access through, into, or around the  
4 installation, the Secretary of Defense shall consult with  
5 the Governor of the State and the heads of the local gov-  
6 ernments concerned or the purpose of considering the con-  
7 tinued availability of the road for public use after the in-  
8 stallation is closed, realigned, or placed in an inactive sta-  
9 tus.

10       (3)(A) Not later than 6 months after the date of ap-  
11 proval of the closure or realignment of a military installa-  
12 tion under this title, the Secretary, in consultation with  
13 the redevelopment authority with respect to the installa-  
14 tion, shall—

15           (i) inventory the personal property located at  
16 the installation; and

17           (ii) identify the items (or categories of items) of  
18 such personal property that the Secretary deter-  
19 mines to be related to real property and anticipates  
20 will support the implementation of the redevel-  
21 opment plan with respect to the installation.

22       (B) If no redevelopment authority referred to in sub-  
23 paragraph (A) exists with respect to an installation, the  
24 Secretary shall consult with—



1 (i) the local government in whose jurisdiction  
2 the installation is wholly located; or

3 (ii) a local government agency or State govern-  
4 ment agency designated for the purpose of such con-  
5 sultation by the chief executive officer of the State  
6 in which the installation is located.

7 (C)(i) Except as provided in subparagraphs (E) and  
8 (F), the Secretary may not carry out any of the activities  
9 referred to in clause (ii) with respect to an installation  
10 referred to in that clause until the earlier of—

11 (I) one week after the date on which the rede-  
12 velopment plan for the installation is submitted to  
13 the Secretary;

14 (II) the date on which the redevelopment au-  
15 thority notifies the Secretary that it will not submit  
16 such a plan;

17 (III) twenty-four months after the date of ap-  
18 proval of the closure or realignment of the installa-  
19 tion; or

20 (IV) ninety days before the date of the closure  
21 or realignment of the installation.

22 (ii) The activities referred to in clause (i) are activi-  
23 ties relating to the closure or realignment of an installa-  
24 tion to be closed or realigned under this title as follows:

1           (I) The transfer from the installation of items  
2           of personal property at the installation identified in  
3           accordance with subparagraph (A).

4           (II) The reduction in maintenance and repair of  
5           facilities or equipment located at the installation  
6           below the minimum levels required to support the  
7           use of such facilities or equipment for nonmilitary  
8           purposes.

9           (D) Except as provided in paragraph (4), the Sec-  
10          retary may not transfer items of personal property located  
11          at an installation to be closed or realigned under this title  
12          to another installation, or dispose of such items, if such  
13          items are identified in the redevelopment plan for the in-  
14          stallation as items essential to the reuse or redevelopment  
15          of the installation. In connection with the development of  
16          the redevelopment plan for the installation, the Secretary  
17          shall consult with the entity responsible for developing the  
18          redemption plan to identify the items of personal prop-  
19          erty located at the installation, if any, that the entity de-  
20          sires to be retained at the installation for reuse or redevel-  
21          opment of the installation.

22          (E) This paragraph shall not apply to any personal  
23          property located at an installation to be closed or realigned  
24          under this title if the property—

1           (i) is required for the operation of a unit, func-  
2           tion, component, weapon, or weapons system at an-  
3           other installation;

4           (ii) is uniquely military in character, and is  
5           likely to have no civilian use (other than use for its  
6           material content or as a source of commonly used  
7           components);

8           (iii) is not required for the reutilization or rede-  
9           velopment of the installation (as jointly determined  
10          by the Secretary and the redevelopment authority);

11          (iv) is stored at the installation for purposes of  
12          distribution (including spare parts or stock items);  
13          or

14          (v)(I) meets known requirements of an author-  
15          ized program of another Federal department or  
16          agency for which expenditures for similar property  
17          would be necessary, and (II) is the subject of a writ-  
18          ten request by the head of the department or agen-  
19          cy.

20          (F) Notwithstanding subparagraphs (C)(i) and (D),  
21          the Secretary may carry out any activity referred to in  
22          subparagraph (C)(ii) or (D) if the Secretary determines  
23          that the carrying out of such activity is in the national  
24          security interest of the United States.

1       (4)(A) The Secretary may transfer real property and  
2 personal property located at a military installation to be  
3 closed or realigned under this title to the redevelopment  
4 authority with respect to the installation for purposes of  
5 job generation on the installation.

6       (B) The transfer of property located at a military in-  
7 stallation under subparagraph (A) may be for consider-  
8 ation at or below the estimated fair market value or with-  
9 out consideration. The determination of such consider-  
10 ation may account for the economic conditions of the local  
11 affected community and the estimated costs to redevelop  
12 the property. The Secretary may accept, as consideration,  
13 a share of the revenues that the redevelopment authority  
14 receives from third-party buyers or lessees from sales and  
15 long-term leases of the conveyed property, consideration  
16 in kind (including goods and services), real property and  
17 improvements, or such other consideration as the Sec-  
18 retary considers appropriate. The transfer of property lo-  
19 cated at a military installation under subparagraph (A)  
20 may be made for consideration below the estimated fair  
21 market value or without consideration only if the redevel-  
22 opment authority with respect to the installation—

23           (i) agrees that the proceeds from any sale or  
24 lease of the property (or any portion thereof) re-  
25 ceived by the redevelopment authority during at

1       least the first seven years after the date of the initial  
2       transfer of property under subparagraph (A) shall  
3       be used to support the economic redevelopment of,  
4       or related to, the installation; and

5               (ii) executes the agreement for transfer of the  
6       property and accepts control of the property within  
7       a reasonable time after the date of the property dis-  
8       posal record of decision or finding of no significant  
9       impact under the National Environmental Policy Act  
10      of 1969 (42 U.S.C. 4321 et seq.).

11      (C) For purposes of subparagraph (B)(i), the use of  
12      proceeds from a sale or lease described in such subpara-  
13      graph to pay for, or offset the costs of, public investment  
14      on or related to the installation for any of the following  
15      purposes shall be considered a use to support the economic  
16      redevelopment of, or related to, the installation:

17               (i) Road construction.

18               (ii) Transportation management facilities.

19               (iii) Storm and sanitary sewer construction.

20               (iv) Police and fire protection facilities and  
21      other public facilities.

22               (v) Utility construction.

23               (vi) Building rehabilitation.

24               (vii) Historic property preservation.

1           (viii) Pollution prevention equipment or facili-  
2       ties.

3           (ix) Demolition.

4           (x) Disposal of hazardous materials generated  
5       by demolition.

6           (xi) Landscaping, grading, and other site or  
7       public improvements.

8           (xii) Planning for or the marketing of the devel-  
9       opment and reuse of the installation.

10       (D) The Secretary may recoup from a redevelopment  
11   authority such portion of the proceeds from a sale or lease  
12   described in subparagraph (B) as the Secretary deter-  
13   mines appropriate if the redevelopment authority does not  
14   use the proceeds to support economic redevelopment of,  
15   or related to, the installation for the period specified in  
16   subparagraph (B).

17       (E)(i) The Secretary may transfer real property at  
18   an installation approved for closure or realignment under  
19   this title (including property at an installation approved  
20   for realignment which will be retained by the Department  
21   of Defense or another Federal agency after realignment)  
22   to the redevelopment authority for the installation if the  
23   redemption authority agrees to lease, directly upon  
24   transfer, one or more portions of the property transferred  
25   under this subparagraph to the Secretary or to the head

1 of another department or agency of the Federal Govern-  
2 ment. Subparagraph (B) shall apply to a transfer under  
3 this subparagraph.

4 (ii) A lease under clause (i) shall be for a term of  
5 not to exceed 50 years, but may provide for options for  
6 renewal or extension of the term by the department or  
7 agency concerned.

8 (iii) A lease under clause (i) may not require rental  
9 payments by the United States.

10 (iv) A lease under clause (i) shall include a provision  
11 specifying that if the department or agency concerned  
12 ceases requiring the use of the leased property before the  
13 expiration of the term of the lease, the remainder of the  
14 lease term may be satisfied by the same or another depart-  
15 ment or agency of the Federal Government using the prop-  
16 erty for a use similar to the use under the lease. Exercise  
17 of the authority provided by this clause shall be made in  
18 consultation with the redevelopment authority concerned.

19 (v) Notwithstanding clause (iii), if a lease under  
20 clause (i) involves a substantial portion of the installation,  
21 the department or agency concerned may obtain facility  
22 services for the leased property and common area mainte-  
23 nance from the redevelopment authority or the redevel-  
24 opment authority's assignee as a provision of the lease. The  
25 facility services and common area maintenance shall be

1 provided at a rate no higher than the rate charged to non-  
2 Federal tenants of the transferred property. Facility serv-  
3 ices and common area maintenance covered by the lease  
4 shall not include—

5 (I) municipal services that a State or local gov-  
6 ernment is required by law to provide to all land-  
7 owners in its jurisdiction without direct charge; or

8 (II) firefighting or security-guard functions.

9 (F) The transfer of personal property under subpara-  
10 graph (A) shall not be subject to the provisions of sub-  
11 chapters II and III of chapter 5 of title 40, United States  
12 Code, if the Secretary determines that the transfer of such  
13 property is necessary for the effective implementation of  
14 a redevelopment plan with respect to the installation at  
15 which such property is located.

16 (G) The provisions of section 120(h) of the Com-  
17 prehensive Environmental Response, Compensation, and  
18 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to  
19 any transfer of real property under this paragraph.

20 (H) The Secretary may require any additional terms  
21 and conditions in connection with a transfer under this  
22 paragraph as such Secretary considers appropriate to pro-  
23 tect the interests of the United States.

24 (5)(A) Except as provided in subparagraphs (B) and  
25 (C), the Secretary shall take such actions as the Secretary



1 determines necessary to ensure that final determinations  
2 under paragraph (1) regarding whether another depart-  
3 ment or agency of the Federal Government has identified  
4 a use for any portion of a military installation to be closed  
5 or realigned under this title, or will accept transfer of any  
6 portion of such installation, are made not later than 6  
7 months after the date of approval of closure or realign-  
8 ment of that installation.

9 (B) The Secretary may, in consultation with the rede-  
10 velopment authority with respect to an installation, post-  
11 pone making the final determinations referred to in sub-  
12 paragraph (A) with respect to the installation for such pe-  
13 riod as the Secretary determines appropriate if the Sec-  
14 retary determines that such postponement is in the best  
15 interests of the communities affected by the closure or re-  
16 alignment of the installation.

17 (C)(i) Before acquiring non-Federal real property as  
18 the location for a new or replacement Federal facility of  
19 any type, the head of the Federal agency acquiring the  
20 property shall consult with the Secretary regarding the  
21 feasibility and cost advantages of using Federal property  
22 or facilities at a military installation closed or realigned  
23 or to be closed or realigned under this title as the location  
24 for the new or replacement facility. In considering the  
25 availability and suitability of a specific military installa-

tion, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this title shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

1           (I) identify the buildings and property at the  
2           installation for which the Department of Defense  
3           has a use, for which another department or agency  
4           of the Federal Government has identified a use, or  
5           of which another department or agency will accept  
6           a transfer;

7           (II) take such actions as are necessary to iden-  
8           tify any building or property at the installation not  
9           identified under subclause (I) that is excess property  
10          or surplus property;

11          (III) submit to the Secretary of Housing and  
12          Urban Development and to the redevelopment au-  
13          thority for the installation (or the chief executive of-  
14          ficer of the State in which the installation is located  
15          if there is no redevelopment authority for the instal-  
16          lation at the completion of the determination de-  
17          scribed in the stem of this sentence) information on  
18          any building or property that is identified under sub-  
19          clause (II); and

20          (IV) publish in the Federal Register and in a  
21          newspaper of general circulation in the communities  
22          in the vicinity of the installation information on the  
23          buildings and property identified under subclause  
24          (II).

1       (ii) Upon the recognition of a redevelopment author-  
2   ity for an installation covered by this paragraph, the Sec-  
3   retary of Defense shall publish in the Federal Register and  
4   in a newspaper of general circulation in the communities  
5   in the vicinity of the installation information on the rede-  
6   velopment authority.

7       (C)(i) State and local governments, representatives of  
8   the homeless, and other interested parties located in the  
9   communities in the vicinity of an installation covered by  
10  this paragraph shall submit to the redevelopment author-  
11  ity for the installation a notice of the interest, if any, of  
12  such governments, representatives, and parties in the  
13  buildings or property, or any portion thereof, at the instal-  
14  lation that are identified under subparagraph (B)(i)(II).  
15  A notice of interest under this clause shall describe the  
16  need of the government, representative, or party concerned  
17  for the buildings or property covered by the notice.

18       (ii) The redevelopment authority for an installation  
19  shall assist the governments, representatives, and parties  
20  referred to in clause (i) in evaluating buildings and prop-  
21  erty at the installation for purposes of this subparagraph.

22       (iii) In providing assistance under clause (ii), a rede-  
23  velopment authority shall—

1 (I) consult with representatives of the homeless  
2 in the communities in the vicinity of the installation  
3 concerned; and

4 (II) undertake outreach efforts to provide infor-  
5 mation on the buildings and property to representa-  
6 tives of the homeless, and to other persons or enti-  
7 ties interested in assisting the homeless, in such  
8 communities.

9 (iv) It is the sense of Congress that redevelopment  
10 authorities should begin to conduct outreach efforts under  
11 clause (iii)(II) with respect to an installation as soon as  
12 is practicable after the date of approval of closure or re-  
13 alignment of the installation.

14 (D)(i) State and local governments, representatives  
15 of the homeless, and other interested parties shall submit  
16 a notice of interest to a redevelopment authority under  
17 subparagraph (C) not later than the date specified for  
18 such notice by the redevelopment authority.

19 (ii) The date specified under clause (i) shall be—

20 (I) in the case of an installation for which a re-  
21 development authority has been recognized as of the  
22 date of the completion of the determinations referred  
23 to in paragraph (5), not earlier than 3 months and  
24 not later than 6 months after the date of publication  
25 of such determination in a newspaper of general cir-

1        culation in the communities in the vicinity of the in-  
2        stallation under subparagraph (B)(i)(IV); and

3            (II) in the case of an installation for which a  
4        redevelopment authority is not recognized as of such  
5        date, not earlier than 3 months and not later than  
6        6 months after the date of the recognition of a rede-  
7        velopment authority for the installation.

8        (iii) Upon specifying a date for an installation under  
9        this subparagraph, the redevelopment authority for the in-  
10       stallation shall—

11            (I) publish the date specified in a newspaper of  
12        general circulation in the communities in the vicinity  
13        of the installation concerned; and

14            (II) notify the Secretary of Defense of the date.

15        (E)(i) In submitting to a redevelopment authority  
16        under subparagraph (C) a notice of interest in the use  
17        of buildings or property at an installation to assist the  
18        homeless, a representative of the homeless shall submit the  
19        following:

20            (I) A description of the homeless assistance  
21        program that the representative proposes to carry  
22        out at the installation.

23            (II) An assessment of the need for the program.

24            (III) A description of the extent to which the  
25        program is or will be coordinated with other home-

1 less assistance programs in the communities in the  
2 vicinity of the installation.

3 (IV) A description of the buildings and property  
4 at the installation that are necessary in order to  
5 carry out the program.

6 (V) A description of the financial plan, the or-  
7 ganization, and the organizational capacity of the  
8 representative to carry out the program.

9 (VI) An assessment of the time required in  
10 order to commence carrying out the program.

11 (ii) A redevelopment authority may not release to the  
12 public any information submitted to the redevelopment au-  
13 thority under clause (i)(V) without the consent of the rep-  
14 resentative of the homeless concerned unless such release  
15 is authorized under Federal law and under the law of the  
16 State and communities in which the installation concerned  
17 is located.

18 (F)(i) The redevelopment authority for each installa-  
19 tion covered by this paragraph shall prepare a redevelop-  
20 ment plan for the installation. The redevelopment author-  
21 ity shall, in preparing the plan, consider the interests in  
22 the use to assist the homeless of the buildings and prop-  
23 erty at the installation that are expressed in the notices  
24 submitted to the redevelopment authority under subpara-  
25 graph (C).

1       (ii)(I) In connection with a redevelopment plan for  
2 an installation, a redevelopment authority and representa-  
3 tives of the homeless shall prepare legally binding agree-  
4 ments that provide for the use to assist the homeless of  
5 buildings and property, resources, and assistance on or off  
6 the installation. The implementation of such agreements  
7 shall be contingent upon the decision regarding the dis-  
8 posal of the buildings and property covered by the agree-  
9 ments by the Secretary of Defense under subparagraph  
10 (K) or (L).

11       (II) Agreements under this clause shall provide for  
12 the reversion to the redevelopment authority concerned, or  
13 to such other entity or entities as the agreements shall  
14 provide, of buildings and property that are made available  
15 under this paragraph for use to assist the homeless in the  
16 event that such buildings and property cease being used  
17 for that purpose.

18       (iii) A redevelopment authority shall provide oppor-  
19 tunity for public comment on a redevelopment plan before  
20 submission of the plan to the Secretary of Defense and  
21 the Secretary of Housing and Urban Development under  
22 subparagraph (G).

23       (iv) A redevelopment authority shall complete prepa-  
24 ration of a redevelopment plan for an installation and sub-  
25 mit the plan under subparagraph (G) not later than 9



1 months after the date specified by the redevelopment au-  
2 thority for the installation under subparagraph (D).

3 (G)(i) Upon completion of a redevelopment plan  
4 under subparagraph (F), a redevelopment authority shall  
5 submit an application containing the plan to the Secretary  
6 of Defense and to the Secretary of Housing and Urban  
7 Development.

8 (ii) A redevelopment authority shall include in an ap-  
9 plication under clause (i) the following:

10 (I) A copy of the redevelopment plan, including  
11 a summary of any public comments on the plan re-  
12 ceived by the redevelopment authority under sub-  
13 paragraph (F)(iii).

14 (II) A copy of each notice of interest of use of  
15 buildings and property to assist the homeless that  
16 was submitted to the redevelopment authority under  
17 subparagraph (C), together with a description of the  
18 manner, if any, in which the plan addresses the in-  
19 terest expressed in each such notice and, if the plan  
20 does not address such an interest, an explanation  
21 why the plan does not address the interest.

22 (III) A summary of the outreach undertaken by  
23 the redevelopment authority under subparagraph  
24 (C)(iii)(II) in preparing the plan.

1           (IV) A statement identifying the representatives  
2           of the homeless and the homeless assistance plan-  
3           ning boards, if any, with which the redevelopment  
4           authority consulted in preparing the plan, and the  
5           results of such consultations.

6           (V) An assessment of the manner in which the  
7           redevelopment plan balances the expressed needs of  
8           the homeless and the need of the communities in the  
9           vicinity of the installation for economic redevel-  
10          opment and other development.

11          (VI) Copies of the agreements that the redevel-  
12          opment authority proposes to enter into under sub-  
13          paragraph (F)(ii).

14          (H)(i) Not later than 60 days after receiving a rede-  
15          velopment plan under subparagraph (G), the Secretary of  
16          Housing and Urban Development shall complete a review  
17          of the plan. The purpose of the review is to determine  
18          whether the plan, with respect to the expressed interest  
19          and requests of representatives of the homeless—

20                (I) takes into consideration the size and nature  
21                of the homeless population in the communities in the  
22                vicinity of the installation, the availability of existing  
23                services in such communities to meet the needs of  
24                the homeless in such communities, and the suit-  
25                ability of the buildings and property covered by the

1 plan for the use and needs of the homeless in such  
2 communities;

3 (II) takes into consideration any economic im-  
4 pact of the homeless assistance under the plan on  
5 the communities in the vicinity of the installation;

6 (III) balances in an appropriate manner the  
7 needs of the communities in the vicinity of the in-  
8 stallation for economic redevelopment and other de-  
9 velopment with the needs of the homeless in such  
10 communities;

11 (IV) was developed in consultation with rep-  
12 resentatives of the homeless and the homeless assist-  
13 ance planning boards, if any, in the communities in  
14 the vicinity of the installation; and

15 (V) specifies the manner in which buildings and  
16 property, resources, and assistance on or off the in-  
17 stallation will be made available for homeless assist-  
18 ance purposes.

19 (ii) It is the sense of Congress that the Secretary of  
20 Housing and Urban Development shall, in completing the  
21 review of a plan under this subparagraph, take into con-  
22 sideration and be receptive to the predominant views on  
23 the plan of the communities in the vicinity of the installa-  
24 tion covered by the plan.

1       (iii) The Secretary of Housing and Urban Develop-  
2       ment may engage in negotiations and consultations with  
3       a redevelopment authority before or during the course of  
4       a review under clause (i) with a view toward resolving any  
5       preliminary determination of the Secretary that a redevel-  
6       opment plan does not meet a requirement set forth in that  
7       clause. The redevelopment authority may modify the rede-  
8       velopment plan as a result of such negotiations and con-  
9       sultations.

10       (iv) Upon completion of a review of a redevelopment  
11       plan under clause (i), the Secretary of Housing and Urban  
12       Development shall notify the Secretary of Defense and the  
13       redemption authority concerned of the determination of  
14       the Secretary of Housing and Urban Development under  
15       that clause.

16       (v) If the Secretary of Housing and Urban Develop-  
17       ment determines as a result of such a review that a rede-  
18       velopment plan does not meet the requirements set forth  
19       in clause (i), a notice under clause (iv) shall include—

20               (I) an explanation of that determination; and

21               (II) a statement of the actions that the redevel-  
22       opment authority must undertake in order to ad-  
23       dress that determination.

24       (I)(i) Upon receipt of a notice under subparagraph  
25       (H)(iv) of a determination that a redevelopment plan does

1 not meet a requirement set forth in subparagraph (H)(i),  
2 a redevelopment authority shall have the opportunity to—

3 (I) revise the plan in order to address the deter-  
4 mination; and

5 (II) submit the revised plan to the Secretary of  
6 Defense and the Secretary of Housing and Urban  
7 Development.

8 (ii) A redevelopment authority shall submit a revised  
9 plan under this subparagraph to such Secretaries, if at  
10 all, not later than 90 days after the date on which the  
11 redevelopment authority receives the notice referred to in  
12 clause (i).

13 (J)(i) Not later than 30 days after receiving a revised  
14 redevelopment plan under subparagraph (I), the Secretary  
15 of Housing and Urban Development shall review the re-  
16 vised plan and determine if the plan meets the require-  
17 ments set forth in subparagraph (H)(i).

18 (ii) The Secretary of Housing and Urban Develop-  
19 ment shall notify the Secretary of Defense and the redevel-  
20 opment authority concerned of the determination of the  
21 Secretary of Housing and Urban Development under this  
22 subparagraph.

23 (K)(i) Upon receipt of a notice under subparagraph  
24 (H)(iv) or (J)(ii) of the determination of the Secretary of  
25 Housing and Urban Development that a redevelopment

1 plan for an installation meets the requirements set forth  
2 in subparagraph (H)(i), the Secretary of Defense shall dis-  
3 pose of the buildings and property at the installation.

4 (ii) For purposes of carrying out an environmental  
5 assessment of the closure or realignment of an installa-  
6 tion, the Secretary of Defense shall treat the redevelop-  
7 ment plan for the installation (including the aspects of the  
8 plan providing for disposal to State or local governments,  
9 representatives of the homeless, and other interested par-  
10 ties) as part of the proposed Federal action for the instal-  
11 lation.

12 (iii) The Secretary of Defense shall dispose of build-  
13 ings and property under clause (i) in accordance with the  
14 record of decision or other decision document prepared by  
15 the Secretary in accordance with the National Environ-  
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In  
17 preparing the record of decision or other decision docu-  
18 ment, the Secretary shall give substantial deference to the  
19 redevelopment plan concerned.

20 (iv) The disposal under clause (i) of buildings and  
21 property to assist the homeless shall be without consider-  
22 ation.

23 (v) In the case of a request for a conveyance under  
24 clause (i) of buildings and property for public benefit  
25 under section 550 of title 40, United States Code, or sec-

1 tions 47151 through 47153 of title 49, United States  
2 Code, the sponsoring Federal agency shall use the eligi-  
3 bility criteria set forth in such section or subchapter II  
4 of chapter 471 of title 49, United States Code (as the case  
5 may be) to determine the eligibility of the applicant and  
6 use proposed in the request for the public benefit convey-  
7 ance. The determination of such eligibility should be made  
8 before submission of the redevelopment plan concerned  
9 under subparagraph (G).

10 (L)(i) If the Secretary of Housing and Urban Devel-  
11 opment determines under subparagraph (J) that a revised  
12 redevelopment plan for an installation does not meet the  
13 requirements set forth in subparagraph (H)(i), or if no  
14 revised plan is so submitted, that Secretary shall—

15 (I) review the original redevelopment plan sub-  
16 mitted to that Secretary under subparagraph (G),  
17 including the notice or notices of representatives of  
18 the homeless referred to in clause (ii)(II) of that  
19 subparagraph;

20 (II) consult with the representatives referred to  
21 in subclause (I), if any, for purposes of evaluating  
22 the continuing interest of such representatives in the  
23 use of buildings or property at the installation to as-  
24 sist the homeless;

1           (III) request that each such representative sub-  
2       mit to that Secretary the items described in clause  
3       (ii); and

4           (IV) based on the actions of that Secretary  
5       under subclauses (I) and (II), and on any informa-  
6       tion obtained by that Secretary as a result of such  
7       actions, indicate to the Secretary of Defense the  
8       buildings and property at the installation that meet  
9       the requirements set forth in subparagraph (H)(i).

10       (ii) The Secretary of Housing and Urban Develop-  
11      ment may request under clause (i)(III) that a representa-  
12      tive of the homeless submit to that Secretary the following:

13           (I) A description of the program of such rep-  
14      resentative to assist the homeless.

15           (II) A description of the manner in which the  
16      buildings and property that the representative pro-  
17      poses to use for such purpose will assist the home-  
18      less.

19           (III) Such information as that Secretary re-  
20      quires in order to determine the financial capacity of  
21      the representative to carry out the program and to  
22      ensure that the program will be carried out in com-  
23      pliance with Federal environmental law and Federal  
24      law against discrimination.



1           (IV) A certification that police services, fire  
2           protection services, and water and sewer services  
3           available in the communities in the vicinity of the in-  
4           stallation concerned are adequate for the program.

5           (iii) Not later than 90 days after the date of the re-  
6           ceipt of a revised plan for an installation under subpara-  
7           graph (J), the Secretary of Housing and Urban Develop-  
8           ment shall—

9           (I) notify the Secretary of Defense and the re-  
10          development authority concerned of the buildings  
11          and property at an installation under clause (i)(IV)  
12          that the Secretary of Housing and Urban Develop-  
13          ment determines are suitable for use to assist the  
14          homeless; and

15          (II) notify the Secretary of Defense of the ex-  
16          tent to which the revised plan meets the criteria set  
17          forth in subparagraph (H)(i).

18          (iv)(I) Upon notice from the Secretary of Housing  
19          and Urban Development with respect to an installation  
20          under clause (iii), the Secretary of Defense shall dispose  
21          of buildings and property at the installation in consulta-  
22          tion with the Secretary of Housing and Urban Develop-  
23          ment and the redevelopment authority concerned.

24          (II) For purposes of carrying out an environmental  
25          assessment of the closure or realignment of an installa-

1 tion, the Secretary of Defense shall treat the redevelop-  
2 ment plan submitted by the redevelopment authority for  
3 the installation (including the aspects of the plan pro-  
4 viding for disposal to State or local governments, rep-  
5 resentatives of the homeless, and other interested parties)  
6 as part of the proposed Federal action for the installation.  
7 The Secretary of Defense shall incorporate the notification  
8 of the Secretary of Housing and Urban Development  
9 under clause (iii)(I) as part of the proposed Federal action  
10 for the installation only to the extent, if any, that the Sec-  
11 retary of Defense considers such incorporation to be ap-  
12 propriate and consistent with the best and highest use of  
13 the installation as a whole, taking into consideration the  
14 redevelopment plan submitted by the redevelopment au-  
15 thority.

16 (III) The Secretary of Defense shall dispose of build-  
17 ings and property under subclause (I) in accordance with  
18 the record of decision or other decision document prepared  
19 by the Secretary in accordance with the National Environ-  
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In  
21 preparing the record of decision or other decision docu-  
22 ment, the Secretary shall give deference to the redevelop-  
23 ment plan submitted by the redevelopment authority for  
24 the installation.

1       (IV) The disposal under subclause (I) of buildings  
2 and property to assist the homeless shall be without con-  
3 sideration.

4       (V) In the case of a request for a conveyance under  
5 subclause (I) of buildings and property for public benefit  
6 under section 550 of title 40, United States Code, or sec-  
7 tions 47151 through 47153 of title 49, United States  
8 Code, the sponsoring Federal agency shall use the eligi-  
9 bility criteria set forth in such section or subchapter II  
10 of chapter 471 of title 49, United States Code (as the case  
11 may be) to determine the eligibility of the applicant and  
12 use proposed in the request for the public benefit convey-  
13 ance. The determination of such eligibility should be made  
14 before submission of the redevelopment plan concerned  
15 under subparagraph (G).

16       (M)(i) In the event of the disposal of buildings and  
17 property of an installation pursuant to subparagraph (K)  
18 or (L), the redevelopment authority for the installation  
19 shall be responsible for the implementation of and compli-  
20 ance with agreements under the redevelopment plan de-  
21 scribed in that subparagraph for the installation.

22       (ii) If a building or property reverts to a redevel-  
23 opment authority under such an agreement, the redevel-  
24 opment authority shall take appropriate actions to secure,  
25 to the maximum extent practicable, the utilization of the

1 building or property by other homeless representatives to  
2 assist the homeless. A redevelopment authority may not  
3 be required to utilize the building or property to assist  
4 the homeless.

5 (N) The Secretary of Defense may postpone or ex-  
6 tend any deadline provided for under this paragraph in  
7 the case of an installation covered by this paragraph for  
8 such period as the Secretary considers appropriate if the  
9 Secretary determines that such postponement is in the in-  
10 terests of the communities affected by the closure or re-  
11 alignment of the installation. The Secretary shall make  
12 such determinations in consultation with the redevel-  
13 opment authority concerned and, in the case of deadlines  
14 provided for under this paragraph with respect to the Sec-  
15 retary of Housing and Urban Development, in consulta-  
16 tion with the Secretary of Housing and Urban Develop-  
17 ment.

18 (O) For purposes of this paragraph, the term “com-  
19 munities in the vicinity of the installation”, in the case  
20 of an installation, means the communities that constitute  
21 the political jurisdictions (other than the State in which  
22 the installation is located) that comprise the redevel-  
23 opment authority for the installation.

24 (P) For purposes of this paragraph, the term “other  
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the  
2 installation under section 550 of title 40, United States  
3 Code, or sections 47151 through 47153 of title 49, United  
4 States Code, whether or not the parties assist the home-  
5 less.

6       (7)(A) Subject to subparagraph (C), the Secretary  
7 may enter into agreements (including contracts, coopera-  
8 tive agreements, or other arrangements for reimburse-  
9 ment) with local governments for the provision of police  
10 or security services, fire protection services, airfield oper-  
11 ation services, or other community services by such gov-  
12 ernments at military installations to be closed under this  
13 title, or at facilities not yet transferred or otherwise dis-  
14 posed of in the case of installations closed under this title,  
15 if the Secretary determines that the provision of such serv-  
16 ices under such agreements is in the best interests of the  
17 Department of Defense.

18       (B) The Secretary may exercise the authority pro-  
19 vided under this paragraph without regard to the provi-  
20 sions of chapter 146 of title 10, United States Code.

21       (C) The Secretary may not exercise the authority  
22 under subparagraph (A) with respect to an installation  
23 earlier than 180 days before the date on which the instal-  
24 lation is to be closed.

1       (D) The Secretary shall include in a contract for serv-  
2 ices entered into with a local government under this para-  
3 graph a clause that requires the use of professionals to  
4 furnish the services to the extent that professionals are  
5 available in the area under the jurisdiction of such govern-  
6 ment.

7       (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
8 POLICY ACT OF 1969.—(1) The provisions of the National  
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
10 seq.) shall not apply to the actions of the President, the  
11 Commission, and, except as provided in paragraph (2), the  
12 Department of Defense in carrying out this title.

13       (2)(A) The provisions of the National Environmental  
14 Policy Act of 1969 shall apply to actions of the Depart-  
15 ment of Defense under this title (i) during the process of  
16 property disposal, and (ii) during the process of relocating  
17 functions from a military installation being closed or re-  
18 aligned to another military installation after the receiving  
19 installation has been selected but before the functions are  
20 relocated.

21       (B) In applying the provisions of the National Envi-  
22 ronmental Policy Act of 1969 to the processes referred  
23 to in subparagraph (A), the Secretary of Defense and the  
24 Secretary of the military departments concerned shall not  
25 have to consider—

1 (i) the need for closing or realigning the mili-  
2 tary installation which has been recommended for  
3 closure or realignment by the Commission;

4 (ii) the need for transferring functions to any  
5 military installation which has been selected as the  
6 receiving installation; or

7 (iii) military installations alternative to those  
8 recommended or selected.

9 (3) A civil action for judicial review, with respect to  
10 any requirement of the National Environmental Policy Act  
11 of 1969 to the extent such Act is applicable under para-  
12 graph (2), of any act or failure to act by the Department  
13 of Defense during the closing, realigning, or relocating of  
14 functions referred to in clauses (i) and (ii) of paragraph  
15 (2)(A), may not be brought more than 60 days after the  
16 date of such act or failure to act.

17 (d) WAIVER.—The Secretary of Defense may close or  
18 realign military installations under this title without re-  
19 gard to—

20 (1) any provision of law restricting the use of  
21 funds for closing or realigning military installations  
22 included in any appropriations or authorization Act;  
23 and

24 (2) sections 2662 and 2687 of title 10, United  
25 States Code.

1       (e) TRANSFER AUTHORITY IN CONNECTION WITH  
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3   (1)(A) Subject to paragraph (2) of this subsection and sec-  
4 tion 120(h) of the Comprehensive Environmental Re-  
5 sponse, Compensation, and Liability Act of 1980 (42  
6 U.S.C. 9620(h)), the Secretary may enter into an agree-  
7 ment to transfer by deed real property or facilities referred  
8 to in subparagraph (B) with any person who agrees to  
9 perform all environmental restoration, waste management,  
10 and environmental compliance activities that are required  
11 for the property or facilities under Federal and State laws,  
12 administrative decisions, agreements (including schedules  
13 and milestones), and concurrences.

14       (B) The real property and facilities referred to in  
15 subparagraph (A) are the real property and facilities lo-  
16 cated at an installation closed or to be closed, or realigned  
17 or to be realigned, under this title that are available exclu-  
18 sively for the use, or expression of an interest in a use,  
19 of a redevelopment authority under subsection (b)(6)(F)  
20 during the period provided for that use, or expression of  
21 interest in use, under that subsection. The real property  
22 and facilities referred to in subparagraph (A) are also the  
23 real property and facilities located at an installation ap-  
24 proved for closure or realignment under this title after



1 2001 that are available for purposes other than to assist  
2 the homeless.

3 (C) The Secretary may require any additional terms  
4 and conditions in connection with an agreement author-  
5 ized by subparagraph (A) as the Secretary considers ap-  
6 propriate to protect the interests of the United States.

7 (2) A transfer of real property or facilities may be  
8 made under paragraph (1) only if the Secretary certifies  
9 to Congress that—

10 (A) the costs of all environmental restoration,  
11 waste management, and environmental compliance  
12 activities otherwise to be paid by the Secretary with  
13 respect to the property or facilities are equal to or  
14 greater than the fair market value of the property  
15 or facilities to be transferred, as determined by the  
16 Secretary; or

17 (B) if such costs are lower than the fair market  
18 value of the property or facilities, the recipient of  
19 the property or facilities agrees to pay the difference  
20 between the fair market value and such costs.

21 (3) In the case of property or facilities covered by  
22 a certification under paragraph (2)(A), the Secretary may  
23 pay the recipient of such property or facilities an amount  
24 equal to the lesser of—

1           (A) the amount by which the costs incurred by  
2           the recipient of such property or facilities for all en-  
3           vironmental restoration, waste, management, and  
4           environmental compliance activities with respect to  
5           such property or facilities exceed the fair market  
6           value of such property or facilities as specified in  
7           such certification; or

8           (B) the amount by which the costs (as deter-  
9           mined by the Secretary) that would otherwise have  
10          been incurred by the Secretary for such restoration,  
11          management, and activities with respect to such  
12          property or facilities exceed the fair market value of  
13          such property or facilities as so specified.

14          (4) As part of an agreement under paragraph (1),  
15          the Secretary shall disclose to the person to whom the  
16          property or facilities will be transferred any information  
17          of the Secretary regarding the environmental restoration,  
18          waste management, and environmental compliance activi-  
19          ties described in paragraph (1) that relate to the property  
20          or facilities. The Secretary shall provide such information  
21          before entering into the agreement.

22          (5) Nothing in this subsection shall be construed to  
23          modify, alter, or amend the Comprehensive Environmental  
24          Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42  
2 U.S.C. 6901 et seq.).

3 (6) Section 330 of the National Defense Authoriza-  
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 10  
5 U.S.C. 2687 note) shall not apply to any transfer under  
6 this subsection to persons or entities described in sub-  
7 section (a)(2) of such section 330, except in the case of  
8 releases or threatened releases not disclosed pursuant to  
9 paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**  
11 **COUNT 2012.**

12 (a) IN GENERAL.—(1) If the Secretary makes the  
13 certifications required under section 2903(b), there shall  
14 be established on the books of the Treasury an account  
15 to be known as the “Department of Defense Base Closure  
16 Account 2012” (in this section referred to as the “Ac-  
17 count”). The Account shall be administered by the Sec-  
18 retary as a single account.

19 (2) There shall be deposited into the Account—

20 (A) funds authorized for and appropriated to  
21 the Account;

22 (B) any funds that the Secretary may, subject  
23 to approval in an appropriation Act, transfer to the  
24 Account from funds appropriated to the Department  
25 of Defense for any purpose, except that such funds

1        may be transferred only after the date on which the  
2        Secretary transmits written notice of, and justifica-  
3        tion for, such transfer to the congressional defense  
4        committees; and

5            (C) except as provided in subsection (d), pro-  
6        ceeds received from the lease, transfer, or disposal of  
7        any property at a military installation that is closed  
8        or realigned under this title.

9        (3) The Account shall be closed at the time and in  
10      the manner provided for appropriation accounts under sec-  
11      tion 1555 of title 31, United States Code. Unobligated  
12      funds which remain in the Account upon closure shall be  
13      held by the Secretary of the Treasury until transferred  
14      by law after the congressional defense committees receive  
15      the final report transmitted under subsection (c)(2).

16        (b) USE OF FUNDS.—(1) The Secretary may use the  
17      funds in the Account only for the purposes described in  
18      section 2905 with respect to military installations ap-  
19      proved for closure or realignment under this title.

20        (2) When a decision is made to use funds in the Ac-  
21      count to carry out a construction project under section  
22      2905(a) and the cost of the project will exceed the max-  
23      imum amount authorized by law for a minor military con-  
24      struction project, the Secretary shall notify in writing the  
25      congressional defense committees of the nature of, and

1 justification for, the project and the amount of expendi-  
2 tures for such project. Any such construction project may  
3 be carried out without regard to section 2802(a) of title  
4 10, United States Code.

5 (c) REPORTS.—(1)(A) No later than 60 days after  
6 the end of each fiscal year in which the Secretary carries  
7 out activities under this title using amounts in the Ac-  
8 count, the Secretary shall transmit a report to the con-  
9 gressional defense committees of—

10 (i) the amount and nature of the deposits into,  
11 and the expenditures from, the Account during such  
12 fiscal year;

13 (ii) the amount and nature of other expendi-  
14 tures made pursuant to section 2905(a) during such  
15 fiscal year;

16 (iii) the amount and nature of anticipated de-  
17 posits to be made into, and the anticipated expendi-  
18 tures to be made from, the Account during the first  
19 fiscal year commencing after the submission of the  
20 report; and

21 (iv) the amount and nature of anticipated ex-  
22 penditures to be made pursuant to section 2905(a)  
23 during the first fiscal year commencing after the  
24 submission of the report.

1 (B) The report for a fiscal year shall include the fol-  
2 lowing:

3 (i) The obligations and expenditures from the  
4 Account during the fiscal year, identified by sub-  
5 account and installation, for each military depart-  
6 ment and Defense Agency.

7 (ii) The fiscal year in which appropriations for  
8 such expenditures were made and the fiscal year in  
9 which funds were obligated for such expenditures.

10 (iii) Each military construction project for  
11 which such obligations and expenditures were made,  
12 identified by installation and project title.

13 (iv) A description and explanation of the extent,  
14 if any, to which expenditures for military construc-  
15 tion projects for the fiscal year differed from pro-  
16 posals for projects and funding levels that were in-  
17 cluded in the justification transmitted to Congress  
18 under section 2907(1), or otherwise, for the funding  
19 proposals for the Account for such fiscal year, in-  
20 cluding an explanation of—

21 (I) any failure to carry out military con-  
22 struction projects that were so proposed; and

23 (II) any expenditures for military construc-  
24 tion projects that were not so proposed.

1           (v) An estimate of the net revenues to be re-  
2           ceived from property disposals to be completed dur-  
3           ing the first fiscal year commencing after the sub-  
4           mission of the report at military installations ap-  
5           proved for closure or realignment under this title.

6           (2) No later than 60 days after the closure of the  
7           Account under subsection (a)(3), the Secretary shall  
8           transmit to the congressional defense committees a report  
9           containing an accounting of—

10           (A) all the funds deposited into and expended  
11           from the Account or otherwise expended under this  
12           title with respect to such installations; and

13           (B) any amount remaining in the Account.

14           (d) DISPOSAL OR TRANSFER OF COMMISSARY  
15           STORES AND PROPERTY PURCHASED WITH NON-  
16           APPROPRIATED FUNDS.—(1) If any real property or facil-  
17           ity acquired, constructed, or improved (in whole or in part)  
18           with commissary store funds or nonappropriated funds is  
19           transferred or disposed of in connection with the closure  
20           or realignment of a military installation under this title,  
21           a portion of the proceeds of the transfer or other disposal  
22           of property on that installation shall be deposited in the  
23           reserve account established under section 204(b)(7)(C) of  
24           the Defense Authorization Amendments and Base Closure  
25           and Realignment Act (10 U.S.C. 2687 note).

1       (2) The amount so deposited shall be equal to the  
2 depreciated value of the investment made with such funds  
3 in the acquisition, construction, or improvement of that  
4 particular real property or facility. The depreciated value  
5 of the investment shall be computed in accordance with  
6 regulations prescribed by the Secretary.

7       (3) The Secretary may use amounts in the reserve  
8 account, without further appropriation, for the purpose of  
9 acquiring, constructing, and improving—

10           (A) commissary stores; and

11           (B) real property and facilities for non-  
12 appropriated fund instrumentalities.

13       (4) As used in this subsection:

14           (A) The term “commissary store funds” means  
15 funds received from the adjustment of, or surcharge  
16 on, selling prices at commissary stores fixed under  
17 section 2685 of title 10, United States Code.

18           (B) The term “nonappropriated funds” means  
19 funds received from a nonappropriated fund instru-  
20 mentality.

21           (C) The term “nonappropriated fund instru-  
22 mentality” means an instrumentality of the United  
23 States under the jurisdiction of the Armed Forces  
24 (including the Army and Air Force Exchange Serv-  
25 ice, the Navy Resale and Services Support Office,



1       and the Marine Corps exchanges) which is conducted  
2       for the comfort, pleasure, contentment, or physical  
3       or mental improvement of members of the Armed  
4       Forces.

5       (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
6 ENVIRONMENTAL RESTORATION PROJECTS.—Except for  
7 funds deposited into the Account under subsection (a),  
8 funds appropriated to the Department of Defense may not  
9 be used for purposes described in section 2905(a)(1)(C).  
10 The prohibition in this subsection shall expire upon the  
11 closure of the Account under subsection (a)(3).

12       (f) AUTHORIZED COST AND SCOPE OF WORK VARI-  
13 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost  
14 authorized for a military construction project or military  
15 family housing project to be carried out using funds in  
16 the Account may not be increased or reduced by more than  
17 20 percent or \$2,000,000, whichever is less, of the amount  
18 specified for the project in the conference report to accom-  
19 pany the Military Construction Authorization Act author-  
20 izing the project. The scope of work for such a project  
21 may not be reduced by more than 25 percent from the  
22 scope specified in the most recent budget documents for  
23 the projects listed in such conference report.

24       (2) Paragraph (1) shall not apply to a military con-  
25 struction project or military family housing project to be

1 carried out using funds in the Account with an estimated  
2 cost of less than \$5,000,000, unless the project has not  
3 been previously identified in any budget submission for the  
4 Account and exceeds the applicable minor construction  
5 threshold under section 2805 of title 10, United States  
6 Code.

7 (3) The limitation on cost or scope variation in para-  
8 graph (1) shall not apply if the Secretary of Defense  
9 makes a determination that an increase or reduction in  
10 cost or a reduction in the scope of work for a military  
11 construction project or military family housing project to  
12 be carried out using funds in the Account needs to be  
13 made for the sole purpose of meeting unusual variations  
14 in cost or scope. If the Secretary makes such a determina-  
15 tion, the Secretary shall notify the congressional defense  
16 committees of the variation in cost or scope not later than  
17 21 days before the date on which the variation is made  
18 in connection with the project or, if the notification is pro-  
19 vided in an electronic medium pursuant to section 480 of  
20 title 10, United States Code, not later than 14 days before  
21 the date on which the variation is made. The Secretary  
22 shall include the reasons for the variation in the notifica-  
23 tion.

1 **SEC. 2907. REPORTS.**

2 (a) REPORTING REQUIREMENT.—As part of the  
3 budget request for fiscal year 2015 and for each fiscal  
4 year thereafter through fiscal year 2026 for the Depart-  
5 ment of Defense, the Secretary shall transmit to the con-  
6 gressional defense committees—

7 (1) a schedule of the closure actions to be car-  
8 ried out under this title in the fiscal year for which  
9 the request is made and an estimate of the total ex-  
10 penditures required and cost savings to be achieved  
11 by each such closure and of the time period in which  
12 these savings are to be achieved in each case, to-  
13 gether with the Secretary's assessment of the envi-  
14 ronmental effects of such actions;

15 (2) a description of the military installations,  
16 including those under construction and those  
17 planned for construction, to which functions are to  
18 be transferred as a result of such closures, together  
19 with the Secretary's assessment of the environmental  
20 effects of such transfers;

21 (3) a description of the closure actions already  
22 carried out at each military installation since the  
23 date of the installation's approval for closure under  
24 this title and the current status of the closure of the  
25 installation, including whether—

1 (A) a redevelopment authority has been  
2 recognized by the Secretary for the installation;

3 (B) the screening of property at the instal-  
4 lation for other Federal use has been com-  
5 pleted; and

6 (C) a redevelopment plan has been agreed  
7 to by the redevelopment authority for the in-  
8 stallation;

9 (4) a description of redevelopment plans for  
10 military installations approved for closure under this  
11 title, the quantity of property remaining to be dis-  
12 posed of at each installation as part of its closure,  
13 and the quantity of property already disposed of at  
14 each installation;

15 (5) a list of the Federal agencies that have re-  
16 quested property during the screening process for  
17 each military installation approved for closure under  
18 this title, including the date of transfer or antici-  
19 pated transfer of the property to such agencies, the  
20 acreage involved in such transfers, and an expla-  
21 nation for any delays in such transfers;

22 (6) a list of known environmental remediation  
23 issues at each military installation approved for clo-  
24 sure under this title, including the acreage affected  
25 by these issues, an estimate of the cost to complete

1       such environmental remediation, and the plans (and  
2       timelines) to address such environmental remedi-  
3       ation; and

4               (7) an estimate of the date for the completion  
5       of all closure actions at each military installation ap-  
6       proved for closure or realignment under this title.

7   **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMIS-**  
8                               **SION REPORT.**

9       (a) **TERMS OF THE RESOLUTION.**—For purposes of  
10   section 2904(b), the term “joint resolution” means only  
11   a joint resolution which is introduced within the 10-day  
12   period beginning on the date on which the President trans-  
13   mits the report to the Congress under section 2903(j),  
14   and—

15               (1) which does not have a preamble;

16               (2) the matter after the resolving clause of  
17   which is as follows: “That Congress disapproves the  
18   recommendations of the Defense Base Closure and  
19   Realignment Commission as submitted by the Presi-  
20   dent on                               ”, the blank space being  
21   filled in with the appropriate date; and

22               (3) the title of which is as follows: “Joint reso-  
23   lution disapproving the recommendations of the De-  
24   fense Base Closure and Realignment Commission.”.

1       (b) REFERRAL.—A resolution described in subsection  
2 (a) that is introduced in the House of Representatives  
3 shall be referred to the Committee on Armed Services of  
4 the House of Representatives. A resolution described in  
5 subsection (a) introduced in the Senate shall be referred  
6 to the Committee on Armed Services of the Senate.

7       (c) DISCHARGE.—If the committee to which a resolu-  
8 tion described in subsection (a) is referred has not re-  
9 ported such a resolution (or an identical resolution) by the  
10 end of the 20-day period beginning on the date on which  
11 the President transmits the report to the Congress under  
12 section 2903(j), such committee shall be, at the end of  
13 such period, discharged from further consideration of such  
14 resolution, and such resolution shall be placed on the ap-  
15 propriate calendar of the House involved.

16       (d) CONSIDERATION.—(1) On or after the third day  
17 after the date on which the committee to which such a  
18 resolution is referred has reported, or has been discharged  
19 (under subsection (c)) from further consideration of, such  
20 a resolution, it is in order (even though a previous motion  
21 to the same effect has been disagreed to) for any Member  
22 of the respective House to move to proceed to the consider-  
23 ation of the resolution. A member may make the motion  
24 only on the day after the calendar day on which the Mem-  
25 ber announces to the House concerned the Member's in-

1   tention to make the motion, except that, in the case of  
2   the House of Representatives, the motion may be made  
3   without such prior announcement if the motion is made  
4   by direction of the committee to which the resolution was  
5   referred. All points of order against the resolution (and  
6   against consideration of the resolution) are waived. The  
7   motion is highly privileged in the House of Representatives  
8   and is privileged in the Senate and is not debatable. The  
9   motion is not subject to amendment, or to a motion to  
10  postpone, or to a motion to proceed to the consideration  
11  of other business. A motion to reconsider the vote by  
12  which the motion is agreed to or disagreed to shall not  
13  be in order. If a motion to proceed to the consideration  
14  of the resolution is agreed to, the respective House shall  
15  immediately proceed to consideration of the joint resolu-  
16  tion without intervening motion, order, or other business,  
17  and the resolution shall remain the unfinished business of  
18  the respective House until disposed of.

19       (2) Debate on the resolution, and on all debatable  
20  motions and appeals in connection therewith, shall be lim-  
21  ited to not more than 2 hours, which shall be divided  
22  equally between those favoring and those opposing the res-  
23  olution. An amendment to the resolution is not in order.  
24  A motion further to limit debate is in order and not debat-  
25  able. A motion to postpone, or a motion to proceed to the

1 consideration of other business, or a motion to recommit  
2 the resolution is not in order. A motion to reconsider the  
3 vote by which the resolution is agreed to or disagreed to  
4 is not in order.

5 (3) Immediately following the conclusion of the de-  
6 bate on a resolution described in subsection (a) and a sin-  
7 gle quorum call at the conclusion of the debate if re-  
8 quested in accordance with the rules of the appropriate  
9 House, the vote on final passage of the resolution shall  
10 occur.

11 (4) Appeals from the decisions of the Chair relating  
12 to the application of the rules of the Senate or the House  
13 of Representatives, as the case may be, to the procedure  
14 relating to a resolution described in subsection (a) shall  
15 be decided without debate.

16 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-  
17 fore the passage by one House of a resolution of that  
18 House described in subsection (a), that House receives  
19 from the other House a resolution described in subsection  
20 (a), then the following procedures shall apply:

21 (A) The resolution of the other House shall not  
22 be referred to a committee and may not be consid-  
23 ered in the House receiving it except in the case of  
24 final passage as provided in subparagraph (B)(ii).



1           (B) With respect to a resolution described in  
2           subsection (a) of the House receiving the resolu-  
3           tion—

4                   (i) the procedure in that House shall be  
5           the same as if no resolution had been received  
6           from the other House; but

7                   (ii) the vote on final passage shall be on  
8           the resolution of the other House.

9           (2) Upon disposition of the resolution received from  
10          the other House, it shall no longer be in order to consider  
11          the resolution that originated in the receiving House.

12          (f) RULES OF THE SENATE AND HOUSE.—This sec-  
13          tion is enacted by Congress—

14                   (1) as an exercise of the rulemaking power of  
15          the Senate and House of Representatives, respec-  
16          tively, and as such it is deemed a part of the rules  
17          of each House, respectively, but applicable only with  
18          respect to the procedure to be followed in that  
19          House in the case of a resolution described in sub-  
20          section (a), and it supersedes other rules only to the  
21          extent that it is inconsistent with such rules; and

22                   (2) with full recognition of the constitutional  
23          right of either House to change the rules (so far as  
24          relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in  
2 the case of any other rule of that House.

3 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-**  
4 **THORITY.**

5 (a) IN GENERAL.—Except as provided in subsection  
6 (c), during the period beginning on the date of the enact-  
7 ment of this Act, and ending on April 15, 2016, this title  
8 shall be the exclusive authority for selecting for closure  
9 or realignment, or for carrying out any closure or realign-  
10 ment of, a military installation inside the United States.

11 (b) RESTRICTION.—Except as provided in subsection  
12 (c), none of the funds available to the Department of De-  
13 fense may be used, other than under this title, during the  
14 period specified in subsection (a)—

15 (1) to identify, through any transmittal to the  
16 Congress or through any other public announcement  
17 or notification, any military installation inside the  
18 United States as an installation to be closed or re-  
19 aligned or as an installation under consideration for  
20 closure or realignment; or

21 (2) to carry out any closure or realignment of  
22 a military installation inside the United States.

23 (c) EXCEPTION.—Nothing in this title affects the au-  
24 thority of the Secretary to carry out closures and realign-  
25 ments to which section 2687 of title 10, United States

1 Code, is not applicable, including closures and realign-  
2 ments carried out for reasons of national security or a  
3 military emergency referred to in subsection (c) of such  
4 section.

5 **SEC. 2910. DEFINITIONS.**

6 As used in this title:

7 (1) The term “Account” means the Department  
8 of Defense Base Closure Account established by sec-  
9 tion 2906(a)(1).

10 (2) The term “congressional defense commit-  
11 tees” means the Committee on Armed Services and  
12 the Committee on Appropriations of the Senate and  
13 the Committee on Armed Services and the Com-  
14 mittee on Appropriations of the House of Represent-  
15 atives.

16 (3) The term “Commission” means the Com-  
17 mission established by section 2902.

18 (4) The term “military installation” means a  
19 base, camp, post, station, yard, center, homeport fa-  
20 cility for any ship, or other activity under the juris-  
21 diction of the Department of Defense, including any  
22 leased facility. Such term does not include any facil-  
23 ity used primarily for civil works, rivers and harbors  
24 projects, flood control, or other projects not under

1 the primary jurisdiction or control of the Depart-  
2 ment of Defense.

3 (5) The term “realignment” includes any action  
4 which both reduces and relocates functions and civil-  
5 ian personnel positions but does not include a reduc-  
6 tion in force resulting from workload adjustments,  
7 reduced personnel or funding levels, or skill imbal-  
8 ances.

9 (6) The term “Secretary” means the Secretary  
10 of Defense.

11 (7) The term “United States” means the 50  
12 States, the District of Columbia, the Commonwealth  
13 of Puerto Rico, Guam, the Virgin Islands, American  
14 Samoa, and any other commonwealth, territory, or  
15 possession of the United States.

16 (8) The term “date of approval”, with respect  
17 to a closure or realignment of an installation, means  
18 the date on which the authority of Congress to dis-  
19 approve a recommendation of closure or realign-  
20 ment, as the case may be, of such installation under  
21 this title expires.

22 (9) The term “redevelopment authority”, in the  
23 case of an installation to be closed or realigned  
24 under this title, means any entity (including an enti-  
25 ty established by a State or local government) recog-

1 nized by the Secretary of Defense as the entity re-  
 2 sponsible for developing the redevelopment plan with  
 3 respect to the installation or for directing the imple-  
 4 mentation of such plan.

5 (10) The term “redevelopment plan” in the  
 6 case of an installation to be closed or realigned  
 7 under this title, means a plan that—

8 (A) is agreed to by the local redevelopment  
 9 authority with respect to the installation; and

10 (B) provides for the reuse or redevelop-  
 11 ment of the real property and personal property  
 12 of the installation that is available for such  
 13 reuse and redevelopment as a result of the clo-  
 14 sure or realignment of the installation.

15 (11) The term “representative of the homeless”  
 16 has the meaning given such term in section  
 17 501(i)(4) of the Stewart B. McKinney Homeless As-  
 18 sistance Act (42 U.S.C. 11411(i)(4)).

19 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**  
 20 **POSES OF OTHER PROVISIONS OF LAW.**

21 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE  
 22 10.—Section 101(a)(17) of title 10, United States Code,  
 23 is amended by adding at the end the following new sub-  
 24 paragraph:

1           “(D) The Defense Base Closure and Realign-  
2           ment Act of 2012.”.

3           (b) DEFINITION OF “BASE CLOSURE LAW” IN  
4           OTHER LAWS.—

5           (1) Section 131(b) of Public Law 107–249 (10  
6           U.S.C. 221 note) is amended by striking “means”  
7           and all that follows and inserting “has the meaning  
8           given the term ‘base closure law’ in section  
9           101(a)(17) of title 10, United States Code.”.

10          (2) Section 1334(k)(1) of the National Defense  
11          Authorization Act for Fiscal Year 1994 (Public Law  
12          103–160; 10 U.S.C. 2701 note) is amended by add-  
13          ing at the end the following new subparagraph:

14                 “(C) The Defense Base Closure and Re-  
15                 alignment Act of 2012.”.

16          (3) Section 2918(a)(1) of the National Defense  
17          Authorization Act for Fiscal Year 1994 (Public Law  
18          103–160; 10 U.S.C. 2687 note) is amended by add-  
19          ing at the end the following new subparagraph:

20                 “(C) The Defense Base Closure and Re-  
21                 alignment Act of 2012.”.

22         **SEC. 2912. CONFORMING AMENDMENTS.**

23          (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-  
24          tion 2667(e) of title 10, United States Code, is amended—

1           (1) in paragraph (5), by striking “on or after  
2       January 1, 2005,” and inserting “from January 1,  
3       2005 through December 31, 2005,”; and

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

6       “(6) Money rentals received by the United States  
7       from a lease under subsection (g) at a military installation  
8       approved for closure or realignment under a base closure  
9       law on or after January 1, 2006, shall be deposited into  
10      the account established under section 2906 of the Defense  
11      Base Closure and Realignment Act of 2012.”.

12       (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY  
13      FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,  
14      United States Code, is amended by striking “section 2687  
15      of title 10, section 201 of the Defense Authorization  
16      Amendments and Base Closure and Realignment Act (10  
17      U.S.C. 2687 note), or section 2905 of the Defense Base  
18      Closure and Realignment Act of 1990 (10 U.S.C. 2687  
19      note)” and inserting “a base closure law, as that term is  
20      defined in section 101(a)(17) of title 10,”.

21       (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of  
22      title 5, United States Code, is amended by striking “the  
23      Defense Base Closure and Realignment Act of 1990 (part  
24      A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

- 1 note)” and inserting “a base closure law, as that term is
- 2 defined in section 101(a)(17) of title 10,”.

