

Union Calendar No. 335

112TH CONGRESS
2^D SESSION

H. R. 4310

[Report No. 112-479]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Mr. MCKEON (for himself and Mr. SMITH of Washington) (both by request):
introduced the following bill; which was referred to the Committee on
Armed Services

MAY 11, 2012

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 29, 2012]

A BILL

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, 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”.*

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

8 *(a) DIVISIONS.—This Act is organized into four divi-*
 9 *sions as follows:*

10 *(1) Division A—Department of Defense Author-*
 11 *izations.*

12 *(2) Division B—Military Construction Author-*
 13 *izations.*

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

16 *(4) Division D—Funding Tables.*

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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Sec. 112. Reports on airlift requirements of the Army.

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Sec. 122. Extension of Ford-class aircraft carrier construction authority.
Sec. 123. Extension of multiyear procurement authority for F/A-18E, F/A-18F, and EA-18G aircraft.
Sec. 124. Multiyear procurement authority for V-22 joint aircraft program.
Sec. 125. Multiyear procurement authority for Arleigh Burke-class destroyers and associated systems.
Sec. 126. Multiyear procurement authority for Virginia-class submarine program.
Sec. 127. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.
Sec. 128. Report on Littoral Combat Ship designs.
Sec. 129. Comptroller General reviews of Littoral Combat Ship program.
Sec. 130. Sense of Congress on importance of engineering in early stages of ship-building.
Sec. 131. Sense of Congress on Marine Corps Amphibious Lift and Presence Requirements.

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- Sec. 141. Retirement of B-1 bomber aircraft.*
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Sec. 143. Limitation on availability of funds for divestment or retirement of C-27J aircraft.
Sec. 144. Limitation on availability of funds for termination of C-130 avionics modernization program.
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Sec. 216. Vertical lift platform technology demonstrations.

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- Sec. 222. Development of advanced kill vehicle.*
- Sec. 223. Missile defense site on the East Coast.*
- Sec. 224. Ground-based midcourse defense system.*
- Sec. 225. Ground-based midcourse defense interceptor test.*
- Sec. 226. Deployment of SM-3 IIB interceptors on land and sea.*
- Sec. 227. Iron Dome short-range rocket defense program.*
- Sec. 228. Sea-based X-band radar.*
- Sec. 229. Prohibition on the use of funds for the MEADS program.*
- Sec. 230. Limitation on availability of funds for phased, adaptive approach to missile defense in Europe.*
- Sec. 231. Limitation on availability of funds for the precision tracking space system.*
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- Sec. 233. Plan to increase rate of flight tests of ground-based midcourse defense system.*
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- Sec. 1301. Specification of cooperative threat reduction programs and funds.*
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TITLE XIV—OTHER AUTHORIZATIONS

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

- Sec. 1411. Authorized uses of National Defense Stockpile funds.*
Sec. 1412. Additional security of strategic materials supply chains.

Subtitle C—Other Matters

- Sec. 1421. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.*
Sec. 1422. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
Sec. 1423. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

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

Subtitle B—Financial Matters

- Sec. 1521. Treatment as additional authorizations.*
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- Sec. 1531. Joint Improvised Explosive Device Defeat Fund.*

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TITLE XVI—INDUSTRIAL BASE MATTERS

Subtitle A—Defense Industrial Base Matters

Sec. 1601. Disestablishment of Defense Materiel Readiness Board.

Sec. 1602. Assessment of effects of foreign boycotts.

Sec. 1603. Advancing Innovation Pilot Program.

Sec. 1604. National security strategy for national technology and industrial base.

Subtitle B—Department of Defense Activities Related to Small Business Matters

Sec. 1611. Pilot program to assist in the growth and development of advanced small business concerns.

Sec. 1612. Role of the Directors of Small Business Programs in requirements development and acquisition decision processes of the Department of Defense.

Sec. 1613. Small Business Advocate for defense audit agencies.

Sec. 1614. Independent assessment of Federal procurement contracting performance of the Department of Defense.

Sec. 1615. Assessment of small business programs transition.

Sec. 1616. Additional responsibilities of Inspector General of the Department of Defense.

Sec. 1617. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

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Sec. 1622. Small Business Act contracting requirements training.

Sec. 1623. Acquisition planning.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

Sec. 1631. Goals for procurement contracts awarded to small business concerns.

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Sec. 1633. Senior executives.

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- 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.*
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- Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.*
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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.
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TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.*
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 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. Modification of authority to carry out certain fiscal year 2012 projects.
Sec. 2405. Extension of authorization of certain fiscal year 2010 project.

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.

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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 projects.*
- Sec. 2612. Modification of authority to carry out certain fiscal year 2011 projects.*
- Sec. 2613. Extension of authorization of certain fiscal year 2009 project.*
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*TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**Subtitle A—Authorization of Appropriations*

- 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.*

Subtitle B—Other Matters

- Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.*
- Sec. 2712. Air Armament Center, Eglin Air Force Base.*
- Sec. 2713. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.*

*TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**Subtitle A—Military Construction Program and Military Family Housing Changes*

- Sec. 2801. Preparation of military installation master plans.*
- Sec. 2802. Sustainment oversight and accountability for military housing privatization projects and related annual reporting requirements.*
- Sec. 2803. One-year extension of authority to use operation and maintenance funds for construction projects outside the United States.*
- Sec. 2804. Treatment of certain defense nuclear facility construction projects as military construction projects.*
- Sec. 2805. Execution of Chemistry and Metallurgy Research Building Replacement nuclear facility and limitation on alternative plutonium strategy.*

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Authority of military museums to accept gifts and services and to enter into leases and cooperative agreements.*
- Sec. 2812. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.*
- Sec. 2813. Indemnification of transferees of property at any closed military installation.*
- Sec. 2814. Identification requirement for entry on military installations.*
- Sec. 2815. Plan to protect critical Department of Defense critical assets from electromagnetic pulse weapons.*

Subtitle C—Energy Security

- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.*
- Sec. 2822. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification and expansion to include implementation of ASHRAE building standard 189.1.*
- Sec. 2823. Availability and use of Department of Defense energy cost savings to promote energy security.*

Subtitle D—Provisions Related to Guam Realignment

- Sec. 2831. Use of operation and maintenance funding to support community adjustments related to realignment of military installations and relocation of military personnel on Guam.*
- Sec. 2832. Certification of military readiness need for firing range on Guam as condition on establishment of range.*
- Sec. 2833. Repeal of conditions on use of funds for Guam realignment.*

Subtitle E—Land Conveyances

- Sec. 2841. Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.*
- Sec. 2842. Modification of financing authority, Broadway Complex of the Department of the Navy, San Diego, California.*
- Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.*
- Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.*
- Sec. 2845. Modification of land conveyance, Fort Hood, Texas.*
- Sec. 2846. Transfer of administrative jurisdiction, Fort Lee Military Reservation and Petersburg National Battlefield, Virginia.*

Subtitle F—Other Matters

- Sec. 2861. Inclusion of religious symbols as part of military memorials.*
- Sec. 2862. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.*
- Sec. 2863. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.*
- Sec. 2864. Gold Star Mothers National Monument, Arlington National Cemetery.*
- Sec. 2865. Naming of training and support complex, Fort Bragg, North Carolina.*
- Sec. 2866. Naming of electrochemistry engineering facility, Naval Support Activity Crane, Crane, Indiana.*
- Sec. 2867. Retention of core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts.*
- Sec. 2868. Retention of core functions of the Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio.*

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

- Sec. 2901. Authorized Navy construction and land acquisition projects.*

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

*TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS*

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.*
- Sec. 3102. Defense environmental cleanup.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Energy security and assurance.*

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Authorized personnel levels of the Office of the Administrator.*
- Sec. 3112. Budget justification materials.*
- Sec. 3113. Contractor governance, oversight, and accountability.*
- Sec. 3114. National Nuclear Security Administration Council.*
- Sec. 3115. Safety, health, and security of the National Nuclear Security Administration.*
- Sec. 3116. Design and use of prototypes of nuclear weapons.*
- Sec. 3117. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.*
- Sec. 3118. Cost-benefit analyses for competition of management and operating contracts.*
- Sec. 3119. Limitation on availability of funds for Inertial Confinement Fusion Ignition and High Yield Campaign.*
- Sec. 3120. Limitation on availability of funds for Global Security through Science Partnerships Program.*
- Sec. 3121. Limitation on availability of funds for Center of Excellence on Nuclear Security.*
- Sec. 3122. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.*

Subtitle C—Improvements to National Security Energy Laws

- Sec. 3131. Improvements to the Atomic Energy Defense Act.*
- Sec. 3132. Improvements to the National Nuclear Security Administration Act.*
- Sec. 3133. Clarification of the role of the Administrator for Nuclear Security.*
- Sec. 3134. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.*
- Sec. 3135. Repeal of certain reporting requirements.*

Subtitle D—Reports

- Sec. 3141. Notification of nuclear criticality and non-nuclear incidents.*
- Sec. 3142. Reports on lifetime extension programs.*
- Sec. 3143. National Academy of Sciences study on peer review and design competition related to nuclear weapons.*
- Sec. 3144. Report on defense nuclear nonproliferation programs.*
- Sec. 3145. Study on reuse of plutonium pits.*

Subtitle E—Other Matters

- Sec. 3151. Use of probabilistic risk assessment to ensure nuclear safety.*

- Sec. 3152. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.*
- Sec. 3153. Classification of certain restricted data.*
- Sec. 3154. Independent cost assessments for life extension programs, new nuclear facilities, and other matters.*
- Sec. 3155. Assessment of nuclear weapon pit production requirement.*
- Sec. 3156. Intellectual property related to uranium enrichment.*
- Sec. 3157. Sense of Congress on competition and fees related to the management and operating contracts of the nuclear security enterprise.*

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*
- Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.*

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.*

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.*
- Sec. 3502. Application of the Federal acquisition regulation.*
- Sec. 3503. Procurement of ship disposal.*
- Sec. 3504. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.*
- Sec. 3505. Donation of excess fuel to maritime academies.*
- Sec. 3506. Clarification of heading.*
- Sec. 3507. Transfer of vessels to the National Defense Reserve Fleet.*
- Sec. 3508. Amendments relating to the National Defense Reserve Fleet.*
- Sec. 3509. Extension of Maritime Security Fleet program.*

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.*

TITLE XLI—PROCUREMENT

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

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

TITLE XLIII—OPERATION AND MAINTENANCE

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

TITLE XLIV—MILITARY PERSONNEL

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

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. *Other authorizations.*

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

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. *Military construction.*

Sec. 4602. *Military construction for overseas contingency operations.*

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. *Department of Energy national security programs.*

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 *In this Act, the term “congressional defense commit-*
 3 *tees” has the meaning given that term in section 101(a)(16)*
 4 *of title 10, United States Code.*

5 ***DIVISION A—DEPARTMENT OF***
 6 ***DEFENSE AUTHORIZATIONS***
 7 ***TITLE I—PROCUREMENT***
 8 ***Subtitle A—Authorization of***
 9 ***Appropriations***

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

11 *Funds are hereby authorized to be appropriated for fis-*
 12 *cal year 2013 for procurement for the Army, the Navy and*
 13 *the Marine Corps, the Air Force, and Defense-wide activi-*
 14 *ties, as specified in the funding table in section 4101.*

15 ***Subtitle B—Army Programs***

16 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
 17 ***ARMY CH-47 HELICOPTERS.***

18 *(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In*
 19 *accordance with section 2306b of title 10, United States*

1 *Code, the Secretary of the Army may enter into a multiyear*
2 *contract, beginning with the fiscal year 2013 program year,*
3 *for the procurement of airframes for CH-47F helicopters.*

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

10 **SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE**
11 **ARMY.**

12 (a) *REPORTS.—Not later than October 31, 2012, and*
13 *each year thereafter through 2017, the Secretary of the*
14 *Army shall submit to the congressional defense committees*
15 *a report on the time-sensitive or mission-critical airlift re-*
16 *quirements of the Army.*

17 (b) *MATTERS INCLUDED.—The reports under sub-*
18 *section (a) shall include, with respect to the fiscal year be-*
19 *fore the fiscal year in which the report is submitted, the*
20 *following information:*

21 (1) *The total number of time-sensitive or mis-*
22 *sion-critical airlift movements required for training,*
23 *steady-state, and contingency operations.*

1 (2) *The total number of time-sensitive or mis-*
2 *sion-critical airlift sorties executed for training,*
3 *steady-state, and contingency operations.*

4 (3) *Of the total number of sorties listed under*
5 *paragraph (2), the number of such sorties that were*
6 *operated using each of—*

7 (A) *aircraft of the Army;*

8 (B) *aircraft of the Air Force; and*

9 (C) *aircraft of contractors.*

10 (4) *For each sortie described under subpara-*
11 *graph (A) or (C) of paragraph (3), an explanation for*
12 *why the Secretary did not use aircraft of the Air*
13 *Force to support the mission.*

14 ***Subtitle C—Navy Programs***

15 ***SEC. 121. RETIREMENT OF NUCLEAR-POWERED BALLISTIC*** 16 ***SUBMARINES.***

17 *Section 5062 of title 10, United States Code, is amend-*
18 *ed by adding at the end the following new subsection:*

19 “(e)(1) *Beginning October 1, 2012, the Secretary of the*
20 *Navy may not retire or decommission a nuclear-powered*
21 *ballistic missile submarine if such retirement or decommis-*
22 *sioning would result in the active or commissioned fleet of*
23 *such submarines consisting of less than 12 submarines.*

24 “(2) *The limitation in paragraph (1) shall not apply*
25 *to a nuclear-powered ballistic submarine that has been con-*

1 *verted to carry exclusively non-nuclear payloads as of Octo-*
2 *ber 1, 2012.”.*

3 **SEC. 122. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER**
4 **CONSTRUCTION AUTHORITY.**

5 *Section 121(a) of the John Warner National Defense*
6 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
7 *364; 120 Stat. 2104), as amended by section 124 of the Na-*
8 *tional Defense Authorization Act for Fiscal Year 2012 (Pub-*
9 *lic Law 112–81; 125 Stat. 1320), is amended by striking*
10 *“four fiscal years” and inserting “five fiscal years”.*

11 **SEC. 123. EXTENSION OF MULTIYEAR PROCUREMENT AU-**
12 **THORITY FOR F/A–18E, F/A–18F, AND EA–18G**
13 **AIRCRAFT.**

14 *Section 128 of the National Defense Authorization Act*
15 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217),*
16 *as amended by Public Law 111–238 (124 Stat. 2500), is*
17 *amended by adding at the end the following new subsection:*

18 *“(f) EXTENSION OF MULTIYEAR AUTHORITY.—Not-*
19 *withstanding section 2306b of title 10, United States Code,*
20 *the Secretary of the Navy may modify a multiyear contract*
21 *entered into under subsection (a) to add a fifth production*
22 *year to such contract.”.*

1 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22**
2 **JOINT AIRCRAFT PROGRAM.**

3 (a) *AUTHORITY FOR MULTIYEAR PROCUREMENT.*—In
4 *accordance with section 2306b of title 10, United States*
5 *Code, the Secretary of the Navy may enter into a multiyear*
6 *contract, beginning with the fiscal year 2013 program year,*
7 *for the procurement of V-22 aircraft for the Department*
8 *of the Navy, the Department of the Air Force, and the*
9 *United States Special Operations Command.*

10 (b) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
11 *MENTS.*—A contract entered into under subsection (a) shall
12 *provide that any obligation of the United States to make*
13 *a payment under the contract for a fiscal year after fiscal*
14 *year 2013 is subject to the availability of appropriations*
15 *for that purpose for such later fiscal year.*

16 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**
17 **ARLEIGH BURKE-CLASS DESTROYERS AND AS-**
18 **SOCIATED SYSTEMS.**

19 (a) *AUTHORITY FOR MULTIYEAR PROCUREMENT.*—In
20 *accordance with section 2306b of title 10, United States*
21 *Code, the Secretary of the Navy may enter into a multiyear*
22 *contract, beginning with the fiscal year 2013 program year,*
23 *for the procurement of not more than 10 Arleigh Burke-*
24 *class guided missile destroyers, including the Aegis weapon*
25 *systems, MK 41 vertical launching systems, and commercial*
26 *broadband satellite systems associated with such vessels.*

1 **(b) AUTHORITY FOR ADVANCE PROCUREMENT.**—*The*
2 *Secretary of the Navy may enter into a contract, beginning*
3 *in fiscal year 2013, for advance procurement associated*
4 *with the vessels and systems for which authorization to*
5 *enter into a multiyear procurement contract is provided*
6 *under subsection (a).*

7 **(c) CONDITION FOR OUT-YEAR CONTRACT PAY-**
8 **MENTS.**—*A contract entered into under subsection (a) shall*
9 *provide that any obligation of the United States to make*
10 *a payment under the contract for a fiscal year after fiscal*
11 *year 2013 is subject to the availability of appropriations*
12 *or funds for that purpose for such later fiscal year.*

13 **SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
14 **GINIA-CLASS SUBMARINE PROGRAM.**

15 **(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.**—

16 **(1) IN GENERAL.**—*In accordance with section*
17 *2306b of title 10, United States Code, the Secretary*
18 *of the Navy may enter into a multiyear contract, be-*
19 *ginning with the fiscal year 2014 program year, for*
20 *the procurement of not more than 10 Virginia-class*
21 *submarines and Government-furnished equipment as-*
22 *sociated with the Virginia-class submarine program.*

23 **(2) USE OF INCREMENTAL FUNDING.**—*The Sec-*
24 *retary may use incremental funding with respect to*
25 *a contract entered into under paragraph (1).*

1 (b) *AUTHORITY FOR ADVANCE PROCUREMENT.*—The
2 *Secretary of the Navy may enter into a contract, beginning*
3 *in fiscal year 2013, for advance procurement associated*
4 *with the vessels and systems for which authorization to*
5 *enter into a multiyear procurement contract is provided*
6 *under subsection (a)(1).*

7 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
8 *MENTS.*—A contract entered into under subsection (a)(1)
9 shall provide that any obligation of the United States to
10 make a payment under the contract for a fiscal year after
11 fiscal year 2014 is subject to the availability of appropria-
12 tions or funds for that purpose for such later fiscal year.

13 **SEC. 127. REFUELING AND COMPLEX OVERHAUL OF THE**
14 **U.S.S. ABRAHAM LINCOLN.**

15 (a) *REFUELING AND COMPLEX OVERHAUL.*—Of the
16 funds authorized to be appropriated or otherwise made
17 available for fiscal year 2013 for shipbuilding and conver-
18 sion, Navy, not more than \$1,613,392,000 may be obligated
19 or expended for the commencement of the nuclear refueling
20 and complex overhaul of the U.S.S. Abraham Lincoln
21 (CVN-72) during such fiscal year. Such amount shall be
22 the first increment in the two-year sequence of incremental
23 funding planned for such nuclear refueling and complex
24 overhaul.

1 (b) *CONTRACT AUTHORITY.*—*The Secretary of the*
2 *Navy may enter into a contract during fiscal year 2013*
3 *for the nuclear refueling and complex overhaul of the U.S.S.*
4 *Abraham Lincoln.*

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

11 **SEC. 128. REPORT ON LITTORAL COMBAT SHIP DESIGNS.**

12 *Not later than December 31, 2013, the Secretary of the*
13 *Navy shall submit to the congressional defense committees*
14 *a report on the designs of the Littoral Combat Ship, includ-*
15 *ing comparative cost and performance information for both*
16 *designs of such ship.*

17 **SEC. 129. COMPTROLLER GENERAL REVIEWS OF LITTORAL**
18 **COMBAT SHIP PROGRAM.**

19 (a) *ACCEPTANCE OF LCS.*—

20 (1) *IN GENERAL.*—*The Comptroller General of*
21 *the United States shall conduct a review of the com-*
22 *pliance of the Secretary of the Navy with part 246 of*
23 *title 48 of the Code of Federal Regulations and sub-*
24 *part 46.5 of the Federal Acquisition Regulation in ac-*
25 *cepting the LCS.*

1 (2) *MATTERS INCLUDED.*—*The review under*
2 *paragraph (1) shall include a discussion of the knowl-*
3 *edge of, and determinations by, the LCS program of-*
4 *fice and contractors with respect to the following:*

5 (A) *Potential for cracks in the LCS hull*
6 *and deckhouse and any corresponding potential*
7 *design risks.*

8 (B) *Chargeable equipment failures.*

9 (C) *Potential for engine failures or break-*
10 *downs.*

11 (D) *Meeting key performance parameters,*
12 *including speed.*

13 (E) *Review of the quality of seals and*
14 *welds.*

15 (F) *Review of water jet corrosion.*

16 (G) *Completeness of records to support ac-*
17 *ceptance of the LCS.*

18 (H) *How the LCS risk and problems com-*
19 *pare to lead ships in comparable programs.*

20 (I) *Security of the ship and systems, includ-*
21 *ing any known lapses.*

22 (J) *Manning analysis, including how it*
23 *would affect key performance parameters.*

24 (K) *Strategies for balancing cost, schedule,*
25 *and performance trade-offs as required by section*

1 *201 of the Weapon Systems Acquisition Reform*
2 *Act of 2009 (Public Law 111–23; 123 Stat.*
3 *1719).*

4 *(b) OPERATIONAL SUPPORT.—Not later than 180 days*
5 *after the date of the enactment of this Act, the Comptroller*
6 *General shall submit to the congressional defense committees*
7 *a report on the operational support and sustainment strat-*
8 *egy for the Littoral Combat Ship program, including mod-*
9 *ernization and logistics support.*

10 *(c) COOPERATION.—For purposes of conducting the re-*
11 *view under subsection (a)(1) and (b), the Secretary of De-*
12 *fense shall ensure that the Comptroller General has access*
13 *to—*

14 *(1) all relevant records of the Department; and*
15 *(2) all relevant communications between Depart-*
16 *ment officials, whether such communications occurred*
17 *inside or outside the Federal Government.*

18 **SEC. 130. SENSE OF CONGRESS ON IMPORTANCE OF ENGI-**
19 **NEERING IN EARLY STAGES OF SHIP-**
20 **BUILDING.**

21 *It is the sense of Congress that—*

22 *(1) placing a priority on engineering dollars in*
23 *the early stages of shipbuilding programs is a vital*
24 *component of keeping cost down; and*

1 (2) *therefore, the Secretary of the Navy should*
2 *take appropriate steps to prioritize early engineering*
3 *in large ship construction including amphibious class*
4 *ships beginning with the LHA-8.*

5 **SEC. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIB-**
6 **IOUS LIFT AND PRESENCE REQUIREMENTS.**

7 (a) *IN GENERAL.—It is the sense of Congress that—*

8 (1) *the United States Marine Corps is a combat*
9 *force which leverages maneuver from the sea as a force*
10 *multiplier allowing for a variety of operational tasks*
11 *ranging from major combat operations to humani-*
12 *tarian assistance;*

13 (2) *the United States Marine Corps is unique in*
14 *that, while embarked upon Naval vessels, they bring*
15 *all the logistic support necessary for the full range of*
16 *military operations, operating “from the sea” they re-*
17 *quire no third party host nation permission to con-*
18 *duct military operations;*

19 (3) *the Department of the Navy has a require-*
20 *ment for 38 amphibious assault ships to meet this full*
21 *range of military operations;*

22 (4) *for budgetary reasons only that requirement*
23 *of 38 vessels was reduced to 33 vessels, which adds*
24 *military risk to future operations;*

1 (5) *the Department of the Navy has been unable*
2 *to meet even the minimal requirement of 33 oper-*
3 *ationally available vessels and has submitted a ship-*
4 *building and ship retirement plan to the Congress*
5 *which will reduce the force to 28 vessels; and*

6 (6) *experience has shown that early engineering*
7 *and design of naval vessels has significantly reduced*
8 *the acquisition costs and life-cycle costs of those ves-*
9 *sels.*

10 (b) *NEXT GENERATION OF AMPHIBIOUS SHIPS.—In*
11 *light of subsection (a), it is the sense of Congress that—*

12 (1) *the Navy should consider prioritization of in-*
13 *vestment in and procurement of the next generation*
14 *of amphibious assault ships;*

15 (2) *the next generation amphibious assault ships*
16 *should maintain survivability protection level II in*
17 *accordance with current Navy ship requirements;*

18 (3) *commonality in hull form design could be a*
19 *desirable element to reduce acquisition and life cycle*
20 *cost; and*

21 (4) *maintaining a robust amphibious ship-*
22 *building industrial base is vital for future national*
23 *security.*

1 ***Subtitle D—Air Force Programs***

2 ***SEC. 141. RETIREMENT OF B-1 BOMBER AIRCRAFT.***

3 (a) *IN GENERAL.*—Section 8062 of title 10, United
4 States Code, is amended by adding at the end the following
5 new subsection:

6 “(h)(1) *Beginning October 1, 2011, the Secretary of*
7 *the Air Force may not retire more than six B-1 aircraft.*

8 “(2) *The Secretary shall maintain in a common capa-*
9 *bility configuration not less than 36 B-1 aircraft as com-*
10 *bat-coded aircraft.*

11 “(3) *In this subsection, the term ‘combat-coded air-*
12 *craft’ means aircraft assigned to meet the primary aircraft*
13 *authorization to a unit for the performance of its wartime*
14 *mission.”.*

15 (b) *CONFORMING AMENDMENT.*—Section 132 of the
16 *National Defense Authorization Act for Fiscal Year 2012*
17 *(Public Law 112-81; 125 Stat. 1320) is amended by strik-*
18 *ing subsection (c).*

19 ***SEC. 142. MAINTENANCE OF STRATEGIC AIRLIFT AIRCRAFT.***

20 (a) *MODIFICATION TO LIMITATION ON RETIREMENT OF*
21 *C-5 AIRCRAFT.*—Section 137(d)(3)(B) of the *National De-*
22 *fense Authorization Act for Fiscal Year 2010 (Public Law*
23 *111-84; 123 Stat. 2222) is amended by striking “316” and*
24 *inserting “301”.*

25 (b) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than February 1,
2 2013, the Commander of the United States Transpor-
3 tation Command shall submit to the congressional de-
4 fense committees a report assessing the operational
5 risk of meeting the steady-state and warfighting re-
6 quirements of the commanders of the geographical
7 combatant commands with respect to the Secretary of
8 the Air Force maintaining an inventory of strategic
9 airlift aircraft of less than 301 aircraft.

10 (2) *MATTERS INCLUDED.*—The report under
11 paragraph (1) shall include a description and anal-
12 ysis of the assumptions made by the Commander with
13 respect to—

14 (A) aircraft usage rates;

15 (B) aircraft mission availability rates;

16 (C) aircraft mission capability rates;

17 (D) aircrew ratios;

18 (E) aircrew production;

19 (F) aircrew readiness rates; and

20 (G) any other assumption the Commander
21 uses to develop such report.

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

1 **SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DI-**
2 **VESTMENT OR RETIREMENT OF C-27J AIR-**
3 **CRAFT.**

4 (a) *IN GENERAL.*—After fiscal year 2013, none of the
5 funds authorized to be appropriated by this Act or otherwise
6 made available for fiscal year 2013 for the Air Force may
7 be used to divest, retire, or transfer, or prepare to divest,
8 retire, or transfer, a C-27J aircraft until a period of 180
9 days has elapsed following the date on which—

10 (1) the Director of the Congressional Budget Of-
11 fice submits to the congressional defense committees
12 the analysis conducted under subsection (b)(1); and

13 (2) the reports under subsections (d)(2) and
14 (e)(2) of section 112 of the National Defense Author-
15 ization Act for Fiscal Year 2012 (Public Law 112-
16 81; 125 Stat. 1318) are submitted to the congressional
17 defense committees.

18 (b) *LIFE-CYCLE COST ANALYSIS.*—

19 (1) *CBO.*—The Director of the Congressional
20 Budget Office shall submit to the congressional defense
21 committees a 40-year life-cycle cost analysis of C-27J
22 aircraft, C-130H aircraft, and C-130J aircraft.

23 (2) *MATTERS INCLUDED.*—The life-cycle cost
24 analysis conducted under paragraph (1) shall—

25 (A) take into account all upgrades and
26 modifications required to sustain the aircraft

1 *specified in paragraph (1) during a 40-year*
2 *service-life;*

3 *(B) assess the most cost-effective and mis-*
4 *sion-effective manner for which C-27J aircraft*
5 *could be affordably fielded by the Air National*
6 *Guard, including by determining—*

7 *(i) the number of basing locations re-*
8 *quired;*

9 *(ii) the number of authorized personnel*
10 *associated with a unit's manning document;*
11 *and*

12 *(iii) the maintenance and sustainment*
13 *strategy required; and*

14 *(C) outline any limiting factors regarding*
15 *the analysis of C-27J aircraft with respect to*
16 *cost assumptions used by the Director in such*
17 *analysis and the actual costs incurred for air-*
18 *craft fielded by the Air Force as of the date of*
19 *the analysis.*

20 *(3) COOPERATION.—The Secretary of Defense*
21 *shall provide the Director with any information, in-*
22 *cluding original source documentation, the Director*
23 *determines is required to promptly conduct the anal-*
24 *ysis under paragraph (1).*

1 **SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **TERMINATION OF C-130 AVIONICS MOD-**
3 **ERNIZATION PROGRAM.**

4 (a) *IN GENERAL.*—None of the funds authorized to be
5 appropriated by this Act or otherwise made available for
6 fiscal year 2013 for the Air Force may be used to terminate
7 the C-130 avionics modernization program until a period
8 of 180 days has elapsed after the date on which the Sec-
9 retary of the Air Force submits to the congressional defense
10 committees the cost-benefit analysis conducted under sub-
11 section (b)(1).

12 (b) *COST-BENEFIT ANALYSIS.*—

13 (1) *FFRDC.*—The Secretary shall seek to enter
14 into an agreement with the Institute for Defense
15 Analyses to conduct an independent cost-benefit anal-
16 ysis that compares the following alternatives:

17 (A) *Upgrading and modernizing the legacy*
18 *C-130 airlift fleet using the C-130 avionics*
19 *modernization program.*

20 (B) *Upgrading and modernizing the legacy*
21 *C-130 airlift fleet using a reduced scope program*
22 *for avionics and mission planning systems.*

23 (2) *MATTERS INCLUDED.*—The cost-benefit anal-
24 ysis conducted under paragraph (1) shall take into
25 account—

26 (A) *the effect of life-cycle costs for—*

- 1 (i) each of the alternatives described in
2 subparagraphs (A) and (B); and
3 (ii) C-130 aircraft that are not up-
4 graded or modernized; and
5 (B) the future costs associated with the po-
6 tential upgrades to avionics and mission systems
7 that may be required in the future for legacy C-
8 130 aircraft to remain relevant and mission ef-
9 fective.

10 **SEC. 145. REVIEW OF C-130 FORCE STRUCTURE.**

11 (a) *REVIEW.*—The Secretary of the Air Force shall
12 conduct a review of the C-130 force structure.

13 (b) *REPORT.*—Not later than the date on which the
14 budget of the President is submitted to Congress under sec-
15 tion 1105(a) of title 31, United States Code, for fiscal year
16 2014, the Secretary of the Air Force shall submit to the con-
17 gressional defense committees a report of the review under
18 subsection (a), including—

19 (1) how the Secretary will determine which C-
20 130 aircraft will be retired or relocated during fiscal
21 years 2014 through 2018;

22 (2) a description of the methodologies underlying
23 such determinations, including the factors and as-
24 sumptions that shaped the specific determinations;

1 (3) *the rationale for selecting C-130 aircraft to*
2 *be retired or relocated with respect to such aircraft of*
3 *the regular components and such aircraft of the re-*
4 *serve components; and*

5 (4) *details of the costs incurred, avoided, or*
6 *saved with respect to retiring or relocating C-130 air-*
7 *craft.*

8 (c) *COMPTROLLER GENERAL REVIEW.—Not later than*
9 *60 days after the date on which the report is submitted*
10 *under subsection (b), the Comptroller General of the United*
11 *States shall submit to the congressional defense committees*
12 *a review of such report, including the costs and benefits of*
13 *the planned retirements and relocations described in such*
14 *report.*

15 **SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR**
16 **EVOLVED EXPENDABLE LAUNCH VEHICLE**
17 **PROGRAM.**

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

20 (1) *assured access to space remains critical to*
21 *national security; and*

22 (2) *the plan by the Air Force to commit, begin-*
23 *ning in fiscal year 2013, to an annual production*
24 *rate of launch vehicle booster cores should maintain*

1 *mission assurance, stabilize the industrial base, re-*
2 *duce costs, and provide opportunities for competition.*

3 *(b) LIMITATION.—Of the funds authorized to be appro-*
4 *priated by this Act or otherwise made available for fiscal*
5 *year 2013 for the Air Force for the evolved expendable*
6 *launch vehicle program, 10 percent may not be obligated*
7 *or expended until the date on which the Secretary of the*
8 *Air Force submits to the appropriate congressional commit-*
9 *tees—*

10 *(1) a report describing the acquisition strategy*
11 *for such program; and*

12 *(2) written certification that such strategy—*

13 *(A) maintains assured access to space;*

14 *(B) achieves substantial cost savings; and*

15 *(C) provides opportunities for competition.*

16 *(c) MATTERS INCLUDED.—The report under subsection*
17 *(b)(1) shall include the following information:*

18 *(1) The anticipated savings to be realized under*
19 *the acquisition strategy for the evolved expendable*
20 *launch vehicle program.*

21 *(2) The number of launch vehicle booster cores*
22 *covered by the planned contract for such program.*

23 *(3) The number of years covered by such con-*
24 *tract.*

1 (4) *An assessment of when new entrants that*
2 *have submitted a statement of intent will be certified*
3 *to compete for evolved expendable launch vehicle-class*
4 *launches.*

5 (5) *The projected launch manifest, including pos-*
6 *sible opportunities for certified new entrants to com-*
7 *pete for evolved expendable launch vehicle-class*
8 *launches.*

9 (6) *Any other relevant analysis used to inform*
10 *the acquisition strategy for such program.*

11 (d) *COMPTROLLER GENERAL.—*

12 (1) *REVIEW.—The Comptroller General of the*
13 *United States shall review the report under subsection*
14 *(b)(1).*

15 (2) *SUBMITTAL.—Not later than 30 days after*
16 *the date on which the report under subsection (b)(1)*
17 *is submitted to the appropriate congressional commit-*
18 *tees, the Comptroller General shall—*

19 (A) *submit to such committees a report on*
20 *the review under paragraph (1); or*

21 (B) *provide to such committees a briefing*
22 *on such review.*

23 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
24 *FINED.—In this section, the term “appropriate congres-*
25 *sional committees” means the following:*

1 (1) *The congressional defense committees.*

2 (2) *The Permanent Select Committee on Intel-*
3 *ligence of the House of Representatives and the Select*
4 *Committee on Intelligence of the Senate.*

5 **SEC. 147. PROCUREMENT OF SPACE-BASED INFRARED SYS-**
6 **TEMS.**

7 (a) *CONTRACT AUTHORITY.—*

8 (1) *IN GENERAL.—The Secretary of the Air*
9 *Force may procure two space-based infrared systems*
10 *by entering into a fixed-price contract. Such procure-*
11 *ment may also include—*

12 (A) *material and equipment in economic*
13 *order quantities when cost savings are achiev-*
14 *able; and*

15 (B) *cost reduction initiatives.*

16 (2) *USE OF INCREMENTAL FUNDING.—With re-*
17 *spect to a contract entered into under paragraph (1)*
18 *for the procurement of space-based infrared systems,*
19 *the Secretary may use incremental funding for a pe-*
20 *riod not to exceed six fiscal years.*

21 (3) *LIABILITY.—A contract entered into under*
22 *paragraph (1) shall provide that any obligation of the*
23 *United States to make a payment under the contract*
24 *is subject to the availability of appropriations for*
25 *that purpose, and that the total liability to the Gov-*

1 *ernment for termination of any contract entered into*
2 *shall be limited to the total amount of funding obli-*
3 *gated at the time of termination.*

4 *(b) LIMITATION OF COSTS.—*

5 *(1) LIMITATION.—Except as provided by sub-*
6 *section (c), and excluding amounts described in para-*
7 *graph (2), the total amount obligated or expended for*
8 *the procurement of two space-based infrared systems*
9 *authorized by subsection (a) may not exceed*
10 *\$3,900,000,000.*

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

13 *(A) Plans.*

14 *(B) Technical data packages.*

15 *(C) Post-delivery and program support*
16 *costs.*

17 *(D) Technical support for obsolescence stud-*
18 *ies.*

19 *(c) WAIVER AND ADJUSTMENT TO LIMITATION*
20 *AMOUNT.—*

21 *(1) WAIVER.—In accordance with paragraph*
22 *(2), the Secretary may waive the limitation in sub-*
23 *section (b)(1) if the Secretary submits to the congres-*
24 *sional defense committees written notification of the*

1 *adjustment made to the amount set forth in such sub-*
2 *section.*

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

6 (A) *The amounts of increases or decreases*
7 *in costs attributable to economic inflation after*
8 *September 30, 2012.*

9 (B) *The amounts of increases or decreases*
10 *in costs attributable to compliance with changes*
11 *in Federal, State, or local laws enacted after*
12 *September 30, 2012.*

13 (C) *The amounts of increases or decreases*
14 *in costs of the satellites that are attributable to*
15 *insertion of new technology into a space-based*
16 *infrared system, as compared to the technology*
17 *built into such a system procured prior to fiscal*
18 *year 2013, if the Secretary determines, and cer-*
19 *tifies to the congressional defense committees,*
20 *that insertion of the new technology is—*

21 (i) *expected to decrease the life-cycle*
22 *cost of the system; or*

23 (ii) *required to meet an emerging*
24 *threat that poses grave harm to national se-*
25 *curity.*

1 (d) *REPORT.*—*Not later than 30 days after the date*
2 *on which the Secretary awards a contract under subsection*
3 *(a), the Secretary shall submit to the congressional defense*
4 *committees a report on such contract, including the fol-*
5 *lowing:*

6 (1) *The total cost savings resulting from the au-*
7 *thority provided by subsection (a).*

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

10 (3) *The total contract value.*

11 (4) *The funding profile by year.*

12 (5) *The terms of the contract regarding the treat-*
13 *ment of changes by the Federal Government to the re-*
14 *quirements of the contract, including how any such*
15 *changes may affect the success of the contract.*

16 (6) *A plan for using cost savings described in*
17 *paragraph (1) to improve the capability of overhead*
18 *persistent infrared, including a description of—*

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

21 (B) *the specific activities or subprograms to*
22 *be funded by such cost savings and the funds, by*
23 *year, allocated to each such activity or subpro-*
24 *gram;*

1 (C) the objectives for each such activity or
2 subprogram and the criteria used by the Sec-
3 retary to determine which such activity or sub-
4 program to fund;

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

8 (E) the process for determining how and
9 when such activities and subprograms would
10 transition to an existing program or be estab-
11 lished as a new program of record.

12 **Subtitle E—Joint and Multiservice**
13 **Matters**

14 **SEC. 151. REQUIREMENT TO SET F-35 AIRCRAFT INITIAL**
15 **OPERATIONAL CAPABILITY DATES.**

16 (a) *F-35A*.—Not later than December 31, 2012, the
17 Secretary of the Air Force shall—

18 (1) establish the initial operational capability
19 date for the *F-35A* aircraft; and

20 (2) submit to the congressional defense commit-
21 tees a report on the details of such initial operational
22 capability.

23 (b) *F-35B* AND *F-35C*.—Not later than December 31,
24 2012, the Secretary of the Navy shall—

1 (1) *establish the initial operational capability*
2 *dates for the F-35B and F-35C aircraft; and*

3 (2) *submit to the congressional defense commit-*
4 *tees a report on the details of such initial operational*
5 *capabilities for both variants.*

6 **SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
7 **TIREMENT OF RQ-4 GLOBAL HAWK UN-**
8 **MANNED AIRCRAFT SYSTEMS.**

9 (a) *LIMITATION.*—None of the funds authorized to be
10 *appropriated by this Act or otherwise made available for*
11 *fiscal year 2013 for the Department of Defense may be obli-*
12 *gated or expended to retire, prepare to retire, or place in*
13 *storage an RQ-4 Block 30 Global Hawk unmanned aircraft*
14 *system.*

15 (b) *MAINTAINED LEVELS.*—During the period pre-
16 *ceding December 31, 2014, in supporting the operational*
17 *requirements of the combatant commands, the Secretary of*
18 *the Air Force shall maintain the operational capability of*
19 *each RQ-4 Block 30 Global Hawk unmanned aircraft sys-*
20 *tem belonging to the Air Force or delivered to the Air Force*
21 *during such period.*

1 **SEC. 153. COMMON DATA LINK FOR MANNED AND UN-**
2 **MANNED INTELLIGENCE, SURVEILLANCE,**
3 **AND RECONNAISSANCE SYSTEMS.**

4 *Section 141 of the National Defense Authorization Act*
5 *for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
6 *3164), as amended by section 143 of the National Defense*
7 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
8 *84; 123 Stat. 2223), is amended by adding at the end the*
9 *following new subsection:*

10 *“(e) STANDARDS IN SOLICITATIONS.—The Secretary of*
11 *Defense shall ensure that a solicitation for a common data*
12 *link described in subsection (a)—*

13 *“(1) complies with the most recently issued com-*
14 *mon data link specification standard of the Depart-*
15 *ment of Defense as of the date of the solicitation; and*

16 *“(2) does not include any proprietary or un-*
17 *documented interface or waveform as a requirement*
18 *or criterion for evaluation.”.*

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

22 **Subtitle A—Authorization of**
23 **Appropriations**

24 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

25 *Funds are hereby authorized to be appropriated for fis-*
26 *cal year 2013 for the use of the Department of Defense for*

1 *research, development, test, and evaluation as specified in*
2 *the funding table in section 4201.*

3 ***Subtitle B—Program Requirements,***
4 ***Restrictions, and Limitations***

5 ***SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMBER***
6 ***AIRCRAFT NUCLEAR CERTIFICATION RE-***
7 ***QUIREMENT.***

8 *The Secretary of the Air Force shall ensure that the*
9 *next-generation long-range strike bomber is—*

10 *(1) capable of carrying strategic nuclear weap-*
11 *ons as of the date on which such aircraft achieves ini-*
12 *tial operating capability; and*

13 *(2) certified to use such weapons by not later*
14 *than two years after such date.*

15 ***SEC. 212. UNMANNED COMBAT AIR SYSTEM.***

16 *The Secretary of the Navy shall—*

17 *(1) conduct additional technology development*
18 *risk reduction activities using the unmanned combat*
19 *air system; and*

20 *(2) preserve a competitive acquisition environ-*
21 *ment for the Unmanned Carrier-launched Surveil-*
22 *lance and Strike system program.*

1 **SEC. 213. EXTENSION OF LIMITATION ON AVAILABILITY OF**
2 **FUNDS FOR UNMANNED CARRIER-LAUNCHED**
3 **SURVEILLANCE AND STRIKE SYSTEM PRO-**
4 **GRAM.**

5 (a) *EXTENSION OF LIMITATION.*—Subsection (a) of
6 section 213 of the National Defense Authorization Act for
7 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1330) is
8 amended by inserting “or fiscal year 2013” after “fiscal
9 year 2012”.

10 (b) *TECHNOLOGY DEVELOPMENT PHASE.*—Such sec-
11 tion is further amended by adding at the end the following
12 new subsection:

13 “(d) *TECHNOLOGY DEVELOPMENT AND CRITICAL DE-*
14 *SIGN PHASES.*—

15 “(1) *CONTRACTORS.*—The Secretary of the Navy
16 may not reduce the number of prime contractors
17 working on the Unmanned Carrier-launched Surveil-
18 lance and Strike system program to one prime con-
19 tractor for the technology development phase of such
20 program prior to the program achieving the critical
21 design review milestone.

22 “(2) *CRITICAL DESIGN REVIEW.*—The Unmanned
23 Carrier-launched Surveillance and Strike system pro-
24 gram may not achieve the critical design review mile-
25 stone until on or after October 1, 2016.”

1 (c) *TECHNICAL AMENDMENT.*—Such section is further
2 amended by striking “Future Unmanned Carrier-based
3 Strike System” each place it appears and inserting “Un-
4 manned Carrier-launched Surveillance and Strike system”.

5 **SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR FU-**
6 **TURE MANNED GROUND MOVING TARGET IN-**
7 **DICATOR CAPABILITY OF THE AIR FORCE.**

8 (a) *LIMITATION.*—None of the funds authorized to be
9 appropriated by this Act or otherwise made available for
10 fiscal year 2013 for research, development, test, and evalua-
11 tion, Air Force, may be obligated or expended for any activ-
12 ity, including pre-Milestone A activities, to initiate a new
13 start acquisition program to provide the Air Force with a
14 manned ground moving target indicator capability or
15 manned dismount moving target indicator capability until
16 a period of 90 days has elapsed following the date on which
17 the Secretary of the Air Force submits the report under sub-
18 section (b)(1).

19 (b) *REPORT.*—

20 (1) *IN GENERAL.*—The Secretary of the Air
21 Force shall submit to the congressional defense com-
22 mittees a report on the plan of the future manned
23 ground moving target and manned dismount moving
24 target indicator capabilities of the Air Force.

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

3 (A) *The plan to maintain onboard com-*
4 *mand and control capability that is equal to or*
5 *better than such capability provided by the E-*
6 *8C joint surveillance target attack radar pro-*
7 *gram.*

8 (B) *Each analysis of alternatives completed*
9 *during fiscal year 2012 regarding future manned*
10 *ground moving target indicator capability or*
11 *manned dismount moving target indicator capa-*
12 *bility.*

13 (C) *With respect to each new program ana-*
14 *lyzed in an analysis of alternatives described in*
15 *subparagraph (B)—*

16 (i) *the development, procurement, and*
17 *sustainment cost estimates for such pro-*
18 *gram; and*

19 (ii) *a description of how such program*
20 *will affect the potential growth of future*
21 *manned ground moving target indicator ca-*
22 *pability or manned dismount moving target*
23 *indicator capability.*

1 (D) A description of potential operational
2 and sustainment cost savings realized by the Air
3 Force using a platform that is—

4 (i) derived from commercial aircraft;

5 and

6 (ii) in operation by the Department of
7 Defense as of the date of the report.

8 (E) The plan by the Secretary of Defense to
9 retire or replace E-8C joint surveillance target
10 attack radar aircraft.

11 (F) Any other matter the Secretary con-
12 siders appropriate.

13 (c) *WAIVER.*—The Secretary may waive the limitation
14 in subsection (a) if the Secretary—

15 (1) determines that such waiver is required to
16 meet an urgent operational need or other emergency
17 contingency requirement directly related to ongoing
18 combat operations; and

19 (2) notifies the congressional defense committees
20 of such determination.

21 **SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR**
22 **MILESTONE A ACTIVITIES FOR THE MQ-18 UN-**
23 **MANNED AIRCRAFT SYSTEM.**

24 (a) *LIMITATION.*—None of the funds authorized to be
25 appropriated by this Act or otherwise made available for

1 *fiscal year 2013 for research, development, test, and evalua-*
2 *tion, Army, may be obligated or expended for Milestone A*
3 *activities with respect to the MQ-18 medium-range multi-*
4 *purpose vertical take-off and landing unmanned aircraft*
5 *system until—*

6 *(1) the Chairman of the Joint Requirements*
7 *Oversight Council certifies in writing to the appro-*
8 *priate congressional committees that—*

9 *(A) such system is required to meet a capa-*
10 *bility in the manned and unmanned medium-al-*
11 *titude intelligence, surveillance, and reconnais-*
12 *sance force structure of the Department of De-*
13 *fense; and*

14 *(B) an existing unmanned aircraft system*
15 *cannot meet such capability or be modified to*
16 *meet such capability; and*

17 *(2) a period of 30 days has elapsed following the*
18 *date on which the Chairman submits the certification*
19 *under paragraph (1).*

20 *(b) DEFINITIONS.—In this section:*

21 *(1) The term “appropriate congressional com-*
22 *mittees” means—*

23 *(A) the Committee on Armed Services, the*
24 *Committee on Appropriations, and the Perma-*

1 *ment Select Committee on Intelligence of the*
2 *House of Representatives; and*

3 *(B) the Committee on Armed Services, the*
4 *Committee on Appropriations, and the Select*
5 *Committee on Intelligence of the Senate.*

6 (2) *The term “Milestone A activities” means,*
7 *with respect to an acquisition program of the Depart-*
8 *ment of Defense—*

9 *(A) the distribution of request for proposals;*

10 *(B) the selection of technology demonstra-*
11 *tion contractors; and*

12 *(C) technology development.*

13 **SEC. 216. VERTICAL LIFT PLATFORM TECHNOLOGY DEM-**
14 **ONSTRATIONS.**

15 (a) *IN GENERAL.—Of the funds authorized to be ap-*
16 *propriated by this Act or otherwise made available for fiscal*
17 *year 2013 for joint capability technology demonstrations,*
18 *the Under Secretary of Defense for Acquisition, Technology,*
19 *and Logistics may obligate or expend not more than*
20 *\$5,000,000 to carry out a program to develop and flight-*
21 *demonstrate vertical lift platform technologies that address*
22 *the capability gaps described in the Future Vertical Lift*
23 *Strategic Plan of the Department of Defense submitted to*
24 *Congress in August 2010.*

1 (b) *GOALS AND OBJECTIVES.*—*The Under Secretary*
2 *shall ensure that the program under subsection (a) has the*
3 *following goals and objectives:*

4 (1) *To develop innovative vertical lift platform*
5 *technologies that address capability gaps in speed,*
6 *range, ceiling, survivability, reliability, and afford-*
7 *ability applicable to both current and future rotor-*
8 *craft of the Department of Defense.*

9 (2) *To flight-demonstrate such vertical lift tech-*
10 *nologies no later than 2016.*

11 (3) *To accelerate the development and transition*
12 *of innovative vertical lift technologies by promoting*
13 *the formation of competitive teams of small business*
14 *working in collaboration with large contractors and*
15 *academia.*

16 ***Subtitle C—Missile Defense***
17 ***Programs***

18 ***SEC. 221. PROCUREMENT OF AN/TPY-2 RADARS.***

19 (a) *PROCUREMENT.*—*The Secretary of Defense shall*
20 *procure two AN/TPY-2 radars.*

21 (b) *REPORT.*—*The Secretary of Defense shall submit*
22 *to the congressional defense committees a report on the fea-*
23 *sibility of developing an AN/TPY-2 radar on a rotational*
24 *table to allow the radar to quickly change directions.*

1 **SEC. 222. DEVELOPMENT OF ADVANCED KILL VEHICLE.**

2 *Not later than 180 days after the date of the enactment*
3 *of this Act, the Director of the Missile Defense Agency shall*
4 *submit to the congressional defense committees a report that*
5 *includes—*

6 *(1) a plan to provide that the new advanced kill*
7 *vehicle on the standard missile–3 block IIB inter-*
8 *ceptor shall have the capability of being used for the*
9 *ground-based midcourse defense program; and*

10 *(2) a description of the technology of and concept*
11 *behind applying the former multiple kill vehicle con-*
12 *cept to the new vehicle described in paragraph (1).*

13 **SEC. 223. MISSILE DEFENSE SITE ON THE EAST COAST.**

14 *(a) OPERATIONAL SITE.—The Secretary of Defense*
15 *shall ensure that a covered missile defense site on the East*
16 *Coast of the United States is operational by not later than*
17 *December 31, 2015.*

18 *(b) CONSIDERATION OF LOCATION.—*

19 *(1) STUDY.—Not later than December 31, 2013,*
20 *the Secretary of Defense shall conduct a study evalu-*
21 *ating three possible locations selected by the Director*
22 *of the Missile Defense Agency for a covered missile de-*
23 *fense site on the East Coast of the United States.*

24 *(2) EIS.—The Secretary shall prepare an envi-*
25 *ronmental impact statement in accordance with the*
26 *National Environmental Policy Act of 1969 (42*

1 *U.S.C. 4321 et seq.) for each location evaluated under*
2 *paragraph (1).*

3 (3) *LOCATION.—In selecting the three possible lo-*
4 *cations for a covered missile defense site under para-*
5 *graph (1), the Secretary should—*

6 (A) *take into consideration—*

7 (i) *the strategic location of the pro-*
8 *posed site; and*

9 (ii) *the proximity of the proposed site*
10 *to major population centers; and*

11 (B) *give priority to a proposed site that—*

12 (i) *is operated or supported by the De-*
13 *partment of Defense;*

14 (ii) *lacks encroachment issues; and*

15 (iii) *has a controlled airspace.*

16 (c) *PLAN.—*

17 (1) *IN GENERAL.—The Director of the Missile*
18 *Defense Agency shall develop a plan to deploy an ap-*
19 *propriate missile defense interceptor for a missile de-*
20 *fense site on the East Coast.*

21 (2) *MATTERS INCLUDED.—In developing the*
22 *plan under paragraph (1), the Director shall evaluate*
23 *the use of—*

24 (A) *two- or three-stage ground-based inter-*
25 *ceptors; and*

1 (B) standard missile–3 interceptors, includ-
2 ing block IA, block IB, and for a later deploy-
3 ment, block IIA or block IIB interceptors.

4 (3) *SUBMISSION.*—The Director shall submit to
5 the President the plan under paragraph (1) for inclu-
6 sion with the budget materials submitted to Congress
7 under section 1105(a) of title 31, United States Code,
8 for fiscal year 2014.

9 (4) *FUNDING.*—Of the funds authorized to be ap-
10 propriated by this Act or otherwise made available for
11 fiscal year 2013 for the Missile Defense Agency,
12 \$100,000,000 may be obligated or expended to carry
13 out the plan developed under paragraph (1) after a
14 period of 30 days has elapsed following the date on
15 which the congressional defense committees receive the
16 plan pursuant to paragraph (3).

17 (d) *COVERED MISSILE DEFENSE SITE.*—In this sec-
18 tion, the term “covered missile defense site” means a missile
19 defense site that uses—

20 (1) ground-based interceptors; or

21 (2) standard missile–3 interceptors.

22 **SEC. 224. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.**

23 (a) *GMD SYSTEM.*—Of the funds authorized to be ap-
24 propriated by this Act or otherwise made available for fiscal
25 year 2013 for the Department of Defense, not less than

1 \$1,261,000,000 shall be made available for the ground-based
2 midcourse defense system, as specified in the funding table
3 in section 4201.

4 (b) *CERTAIN PROGRAMS OF THE GMD SYSTEM.*—

5 (1) *EKV.*—The Secretary of Defense shall com-
6 plete the refurbishment of the CE1 exoatmospheric kill
7 vehicle-equipped ground-based interceptors.

8 (2) *MF-1.*—Of the funds authorized to be appro-
9 priated by this Act or otherwise made available for
10 fiscal year 2013 for the ground-based midcourse de-
11 fense system, not less than \$205,000,000 shall be obli-
12 gated or expended to upgrade Missile Field 1 at Fort
13 Greely, Alaska.

14 **SEC. 225. GROUND-BASED MIDCOURSE DEFENSE INTER-**
15 **CEPTOR TEST.**

16 Not later than December 31, 2013, the Secretary of De-
17 fense shall conduct an intercontinental ballistic missile test
18 of the ground-based midcourse defense program using a
19 ground-based interceptor equipped with a CE1
20 exoatmospheric kill vehicle.

21 **SEC. 226. DEPLOYMENT OF SM-3 IIB INTERCEPTORS ON**
22 **LAND AND SEA.**

23 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
24 that standard missile-3 block IIB interceptors should be
25 deployable in both land-based and sea-based modes by the

1 *date on which such interceptors achieve initial operating*
2 *capability.*

3 (b) *LAND AND SEA MODES.*—*The Secretary of Defense*
4 *shall ensure that standard missile–3 block IIB interceptors*
5 *are deployable using both land-based and sea-based systems*
6 *by the date on which such interceptors achieve initial oper-*
7 *ating capability.*

8 (c) *REPORT.*—

9 (1) *FORCE STRUCTURE.*—*Not later than 180*
10 *days after the date of the enactment of this Act, the*
11 *Secretary shall submit to the congressional defense*
12 *committees a report on how the deployment of stand-*
13 *ard missile–3 block IIB interceptors affects the force*
14 *structure of the Navy.*

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

17 (A) *The implications for the force structure*
18 *of the Navy if standard missile–3 block IIB*
19 *interceptors cannot fit in the standard vertical*
20 *launching system configuration for the Aegis bal-*
21 *listic missile defense system, including the impli-*
22 *cations regarding—*

23 (i) *ship deployments;*

24 (ii) *cost; and*

25 (iii) *ability to respond to raids.*

1 (B) *An explanation for how standard mis-*
2 *sile–3 block IIB interceptors would be used, at*
3 *initial operating capability, for the defense of the*
4 *United States from threats originating in the*
5 *Pacific region if such interceptors are not*
6 *deployable in a sea-based mode, including an ex-*
7 *planation of cost and force structure require-*
8 *ments.*

9 **SEC. 227. IRON DOME SHORT-RANGE ROCKET DEFENSE**
10 **PROGRAM.**

11 (a) *AVAILABILITY OF FUNDS.—*

12 (1) *IN GENERAL.—Of the funds authorized to be*
13 *appropriated by section 201 for research, develop-*
14 *ment, test, and evaluation, Defense-wide, as specified*
15 *in the funding table in section 4201, or otherwise*
16 *made available for the Department of Defense for fis-*
17 *cal years 2012 through 2015, the Secretary of Defense*
18 *may provide up to \$680,000,000 to the Government*
19 *of Israel for the procurement of additional batteries*
20 *and interceptors under the Iron Dome short-range*
21 *rocket defense system and for related operations and*
22 *sustainment expenses.*

23 (2) *AVAILABILITY.—Funds made available for*
24 *fiscal year 2012 or 2013 to carry out paragraph (1)*

1 *are authorized to remain available until September*
2 *30, 2014.*

3 *(b) OFFICE.—The Secretary of Defense shall establish*
4 *within the Missile Defense Agency of the Department of De-*
5 *fense an office to carry out subsection (a) and other matters*
6 *relating to assistance for Israel’s Iron Dome short-range*
7 *rocket defense system.*

8 **SEC. 228. SEA-BASED X-BAND RADAR.**

9 *The Director of the Missile Defense Agency shall ensure*
10 *that the sea-based X-band radar is maintained in a status*
11 *such that the radar may be deployed in less than 14 days*
12 *and for at least 60 days each year.*

13 **SEC. 229. PROHIBITION ON THE USE OF FUNDS FOR THE**
14 **MEADS PROGRAM.**

15 *None of the funds authorized to be appropriated by this*
16 *Act or otherwise made available for fiscal year 2013 for the*
17 *Department of Defense may be obligated or expended for*
18 *the medium extended air defense system.*

19 **SEC. 230. LIMITATION ON AVAILABILITY OF FUNDS FOR**
20 **PHASED, ADAPTIVE APPROACH TO MISSILE**
21 **DEFENSE IN EUROPE.**

22 *(a) LIMITATION.—Of the funds authorized to be appro-*
23 *priated by this Act or otherwise made available for fiscal*
24 *year 2013 for covered missile defense activities, not more*
25 *than 75 percent may be obligated or expended until—*

1 (1) *the Secretary of Defense and the Secretary of*
2 *State jointly submit to the appropriate congressional*
3 *committees—*

4 (A) *a report on the cost-sharing arrange-*
5 *ments for the phased, adaptive approach to mis-*
6 *sile defense in Europe; and*

7 (B) *written certification that a proportional*
8 *share, as determined by the Secretaries, of the*
9 *costs for such approach to missile defense will be*
10 *provided by members of the North Atlantic Trea-*
11 *ty Organization other than the United States;*
12 *and*

13 (2) *the Secretary of Defense—*

14 (A) *submits a NATO prefinancing request*
15 *for consideration of expenses regarding such ap-*
16 *proach to missile defense (excluding such ex-*
17 *penses related to military construction described*
18 *in section 2403(b)); and*

19 (B) *submits to the appropriate congres-*
20 *sional committees the response by the NATO Sec-*
21 *retary General or the North Atlantic Council to*
22 *such request.*

23 (b) *WAIVER.—The President may waive the limitation*
24 *in subsection (a) with respect to a specific project of a cov-*
25 *ered missile defense activity if the President submits to the*

1 *appropriate congressional committees and the written cer-*
2 *tification that the waiver for such project is vital to the*
3 *national security interests of the United States.*

4 *(c) DEFINITIONS.—In this section:*

5 *(1) The term “appropriate congressional com-*
6 *mittees” means the following:*

7 *(A) The congressional defense committees.*

8 *(B) The Committee on Foreign Affairs of*
9 *the House of Representatives and the Committee*
10 *on Foreign Relations of the Senate.*

11 *(2) The term “covered missile defense activities”*
12 *means, with respect to the phased, adaptive approach*
13 *to missile defense in Europe, activities regarding—*

14 *(A) Aegis ashore sites; or*

15 *(B) an AN/TPY-2 radar located in Turkey.*

16 **SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR**
17 **THE PRECISION TRACKING SPACE SYSTEM.**

18 *(a) INITIAL LIMITATION.—None of the funds author-*
19 *ized to be appropriated by this Act or otherwise made avail-*
20 *able for fiscal year 2013 for the precision tracking space*
21 *system may be obligated or expended until the date on*
22 *which—*

23 *(1) a federally funded research and development*
24 *center begins the analysis under subsection (b)(1);*
25 *and*

1 (2) *the terms of reference for the analysis are*
2 *submitted to the congressional defense committees.*

3 **(b) ANALYSIS OF ALTERNATIVES.—**

4 (1) *FFRDC.—The Director of the Missile De-*
5 *fense Agency shall enter into an agreement with a*
6 *federally funded research and development center that*
7 *has not previously been involved with the precision*
8 *tracking space system to conduct an analysis of alter-*
9 *natives of such program.*

10 (2) *BASIS OF ANALYSIS.—The analysis under*
11 *paragraph (1) shall be based on a clear articulation*
12 *by the Director of—*

13 (A) *the ground-based sensors that will be re-*
14 *quired to be maintained to aid the precision*
15 *tracking space system constellation;*

16 (B) *the number of satellites to be procured*
17 *for a first constellation, including the projected*
18 *lifetime of such satellites in the first constella-*
19 *tion, and the number projected to be procured for*
20 *a first and, if applicable, second replenishment;*

21 (C) *the technological and acquisition risks*
22 *of such system;*

23 (D) *an evaluation of the technological capa-*
24 *bility differences between the precision tracking*

1 *space system sensor and the space tracking and*
2 *surveillance system sensor; and*

3 *(E) the cost differences, as confirmed by the*
4 *Director of Cost Assessment and Program Eval-*
5 *uation, between such systems, including costs re-*
6 *lating to launch services.*

7 (3) *ANALYSIS.—In conducting the analysis*
8 *under paragraph (1), the federally funded research*
9 *and development center shall—*

10 *(A) appoint a panel of independent study*
11 *leaders for such analysis;*

12 *(B) evaluate whether the precision tracking*
13 *space system, as planned by the Director in the*
14 *budget submitted to Congress under section 1105*
15 *of title 31, United States Code, for fiscal year*
16 *2013, is the lowest cost sensor option with respect*
17 *to land-, air-, or space-based sensors, or a com-*
18 *bination thereof, to improve the homeland mis-*
19 *sile defense of the United States, including by*
20 *adding discrimination capability to the ground-*
21 *based midcourse defense system;*

22 *(C) examine the overhead persistent infra-*
23 *red data or other data that is available as of the*
24 *date of the analysis that is not being used;*

1 (D) determine how using the data described
2 in subparagraph (C) could improve sensor cov-
3 erage for the homeland missile defense of the
4 United States and regional missile defense capa-
5 bilities;

6 (E) study the plans of the Director to inte-
7 grate the precision tracking space system concept
8 into the ballistic missile defense system and
9 evaluate the concept or operations of such use;
10 and

11 (F) consider the agreement entered into
12 under subsection (d)(1).

13 (4) *COST DETERMINATION.*—In determining
14 costs under the analysis under paragraph (1), the fed-
15 erally funded research and development center shall
16 take into account acquisition costs and operation and
17 sustainment costs during the initial ten-year and
18 twenty-year periods.

19 (c) *FURTHER LIMITATION.*—

20 (1) *SUBMITTAL AND WAIT.*—Except as provided
21 by paragraph (2), none of the funds authorized to be
22 appropriated by this Act or otherwise made available
23 for fiscal year 2013 for the precision tracking space
24 system may obligated or expended until—

1 (A) *the Director submits to the congres-*
2 *sional defense committees the analysis under sub-*
3 *section (b)(1); and*

4 (B) *a period of 60 days has elapsed fol-*
5 *lowing the date of such submittal.*

6 (2) *EXCEPTION.—The limitation in paragraph*
7 *(1) shall not apply to funds described in such para-*
8 *graph that are obligated or expended for technology*
9 *development activities.*

10 (d) *MEMORANDUM OF AGREEMENT.—*

11 (1) *IN GENERAL.—The Director shall enter into*
12 *a memorandum of agreement with the Commander of*
13 *the Air Force Space Command with respect to the*
14 *space situational awareness capabilities, require-*
15 *ments, design, and cost-sharing of the precision track-*
16 *ing space system.*

17 (2) *SUBMITTAL.—The Director shall submit to*
18 *the congressional defense committees the agreement*
19 *entered into under paragraph (1).*

20 **SEC. 232. PLAN TO IMPROVE DISCRIMINATION AND KILL AS-**
21 **SESSMENT CAPABILITY OF BALLISTIC MIS-**
22 **SILE DEFENSE SYSTEMS.**

23 (a) *PLAN.—The Director of the Missile Defense Agency*
24 *shall develop a plan to improve the discrimination and kill*
25 *assessment capability of ballistic missile defense systems,*

1 *particularly with respect to the ground-based midcourse de-*
2 *fense system.*

3 (b) *SUBMISSION.*—*Not later than December 31, 2012,*
4 *the Director shall—*

5 (1) *transmit to the Secretary of Defense the plan*
6 *under subsection (a) to be used in the budget mate-*
7 *rials submitted to the President by the Secretary in*
8 *connection with the submission to Congress, pursuant*
9 *to section 1105 of title 31, United States Code, of the*
10 *budget for fiscal year 2014; and*

11 (2) *submit to the congressional defense commit-*
12 *tees such plan.*

13 **SEC. 233. PLAN TO INCREASE RATE OF FLIGHT TESTS OF**
14 **GROUND-BASED MIDCOURSE DEFENSE SYS-**
15 **TEM.**

16 (a) *PLAN.*—

17 (1) *IN GENERAL.*—*The Director of the Missile*
18 *Defense Agency shall develop a plan to increase the*
19 *rate of flight tests and ground tests of the ground-*
20 *based midcourse defense system.*

21 (2) *RATE OF PLANNED FLIGHT TESTS.*—*The*
22 *plan under paragraph (1) shall ensure that there are*
23 *at least three flight tests conducted during every two-*
24 *year period unless the Director submits to the con-*
25 *gressional defense committees—*

1 (A) written certification that such rate of
2 tests is not feasible or cost-effective; and

3 (B) an analysis explaining the reasoning of
4 such certification.

5 (b) *SUBMISSION*.—Not later than December 31, 2012,
6 the Director shall—

7 (1) transmit to the Secretary of Defense the plan
8 under subsection (a)(1) to be used in the budget mate-
9 rials submitted to the President by the Secretary in
10 connection with the submission to Congress, pursuant
11 to section 1105 of title 31, United States Code, of the
12 budget for fiscal year 2014; and

13 (2) submit to the congressional defense commit-
14 tees such plan.

15 **SEC. 234. REPORT ON REGIONAL MISSILE DEFENSE ARCHI-**
16 **TECTURES.**

17 Not later than 90 days after the date of the enactment
18 of this Act, the Secretary of Defense, in coordination with
19 the Chairman of the Joint Chiefs of Staff, shall submit to
20 the congressional defense committees a report on—

21 (1) the regional missile defense architectures, in-
22 cluding the force structure and inventory require-
23 ments derived from such architectures; and

24 (2) the comprehensive force management process
25 to evaluate such requirements, including the capa-

1 *bility, deployment, and resource outcomes that such*
2 *process has determined.*

3 **SEC. 235. USE OF FUNDS FOR CONVENTIONAL PROMPT**
4 **GLOBAL STRIKE PROGRAM.**

5 *The Secretary of Defense shall ensure that any funds*
6 *authorized to be appropriated by this Act or otherwise made*
7 *available for fiscal year 2013 for ground-testing activities*
8 *of the conventional prompt global strike program are obli-*
9 *gated or expended using competitive solicitation procedures*
10 *to involve industry as well as government partners.*

11 **SEC. 236. TRANSFER OF AEGIS WEAPON SYSTEM EQUIP-**
12 **MENT TO MISSILE DEFENSE AGENCY.**

13 *(a) TRANSFER BY NAVY.—In accordance with section*
14 *230, the Secretary of the Navy may—*

15 *(1) transfer to the Director of the Missile Defense*
16 *Agency Aegis weapon system equipment with ballistic*
17 *missile defense capability for use by the Director in*
18 *the Aegis ashore site in the country the Director has*
19 *designated as “Host Nation 1”;*

20 *(2) in ensuring the shipbuilding schedules of*
21 *ships affected by this section—*

22 *(A) obligate or expend unobligated funds*
23 *made available for fiscal year 2012 for ship-*
24 *building and conversion, Navy, for the DDG-51*
25 *Destroyer to deliver complete, mission-ready*

1 *Aegis weapon system equipment with ballistic*
2 *missile defense capability to a DDG-51 De-*
3 *stroyer for which funds were made available for*
4 *fiscal year 2012 under shipbuilding and conver-*
5 *sion, Navy; or*

6 *(B) use any Aegis weapon system equip-*
7 *ment acquired using such funds to deliver com-*
8 *plete, mission-ready Aegis weapon system equip-*
9 *ment with ballistic missile defense capability to*
10 *a DDG-51 Destroyer for which funds were made*
11 *available for fiscal year 2012 under shipbuilding*
12 *and conversion, Navy; and*

13 *(3) treat equipment transferred to the Secretary*
14 *under subsection (b) as equipment acquired using*
15 *funds made available under shipbuilding and conver-*
16 *sion, Navy, for purposes of completing the construc-*
17 *tion and outfitting of such equipment.*

18 *(b) TRANSFER BY MDA.—In accordance with section*
19 *230, upon the receipt of any equipment under subsection*
20 *(a), the Director of the Missile Defense Agency shall transfer*
21 *to the Secretary of the Navy Aegis weapon system equip-*
22 *ment with ballistic missile defense capability procured by*
23 *the Director for installation in a shore-based Aegis weapon*
24 *system for use by the Secretary in the DDG-51 Destroyer*
25 *program.*

Subtitle D—Reports

SEC. 241. STUDY ON ELECTRONIC WARFARE CAPABILITIES OF THE MARINE CORPS.

(a) STUDY.—The Commandant of the Marine Corps shall conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to the congressional defense committees a report on the study conducted under subsection (a).

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

(A) A detailed plan for EA-6B Prowler aircraft squadrons.

(B) A solution for the replacement of such aircraft.

(C) Concepts of operation for future air-ground task force electronic warfare capabilities of the Marine Corps.

(D) Any other issues that the Commandant determines appropriate.

1 **SEC. 242. NATIONAL RESEARCH COUNCIL REVIEW OF DE-**
2 **FENSE SCIENCE AND TECHNICAL GRADUATE**
3 **EDUCATION NEEDS.**

4 (a) *REVIEW.*—*The Secretary of Defense shall enter into*
5 *an agreement with the National Research Council to con-*
6 *duct a review of specialized degree-granting graduate pro-*
7 *grams of the Department of Defense in engineering, applied*
8 *sciences, and management.*

9 (b) *MATTERS INCLUDED.*—*At a minimum, the review*
10 *under subsection (a) shall address—*

11 (1) *the need by the Department of Defense and*
12 *the military departments for military and civilian*
13 *personnel with advanced degrees in engineering, ap-*
14 *plied sciences, and management, including a list of*
15 *the numbers of such personnel needed by discipline;*

16 (2) *an analysis of the sources by which the De-*
17 *partment of Defense and the military departments ob-*
18 *tain military and civilian personnel with such ad-*
19 *vanced degrees;*

20 (3) *the need for educational institutions under*
21 *the Department of Defense to meet the needs identified*
22 *in paragraph (1);*

23 (4) *the costs and benefits of maintaining such*
24 *educational institutions, including costs relating to*
25 *directed research;*

1 (5) *the ability of private institutions or distance-*
2 *learning programs to meet the needs identified in*
3 *paragraph (1);*

4 (6) *existing organizational structures, including*
5 *reporting chains, within the military departments to*
6 *manage the graduate education needs of the Depart-*
7 *ment of Defense and the military departments; and*

8 (7) *recommendations for improving the ability of*
9 *the Department of Defense to identify, manage, and*
10 *source the graduate education needs of the Depart-*
11 *ment.*

12 (c) *REPORT.*—*Not later than 30 days after the date*
13 *on which the review under subsection (a) is completed, the*
14 *Secretary shall submit to the congressional defense commit-*
15 *tees a report on the results of such review.*

16 **SEC. 243. REPORT ON THREE-DIMENSIONAL INTEGRATED**
17 **CIRCUIT MANUFACTURING CAPABILITIES.**

18 (a) *ASSESSMENT.*—*The Secretary of Defense shall con-*
19 *duct a comprehensive assessment regarding the manufac-*
20 *turing capability of the United States to produce three-di-*
21 *mensional integrated circuits to serve the national defense*
22 *interests of the United States.*

23 (b) *ELEMENTS.*—*The assessment under subsection (a)*
24 *shall include—*

1 (1) *an assessment of the military requirements*
2 *for using three-dimensional integrated circuits in fu-*
3 *ture microelectronic systems;*

4 (2) *an assessment of the current domestic com-*
5 *mmercial capability to develop and manufacture three-*
6 *dimensional integrated circuits for use in military*
7 *systems, including a plan for alternative sources to*
8 *supply such circuits in case of shortages in the domes-*
9 *tic supply; and*

10 (3) *an assessment of the feasibility, as well as*
11 *planning and design requirements, for the develop-*
12 *ment of a domestic manufacturing capability for*
13 *three-dimensional integrated circuits.*

14 (c) *REPORT.*—*Not later than 90 days after the date*
15 *of the enactment of this Act, the Secretary shall submit to*
16 *the congressional defense committees a report on the assess-*
17 *ment under subsection (a).*

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

21 **SEC. 244. REPORT ON EFFORTS TO FIELD NEW DIRECTED**
22 **ENERGY WEAPONS.**

23 (a) *REPORT.*—*Not later than 180 days after the date*
24 *of the enactment of this Act, the Secretary of Defense shall*
25 *submit to the congressional defense committees a report*

1 *summarizing efforts within the Department of Defense to*
2 *transition mature and maturing directed energy tech-*
3 *nologies to new operational weapon systems during the five-*
4 *to-ten-year period beginning on the date of the report.*

5 *(b) MATTERS INCLUDED.—The report under subsection*
6 *(a) shall include the following:*

7 *(1) Thorough assessments of—*

8 *(A) the maturity of high-energy laser, high-*
9 *power microwave, and millimeter wave non-le-*
10 *thal technologies, both domestically and foreign;*

11 *(B) missions for which directed energy*
12 *weapons could be used to substantially enhance*
13 *the current and planned military capabilities of*
14 *the United States;*

15 *(C) the potential for new directed energy*
16 *systems to reduce requirements for expendable*
17 *air and missile defense weapons;*

18 *(D) the status of and prognosis for foreign*
19 *directed energy programs;*

20 *(E) the potential vulnerabilities of military*
21 *systems of the United States to foreign directed*
22 *energy weapons and efforts by the Secretary to*
23 *mitigate such vulnerabilities; and*

1 (F) a summary of actions the Secretary is
2 taking to ensure that the military will be the
3 global leader in directed energy capabilities.

4 (2) In light of the suitability of surface ships to
5 support a solid-state laser weapon based on mature
6 and maturing technologies, whether—

7 (A) the Department of the Navy should be
8 designated as lead service for fielding a 100 to
9 200 kilowatt-class laser to defend surface ships
10 against unmanned aircraft, cruise missile, and
11 fast attack craft threats; and

12 (B) the Secretary of the Navy should ini-
13 tiate a program of record to begin fielding a
14 ship-based solid-state laser weapon system.

15 (3) In light of the potential effectiveness of high-
16 power microwave weapons against sensors, battle
17 management, and integrated air defense networks,
18 whether—

19 (A) the Department of the Navy and the De-
20 partment of the Air Force should be designated
21 as lead services for integrating high-power
22 microwave weapons on small air vehicles, in-
23 cluding cruise missiles and unmanned aircraft;
24 and

1 (B) the Secretary of the Air Force should
2 initiate a program of record to field a cruise
3 missile- or unmanned air vehicle-based high-
4 power microwave weapon.

5 (4) In light of the potential of mature chemical
6 laser technologies to counter air and ballistic missile
7 threats from relocatable fixed sites, whether the Sec-
8 retary of the Army should initiate a program of
9 record to develop and field a multi-megawatt class
10 chemical laser weapon system to defend forward air-
11 fields, ports, and other theater bases critical to future
12 operations.

13 (5) Whether the investments by the Secretary of
14 Defense in high-energy laser weapons research, devel-
15 opment, test, and evaluation are appropriately
16 prioritized across each military department and de-
17 fense-wide accounts to support the weaponization of
18 mature and maturing directed energy technologies
19 during the five- to- ten-year period beginning on the
20 date of the report, including whether sufficient funds
21 are allocated within budget area 4 and higher ac-
22 counts to prepare for near term weaponization oppor-
23 tunities.

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

1 **Subtitle E—Other Matters**

2 **SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LAB-**
3 **ORATORIES TO ENTER INTO EDUCATIONAL**
4 **PARTNERSHIPS WITH EDUCATIONAL INSTI-**
5 **TUTIONS IN TERRITORIES AND POSSESSIONS**
6 **OF THE UNITED STATES.**

7 (a) *ELIGIBILITY OF INSTITUTIONS IN TERRITORIES*
8 *AND POSSESSIONS.*—Section 2194(f) of title 10, United
9 States Code, is amended by adding at the end the following
10 new paragraph:

11 “(3) The term ‘United States’ includes the Com-
12 monwealth of Puerto Rico, the Commonwealth of the
13 Northern Mariana Islands, and any other territory or
14 possession of the United States.”.

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

18 **SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

19 (a) *DEVELOPMENT OF INNOVATIVE ADVANCED TECH-*
20 *NOLOGIES.*—The Secretary of Defense may use the research
21 and engineering network of the Department of Defense, in-
22 cluding the organic industrial base, to support regional ad-
23 vanced technology clusters established by the Secretary of
24 Commerce to encourage the development of innovative ad-
25 vanced technologies, including advanced robotics, advanced

1 *defense systems, power and energy innovations, systems to*
2 *mitigate manmade and naturally occurring electromagnetic*
3 *pulse or high-powered microwaves, cybersecurity and ap-*
4 *plied lightweight materials, to address national security*
5 *and homeland defense challenges.*

6 (b) *DESIGNATION OF LEAD OFFICE.*—*Not later than*
7 *60 days after the date of the enactment of this Act, the*
8 *Under Secretary of Defense for Acquisition, Technology,*
9 *and Logistics shall—*

10 (1) *designate an office within the Department of*
11 *Defense with the lead responsibility for enhancing the*
12 *use of regional advanced technology clusters by the*
13 *Department; and*

14 (2) *notify the appropriate congressional commit-*
15 *tees of such designation.*

16 (c) *REPORT.*—*Not later than 180 days after the date*
17 *of the enactment of this Act, the Under Secretary shall sub-*
18 *mit to the appropriate congressional committees a report*
19 *describing—*

20 (1) *the participation of the Department of De-*
21 *fense in regional advanced technology clusters;*

22 (2) *implementation by the Department of proc-*
23 *esses and tools to facilitate collaboration with the*
24 *clusters; and*

1 (3) *agreements established by the Department*
2 *with the Department of Commerce to jointly support*
3 *the continued growth of the clusters.*

4 (d) *COLLABORATION.*—*The Secretary of Defense may*
5 *meet, collaborate, and share resources with other Federal*
6 *agencies for purposes of assisting in the expansion of re-*
7 *gional advanced technology clusters under this section.*

8 (e) *DEFINITIONS.*—*In this section:*

9 (1) *The term “appropriate congressional com-*
10 *mittees” means—*

11 (A) *the congressional defense committees;*

12 (B) *the Committee on Commerce, Science,*
13 *and Transportation of the Senate; and*

14 (C) *the Committee on Energy and Com-*
15 *merce of the House of Representatives.*

16 (2) *The term “regional advanced technology clus-*
17 *ters” means geographic centers focused on building*
18 *science and technology-based innovation capacity in*
19 *areas of local and regional strength to foster economic*
20 *growth and improve quality of life.*

21 **SEC. 253. BRIEFING ON POWER AND ENERGY RESEARCH**
22 **CONDUCTED AT UNIVERSITY AFFILIATED RE-**
23 **SEARCH CENTER.**

24 *Not later than February 28, 2013, the Secretary of De-*
25 *fense shall brief the Committees on Armed Services of the*

1 *Senate and House of Representatives on power and energy*
2 *research conducted at the University Affiliated Research*
3 *Centers. The briefing shall include—*

4 *(1) a description of research conducted with*
5 *other university based energy centers; and*

6 *(2) a description of collaboration efforts with*
7 *university-based research centers on energy research*
8 *and development activities, particularly with centers*
9 *that have an expertise in energy efficiency and renew-*
10 *able energy, including—*

11 *(A) lighting;*

12 *(B) heating;*

13 *(C) ventilation and air-conditioning sys-*
14 *tems; and*

15 *(D) renewable energy integration.*

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

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

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

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 2013 for the use of the Armed Forces and other*
23 *activities and agencies of the Department of Defense for ex-*
24 *penses, not otherwise provided for, for operation and main-*
25 *tenance, as specified in the funding table in section 4301.*

1 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS OF FUNDS**
2 **FOR INACTIVATION EXECUTION OF U.S.S. EN-**
3 **TERPRISE.**

4 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
5 hereby authorized to be appropriated to the Secretary of the
6 Navy for fiscal year 2013 for inactivation execution of the
7 U.S.S. Enterprise (CVN 65) as specified in the funding
8 table in section 4301.

9 (b) *LIMITATION.*—The total amount obligated and ex-
10 pended by the Secretary of the Navy for the inactivation
11 execution of the U.S.S. Enterprise may not exceed
12 \$708,000,000.

13 (c) *CONTRACT AUTHORITY.*—

14 (1) *IN GENERAL.*—Subject to the availability of
15 funds under subsection (a) and the condition in para-
16 graph (2), the Secretary of the Navy may enter into
17 a contract during fiscal year 2013 for the inactiva-
18 tion execution of the U.S.S. Enterprise.

19 (2) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
20 *MENTS.*—A contract entered into under paragraph (1)
21 shall provide that any obligation of the United States
22 to make a payment under the contract for a fiscal
23 year after fiscal year 2013 is subject to the avail-
24 ability of appropriations for that purpose for that fis-
25 cal year.

1 ***Subtitle B—Energy and***
2 ***Environmental Provisions***

3 **SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND**
4 **TRAINING RANGE INVENTORY.**

5 *Section 366 of the Bob Stump National Defense Au-*
6 *thorization Act for Fiscal Year 2003 (Public Law 107–314;*
7 *116 Stat. 2522; 10 U.S.C. 113 note), as most recently*
8 *amended by section 348 of the John Warner National De-*
9 *fense Authorization Act for Fiscal Year 2007 (Public Law*
10 *109–364; 120 Stat. 2159) is amended in subsections (a)(5)*
11 *and (c)(2), by striking “fiscal years 2005 through 2013”*
12 *and inserting “fiscal years 2005 through 2018”.*

13 **SEC. 312. MODIFICATION OF DEFINITION OF CHEMICAL**
14 **SUBSTANCE.**

15 *Section 3(2)(B)(v) of the Toxic Substances Control Act*
16 *(15 U.S.C. 2602(2)(B)(v)) is amended by inserting “, or*
17 *any component of any such article including, without limi-*
18 *tation, shot, bullets and other projectiles, propellants, and*
19 *primers” before “, and”.*

20 **SEC. 313. EXEMPTION OF DEPARTMENT OF DEFENSE FROM**
21 **ALTERNATIVE FUEL PROCUREMENT RE-**
22 **QUIREMENT.**

23 *Section 526 of the Energy Independence and Security*
24 *Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is*

1 *amended by adding at the end the following: “This section*
2 *shall not apply to the Department of Defense.”.*

3 **SEC. 314. LIMITATION ON AVAILABILITY OF FUNDS FOR**
4 **PROCUREMENT OF ALTERNATIVE FUEL.**

5 (a) *LIMITATION.*—*Except as provided in subsection*
6 *(b), none of the funds authorized to be appropriated by this*
7 *Act or otherwise made available during fiscal year 2013*
8 *for the Department of Defense may be obligated or expended*
9 *for the production or purchase of any alternative fuel if*
10 *the cost of producing or purchasing the alternative fuel ex-*
11 *ceeds the cost of producing or purchasing a traditional fossil*
12 *fuel that would be used for the same purpose as the alter-*
13 *native fuel.*

14 (b) *EXCEPTION.*—*Notwithstanding subsection (a), the*
15 *Secretary of Defense may purchase such limited quantities*
16 *of alternative fuels as are necessary to complete fleet certifi-*
17 *cation for 50/50 blends. In such instances, the Secretary*
18 *shall purchase such alternative fuel using competitive proce-*
19 *dures and ensure the best purchase price for the fuel.*

20 **SEC. 315. PLAN ON ENVIRONMENTAL EXPOSURES TO MEM-**
21 **BERS OF THE ARMED FORCES.**

22 (a) *PLAN.*—*Not later than 150 days after the date of*
23 *the enactment of this Act, the Secretary of Defense shall de-*
24 *velop a plan on the time line of the Secretary to develop*
25 *a material solution to measure environmental exposures to*

1 *members of the Armed Forces in the continental United*
2 *States and outside the continental United States.*

3 (b) *MATTERS INCLUDED.*—*The plan under subsection*
4 *(a) shall include the following:*

5 (1) *A time line for identifying relevant materiel*
6 *solutions that would facilitate the Secretary identi-*
7 *fying members of the Armed Forces who have indi-*
8 *vidual exposures to environmental hazards.*

9 (2) *A time line, and estimated cost, of developing*
10 *and deploying the material solution described in*
11 *paragraph (1).*

12 (3) *A system for collecting and maintaining ex-*
13 *posure data and a description of the content required.*

14 (4) *An identification of the categories of environ-*
15 *mental exposures that will be tracked, including burn*
16 *pits, dust or sand, water contamination, hazardous*
17 *materials, and waste.*

18 (5) *A summary of ongoing research into health*
19 *consequences of military environmental exposures and*
20 *areas where additional research is needed.*

21 (c) *BRIEFING.*—*Not later than 180 days after the date*
22 *of the enactment of this Act, the Secretary shall provide to*
23 *the congressional defense committees a briefing on the plan*
24 *developed under subsection (a).*

1 **Subtitle C—Logistics and**
2 **Sustainment**

3 **SEC. 321. EXPANSION AND REAUTHORIZATION OF MULTI-**
4 **TRADES DEMONSTRATION PROJECT.**

5 (a) *EXPANSION.*—Section 338 of the National Defense
6 *Authorization Act for Fiscal Year 2004 (Public Law 108-*
7 *136; 10 U.S.C. 5013 note), as most recently amended by*
8 *section 329 of the National Defense Authorization Act for*
9 *Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67), is*
10 *amended—*

11 (1) *by striking subsection (a) and inserting the*
12 *following new subsection:*

13 “(a) *DEMONSTRATION PROJECT AUTHORIZED.*—In
14 *accordance with subsection 4703 of title 5, United States*
15 *Code, the Secretary of a military department may carry*
16 *out a demonstration project at facilities described in sub-*
17 *section (b) under which workers who are certified at the*
18 *journey level as able to perform multiple trades shall be pro-*
19 *moted by one grade level.”; and*

20 (2) *in subsection (b), by striking “Logistics Cen-*
21 *ter, Navy Fleet Readiness Center,” and inserting “Lo-*
22 *gistics Complex, Navy Fleet Readiness Center, Navy*
23 *shipyard, Marine Corps Logistics Base,”.*

24 (b) *REAUTHORIZATION.*—Such section is further
25 *amended—*

1 (1) in subsection (d), by striking “2013” and in-
2 serting “2018”; and

3 (2) in subsection (e), by striking “2014” and in-
4 serting “2019”.

5 **SEC. 322. DEPOT-LEVEL MAINTENANCE AND REPAIR.**

6 (a) *AMENDMENTS TO DEFINITION OF DEPOT-LEVEL*
7 *MAINTENANCE AND REPAIR.*—Section 2460 of title 10,
8 *United States Code, is amended—*

9 (1) in paragraph (1)—

10 (A) by inserting after “software” the fol-
11 lowing: “during the course of a customary depot-
12 level maintenance action”; and

13 (B) by striking “or the modification or re-
14 build of end-items,” and inserting “retrofit,
15 modification, upgrade, or rebuild of end items,
16 components,”;

17 (2) in paragraph (1)(B), by striking “and” at
18 the end;

19 (3) in paragraph (2)(B), by striking “change
20 events made to operational software, integration and
21 testing” and inserting “and change events (including
22 integration and testing) made to operational soft-
23 ware”;

24 (4) in paragraph (2)(C), by striking the period
25 and inserting “if the modifications or upgrades are

1 *being applied during a customary depot-level mainte-*
2 *nance action; and*”; and

3 (5) *by adding at the end the following new para-*
4 *graph:*

5 “(3) *excludes—*

6 “(A) *the nuclear refueling or defueling of an*
7 *aircraft carrier and any concurrent complex*
8 *overhaul; and*

9 “(B) *the procurement of major modifica-*
10 *tions or upgrades designed to significantly im-*
11 *prove the performance or safety of a weapon sys-*
12 *tem or major end item.”.*

13 (b) *AMENDMENTS RELATING TO CORE DEPOT-LEVEL*
14 *MAINTENANCE AND REPAIR CAPABILITIES.—*

15 (1) *ASSOCIATED CAPACITY.—Section*
16 *2464(a)(3)(A) of title 10, United States Code, is*
17 *amended by striking “and capacity required in para-*
18 *graph (1)” and inserting “required in paragraph (1)*
19 *and the associated capacity to maintain those capa-*
20 *bilities in accordance with paragraph (2)”.*

21 (2) *DIRECT SUPPORT OF ASSOCIATED LOGISTICS*
22 *CAPABILITIES.—Section 2464(a)(3)(B) of such title is*
23 *amended by inserting “in direct support of depot-level*
24 *maintenance and repair” after “associated logistics*
25 *capabilities”.*

1 (3) *TIME OF FIELDING.*—Section 2464(a)(3) of
2 such title is further amended by adding at the end the
3 following new sentence: “If a weapon system or item
4 of military equipment does not have an officially
5 scheduled initial operational capability, the weapon
6 system or item is considered fielded at the time when,
7 as part of combined or individual operation, it pro-
8 vides a warfighting capability, unless the Secretary
9 waives this paragraph under subsection (b)(1)(A)
10 based on a determination that the system or item is
11 not an enduring element of the national defense strat-
12 egy.”.

13 (3) *REQUIREMENT TO NOTIFY CONGRESS BEFORE*
14 *ISSUANCE OF WAIVER.*—Section 2464(b)(3) of such
15 title is amended by striking “within 30 days of
16 issuance” and inserting “at least 30 days before
17 issuance of the waiver”.

18 (4) *PROHIBITION ON DELEGATION OF CERTAIN*
19 *WAIVER AUTHORITY.*—Section 2464(b) of such title is
20 amended by adding at the end the following new
21 paragraph:

22 “(4) The authority of the Secretary of Defense to waive
23 the requirement in subsection (a)(3) on the basis of a deter-
24 mination under paragraph (1)(A) or (1)(B) may not be del-
25 egated.”.

1 (5) *EXCLUSION OF NUCLEAR AIRCRAFT CAR-*
2 *RIERS AND SPECIAL ACCESS PROGRAMS.*—Section
3 2464 of such title is further amended—

4 (A) by redesignating subsections (d), (e), (f),
5 and (g) as subsections (e), (f), (g), and (h), re-
6 spectively; and

7 (B) by inserting after subsection (c) the fol-
8 lowing new subsection (d):

9 “(d) *EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS*
10 *AND SPECIAL ACCESS PROGRAMS.*—(1) *The requirement in*
11 *subsection (a)(3) shall not apply to nuclear aircraft car-*
12 *riers.*

13 “(2) *The requirement in subsection (a)(3) shall not*
14 *apply to special access programs.*”.

15 (6) *ANNUAL SPECIAL ACCESS PROGRAM CORE CA-*
16 *PABILITY REVIEW.*—Section 2464 of such title is fur-
17 ther amended by adding at the end the following new
18 subsection:

19 “(i) *BIENNIAL SPECIAL ACCESS PROGRAM CORE CA-*
20 *PABILITY REVIEW.*—Notwithstanding the inapplicability of
21 subsection (a)(3) to special access programs (as provided
22 in subsection (d)), the Secretary of Defense shall, not later
23 than April 1 on each even-numbered year, conduct a review
24 of each special access program in existence during the two
25 fiscal years preceding the fiscal year during which the re-

1 *view is conducted to determine the core depot maintenance*
2 *and repair capabilities required to provide a ready and*
3 *controlled source of technical competence, and the resources*
4 *that would be required to establish a core capability if it*
5 *becomes necessary. The Secretary of Defense shall include*
6 *the results of such review in the form of a classified annex*
7 *to the biennial core report required under subsection (f).”.*

8 (7) *AMENDMENTS FOR CONSISTENCY IN USE OF*
9 *TERMS.—Section 2464 of such title is further amend-*
10 *ed—*

11 (A) *in subsection (a)(1), by striking “a core*
12 *depot-level maintenance and repair capability”*
13 *and inserting “core depot-level maintenance and*
14 *repair capabilities”;*

15 (B) *in subsection (a)(2), by striking “This*
16 *core depot-level maintenance and repair capa-*
17 *bility” and inserting “The core depot-level main-*
18 *tenance and repair capabilities required in*
19 *paragraph (1)”;* and

20 (C) *in subsection (e)(1), as redesignated by*
21 *paragraph (5), by striking “a core depot-level*
22 *maintenance and repair capability” and insert-*
23 *ing “core depot-level maintenance and repair ca-*
24 *pabilities”.*

1 (8) *CONFORMING AMENDMENTS.—Section*
 2 *2464(b) of such title is further amended—*

3 *(A) in paragraph (1)—*

4 *(i) by striking subparagraph (B);*

5 *(ii) by inserting “or” at the end of*
 6 *subparagraph (A); and*

7 *(iii) by redesignating subparagraph*
 8 *(C) as subparagraph (B);*

9 *(B) by striking paragraph (2); and*

10 *(C) by redesignating paragraph (3) as*
 11 *paragraph (2) and in that paragraph by strik-*
 12 *ing “or (2)”.*

13 ***Subtitle D—Readiness***

14 ***SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS*** 15 ***WITH STATE AND LOCAL GOVERNMENTS.***

16 *(a) AGREEMENTS AUTHORIZED.—Section 2391 of title*
 17 *10, United States Code, is amended—*

18 *(1) by redesignating subsections (d) and (e) as*
 19 *subsections (e) and (f), respectively; and*

20 *(2) by inserting after subsection (c) the following*
 21 *new subsection:*

22 *“(c) INTERGOVERNMENTAL SUPPORT AGREEMENTS*
 23 *WITH STATE AND LOCAL GOVERNMENTS.—(1) The Sec-*
 24 *retary of the military department concerned may enter into*
 25 *an intergovernmental support agreement with a State or*

1 *local government to provide, receive, or share installation-*
2 *support services when such an agreement—*

3 “(A) *serves the best interests of the military de-*
4 *partment by enhancing mission effectiveness or cre-*
5 *ating efficiencies or economies of scale, including by*
6 *reducing costs;*

7 “(B) *serves the best interest of State or local gov-*
8 *ernment party to the agreement, as determined by the*
9 *community’s particular circumstances; and*

10 “(C) *otherwise provides a mutual benefit to the*
11 *military department and the State or local govern-*
12 *ment.*

13 “(2) *The authority provided by this subsection and*
14 *limitations on its use are not intended to revoke, preclude,*
15 *or otherwise interfere with existing or proposed mutual-aid*
16 *agreements relating to police or fire protection services or*
17 *other similar first responder agreements or arrangements.*

18 “(3) *Funds available to the Secretary of the military*
19 *department concerned for installation support may be used*
20 *to reimburse a State or local government for providing in-*
21 *stallation-support services pursuant to an agreement under*
22 *this subsection. Funds received by the Secretary as reim-*
23 *bursement for providing installation-support services pur-*
24 *suant to the agreement shall be credited to the appropria-*

1 *tion or account charged with providing installation sup-*
2 *port.”.*

3 (b) *INSTALLATION-SUPPORT SERVICES DEFINED.—*
4 *Subsection (e) of section 2391 of title 10, United States*
5 *Code, as redesignated by subsection (a)(1) of this section,*
6 *is amended by adding at the end the following new para-*
7 *graph:*

8 “(4) *The term ‘installation-support services’*
9 *means those services, supplies, resources, and support*
10 *provided typically by a local government, except that*
11 *the term does not include or authorize police or fire*
12 *protection services.”.*

13 **SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO**
14 **PROVIDE ASSURED BUSINESS GUARANTEES**
15 **TO CARRIERS PARTICIPATING IN CIVIL RE-**
16 **SERVE AIR FLEET.**

17 (a) *EXTENSION.—Subsection (k) of section 9515 of title*
18 *10, United States Code, is amended by striking “December*
19 *31, 2015” and inserting “December 31, 2020”.*

20 (b) *APPLICATION TO ALL SEGMENTS OF CRAF.—Such*
21 *section is further amended—*

22 (1) *in subsection (a)(3), by striking “passenger”;*
23 *and*

24 (2) *in subsection (j), by striking “, except that*
25 *it only means such transportation for which the Sec-*

1 *retary of Defense has entered into a contract for the*
2 *purpose of passenger travel”.*

3 **SEC. 333. EXPANSION AND REAUTHORIZATION OF PILOT**
4 **PROGRAM FOR AVAILABILITY OF WORKING-**
5 **CAPITAL FUNDS FOR PRODUCT IMPROVE-**
6 **MENTS.**

7 *(a) EXPANSION.—Section 330 of the National Defense*
8 *Authorization Act for Fiscal Year 2008 (Public Law 110–*
9 *181; 122 Stat. 68) is amended—*

10 *(1) in subsection (a), by inserting “, the Sec-*
11 *retary of the Navy, and the Secretary of the Air Force*
12 *(in this section referred to as the ‘Secretary con-*
13 *cerned’)” after “the Secretary of the Army”;*

14 *(2) in subsection (d)—*

15 *(A) by inserting “by the Secretary con-*
16 *cerned” after “submitted”; and*

17 *(B) by inserting “by the Secretary con-*
18 *cerned” after “used”; and*

19 *(3) in subsection (e)—*

20 *(A) in paragraph (1), by striking “the As-*
21 *stant Secretary of the Army for Acquisition,*
22 *Logistics, and Technology, in consultation with*
23 *the Assistant Secretary of the Army for Finan-*
24 *cial Management and Comptroller,” and insert-*
25 *ing “the Secretary concerned”; and*

1 (B) in paragraph (2), by striking “the As-
2 sistant Secretary of the Army for Acquisition,
3 Logistics, and Technology” and inserting “the
4 Secretary concerned”.

5 (b) COVERED PRODUCT IMPROVEMENTS.—Subsection
6 (b) of such section is amended—

7 (1) by inserting “retrofit, modernization, up-
8 grade, or rebuild of a” before “component”; and

9 (2) by striking “reliability and maintainability”
10 and inserting “reliability, availability, and main-
11 tainability”.

12 (c) LIMITATION ON CERTAIN PROJECTS.—Subsection
13 (c)(1) of such section is amended by striking “performance
14 envelope” and inserting “capability”.

15 (d) REPORTING REQUIREMENT.—Subsection (e) of
16 such section is amended—

17 (1) in paragraph (2), by striking “2012” and in-
18 serting “2017”; and

19 (2) in paragraph (3), by striking “60 days” and
20 inserting “45 days”.

21 (e) EXTENSION.—Subsection (f) of such section, as
22 amended by section 354 of the National Defense Authoriza-
23 tion Act for Fiscal Year 2012 (Public Law 112–81; 125
24 Stat. 1377), is further amended by striking “2014” and in-
25 serting “2018”.

1 (f) *CLERICAL AMENDMENT.*—*The heading of such sec-*
2 *tion is amended by striking “TO ARMY”.*

3 **SEC. 334. CENTER OF EXCELLENCE FOR THE NATIONAL**
4 **GUARD STATE PARTNERSHIP PROGRAM.**

5 (a) *IN GENERAL.*—*Chapter 5 of title 32, United States*
6 *Code, is amended by adding at the end the following new*
7 *section:*

8 **“§ 510. Center of Excellence for the National Guard**
9 **State Partnership Program**

10 “(a) *CENTER AUTHORIZED.*—*The National Guard*
11 *Bureau may maintain a Center of Excellence for the Na-*
12 *tional Guard State Partnership Program (in this section*
13 *referred to as the ‘Center’).*

14 “(b) *CENTER AUTHORITY AND PURPOSE.*—*If the Cen-*
15 *ter is established, the Chief of the National Guard Bureau*
16 *shall administer the Center to provide training opportuni-*
17 *ties for units and members of the regular and reserve com-*
18 *ponents for the purpose of improving the skills for such*
19 *units and members when deployed to complete the mission*
20 *of the State Partnership Program. The Center will provide*
21 *accredited instruction in partnership with a university pro-*
22 *gram and other internationally recognized institutions.*

23 “(c) *CONDUCT OF CENTER.*—*The Chief of the National*
24 *Guard Bureau may provide for the conduct of the Center*
25 *in such State as the Chief considers appropriate.*

1 “(d) *PERSONS ELIGIBLE TO PARTICIPATE IN CENTER*
2 *TRAINING.*—(1) *The Chief of the National Guard Bureau*
3 *may recommend units and members of the National Guard*
4 *to attend training at the Center under section 502(f) of this*
5 *title for not longer than the duration of the training.*

6 “(2) *The Secretaries of the Army, Navy, Air Force, and*
7 *Marine Corps may detail units or members of their respec-*
8 *tive regular or reserve components to attend training at the*
9 *Center. The Secretary of Homeland Security may detail*
10 *members of the Coast Guard to attend training and provide*
11 *subject matter expertise as requested.*

12 “(e) *AUTHORIZED TRAINING.*—*The training author-*
13 *ized to be provided by the Center involves such matters*
14 *within the core competencies of the National Guard and*
15 *suitable for contacts under the State Partnership Program*
16 *as the Chief of the National Guard Bureau specifies con-*
17 *sistent with regulations issued by the Secretary of Defense.*

18 “(f) *CENTER PERSONNEL.*—(1) *The Chief of the Na-*
19 *tional Guard Bureau shall appoint an active member of*
20 *the National Guard to be the Commandant of the Center*
21 *to administer and lead the center.*

22 “(2) *The Center shall contain personnel authorizations*
23 *under a table of distribution and allowance that ensures*
24 *sufficient cadre and support to the Center and will be as-*
25 *signed to the host State.*

1 “(3) *Personnel of the National Guard of any State*
 2 *may serve on full-time National Guard duty for the purpose*
 3 *of providing command, administrative, training, or sup-*
 4 *porting services for the Center. For the performance of those*
 5 *services, any personnel may be ordered to duty under sec-*
 6 *tion 502(f) of this title.*

7 “(4) *Employees of the Departments of Defense may be*
 8 *detailed to the Center for the purpose of providing addi-*
 9 *tional training.*

10 “(5) *The National Guard Bureau may procure, by*
 11 *contract, the temporary full time services of such civilian*
 12 *personnel as may be necessary in carrying out the training*
 13 *provided by the Center.”.*

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

 “510. *Center for Excellence for the National Guard State Partnership Program.”.*

17 **Subtitle E—Reports**

18 **SEC. 341. REPORT ON JOINT STRATEGY FOR READINESS**
 19 **AND TRAINING IN A CAISR-DENIED ENVIRON-**
 20 **MENT.**

21 (a) *REPORT REQUIRED.—The Secretary of Defense, in*
 22 *consultation with the Chairman of the Joint Chiefs of Staff,*
 23 *shall submit to Congress a report on the readiness of the*
 24 *joint force to conduct operations in environments where*
 25 *there is no access to Command, Control, Communications,*

1 *Computers, Intelligence, Surveillance, and Reconnaissance*
2 *(in this section referred to as “C4ISR”) systems, including*
3 *satellite communications, classified Internet protocol-based*
4 *networks, and the Global Positioning System (in this sec-*
5 *tion referred to as “GPS”).*

6 (b) *CONTENTS OF REPORT.—The report required by*
7 *subsection (a) shall include a description of the steps taken*
8 *and planned to be taken—*

9 (1) *to identify likely threats to the C4ISR sys-*
10 *tems of the United States, including both weapons*
11 *and those states with such capabilities; as well as the*
12 *most likely areas in which C4ISR systems could be at*
13 *risk;*

14 (2) *to identify vulnerabilities to the C4ISR sys-*
15 *tems of the United States that could result in a*
16 *C4ISR-denied environment;*

17 (3) *to determine how the Armed Forces should*
18 *respond in order to reconstitute C4ISR systems, pre-*
19 *vent further denial of C4ISR systems; and develop*
20 *counter-attack capabilities;*

21 (4) *to determine which types of joint operations*
22 *could be feasible in an environment in which access*
23 *to C4ISR systems is restricted or denied;*

1 (5) *to conduct training and exercises for sus-*
2 *taining combat and logistics operations in C4ISR-de-*
3 *nied environments; and*

4 (6) *to propose changes to current tactics, tech-*
5 *niques, and procedures to prepare to operate in an*
6 *environment in which C4ISR systems are degraded or*
7 *denied for 48-hour, 7 day, 30-day, or 60-day periods.*

8 (c) *JOINT EXERCISE PLAN REQUIRED.*—*Based on the*
9 *findings of the report required by subsection (a), the Chair-*
10 *man of the Joint Chiefs of Staff shall develop a roadmap*
11 *and joint exercise plan for the joint force to operate in an*
12 *environment where access to C4ISR systems, including sat-*
13 *ellite communications, classified Internet protocol-based*
14 *networks, and the GPS network, is denied. The plan and*
15 *joint exercise program shall include—*

16 (1) *the development of alternatives to satellite*
17 *communications, classified Internet protocol-based*
18 *networks, and GPS for logistics, intelligence, surveil-*
19 *lance, and reconnaissance, and combat operations;*
20 *and*

21 (2) *methods to mitigate dependency on satellite*
22 *communications, classified Internet protocol-based*
23 *networks, and GPS;*

1 (3) *methods to protect vulnerable satellite com-*
 2 *munications, classified Internet protocol-based net-*
 3 *works, and GPS; and*

4 (4) *a joint exercise and training plan to include*
 5 *fleet battle experiments, to enable the force to operate*
 6 *in a satellite communications, Internet protocol-based*
 7 *network, and GPS-denied environment.*

8 (d) *FORM OF REPORT.*—*The report required to be sub-*
 9 *mitted by subsection (a) shall be submitted in unclassified*
 10 *form, but may include a classified annex.*

11 **SEC. 342. COMPTROLLER GENERAL REVIEW OF ANNUAL DE-**
 12 **PARTMENT OF DEFENSE REPORT ON**
 13 **PREPOSITIONED MATERIEL AND EQUIPMENT.**

14 *Section 2229a(b)(1) of title 10, United States Code, is*
 15 *amended—*

16 (1) *by striking “By not later than 120 days after*
 17 *the date on which a report is submitted under sub-*
 18 *section (a), the” and inserting “The”; and*

19 (2) *by striking “the report” and inserting “each*
 20 *report submitted under subsection (a)”.*

21 **SEC. 343. MODIFICATION OF REPORT ON MAINTENANCE**
 22 **AND REPAIR OF VESSELS IN FOREIGN SHIP-**
 23 **YARDS.**

24 *Section 7310(c) of title 10, United States Code, is*
 25 *amended—*

1 (1) in paragraph (3)(A), by inserting after “jus-
2 tification under law” the following: “and operational
3 justification”; and

4 (2) in paragraph (4), by adding at the end the
5 following new subparagraph:

6 “(C) A vessel not described in subparagraph (A)
7 or (B) that is operated pursuant to a contract entered
8 into by the Military Sealift Command, the Maritime
9 Administration, or the United States Transportation
10 Command.”.

11 **SEC. 344. EXTENSION OF DEADLINE FOR COMPTROLLER**
12 **GENERAL REPORT ON DEPARTMENT OF DE-**
13 **FENSE SERVICE CONTRACT INVENTORY.**

14 Section 803(c) of the National Defense Authorization
15 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
16 2402) is amended by striking “180 days” and inserting
17 “270 days”.

18 **SEC. 345. GAO REPORT REVIEWING METHODOLOGY OF DE-**
19 **PARTMENT OF DEFENSE RELATING TO COSTS**
20 **OF PERFORMANCE BY CIVILIAN EMPLOYEES,**
21 **MILITARY PERSONNEL, AND CONTRACTORS.**

22 (a) **REVIEW REQUIREMENT.**—The Comptroller Gen-
23 eral of the United States shall conduct a review of Depart-
24 ment of Defense Directive-Type Memorandum 09-007 enti-
25 tled “Estimating and Comparing the Full Costs of Civilian

1 *and Military Manpower and Contractor Support” to deter-*
2 *mine whether the methodology used in the memorandum re-*
3 *flects the actual, relevant, and quantifiable costs to tax-*
4 *payers of performance by Federal civilian employees, mili-*
5 *tary personnel, and contractors.*

6 (b) *CONSULTATION.*—*In conducting the review re-*
7 *quired by subsection (a), the Comptroller General shall con-*
8 *sult with the Under Secretary of Defense for Personnel and*
9 *Readiness, the Director of Cost Assessment and Program*
10 *Evaluation, the Director of the Office of Management and*
11 *Budget, and private sector stakeholders.*

12 (c) *REPORT.*—*Not later than 180 days after the date*
13 *of the enactment of this Act, the Comptroller General shall*
14 *submit a report on the review required by subsection (a)*
15 *to the Committees on Armed Services of the Senate and the*
16 *House of Representatives. The report shall contain the re-*
17 *sults of the review and make recommendations for any stat-*
18 *utory changes that the Comptroller General determines are*
19 *necessary to ensure that the memorandum reviewed includes*
20 *the actual, relevant, and quantifiable costs to taxpayers for*
21 *Federal civilian employees, military personnel, and con-*
22 *tractors.*

23 **SEC. 346. REPORT ON MEDICAL EVACUATION POLICIES.**

24 (a) *IN GENERAL.*—*Not later than 120 days after the*
25 *date of the enactment of this Act, the Secretary of Defense*

1 *shall submit to the congressional defense committees and the*
2 *Comptroller General of the United States a report on the*
3 *policies, procedures, and guidelines of the Department of*
4 *Defense for helicopter evacuation of injured members of the*
5 *Armed Forces performed by—*

6 (1) *unarmed Army helicopters (in this section*
7 *referred to as “MEDEVAC”); and*

8 (2) *armed Air Force helicopters (in this section*
9 *referred to as “CASEVAC”).*

10 (b) *CONTENTS.—The report submitted under sub-*
11 *section (a) shall contain the following:*

12 (1) *The differences between armed escort heli-*
13 *copters that accompany MEDEVAC helicopters and*
14 *CASEVAC helicopters.*

15 (2) *The differences between Army and Air Force*
16 *training of MEDEVAC and CASEVAC air crews.*

17 (3) *The differences between the capacity of the*
18 *Army and the Air Force to care for wounded members*
19 *of the Armed Forces.*

20 (4) *The potential costs associated with—*

21 (A) *arming MEDEVAC helicopters;*

22 (B) *increasing the training of MEDEVAC*
23 *air crews to be comparable to the training of*
24 *CASEVAC air crews; and*

1 (C) increasing the quality of the avionics
2 used in MEDEVAC helicopters to be comparable
3 to the quality of the avionics used in CASEVAC
4 helicopters.

5 (5) An analysis of the Army rescue goal, com-
6 monly known as the “golden hour”, which specifies a
7 goal of transporting an injured member of the Armed
8 Forces to a military medical treatment facility not
9 later than 60 minutes after the MEDEVAC unit re-
10 ceives notification of the injury, including an anal-
11 ysis on—

12 (A) whether the 60-minute time period
13 should begin at the time of injury instead of at
14 the time of notification;

15 (B) the usefulness of gathering information
16 about survival rates using additional different
17 time periods; and

18 (C) the validity of the survival rate associ-
19 ated with the “golden hour”.

20 (6) A comparison of the helicopter evacuation ca-
21 pabilities in combat zones of—

22 (A) the Army;

23 (B) the Air Force;

24 (C) Special Operations Command; and

1 (D) armed forces of other countries that per-
2 form helicopter evacuations in combat zones.

3 (7) An analysis of—

4 (A) the requirements under the Convention
5 for the Amelioration of the Condition of the
6 Wounded and Sick in the Armed Forces in the
7 Field, done at Geneva, August 12, 1949 (6 UST
8 3114) and the related protocols with regard to
9 the weapons an aircraft may carry and still be
10 considered a medical aircraft (which, for pur-
11 poses of such Convention and protocols, means
12 an aircraft exclusively employed for the removal
13 of wounded and sick and for the transport of
14 medical personnel and equipment) protected
15 under such Convention, and of the interpreta-
16 tions of and policies under such requirements by
17 the Department of Defense;

18 (B) the threats to MEDEVAC and
19 CASEVAC air crews and assets posed by uncon-
20 ventional forces that do not abide by inter-
21 national law, military tradition, or custom, such
22 as insurgent or criminal organizations; and

23 (C) any strategies to respond to the threats
24 identified in subparagraph (B), as well as any
25 legal or policy restrictions to such responses

1 *based on the requirements, policies, and interpre-*
2 *tations identified in subparagraph (A).*

3 *(8) An explanation of how the survival rate of*
4 *injured members of the Armed Forces rescued by heli-*
5 *copter evacuation is calculated.*

6 *(9) Information on the average number of in-*
7 *jured members of the Armed Forces that are evacuated*
8 *during each MEDEVAC and CASEVAC mission.*

9 *(c) REVIEW BY COMPTROLLER GENERAL.—Not later*
10 *than 120 days after the date on which the Comptroller Gen-*
11 *eral receives the report submitted by the Secretary of De-*
12 *fense under subsection (a), the Comptroller General shall*
13 *submit to the congressional defense committees an analysis*
14 *of such report.*

15 ***Subtitle F—Limitations and***
16 ***Extensions of Authority***

17 ***SEC. 351. REPEAL OF AUTHORITY TO PROVIDE CERTAIN***
18 ***MILITARY EQUIPMENT AND FACILITIES TO***
19 ***SUPPORT CIVILIAN LAW ENFORCEMENT AND***
20 ***EMERGENCY RESPONSE.***

21 *Section 372 of title 10, United States Code, is amend-*
22 *ed—*

23 *(1) in subsection (a), by striking “(a) IN GEN-*
24 *ERAL.—The Secretary” and inserting “The Sec-*
25 *retary”; and*

1 (2) *by striking subsection (b).*

2 **SEC. 352. LIMITATION ON AVAILABILITY OF FUNDS FOR**
3 **THE DISESTABLISHMENT OF AEROSPACE**
4 **CONTROL ALERT LOCATIONS.**

5 (a) *LIMITATION.*—None of the funds authorized to be
6 appropriated by this Act or otherwise made available for
7 fiscal year 2013 for the Department of Defense may be obli-
8 gated or expended to disestablish or downgrade any of the
9 18 level 5 aerospace control alert defense locations in exist-
10 ence as of the date of the enactment of this Act.

11 (b) *MAINTAINED LEVELS.*—The Secretary of the Air
12 Force shall maintain the operational capabilities provided
13 by the 18 level 5 aerospace control alert defense capabilities
14 until the later of the following dates:

15 (1) *The date of the enactment of the National*
16 *Defense Authorization Act for Fiscal Year 2014.*

17 (2) *September 30, 2013.*

18 (c) *CONSOLIDATED BUDGET EXHIBIT.*—The Secretary
19 of Defense shall establish a consolidated budget justification
20 display that fully identifies the baseline aerospace control
21 alert budget for each of the military services and encom-
22 passes all programs and activities of the aerospace control
23 alert mission for each of the following functions:

24 (1) *Procurement.*

25 (2) *Operation and maintenance.*

1 (3) *Research, development, testing, and evalua-*
2 *tion.*

3 (4) *Military construction.*

4 (d) *REPORT.—*

5 (1) *REPORT TO CONGRESS.—Not later than*
6 *March 1, 2013, the Secretary of Defense shall submit*
7 *to the congressional defense committees a report that*
8 *provides a cost-benefit analysis and risk-based assess-*
9 *ment of the aerospace control alert mission as it re-*
10 *lates to expected future changes to the budget and*
11 *force structure of such mission.*

12 (2) *COMPTROLLER GENERAL REVIEW.—Not later*
13 *than 120 days after the date on which the Secretary*
14 *submits the report required by paragraph (1), the*
15 *Comptroller General of the United States shall—*

16 (A) *conduct a review of the force structure*
17 *plan of the Department of Defense and the cost-*
18 *benefit analysis and risk-based assessment con-*
19 *tained in the report; and*

20 (B) *submit to the congressional defense com-*
21 *mittees a report on the findings of such review.*

1 **SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR THE NATIONAL MUSEUM OF THE**
3 **UNITED STATES ARMY.**

4 *Of the amounts authorized to be appropriated for Op-*
5 *eration and Maintenance for fiscal year 2013, not more*
6 *than \$5,000,000 shall be made available for the National*
7 *Museum of the United States Army until the Secretary of*
8 *the Army submits to the congressional defense committees*
9 *certification in writing that sufficient private funding has*
10 *been raised to fund the construction of the portion of the*
11 *museum known as the “Baseline Museum” and that at least*
12 *50 percent of the Baseline Museum has been completed.*

13 **SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
14 **TIREMENT OR INACTIVATION OF TICON-**
15 **DEROGA CLASS CRUISERS OR DOCK LANDING**
16 **SHIPS.**

17 *(a) LIMITATION.—Except as provided by subsection*
18 *(b), none of the funds authorized to be appropriated by this*
19 *Act or otherwise made available for fiscal year 2013 for the*
20 *Department of Defense may be obligated or expended to re-*
21 *tire, prepare to retire, inactivate, or place in storage a*
22 *cruiser or dock landing ship.*

23 *(b) EXCEPTION.—Notwithstanding subsection (a), the*
24 *U.S.S. Port Royal, CG 73, is authorized for retirement.*

25 *(c) MAINTAINED LEVELS.—The Secretary of the Navy,*
26 *in supporting the operational requirements of the combat-*

1 *ant commands, shall maintain the operational capability*
2 *and perform the necessary maintenance of each cruiser and*
3 *dock landing ship belonging to the Navy until the later of*
4 *the following dates:*

5 (1) *The date of the enactment of the National*
6 *Defense Authorization Act for Fiscal Year 2014.*

7 (2) *September 30, 2013.*

8 **SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN**
9 **OF VETERANS MEMORIAL OBJECTS WITHOUT**
10 **SPECIFIC AUTHORIZATION IN LAW.**

11 (a) *CODIFICATION OF PROHIBITION.—Section 2572 of*
12 *title 10, United States Code, is amended by adding at the*
13 *end the following new subsection:*

14 “(e)(1) *Except as provided in paragraph (3), and not-*
15 *withstanding this section or any other provision of law, the*
16 *President may not transfer a veterans memorial object to*
17 *a foreign country or an entity controlled by a foreign gov-*
18 *ernment, or otherwise transfer or convey such an object to*
19 *any person or entity for purposes of the ultimate transfer*
20 *or conveyance of the object to a foreign country or entity*
21 *controlled by a foreign government.*

22 “(2) *In this subsection:*

23 “(A) *The term ‘entity controlled by a foreign*
24 *government’ has the meaning given that term in sec-*
25 *tion 2536(c)(1) of this title.*

1 “(B) *The term ‘veterans memorial object’ means*
2 *any object, including a physical structure or portion*
3 *thereof, that—*

4 “(i) *is located at a cemetery of the National*
5 *Cemetery System, war memorial, or military in-*
6 *stallation in the United States;*

7 “(ii) *is dedicated to, or otherwise memorial-*
8 *izes, the death in combat or combat-related du-*
9 *ties of members of the armed forces; and*

10 “(iii) *was brought to the United States from*
11 *abroad as a memorial of combat abroad.*

12 “(3) *The prohibition imposed by paragraph (1) does*
13 *not apply to a transfer of a veterans memorial object if—*

14 “(A) *the transfer of that veterans memorial ob-*
15 *ject is specifically authorized by law; or*

16 “(B) *the transfer is made after September 30,*
17 *2017.”.*

18 (b) *REPEAL OF OBSOLETE SOURCE LAW.—Section*
19 *1051 of the National Defense Authorization Act for Fiscal*
20 *Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is*
21 *repealed.*

1 **Subtitle G—Other Matters**

2 **SEC. 361. RETIREMENT, ADOPTION, CARE, AND RECOGNI-**
3 **TION OF MILITARY WORKING DOGS.**

4 (a) *RETIREMENT AND ADOPTION OF MILITARY WORK-*
5 *ING DOGS.—*

6 (1) *RETIREMENT AND RECLASSIFICATION OF*
7 *MILITARY WORKING DOGS.—Section 2583 of title 10,*
8 *United States Code, is amended—*

9 (A) *by redesignating subsections (f) and (g)*
10 *as subsections (h) and (i), respectively; and*

11 (B) *by inserting after subsection (e) the fol-*
12 *lowing new subsections:*

13 “(f) *CLASSIFICATION OF MILITARY WORKING DOGS.—*
14 *The Secretary of Defense shall classify military working*
15 *dogs as canine members of the armed forces. Such dogs shall*
16 *not be classified as equipment.*

17 “(g) *TRANSFER OF RETIRED MILITARY WORKING*
18 *DOGS.—If the Secretary of the military department con-*
19 *cerned determines that a military working dog should be*
20 *retired, and no suitable adoption is available at the mili-*
21 *tary facility where the dog is located, the Secretary may*
22 *transfer the dog—*

23 (1) *to the 341st Training Squadron; or*

24 (2) *to another location for adoption under this*
25 *section.”.*

1 (2) *ACCEPTANCE OF FREQUENT TRAVELER MILES*
 2 *TO FACILITATE ADOPTION.*—Section 2613(d) of such
 3 *title is amended—*

4 (A) *in paragraph (1)(B), by striking “; or”*
 5 *and inserting a semicolon;*

6 (B) *in paragraph (2), by striking the period*
 7 *at the end and inserting “; or”; and*

8 (C) *by adding at the end the following new*
 9 *paragraph:*

10 “(3) *facilitating the adoption of a military*
 11 *working dog under section 2583 of this title.*”.

12 (b) *VETERINARY CARE FOR RETIRED MILITARY*
 13 *WORKING DOGS.*—

14 (1) *VETERINARY CARE.*—

15 (A) *IN GENERAL.*—Chapter 50 of such title
 16 *is amended by adding at the end the following*
 17 *new section:*

18 **“§993. *Military working dogs: veterinary care for re-***
 19 ***tired military working dogs***

20 “(a) *IN GENERAL.*—The Secretary of Defense shall es-
 21 *tablish and maintain a system to provide for the veterinary*
 22 *care of retired military working dogs.*

23 “(b) *ELIGIBLE DOGS.*—(1) *A retired military working*
 24 *dog eligible for veterinary care under this section is any*

1 *military working dog adopted under section 2583 of this*
2 *title.*

3 “(2) *The veterinary care provided a military working*
4 *dog under this section shall be provided during the life of*
5 *the dog beginning on the date on which the dog is adopted*
6 *under such section 2583.*

7 “(c) *ADMINISTRATION.—(1) The Secretary shall ad-*
8 *minister the system required by this section under a con-*
9 *tract awarded by the Secretary for that purpose.*

10 “(2)(A) *The contract under this subsection shall be*
11 *awarded to a private non-profit entity selected by the Sec-*
12 *retary from among such entities submitting an application*
13 *therefor that have such experience and expertise as the Sec-*
14 *retary considers appropriate for purposes of this subsection.*

15 “(B) *An entity seeking the award of a contract under*
16 *this subsection shall submit to the Secretary an application*
17 *therefor in such form, and containing such information, as*
18 *the Secretary shall require.*

19 “(3) *The term of any contract under this subsection*
20 *shall be such duration as the Secretary shall specify.*

21 “(d) *STANDARDS OF CARE.—(1) The veterinary care*
22 *provided under the system required by this section shall*
23 *meet such standards as the Secretary shall establish and*
24 *from time to time update.*

1 “(2) *The standards required by this subsection shall*
2 *include the following:*

3 “(A) *Provisions regarding the types of care to be*
4 *provided to retired military working dogs.*

5 “(B) *Provisions regarding the entities (including*
6 *private veterinarians and entities) qualified to pro-*
7 *vide the care.*

8 “(C) *Provisions regarding the facilities, includ-*
9 *ing military installations, government facilities, and*
10 *private facilities, in which the care may be provided.*

11 “(D) *A requirement that complete histories be*
12 *maintained on the health and use in research of re-*
13 *tired military working dogs.*

14 “(E) *Such other matters as the Secretary con-*
15 *siders appropriate.*

16 “(3) *The Secretary shall consult with the board of di-*
17 *rectors of the non-profit private entity awarded the contract*
18 *under subsection (c) in establishing and updating stand-*
19 *ards of care under this subsection.*

20 “(e) *COVERAGE OF COSTS.—(1) Except as provided in*
21 *paragraph (2), any costs of operation and administration*
22 *of the system required by this section, and of any veterinary*
23 *care provided under the system, shall be covered by such*
24 *combination of the following as the Secretary and the non-*

1 *profit entity awarded the contract under subsection (c)*
 2 *jointly consider appropriate:*

3 “(A) *Contributions from the non-profit entity.*

4 “(B) *Payments for such care by owners or*
 5 *guardians of the retired military working dogs receiv-*
 6 *ing such care.*

7 “(C) *Other appropriate non-Federal sources of*
 8 *funds.*

9 “(2) *Funds provided by the Federal Government—*

10 “(A) *may not be used—*

11 “(i) *to provide veterinary care under the*
 12 *system required by this section; or*

13 “(ii) *to pay for the normal operation of the*
 14 *non-profit entity awarded the contract under*
 15 *subsection (c); and*

16 “(B) *may be used to carry out the duties of the*
 17 *Secretary under subsections (a), (c), (d), and (f).*

18 “(f) *REGULATIONS.—The Secretary shall prescribe reg-*
 19 *ulations for the discharge of the requirements and authori-*
 20 *ties in this section, including regulations on the standards*
 21 *of care required by subsection (d).”.*

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

“993. *Military working dogs: veterinary care for retired military working dogs.”.*

1 (2) *REGULATIONS.*—*The Secretary of Defense*
 2 *shall prescribe the regulations required by subsection*
 3 *(f) of section 993 of title 10, United States Code (as*
 4 *added by paragraph (1)), not later than 180 days*
 5 *after the date of the enactment of this Act.*

6 (c) *RECOGNITION OF SERVICE OF MILITARY WORKING*
 7 *DOGS.*—*Section 1125 of such title is amended—*

8 (1) *by inserting “(a) GENERAL AUTHORITY.—”*
 9 *before “The Secretary of Defense”; and*

10 (2) *by adding at the end the following new sub-*
 11 *section:*

12 “(b) *RECOGNITION OF SERVICE OF MILITARY WORK-*
 13 *ING DOGS.*—*The Secretary of Defense shall create a decora-*
 14 *tion or other appropriate recognition to recognize military*
 15 *working dogs under the jurisdiction of the Secretary that*
 16 *are killed in action or perform an exceptionally meritorious*
 17 *or courageous act in service to the United States.”.*

18 ***TITLE IV—MILITARY PERSONNEL***

19 ***AUTHORIZATIONS***

20 ***Subtitle A—Active Forces***

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

22 *The Armed Forces are authorized strengths for active*
 23 *duty personnel as of September 30, 2013, as follows:*

24 (1) *The Army, 552,100.*

25 (2) *The Navy, 322,700.*

1 (3) *The Marine Corps, 197,300.*

2 (4) *The Air Force, 330,383.*

3 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
4 **STRENGTH MINIMUM LEVELS.**

5 *Section 691(b) of title 10, United States Code, is*
6 *amended by striking paragraphs (1) through (4) and insert-*
7 *ing the following new paragraphs:*

8 “(1) *For the Army, 552,100.*

9 “(2) *For the Navy, 322,700.*

10 “(3) *For the Marine Corps, 197,300.*

11 “(4) *For the Air Force, 330,383.*”.

12 **SEC. 403. LIMITATIONS ON END STRENGTH REDUCTIONS**
13 **FOR REGULAR COMPONENT OF THE ARMY**
14 **AND MARINE CORPS.**

15 (a) *ANNUAL CERTIFICATION.*—*Subject to subsections*
16 *(b) and (c), if the President determines that a reduction*
17 *in end strength of the regular component of the Army or*
18 *Marine Corps (or both) is necessary for any of fiscal years*
19 *2014 through 2017, the President shall submit to Congress,*
20 *with the budget request for that fiscal year, a certification*
21 *that the reduction in end strength, should the assumptions*
22 *of the National Security Strategy prescribed by the Presi-*
23 *dent in the most recent annual national security strategy*
24 *report under section 108 of the National Security Act of*
25 *1947 (50 U.S.C. 404a) prove to be incorrect, will not—*

1 (1) *undermine the ability of the Armed Forces to*
2 *meet the requirements of the National Security Strat-*
3 *egy;*

4 (2) *increase security risks for the United States;*
5 *or*

6 (3) *compel members of the Armed Forces to en-*
7 *dure diminished dwell time and repeated deploy-*
8 *ments.*

9 (b) *ANNUAL LIMITATION ON REDUCTIONS.—*

10 (1) *ARMY.—The end strength of the regular com-*
11 *ponent of the Army shall not be reduced by more than*
12 *15,000 members during each of fiscal years 2014*
13 *through 2017 from the end strength of the regular*
14 *component of the Army at the end of the preceding*
15 *fiscal year.*

16 (2) *MARINE CORPS.—The end strength of the reg-*
17 *ular component of the Marine Corps shall not be re-*
18 *duced by more than 5,000 members during each of fis-*
19 *cal years 2014 through 2017 from the end strength of*
20 *the regular component of the Marine Corps at the end*
21 *of the preceding fiscal year.*

22 (c) *BUDGETING REQUIREMENT.—The budget for the*
23 *Department of Defense for each of fiscal years 2014 through*
24 *2017 as submitted to Congress—*

1 (1) shall include amounts for maintaining an
2 end strength of the regular component of the Army
3 and the Marine Corps sufficient to comply with the
4 active duty end strengths prescribed in section 691(b)
5 of title 10, United States Code; and

6 (2) shall not rely on any emergency, supple-
7 mental, or overseas contingency operations funding.

8 **SEC. 404. EXCLUSION OF MEMBERS WITHIN THE INTE-**
9 **GRATED DISABILITY EVALUATION SYSTEM**
10 **FROM END STRENGTH LEVELS FOR ACTIVE**
11 **FORCES.**

12 (a) *EXCLUSION.*—A member of the Armed Forces who
13 is within the Integrated Disability Evaluation System as
14 of the last day of any of fiscal years 2013 through 2018
15 shall not be counted toward the end strength levels for active
16 duty members of the Armed Forces prescribed for that fiscal
17 year.

18 (b) *FUNDING SOURCE.*—The Secretary of Defense shall
19 use funds authorized to be appropriated for overseas contin-
20 gency operations being carried out by the Armed Forces to
21 cover any military personnel expenses incurred as a result
22 of the exclusion under subsection (a) of members of the
23 Armed Forces from the end strengths levels for active forces.

Subtitle B—Reserve Forces**SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

(1) *The Army National Guard of the United States, 358,200.*

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

(3) *The Navy Reserve, 62,500.*

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

(5) *The Air National Guard of the United States, 106,005.*

(6) *The Air Force Reserve, 72,428.*

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

(b) *END STRENGTH REDUCTIONS.*—*The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—*

(1) *the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and*

(2) *the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory partici-*

1 *pation in training) without their consent at the end*
2 *of the fiscal year.*

3 *(c) END STRENGTH INCREASES.—Whenever units or*
4 *individual members of the Selected Reserve of any reserve*
5 *component are released from active duty during any fiscal*
6 *year, the end strength prescribed for such fiscal year for*
7 *the Selected Reserve of such reserve component shall be in-*
8 *creased proportionately by the total authorized strengths of*
9 *such units and by the total number of such individual mem-*
10 *bers.*

11 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
12 **DUTY IN SUPPORT OF THE RESERVES.**

13 *Within the end strengths prescribed in section 411(a),*
14 *the reserve components of the Armed Forces are authorized,*
15 *as of September 30, 2013, the following number of Reserves*
16 *to be serving on full-time active duty or full-time duty, in*
17 *the case of members of the National Guard, for the purpose*
18 *of organizing, administering, recruiting, instructing, or*
19 *training the reserve components:*

20 *(1) The Army National Guard of the United*
21 *States, 32,060.*

22 *(2) The Army Reserve, 16,277.*

23 *(3) The Navy Reserve, 10,114.*

24 *(4) The Marine Corps Reserve, 2,261.*

1 (5) *The Air National Guard of the United*
2 *States, 14,952.*

3 (6) *The Air Force Reserve, 2,888.*

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 *The minimum number of military technicians (dual*
7 *status) as of the last day of fiscal year 2013 for the reserve*
8 *components of the Army and the Air Force (notwith-*
9 *standing section 129 of title 10, United States Code) shall*
10 *be the following:*

11 (1) *For the Army National Guard of the United*
12 *States, 27,210.*

13 (2) *For the Army Reserve, 8,395.*

14 (3) *For the Air National Guard of the United*
15 *States, 22,272.*

16 (4) *For the Air Force Reserve, 10,946.*

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

19 (a) *LIMITATIONS.—*

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

1 (A) *For the Army National Guard of the*
 2 *United States, 1,600.*

3 (B) *For the Air National Guard of the*
 4 *United States, 350.*

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

8 (3) *AIR FORCE RESERVE.—The number of non-*
 9 *dual status technicians employed by the Air Force*
 10 *Reserve as of September 30, 2013, may not exceed 90.*

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

15 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
 16 **THORIZED TO BE ON ACTIVE DUTY FOR**
 17 **OPERATIONAL SUPPORT.**

18 *During fiscal year 2013, the maximum number of*
 19 *members of the reserve components of the Armed Forces who*
 20 *may be serving at any time on full-time operational sup-*
 21 *port duty under section 115(b) of title 10, United States*
 22 *Code, is the following:*

23 (1) *The Army National Guard of the United*
 24 *States, 17,000.*

25 (2) *The Army Reserve, 13,000.*

1 (3) *The Navy Reserve, 6,200.*

2 (4) *The Marine Corps Reserve, 3,000.*

3 (5) *The Air National Guard of the United*
4 *States, 16,000.*

5 (6) *The Air Force Reserve, 14,000.*

6 ***Subtitle C—Authorization of***
7 ***Appropriations***

8 ***SEC. 421. MILITARY PERSONNEL.***

9 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
10 *hereby authorized to be appropriated for fiscal year 2013*
11 *for the use of the Armed Forces and other activities and*
12 *agencies of the Department of Defense for expenses, not oth-*
13 *erwise provided for, for military personnel, as specified in*
14 *the funding table in section 4401.*

15 (b) *CONSTRUCTION OF AUTHORIZATION.—The author-*
16 *ization of appropriations in subsection (a) supersedes any*
17 *other authorization of appropriations (definite or indefi-*
18 *nite) for such purpose for fiscal year 2013.*

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel Policy**
4 **Generally**

5 **SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFI-**
6 **CERS ON ACTIVE DUTY.**

7 (a) *ADDITIONAL FLAG OFFICER AUTHORIZED.*—Sec-
8 *tion 526(a)(2) of title 10, United States Code, is amended*
9 *by striking “160” and inserting “161”.*

10 (b) *CORRESPONDING CHANGE IN COMPUTING NUMBER*
11 *OF FLAG OFFICERS IN STAFF CORPS OF THE NAVY.*—Sec-
12 *tion 5150(c) of such title is amended by striking the last*
13 *sentence.*

14 **SEC. 502. EXCEPTION TO REQUIRED RETIREMENT AFTER 30**
15 **YEARS OF SERVICE FOR REGULAR NAVY WAR-**
16 **RANT OFFICERS IN THE GRADE OF CHIEF**
17 **WARRANT OFFICER, W-5.**

18 *Section 1305(a) of title 10, United States Code, is*
19 *amended—*

20 (1) *in paragraph (1)—*

21 (A) *by striking “A regular warrant officer*
22 *(other than a regular Army warrant officer)”*
23 *and inserting “Subject to paragraphs (2) and*
24 *(3), a regular warrant officer”; and*

1 (B) by striking “he” and inserting “the offi-
2 cer”; and

3 (2) by adding at the end the following new para-
4 graph:

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

9 **SEC. 503. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAP-**
10 **LAINS.**

11 (a) *ESTABLISHMENT OF POSITIONS; APPOINTMENT.*—
12 Chapter 805 of title 10, United States Code, is amended
13 by adding at the end the following new section:

14 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-**
15 **pointment; duties**

16 “(a) *CHIEF OF CHAPLAINS.*—(1) There is a Chief of
17 Chaplains in the Air Force, appointed by the President, by
18 and with the advice and consent of the Senate, from officers
19 of the Air Force designated under section 8067(h) of this
20 title as chaplains who—

21 “(A) are serving in the grade of colonel or above;

22 “(B) are serving on active duty; and

23 “(C) have served on active duty as a chaplain
24 for at least eight years.

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

5 “(3) *The Chief of Chaplains shall perform such duties*
6 *as may be prescribed by the Secretary of the Air Force and*
7 *by law.*

8 “(b) *DEPUTY CHIEF OF CHAPLAINS.—(1) There is a*
9 *Deputy Chief of Chaplains in the Air Force, appointed by*
10 *the President, by and with the advice and consent of the*
11 *Senate, from officers of the Air Force designated under sec-*
12 *tion 8067(h) of this title as chaplains who—*

13 “(A) *are serving in the grade of colonel;*

14 “(B) *are serving on active duty; and*

15 “(C) *have served on active duty as a chaplain*
16 *for at least eight years.*

17 “(2) *An officer appointed as the Deputy Chief of Chap-*
18 *lains shall be appointed for a term of three years. However,*
19 *the President may terminate or extend the appointment at*
20 *any time.*

21 “(3) *The Deputy Chief of Chaplains shall perform such*
22 *duties as may be prescribed by the Secretary of the Air*
23 *Force and the Chief of Chaplains and by law.*

24 “(c) *SELECTION BOARD.—Under regulations approved*
25 *by the Secretary of Defense, the Secretary of the Air Force,*

1 *in selecting an officer for recommendation to the President*
 2 *for appointment as the Chief of Chaplains or the Deputy*
 3 *Chief of Chaplains, shall ensure that the officer selected is*
 4 *recommended by a board of officers that, insofar as prac-*
 5 *ticable, is subject to the procedures applicable to the selec-*
 6 *tion boards convened under chapter 36 of this title.”.*

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

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

10 **SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO RE-**
 11 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**
 12 **AS A COMMISSIONED OFFICER REQUIRED**
 13 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**
 14 **CER.**

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

18 (b) *NAVY AND MARINE CORPS.—Section 6323(a)(2)(B)*
 19 *of such title is amended by striking “September 30, 2013”*
 20 *and inserting “September 30, 2018”.*

21 (c) *AIR FORCE.—Section 8911(b)(2) of such title is*
 22 *amended by striking “September 30, 2013” and inserting*
 23 *“September 30, 2018”.*

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 Code,*
7 *is amended—*

8 *(1) by striking “the period ending on December*
9 *31, 2007” and inserting “fiscal years 2013 through*
10 *2018”;*

11 *(2) by striking “Air Force” and inserting*
12 *“Army, Air Force, and Marine Corps”; and*

13 *(3) by striking “in the period”.*

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

19 *Section 1370(a)(2) of title 10, United States Code, is*
20 *amended—*

21 *(1) in subparagraph (E)—*

22 *(A) by inserting “(i)” after “exceed”; and*

23 *(B) by inserting before the period at the end*
24 *the following: “or (ii) in the case of officers of*
25 *that armed forces in a grade specified in sub-*

1 paragraph (G), two officers, whichever number is
2 greater”; and

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

5 “(G) Notwithstanding subparagraph (E), during fiscal
6 years 2013 through 2017, the total number of brigadier gen-
7 erals and major generals of the Army, Air Force, and Ma-
8 rine Corps, and the total number of rear admirals (lower
9 half) and rear admirals of the Navy, for whom a reduction
10 is made under this section during any fiscal year of service-
11 in-grade otherwise required under this paragraph—

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

16 “(ii) for officers of the Marine Corps, may not
17 exceed 10 percent of the authorized active-duty
18 strength for that fiscal year for officers in those
19 grades.”.

20 **SEC. 507. DIVERSITY IN MILITARY LEADERSHIP AND RE-**
21 **LATED REPORTING REQUIREMENTS.**

22 (a) **PLAN TO ACHIEVE MILITARY LEADERSHIP RE-**
23 **FLECTING DIVERSITY OF UNITED STATES POPULATION.—**

1 (1) *IN GENERAL.*—Chapter 37 of title 10, United
2 States Code, is amended by adding at the end the fol-
3 lowing new section:

4 **“§ 656. Diversity in military leadership: plan**

5 “(a) *PLAN.*—The Secretary of Defense shall develop
6 and implement a plan to accurately measure the efforts of
7 the Department of Defense to achieve a dynamic, sustain-
8 able level of members of the armed forces (including reserve
9 components) that, among both commissioned officers and
10 senior enlisted personnel of each armed force, will reflect
11 the diverse population of the United States eligible to serve
12 in the armed forces, including gender specific, racial, and
13 ethnic populations. Any metric established pursuant to this
14 subsection may not be used in a manner that undermines
15 the merit-based processes of the Department of Defense, in-
16 cluding such processes for accession, retention, and pro-
17 motion. Such metrics may not be combined with the identi-
18 fication of specific quotas based upon diversity characteris-
19 tics. The Secretary shall continue to account for diversified
20 language and cultural skills among the total force of the
21 military.

22 “(b) *METRICS TO MEASURE PROGRESS IN DEVEL-*
23 *OPING AND IMPLEMENTING PLAN.*—In developing and im-
24 plementing the plan under subsection (a), the Secretary of
25 Defense shall develop a standard set of metrics and collec-

1 *tion procedures that are uniform across the armed forces.*

2 *The metrics required by this subsection shall be designed—*

3 *“(1) to accurately capture the inclusion and ca-*

4 *pability aspects of the armed forces broader diversity*

5 *plans, including race, ethnic, and gender specific*

6 *groups, functional expertise, and diversified cultural*

7 *and language skills as to leverage and improve readi-*

8 *ness; and*

9 *“(2) to be verifiable and systematically linked to*

10 *strategic plans that will drive improvements.*

11 *“(c) DEFINITION OF DIVERSITY.—In developing and*

12 *implementing the plan under subsection (a), the Secretary*

13 *of Defense shall develop a uniform definition of diversity.*

14 *“(d) CONSULTATION.—Not less than annually, the Sec-*

15 *retary of Defense shall meet with the Secretaries of the mili-*

16 *tary departments, the Joint Chiefs of Staff, and senior en-*

17 *listed members of the armed forces to discuss the progress*

18 *being made toward developing and implementing the plan*

19 *established under subsection (a).*

20 *“(e) COOPERATION WITH STATES.—The Secretary of*

21 *Defense shall coordinate with the National Guard Bureau*

22 *and States in tracking the progress of the National Guard*

23 *toward developing and implementing the plan established*

24 *under subsection (a).”.*

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

“656. Diversity in military leadership: plan.”.

4 (b) *INCLUSION IN DOD MANPOWER REQUIREMENTS*
5 *REPORT.*—*Section 115a(c) of such title is amended by add-*
6 *ing at the end the following new paragraphs:*

7 “*(4) The progress made in implementing the*
8 *plan required by section 656 of this title to accurately*
9 *measure the efforts of the Department to reflect the di-*
10 *verse population of the United States eligible to serve*
11 *in the armed forces.*

12 “*(5) The number of members of the armed forces,*
13 *including reserve components, listed by sex and race*
14 *or ethnicity for each rank under each military de-*
15 *partment.*

16 “*(6) The number of members of the armed forces,*
17 *including reserve components, who were promoted*
18 *during the year covered by the report, listed by sex*
19 *and race or ethnicity for each rank under each mili-*
20 *tary department.*

21 “*(7) The number of members of the armed forces,*
22 *including reserve components, who reenlisted or other-*
23 *wise extended the commitment to military service*
24 *during the year covered by the report, listed by sex*

1 *and race or ethnicity for each rank under each mili-*
2 *tary department.*

3 “(8) *The available pool of qualified candidates*
4 *for the general officer grades of general and lieutenant*
5 *general and the flag officer grades of admiral and vice*
6 *admiral.”.*

7 ***Subtitle B—Reserve Component***
8 ***Management***

9 ***SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS***
10 ***FOR JOINT STAFF RELATED TO NATIONAL***
11 ***GUARD AND RESERVE MATTERS.***

12 *(a) CODIFICATION OF EXISTING POSITIONS.—Chapter*
13 *5 of title 10, United States Code, is amended by inserting*
14 *after section 155 the following new section:*

15 ***“§155a. Assistants to the Chairman of the Joint***
16 ***Chiefs of Staff for National Guard mat-***
17 ***ters and for Reserve matters***

18 *“(a) ESTABLISHMENT OF POSITIONS.—The Secretary*
19 *of Defense shall establish the following positions within the*
20 *Joint Staff:*

21 *“(1) Assistant to the Chairman of the Joint*
22 *Chiefs of Staff for National Guard Matters.*

23 *“(2) Assistant to the Chairman of the Joint*
24 *Chiefs of Staff for Reserve Matters.*

1 “(b) *SELECTION.*—(1) *The Assistant to the Chairman*
2 *of the Joint Chiefs of Staff for National Guard Matters shall*
3 *be selected by the Chairman from officers of the Army Na-*
4 *tional Guard of the United States or the Air Guard of the*
5 *United States who—*

6 “(A) *are recommended for such selection by their*
7 *respective Governors or, in the case of the District of*
8 *Columbia, the commanding general of the District of*
9 *Columbia National Guard;*

10 “(B) *have had at least 10 years of federally rec-*
11 *ognized commissioned service in the National Guard*
12 *and significant joint duty experience, as determined*
13 *by the Chairman of the Joint Chiefs of Staff; and*

14 “(C) *are in a grade above the grade of colonel.*

15 “(2) *The Assistant to the Chairman of the Joint Chiefs*
16 *of Staff for Reserve Matters shall be selected by the Chair-*
17 *man from officers of the Army Reserve, the Navy Reserve,*
18 *the Marine Corps Reserve, or the Air Force Reserve who—*

19 “(A) *are recommended for such selection by the*
20 *Secretary of the military department concerned;*

21 “(B) *have had at least 10 years of commissioned*
22 *service in their reserve component and significant*
23 *joint duty experience, as determined by the Chairman*
24 *of the Joint Chiefs of Staff; and*

1 “(C) are in a grade above the grade of colonel or,
2 in the case of the Navy Reserve, captain.

3 “(c) *TERM OF OFFICE.*—Each Assistant to the Chair-
4 man of the Joint Chiefs of Staff under subsection (a) serves
5 at the pleasure of the Chairman for a term of two years
6 and may be continued in that assignment in the same man-
7 ner for one additional term. However, in time of war there
8 is no limit on the number of terms.

9 “(d) *GRADE.*—Each Assistant to the Chairman of the
10 Joint Chiefs of Staff under subsection (a), while so serving,
11 holds the grade of major general or, in the case of the Navy
12 Reserve, rear admiral. Each such officer shall be considered
13 to be serving in a position covered by the limited exclusion
14 from the authorized strength of general officers and flag offi-
15 cers on active duty provided by section 526(b) of this title.

16 “(e) *DUTIES.*—(1) The Assistant to the Chairman of
17 the Joint Chiefs of Staff for National Guard Matters is an
18 adviser to the Chairman on matters relating to the National
19 Guard and performs the duties prescribed for that position
20 by the Chairman.

21 “(2) The Assistant to the Chairman of the Joint Chiefs
22 of Staff for Reserve Matters is an adviser to the Chairman
23 on matters relating to the reserves and performs the duties
24 prescribed for that position by the Chairman.

1 “(f) *OTHER RESERVE COMPONENT REPRESENTATION*
2 *ON JOINT STAFF.*—*The Secretary of Defense, in consulta-*
3 *tion with the Chairman of the Joint Chiefs, shall develop*
4 *appropriate policy guidance to ensure that, to the max-*
5 *imum extent practicable, the level of representation of re-*
6 *serve component officers on the Joint Staff is commensurate*
7 *with the significant role of the reserve components within*
8 *the armed forces.”.*

9 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
10 *the beginning of such chapter is amended by inserting after*
11 *the item related to section 155 the following new item:*

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters.”.

12 (c) *REPEAL OF SUPERSEDED LAW.*—*Section 901 of*
13 *the National Defense Authorization Act for Fiscal Year*
14 *1998 (Public Law 105–85; 10 U.S.C. 155 note) is repealed.*

15 **SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PRO-**
16 **MOTION OF CERTAIN NATIONAL GUARD WAR-**
17 **RANT OFFICERS.**

18 *Section 310(a) of title 32, United States Code, is*
19 *amended—*

20 (1) *by inserting “(1)” before “Notwithstanding”;*

21 *and*

22 (2) *by adding at the end the following new para-*
23 *graph:*

1 “(2) Notwithstanding sections 307 and 309 of this
2 title, if a warrant officer, W-1, of the National Guard is
3 promoted to the grade of chief warrant officer, W-2, to fill
4 a vacancy in a federally recognized unit in the National
5 Guard, Federal recognition is automatically extended to
6 that officer in the grade of chief warrant officer, W-2, effec-
7 tive as of the date on which that officer has completed the
8 service in the grade prescribe by the Secretary concerned
9 under section 12242 of title 10, if the warrant officer has
10 remained in an active status since the warrant officer was
11 so recommended.”.

12 **Subtitle C—General Service** 13 **Authorities**

14 **SEC. 521. MODIFICATIONS TO CAREER INTERMISSION** 15 **PILOT PROGRAM.**

16 (a) *EXTENSION OF PROGRAMS TO INCLUDE ACTIVE*
17 *GUARD AND RESERVE PERSONNEL.*—Subsection (a)(1) of
18 *section 533 of Duncan Hunter National Defense Authoriza-*
19 *tion Act for Fiscal Year 2009 (Public Law 110-417; 122*
20 *Stat. 4449; 10 U.S.C. 701 prec.) is amended by inserting*
21 *after “officers and enlisted members of the regular compo-*
22 *nents” the following: “, and members of the Active Guard*
23 *and Reserve (as defined in section 101(b)(16) of title 10,*
24 *United States Code),”.*

1 **(b) AUTHORITY TO CARRY FORWARD UNUSED AC-**
2 **CRUED LEAVE.**—*Subsection (h) of such section is amended*
3 *by adding at the end the following new paragraph:*

4 “(5) **LEAVE.**—*A member who participates in a*
5 *pilot program is entitled to carry forward the leave*
6 *balance, existing as of the day on which the member*
7 *begins participation and accumulated in accordance*
8 *with section 701 of title 10, United States Code, but*
9 *not to exceed 60 days.”.*

10 **(c) AUTHORITY FOR DISABILITY PROCESSING.**—*Sub-*
11 *section (j) of such section is amended—*

12 (1) *by striking “for purposes of the entitlement”*
13 *and inserting “for purposes of—*

14 *“(1) the entitlement”;*

15 (2) *by striking the period at the end and insert-*
16 *ing “; and”; and*

17 (3) *by adding at the end the following new para-*
18 *graph:*

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

1 **SEC. 522. AUTHORITY FOR ADDITIONAL BEHAVIORAL**
2 **HEALTH PROFESSIONALS TO CONDUCT PRE-**
3 **SEPARATION MEDICAL EXAMS FOR POST-**
4 **TRAUMATIC STRESS DISORDER.**

5 *Section 1177(a) of title 10, United States Code, is*
6 *amended—*

7 *(1) in paragraph (1), by striking “or psychia-*
8 *trist” and inserting “psychiatrist, licensed clinical so-*
9 *cial worker, or psychiatric nurse practitioner”; and*

10 *(2) in paragraph (3), by striking “or psychia-*
11 *trist” and inserting “, psychiatrist, licensed clinical*
12 *social worker, or psychiatric nurse practitioner”.*

13 **SEC. 523. AUTHORITY TO ACCEPT VOLUNTARY SERVICES TO**
14 **ASSIST DEPARTMENT OF DEFENSE EFFORTS**
15 **TO ACCOUNT FOR MISSING PERSONS.**

16 *Section 1501(a)(6) of title 10, United States Code, is*
17 *amended by adding at the end the following new subpara-*
18 *graph:*

19 *“(D) Notwithstanding section 1342 of title 31, the Sec-*
20 *retary of Defense may accept voluntary services provided*
21 *by individuals or non-Federal entities to further the pur-*
22 *poses of this chapter.”.*

1 **SEC. 524. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS**
2 **OF THE ARMED FORCES UPON BIRTH OR**
3 **ADOPTION OF A CHILD.**

4 *Section 701 of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) by striking subsections (i) and (j) and insert-*
7 *ing the following new subsection:*

8 *“(i)(1) A member of the armed forces who gives birth*
9 *to a child or who adopts a child in a qualifying child adop-*
10 *tion and will be primary caregiver for the adopted child*
11 *shall receive 42 days of leave after the birth or adoption*
12 *to be used in connection with the birth or adoption of the*
13 *child.*

14 *“(2) A married member of the armed forces on active*
15 *duty whose wife gives birth to a child or who adopts a child*
16 *in a qualifying child adoption, but will not be primary*
17 *caregiver for the adopted child, shall receive 10 days of leave*
18 *to be used in connection with the birth or adoption of the*
19 *child.*

20 *“(3) If two members of the armed forces who are mar-*
21 *ried to each other adopt a child in a qualifying child adop-*
22 *tion, only one of the members may be designated as primary*
23 *caregiver for purposes of paragraph (1). In the case of a*
24 *dual-military couple, the member authorized leave under*
25 *paragraph (1) and the member authorized leave under*
26 *paragraph (2) may utilize the leave at the same time.*

1 “(4) For the purpose of this subsection, an adoption
2 of a child by a member is a qualifying child adoption if
3 the member is eligible for reimbursement of qualified adop-
4 tion expenses for such adoption under section 1052 of this
5 title.

6 “(5) Leave authorized under this subsection is in addi-
7 tion to other leave provided under other provisions of this
8 section.

9 “(6) The Secretary of Defense may prescribe such regu-
10 lations as may be necessary to carry out this subsection.”;
11 and

12 (2) by redesignating subsection (k) as subsection
13 (j).

14 **SEC. 525. COMMAND RESPONSIBILITY AND ACCOUNT-**
15 **ABILITY FOR REMAINS OF MEMBERS OF THE**
16 **ARMY, NAVY, AIR FORCE, AND MARINE CORPS**
17 **WHO DIE OUTSIDE THE UNITED STATES.**

18 Not later than 60 days after the date of the enactment
19 of this Act, the Secretary of Defense shall take such steps
20 as may be necessary to ensure that there is continuous, des-
21 ignated military command responsibility and account-
22 ability for the care, handling, and transportation of the re-
23 mains of each deceased member of the Army, Navy, Air
24 Force, or Marine Corps who died outside the United States,
25 beginning with the initial recovery of the remains, through

1 *the defense mortuary system, until the interment of the re-*
2 *mains or the remains are otherwise accepted by the person*
3 *designated as provided by section 1482(c) of title 10, United*
4 *States Code, to direct disposition of the remains.*

5 **SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GEN-**
6 **DER-NEUTRAL OCCUPATIONAL STANDARDS**
7 **FOR MILITARY OCCUPATIONAL SPECIALTIES**
8 **CURRENTLY CLOSED TO WOMEN.**

9 *Not later than 60 days after the date of the enactment*
10 *of this Act, the Secretary of Defense shall submit to the con-*
11 *gressional defense committees a report evaluating the feasi-*
12 *bility of incorporating gender-neutral occupational stand-*
13 *ards for military occupational specialties closed, as of the*
14 *date of the enactment of this Act, to female members of the*
15 *Armed Forces.*

16 **SEC. 527. COMPLIANCE WITH MEDICAL PROFILES ISSUED**
17 **FOR MEMBERS OF THE ARMED FORCES.**

18 *(a) COMPLIANCE REQUIREMENT.—The Secretary of a*
19 *military department shall ensure that commanding offi-*
20 *cers—*

21 *(1) do not prohibit or otherwise restrict the abil-*
22 *ity of physicians and other licensed health-care pro-*
23 *viders to issue a medical profile for a member of the*
24 *Armed Forces; and*

1 (2) *comply with the terms of a medical profile*
2 *issued to a member of the Armed Forces is assigning*
3 *duties to the member.*

4 (b) *LIMITED WAIVER AUTHORITY.*—*The first general*
5 *officer or flag officer in the chain of command of a member*
6 *of the Armed Forces covered by a medical profile may au-*
7 *thorize, on a case-by-case basis, a temporary waiver of the*
8 *compliance requirement imposed by subsection (a)(2) if the*
9 *officer determines that the assignment of duties to the mem-*
10 *ber in violation of the terms of the medical profile is vital*
11 *to ensuring the readiness of the member and the unit.*

12 (c) *MEDICAL PROFILE DEFINED.*—*In this section, the*
13 *term “medical profile”, with respect to a member of the*
14 *Armed Forces, means a limitation imposed by a physician*
15 *or other licensed health-care provider on the physical activ-*
16 *ity of the member on account of an illness or injury to fa-*
17 *cilitate the member’s recovery or reduce the seriousness of*
18 *the illness or injury.*

19 ***Subtitle D—Military Justice and***
20 ***Legal Matters***

21 ***SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE***
22 ***ROLE OF STAFF JUDGE ADVOCATE TO THE***
23 ***COMMANDANT OF THE MARINE CORPS.***

24 (a) *APPOINTMENT BY THE PRESIDENT AND PERMA-*
25 *NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.*—

1 *Subsection (a) of section 5046 of title 10, United States*
2 *Code, is amended—*

3 (1) *in the first sentence, by striking “detailed”*
4 *and inserting “appointed by the President, by and*
5 *with the advice and consent of the Senate,”; and*

6 (2) *by striking the second sentence and inserting*
7 *the following: “If the officer to be appointed as the*
8 *Staff Judge Advocate to the Commandant of the Ma-*
9 *rine Corps holds a grade lower than the grade of*
10 *major general immediately before the appointment,*
11 *the officer shall be appointed in the grade of major*
12 *general.”.*

13 (b) *DUTIES, AUTHORITY, AND ACCOUNTABILITY.—*
14 *Such section is further amended—*

15 (1) *by redesignating subsection (c) as subsection*
16 *(d); and*

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

19 “(c) *The Staff Judge Advocate to the Commandant of*
20 *the Marine Corps, under the direction of the Commandant*
21 *of the Marine Corps and the Secretary of the Navy, shall—*

22 “(1) *perform such duties relating to legal matters*
23 *arising in the Marine Corps as may be assigned to*
24 *the Staff Judge Advocate;*

1 “(2) perform the functions and duties, and exer-
2 cise the powers, prescribed for the Staff Judge Advo-
3 cate to the Commandant of the Marine Corps in
4 chapters 47 (the Uniform Code of Military Justice)
5 and 53 of this title; and

6 “(3) perform such other duties as may be as-
7 signed to the Staff Judge Advocate.”.

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

10 (1) by redesignating paragraphs (4) and (5) as
11 paragraphs (5) and (6), respectively; and

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

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

16 (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

17 (1) ADMINISTRATION OF MILITARY JUSTICE.—
18 Section 806(a) of such title (article 6(a) of the Uni-
19 form Code of Military Justice) is amended in the
20 third sentence by striking “or senior members of his
21 staff” and inserting “, the Staff Judge Advocate to the
22 Commandant of the Marine Corps, or senior members
23 of their staffs”.

24 (2) DELIVERY OF LEGAL ASSISTANCE.—Section
25 1044(b) of such title is amended by inserting “and,

1 *within the Marine Corps, the Staff Judge Advocate to*
2 *the Commandant of the Marine Corps” after “juris-*
3 *isdiction of the Secretary”.*

4 **SEC. 532. PERSONS WHO MAY EXERCISE DISPOSITION AU-**
5 **THORITY REGARDING CHARGES INVOLVING**
6 **CERTAIN SEXUAL MISCONDUCT OFFENSES**
7 **UNDER THE UNIFORM CODE OF MILITARY**
8 **JUSTICE.**

9 *(a) PERSONS WHO MAY EXERCISE DISPOSITION AU-*
10 *THORITY.—*

11 (1) *DISPOSITION AUTHORITY.—With respect to*
12 *any charge under chapter 47 of title 10, United*
13 *States Code (the Uniform Code of Military Justice)*
14 *that alleges an offense specified in paragraph (2), the*
15 *Secretary of Defense shall require the Secretaries of*
16 *the military departments to restrict disposition au-*
17 *thority under section 830 of such chapter (article 30*
18 *of the Uniform Code of Military Justice) to officers of*
19 *the Armed Forces who have the authority to convene*
20 *special courts-martial under section 823 of such chap-*
21 *ter (article 23 of the Uniform Code of Military Jus-*
22 *tice), but no lower than the first colonel, or in the case*
23 *of the Navy, the first captain, with a legal advisor (or*
24 *access to a legal advisor) in the chain of command of*
25 *the person accused of committing the offense.*

1 (2) *COVERED OFFENSES.*—Paragraph (1) ap-
2 plies with respect to a charge that alleges any of the
3 following offenses under chapter 47 of title 10, United
4 States Code (the Uniform Code of Military Justice):

5 (A) *Rape or sexual assault under subsection*
6 (a) or (b) of section 920 of such chapter (article
7 120).

8 (B) *Forcible sodomy under section 925 of*
9 such chapter (article 125).

10 (C) *An attempt to commit an offense speci-*
11 fied in paragraph (1) or (2), as punishable
12 under section 880 of such chapter (article 80).

13 (b) *IMPLEMENTATION.*—

14 (1) *SERVICE SECRETARIES.*—The Secretaries of
15 the military departments shall revise policies and
16 procedures as necessary to comply with subsection (a).

17 (2) *SECRETARY OF DEFENSE.*—Not later than
18 180 days after the date of the enactment of this Act,
19 the Secretary of Defense shall recommend such
20 changes to the Manual for Courts-Martial as are nec-
21 essary to ensure compliance with subsection (a).

22 (c) *RECOMMENDATION OF ADDITIONAL CHANGES TO*
23 *MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.*—Not
24 later than 180 days after the date of the enactment of this
25 Act, the Secretary of Defense shall make recommendations

1 *for additional changes to the Manual for Courts-Martial or*
2 *to Department of Defense policies that would—*

3 (1) *ensure the consideration of the material facts*
4 *regarding an alleged offense specified in subsection*
5 *(a)(2) or other sexual offense under sections 920*
6 *through 920c of title 10, United States Code (articles*
7 *120 through 120c of the Uniform Code of Military*
8 *Justice) is given precedence over the consideration of*
9 *the character of the military service of the person ac-*
10 *cused of the sexual offense; and*

11 (2) *require all commanders who receive a report*
12 *or complaint alleging an offense specified in sub-*
13 *section (a)(2) to refer the report or complaint to the*
14 *Defense Criminal Investigative Service, Army Crimi-*
15 *nal Investigative Command, Naval Criminal Inves-*
16 *tigative Service, or Air Force Office of Special Inves-*
17 *tigations, as the case may be.*

18 **SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNI-**
19 **FORM CODE OF MILITARY JUSTICE AND JUDI-**
20 **CIAL PROCEEDINGS OF SEXUAL ASSAULT**
21 **CASES.**

22 (a) *INDEPENDENT REVIEW AND ASSESSMENT.—The*
23 *Secretary of Defense shall establish an independent panel*
24 *to conduct an independent review and assessment of judi-*
25 *cial proceedings under the Uniform Code of Military Jus-*

1 *tice involving sexual assault and related offenses for the*
2 *purpose of developing potential improvements to such pro-*
3 *ceedings.*

4 *(b) INDEPENDENT PANEL FOR REVIEW.—*

5 *(1) COMPOSITION.—The panel shall be composed*
6 *of five members, appointed by the Secretary of De-*
7 *fense from among private United States citizens who*
8 *have expertise in military law, civilian law, prosecu-*
9 *tion of sexual assaults in Federal criminal court,*
10 *military justice policies, the missions of the Armed*
11 *Forces, or offenses relating to rape, sexual assault,*
12 *and other sexual misconduct under the Uniform Code*
13 *of Military Justice..*

14 *(2) CHAIR.—The chair of the panel shall be ap-*
15 *pointed by the Secretary from among the members of*
16 *the panel appointed under paragraph (1).*

17 *(3) PERIOD OF APPOINTMENT; VACANCIES.—*
18 *Members shall be appointed for the life of the panel.*
19 *Any vacancy in the panel shall be filled in the same*
20 *manner as the original appointment.*

21 *(4) DEADLINE FOR APPOINTMENTS.—All original*
22 *appointments to the panel shall be made not later*
23 *than 120 days after the date of the enactment of this*
24 *Act.*

1 (5) *MEETINGS.*—*The panel shall meet at the call*
2 *of the chair.*

3 (6) *FIRST MEETING.*—*The chair shall call the*
4 *first meeting of the panel not later than 60 days after*
5 *the date of the appointment of all the members of the*
6 *panel.*

7 (7) *DURATION.*—*The panel shall expire on Sep-*
8 *tember 30, 2017.*

9 (c) *DUTIES.*—

10 (1) *ANNUAL REPORT ON IMPLEMENTATION OF*
11 *UCMJ AMENDMENTS.*—*The panel shall prepare annual*
12 *reports regarding the implementation of the reforms*
13 *to the offenses relating to rape, sexual assault, and*
14 *other sexual misconduct under the Uniform Code of*
15 *Military Justice enacted by section 541 of the Na-*
16 *tional Defense Authorization Act for Fiscal Year 2012*
17 *(Public Law 112–81; 125 Stat. 1404).*

18 (2) *REVIEW AND CONSULTATION.*—*In preparing*
19 *the reports, the panel shall review, evaluate, and as-*
20 *sess the following:*

21 (A) *The advisory sentencing guidelines*
22 *given by judges in Federal courts and how those*
23 *guidelines compare to advisory sentencing guid-*
24 *ance provided to panels rendering punishments*
25 *in court-martial proceedings, including whether*

1 *it would be more beneficial for advisory sen-*
2 *tencing guidelines to be provided to panels or for*
3 *discretion to be given to judges regarding wheth-*
4 *er to issue advisory sentencing guidelines.*

5 *(B) The punishments or administrative ac-*
6 *tions taken in response to sexual assault court-*
7 *martial proceedings, including the number of*
8 *punishments or administrative actions taken as*
9 *rendered by a panel and the number of punish-*
10 *ments or administrative actions rendered by a*
11 *judge and the consistency and proportionality of*
12 *the decisions, punishments, and administrative*
13 *actions to the facts of each case compared with*
14 *Federal and State criminal courts.*

15 *(C) The court-martial convictions of sexual*
16 *assaults in the year covered by the report and*
17 *the number and description of instances when*
18 *punishments were reduced upon appeal and the*
19 *instances in which the defendant appealed fol-*
20 *lowing a plea agreement, if such information is*
21 *available.*

22 *(D) The number of instances in which the*
23 *previous sexual conduct of the alleged victim was*
24 *considered in Article 32 proceedings and any in-*

1 *stances where previous sexual conduct was*
2 *deemed to be inadmissible.*

3 *(E) The number of instances in which evi-*
4 *dence of the previous sexual conduct of the al-*
5 *leged victim was introduced by the defense in a*
6 *court-martial what impact that evidence had on*
7 *the case.*

8 *(F) The training level of defense and pros-*
9 *ecution trial counsel, including an inventory of*
10 *the experience of JAG lead trial counsel in each*
11 *instance and any existing standards or require-*
12 *ments for lead counsel, including their experience*
13 *in defending or prosecuting sexual assault and*
14 *related offenses.*

15 *(G) Such other matters and materials as the*
16 *panel considers appropriate for purposes of the*
17 *reports.*

18 (3) *UTILIZATION OF OTHER STUDIES.*—*In pre-*
19 *paring the reports, the panel may review, and incor-*
20 *porate as appropriate, the findings of applicable on-*
21 *going and completed studies*

22 (4) *FIRST REPORT.*—*Not later than 180 days*
23 *after its first meeting, the panel shall submit to the*
24 *Secretary of Defense and the Committees on Armed*
25 *Services of the Senate and the House of Representa-*

1 *tives its first report under this subsection. The panel*
2 *shall include proposals for such legislative or admin-*
3 *istrative action as the panel considers appropriate in*
4 *light of its review.*

5 *(d) POWERS OF PANEL.—*

6 *(1) HEARINGS.—The panel may hold such hear-*
7 *ings, sit and act at such times and places, take such*
8 *testimony, and receive such evidence as the panel con-*
9 *siders appropriate to carry out its duties under this*
10 *section.*

11 *(2) INFORMATION FROM FEDERAL AGENCIES.—*

12 *Upon request by the chair of the panel, any depart-*
13 *ment or agency of the Federal Government may pro-*
14 *vide information that the panel considers necessary to*
15 *carry out its duties under this section.*

16 *(e) PERSONNEL MATTERS.—*

17 *(1) PAY OF MEMBERS.—Members of the panel*
18 *shall serve without pay by reason of their work on the*
19 *panel.*

20 *(2) TRAVEL EXPENSES.—The members of the*
21 *panel shall be allowed travel expenses, including per*
22 *diem in lieu of subsistence, at rates authorized for*
23 *employees of agencies under subchapter I of chapter*
24 *57 of title 5, United States Code, while away from*

1 *their homes or regular places of business in the per-*
2 *formance or services for the panel.*

3 **SEC. 534. COLLECTION AND RETENTION OF RECORDS ON**
4 **DISPOSITION OF REPORTS OF SEXUAL AS-**
5 **SAULT.**

6 (a) *COLLECTION.*—*The Secretary of Defense shall re-*
7 *quire that the Secretary of each military department estab-*
8 *lish a record on the disposition of any report of sexual as-*
9 *sault, whether such disposition is court martial, nonjudicial*
10 *punishment, or other administrative action. The record of*
11 *any such disposition shall include the following, as appro-*
12 *priate:*

13 (1) *Documentary information collected about the*
14 *incident reported, other than investigator case notes.*

15 (2) *Punishment imposed, including the sen-*
16 *tencing by judicial or non-judicial means including*
17 *incarceration, fines, restriction, and extra duty as a*
18 *result of military court-martial, Federal and local*
19 *court and other sentencing, or any other punishment*
20 *imposed.*

21 (3) *Administrative actions taken, if any.*

22 (4) *Any pertinent referrals offered as a result of*
23 *the incident (such as drug and alcohol counseling and*
24 *other types of counseling or intervention).*

1 (b) *RETENTION.*—*The Secretary of Defense shall re-*
2 *quire that—*

3 (1) *the records established pursuant to subsection*
4 *(a) be retained by the Department of Defense for a pe-*
5 *riod of not less than 20 years; and*

6 (2) *a copy of such records be maintained at a*
7 *centralized location for the same period as applies to*
8 *retention of the records under paragraph (1).*

9 **SEC. 535. BRIEFING, PLAN, AND RECOMMENDATIONS RE-**
10 **GARDING EFFORTS TO PREVENT AND RE-**
11 **SPOND TO HAZING INCIDENTS INVOLVING**
12 **MEMBERS OF THE ARMED FORCES.**

13 (a) *BRIEFING AND PLAN REQUIRED.*—*Not later than*
14 *May 1, 2013, the Secretary of Defense shall provide to the*
15 *Committees on Armed Services of the Senate and House of*
16 *Representatives a briefing and plan that outlines efforts by*
17 *the Department of Defense—*

18 (1) *to prevent the hazing of members of the*
19 *Armed Forces by other members of the Armed Forces;*
20 *and*

21 (2) *to respond to and resolve alleged hazing inci-*
22 *dents involving members of the Armed Forces, includ-*
23 *ing the prosecution of offenders through the use of pu-*
24 *nitive articles under subchapter X of chapter 47 of*

1 *title 10, United States Code (the Uniform Code of*
2 *Military Justice).*

3 **(b) DATABASE.**—*The plan required by subsection (a)*
4 *shall include the establishment of a database for the purpose*
5 *of improving the ability of the Department of Defense—*

6 *(1) to determine the extent to which hazing inci-*
7 *dents involving members of the Armed Forces are oc-*
8 *curring and the nature of such hazing incidents; and*

9 *(2) to track, respond to, and resolve hazing inci-*
10 *dents involving members of the Armed Forces.*

11 **(c) RECOMMENDATIONS.**—*As part of the briefing re-*
12 *quired by subsection (a), the Secretary of Defense shall sub-*
13 *mit such recommendations for changes to the Uniform Code*
14 *of Military Justice and the Manual for Courts-Martial as*
15 *the Secretary of Defense considers necessary to improve the*
16 *prosecution of hazing incidents.*

17 **(d) CONSULTATION.**—*The Secretary of Defense shall*
18 *prepare the plan, database, and recommendations required*
19 *by this section in consultation with the Secretaries of the*
20 *military departments.*

21 **(e) HAZING DESCRIBED.**—*For purposes of carrying*
22 *out this section, the Secretary of Defense shall use the defini-*
23 *tion of hazing contained in the August 28, 1997, Secretary*
24 *of Defense Policy Memorandum, which defined hazing as*
25 *any conduct whereby a member of the Armed Forces, re-*

1 *ardless of branch or rank, without proper authority causes*
2 *another member to suffer, or be exposed to, any activity*
3 *which is cruel, abusive, humiliating, oppressive, demeaning,*
4 *or harmful. Soliciting or coercing another person to per-*
5 *petrate any such activity is also considered hazing. Hazing*
6 *need not involve physical contact among or between mem-*
7 *bers of the Armed Forces. Hazing can be verbal or psycho-*
8 *logical in nature. Actual or implied consent to acts of haz-*
9 *ing does not eliminate the culpability of the perpetrator.*

10 **SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF**
11 **MEMBERS OF THE ARMED FORCES AND CHAP-**
12 **LAINS OF SUCH MEMBERS.**

13 (a) *PROTECTION.*—Chapter 53 of title 10, United
14 States Code, is amended by inserting after section 1034 the
15 following new section:

16 **“§1034a. Protection of rights of conscience of mem-**
17 **bers of the Armed Forces and chaplains of**
18 **such members**

19 *“(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The*
20 *Armed Forces shall accommodate the conscience and sin-*
21 *cerely held moral principles and religious beliefs of the*
22 *members of the Armed Forces concerning the appropriate*
23 *and inappropriate expression of human sexuality and may*
24 *not use such conscience, principles, or beliefs as the basis*
25 *of any adverse personnel action, discrimination, or denial*

1 of promotion, schooling, training, or assignment. Nothing
2 in this subsection precludes disciplinary action for conduct
3 that is proscribed by chapter 47 of this title (the Uniform
4 Code of Military Justice).

5 “(b) *PROTECTION OF CHAPLAINS.*—(1) For purposes
6 of this title, a military chaplain is—

7 “(A) a certified religious leader or clergy of a
8 faith community who, after satisfying the professional
9 and educational requirements of the commissioning
10 service, is commissioned as an officer in the Chap-
11 lains Corps of one of the branches of the Armed
12 Forces; and

13 “(B) a representative of the faith group of the
14 chaplain, who remains accountable to the endorsing
15 faith group for the religious ministry involved to
16 members of the Armed Forces, to—

17 “(i) provide for the religious and spiritual needs
18 of members of the Armed Forces of that faith group;
19 and

20 “(ii) facilitate the religious needs of members of
21 the Armed Forces of other faith groups.

22 “(2) No member of the Armed Forces may—

23 “(A) direct, order, or require a chaplain to per-
24 form any duty, rite, ritual, ceremony, service, or
25 function that is contrary to the conscience, moral

1 *principles, or religious beliefs of the chaplain, or con-*
2 *trary to the moral principles and religious beliefs of*
3 *the endorsing faith group of the chaplain; or*

4 *“(B) discriminate or take any adverse personnel*
5 *action against a chaplain, including denial of pro-*
6 *motion, schooling, training, or assignment, on the*
7 *basis of the refusal by the chaplain to comply with a*
8 *direction, order, or requirement prohibited by sub-*
9 *paragraph (A).*

10 *“(c) REGULATIONS.—The Secretary of Defense shall*
11 *issue regulations implementing the protections afforded by*
12 *this section.”.*

13 *(b) CLERICAL AMENDMENT.—The table of sections at*
14 *the beginning of chapter 53 of title 10, United States Code,*
15 *is amended by inserting after the item relating to section*
16 *1034 the following new item:*

*1034a. Protection of rights of conscience of members of the Armed Forces and
chaplains of such members.*

17 **SEC. 537. USE OF MILITARY INSTALLATIONS AS SITES FOR**
18 **MARRIAGE CEREMONIES OR MARRIAGE-LIKE**
19 **CEREMONIES.**

20 *A military installation or other property owned or*
21 *rented by, or otherwise under the jurisdiction or control of,*
22 *the Department of Defense may not be used to officiate, sol-*
23 *emnize, or perform a marriage or marriage-like ceremony*

1 *involving anything other than the union of one man with*
 2 *one woman.*

3 ***Subtitle E—Member Education and***
 4 ***Training Opportunities and Ad-***
 5 ***ministration***

6 ***SEC. 541. 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 para-*
 19 *graph (1) shall take effect on the first day of the first*
 20 *month beginning more than 90 days after the date of*
 21 *the enactment of this Act, or on such earlier date as*
 22 *the Secretary of Education and the Secretary of De-*
 23 *fense 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, United
2 States Code, is amended by adding at the end the fol-
3 lowing 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) *CHARTER SCHOOL.*—The term ‘charter
9 school’ has the meaning given that term in section
10 5210(1) of the Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 7221i(1)).

12 “(2) *ELIGIBLE SCHOOL.*—The term ‘eligible
13 school’ means—

14 “(A) a public school, including a charter
15 school, at which—

16 “(i) at least 30 percent of the students
17 enrolled in the school are from families with
18 incomes below 185 percent of poverty level
19 (as defined by the Office of Management
20 and Budget and revised at least annually
21 in accordance with section 9(b)(1) of the
22 Richard B. Russell National School Lunch
23 Act (42 U.S.C. 1758(b)(1)) applicable to a
24 family of the size involved; or

1 “(ii) at least 13 percent of the students
2 enrolled in the school qualify for assistance
3 under part B of the Individuals with Dis-
4 abilities Education Act; or

5 “(B) a Bureau-funded school as defined in
6 section 1141(3) of the Education Amendments of
7 1978 (25 U.S.C. 2021(3)).

8 “(3) HIGH-NEED SCHOOL.—The term ‘high-need
9 school’ means—

10 “(A) an elementary or middle school in
11 which at least 50 percent of the enrolled students
12 are children from low-income families, based on
13 the number of children eligible to for free and re-
14 duced priced lunches under the Richard B. Rus-
15 sell National School Lunch Act (42 U.S.C. 1751
16 et seq.), the number of children in families re-
17 ceiving assistance under the State program fund-
18 ed under part A of title IV of the Social Security
19 Act (42 U.S.C. 601 et seq.), the number of chil-
20 dren eligible to receive medical assistance under
21 the Medicaid program, or a composite of these
22 indicators;

23 “(B) a high school in which at least 40 per-
24 cent of enrolled students are children from low-

1 *income families, which may be calculated using*
2 *comparable data from feeder schools; or*

3 *“(C) a school that is in a local educational*
4 *agency that is eligible under section 6211(b) of*
5 *the Elementary and Secondary Education Act of*
6 *1965 (20 U.S.C. 7345(b)).*

7 *“(4) MEMBER OF THE ARMED FORCES.—The*
8 *term ‘member of the armed forces’ includes a retired*
9 *or former member of the armed forces.*

10 *“(5) PARTICIPANT.—The term ‘participant’*
11 *means an eligible member of the armed forces selected*
12 *to participate in the Program.*

13 *“(6) PROGRAM.—The term ‘Program’ means the*
14 *Troops-to-Teachers Program authorized by this sec-*
15 *tion.*

16 *“(7) SECRETARY.—The term ‘Secretary’ means*
17 *the Secretary of Defense.*

18 *“(8) ADDITIONAL TERMS.—The terms ‘elemen-*
19 *tary school’, ‘local educational agency’, ‘secondary*
20 *school’, and ‘State’ have the meanings given those*
21 *terms in section 9101 of the Elementary and Sec-*
22 *ondary Education Act of 1965 (20 U.S.C. 7801).*

23 *“(b) PROGRAM AUTHORIZATION.—The Secretary of*
24 *Defense may carry out a Troops-to-Teachers Program—*

1 “(1) to assist eligible members of the armed
2 forces described in subsection (d) to obtain certifi-
3 cation or licensing as elementary school teachers, sec-
4 ondary school teachers, or career or technical teachers;
5 and

6 “(2) to facilitate the employment of such mem-
7 bers—

8 “(A) by local educational agencies or char-
9 ter schools that the Secretary of Education iden-
10 tifies as—

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

17 “(ii) experiencing a shortage of teach-
18 ers, in particular a shortage of science,
19 mathematics, special education, foreign lan-
20 guage, or career or technical teachers; and

21 “(B) in elementary schools or secondary
22 schools, or as career or technical teachers.

23 “(c) COUNSELING AND REFERRAL SERVICES.—The
24 Secretary may provide counseling and referral services to
25 members of the armed forces who do not meet the eligibility

1 *criteria described in subsection (d), including the education*
2 *qualification requirements under paragraph (3)(B) of such*
3 *subsection.*

4 “(d) *ELIGIBILITY AND APPLICATION PROCESS.—*

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

8 “(A) *Any member who—*

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

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

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

18 “(B) *Any member who, on or after January*
19 *8, 2002—*

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

24 “(II) *has completed a total of at least*
25 *six years of active duty service, six years of*

1 *service computed under section 12732 of*
2 *this title, or six years of any combination*
3 *of such service; and*

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

7 “(C) *Any member who, on or after January*
8 *8, 2002, is retired or separated for physical dis-*
9 *ability under chapter 61 of this title.*

10 “(2) *SUBMISSION OF APPLICATIONS.—(A) Selec-*
11 *tion of eligible members of the armed forces to partici-*
12 *rate in the Program shall be made on the basis of ap-*
13 *plications submitted to the Secretary within the time*
14 *periods specified in subparagraph (B). An applica-*
15 *tion shall be in such form and contain such informa-*
16 *tion as the Secretary may require.*

17 “(B) *In the case of an eligible member of the*
18 *armed forces described in subparagraph (A)(i), (B),*
19 *or (C) of paragraph (1), an application shall be con-*
20 *sidered to be submitted on a timely basis under if the*
21 *application is submitted not later than three years*
22 *after the date on which the member is retired, sepa-*
23 *rated, or released from active duty, whichever applies*
24 *to the member.*

1 “(3) *SELECTION CRITERIA; EDUCATIONAL BACK-*
2 *GROUND REQUIREMENTS; HONORABLE SERVICE RE-*
3 *QUIREMENT.—(A) The Secretary shall prescribe the*
4 *criteria to be used to select eligible members of the*
5 *armed forces to participate in the Program.*

6 “(B) *If a member of the armed forces is applying*
7 *for the Program to receive assistance for placement as*
8 *an elementary school or secondary school teacher, the*
9 *Secretary shall require the member to have received a*
10 *baccalaureate or advanced degree from an accredited*
11 *institution of higher education.*

12 “(C) *If a member of the armed forces is applying*
13 *for the Program to receive assistance for placement as*
14 *a career or technical teacher, the Secretary shall re-*
15 *quire the member—*

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

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

1 “(D) *A member of the armed forces is eligible to*
2 *participate in the Program only if the member’s last*
3 *period of service in the armed forces was honorable,*
4 *as characterized by the Secretary concerned. A mem-*
5 *ber selected to participate in the Program before the*
6 *retirement of the member or the separation or release*
7 *of the member from active duty may continue to par-*
8 *ticipate in the Program after the retirement, separa-*
9 *tion, or release only if the member’s last period of*
10 *service is characterized as honorable by the Secretary*
11 *concerned.*

12 “(4) *SELECTION PRIORITIES.—In selecting eligi-*
13 *ble members of the armed forces to receive assistance*
14 *under the Program, the Secretary—*

15 “(A) *shall give priority to members who—*

16 “(i) *have educational or military expe-*
17 *rience in science, mathematics, special edu-*
18 *cation, foreign language, or career or tech-*
19 *nical subjects; and*

20 “(ii) *agree to seek employment as*
21 *science, mathematics, foreign language, or*
22 *special education teachers in elementary*
23 *schools or secondary schools or in other*
24 *schools under the jurisdiction of a local edu-*
25 *cational agency; and*

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

3 “(5) OTHER CONDITIONS ON SELECTION.—(A)
4 Subject to subsection (i), the Secretary may not select
5 an eligible member of the armed forces to participate
6 in the Program and receive financial assistance un-
7 less the Secretary has sufficient appropriations for the
8 Program available at the time of the selection to sat-
9 isfy the obligations to be incurred by the United
10 States under subsection (e) with respect to the mem-
11 ber.

12 “(B) The Secretary may not select an eligible
13 member of the armed forces described in paragraph
14 (1)(B)(i) to participate in the Program and receive
15 financial assistance under subsection (e) unless the
16 member executes a written agreement to serve as a
17 member of the Selected Reserve of a reserve component
18 of the armed forces for a period of not less than three
19 years.

20 “(e) PARTICIPATION AGREEMENT AND FINANCIAL AS-
21 SISTANCE.—

22 “(1) PARTICIPATION AGREEMENT.—(A) An eligi-
23 ble member of the armed forces selected to participate
24 in the Program under subsection (b) and to receive fi-
25 nancial assistance under this subsection shall be re-

1 *quired to enter into an agreement with the Secretary*
2 *in which the member agrees—*

3 *“(i) within such time as the Secretary may*
4 *require, to obtain certification or licensing as an*
5 *elementary school teacher, secondary school*
6 *teacher, or career or technical teacher; and*

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

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

21 *“(2) VIOLATION OF PARTICIPATION AGREEMENT;*
22 *EXCEPTIONS.—A participant shall not be considered*
23 *to be in violation of the participation agreement en-*
24 *tered into under paragraph (1) during any period in*
25 *which the participant—*

1 “(A) is pursuing a full-time course of study
2 related to the field of teaching at an institution
3 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 estab-
8 lished 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 unable to find full-time employment
14 as a teacher in an elementary school or sec-
15 ondary school or as a career or technical teacher
16 for a single period not to exceed 27 months; or

17 “(F) satisfies the provisions of additional
18 reimbursement exceptions that may be prescribed
19 by the Secretary.

20 “(3) STIPEND AND BONUS FOR PARTICIPANTS.—

21 (A) Subject to subparagraph (C), the Secretary may
22 pay to a participant a stipend to cover expenses in-
23 curred by the participant to obtain the required edu-
24 cational level, certification or licensing. Such stipend
25 may not exceed \$5,000 and may vary by participant.

1 “(B)(i) *Subject to subparagraph (C), the Sec-*
2 *retary may pay a bonus to a participant who agrees*
3 *in the participation agreement under paragraph (1)*
4 *to accept full-time employment as an elementary*
5 *school teacher, secondary school teacher, or career or*
6 *technical teacher for not less than three school years*
7 *in an eligible school.*

8 “(ii) *The amount of the bonus may not exceed*
9 *\$5,000, unless the eligible school is a high-need school,*
10 *in which case the amount of the bonus may not exceed*
11 *\$10,000. Within such limits, the bonus may vary by*
12 *participant and may take into account the priority*
13 *placements as determined by the Secretary.*

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

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

20 “(iii) *A participant may not receive a stipend*
21 *under subparagraph (A) if the participant is eligible*
22 *for benefits under chapter 33 of title 38.*

23 “(iv) *The combination of a stipend under sub-*
24 *paragraph (A) and a bonus under subparagraph (B)*
25 *for any one participant may not exceed \$10,000.*

1 “(4) *TREATMENT OF STIPEND AND BONUS.*—A
2 *stipend or bonus paid under this subsection to a par-*
3 *ticipant shall be taken into account in determining*
4 *the eligibility of the participant for Federal student*
5 *financial assistance provided under title IV of the*
6 *Higher Education Act of 1965 (20 U.S.C. 1070 et*
7 *seq.).*

8 “(f) *REIMBURSEMENT UNDER CERTAIN CIR-*
9 *CUMSTANCES.*—

10 “(1) *REIMBURSEMENT REQUIRED.*—A *partici-*
11 *phant who is paid a stipend or bonus under this sub-*
12 *section shall be subject to the repayment provisions of*
13 *section 373 of title 37 under the following cir-*
14 *cumstances:*

15 “(A) *The participant fails to obtain teacher*
16 *certification or licensing or to obtain employ-*
17 *ment as an elementary school teacher, secondary*
18 *school teacher, or career or technical teacher as*
19 *required by the participation agreement under*
20 *subsection (e)(1).*

21 “(B) *The participant voluntarily leaves, or*
22 *is terminated for cause from, employment as an*
23 *elementary school teacher, secondary school*
24 *teacher, or career or technical teacher during the*

1 *three years of required service in violation of the*
2 *participation agreement.*

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

9 “(2) *AMOUNT OF REIMBURSEMENT.—A partici-*
10 *part required to reimburse the Secretary for a sti-*
11 *pend or bonus paid to the participant under sub-*
12 *section (e) shall pay an amount that bears the same*
13 *ratio to the amount of the stipend or bonus as the*
14 *unserved portion of required service bears to the three*
15 *years of required service.*

16 “(3) *INTEREST.—Any amount owed by a partici-*
17 *part under this subsection shall bear interest at the*
18 *rate equal to the highest rate being paid by the*
19 *United States on the day on which the reimbursement*
20 *is determined to be due for securities having matu-*
21 *rities of 90 days or less and shall accrue from the day*
22 *on which the participant is first notified of the*
23 *amount due.*

24 “(4) *EXCEPTIONS TO REIMBURSEMENT REQUIRE-*
25 *MENT.—A participant shall be excused from reim-*

1 *bursement under this subsection if the participant be-*
2 *comes permanently totally disabled as established by*
3 *sworn affidavit of a qualified physician. The Sec-*
4 *retary may also waive the reimbursement in cases of*
5 *extreme hardship to the participant, as determined by*
6 *the Secretary.*

7 “(g) *RELATIONSHIP TO EDUCATIONAL ASSISTANCE*
8 *UNDER MONTGOMERY GI BILL.—Except as provided in*
9 *subsection (e)(3)(C)(iii), the receipt by a participant of a*
10 *stipend or bonus under subsection (e) shall not reduce or*
11 *otherwise affect the entitlement of the participant to any*
12 *benefits under chapter 30 or 33 of title 38 or chapter 1606*
13 *of this title.*

14 “(h) *PARTICIPATION BY STATES.—*

15 “(1) *DISCHARGE OF STATE ACTIVITIES THROUGH*
16 *CONSORTIA OF STATES.—The Secretary may permit*
17 *States participating in the Program to carry out ac-*
18 *tivities authorized for such States under the Program*
19 *through one or more consortia of such States.*

20 “(2) *ASSISTANCE TO STATES.—(A) Subject to*
21 *subparagraph (B), the Secretary may make grants to*
22 *States participating in the Program, or to consortia*
23 *of such States, in order to permit such States or con-*
24 *sortia of States to operate offices for purposes of re-*
25 *cruiting eligible members of the armed forces for par-*

1 *participation in the Program and facilitating the em-*
 2 *ployment of participants as elementary school teach-*
 3 *ers, secondary school teachers, and career or technical*
 4 *teachers.*

5 *“(B) The total amount of grants made under*
 6 *subparagraph (A) in any fiscal year may not exceed*
 7 *\$5,000,000.*

8 *“(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-*
 9 *TIONS.—The total amount obligated by the Secretary under*
 10 *the Program for any fiscal year may not exceed*
 11 *\$15,000,000.”.*

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

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

15 *(c) CONFORMING AMENDMENT.—Subparagraph (C) of*
 16 *section 1142(b)(4) of such title is amended by striking “sec-*
 17 *tion 2302” and all that follows through the end of the sub-*
 18 *paragraph and inserting “under section 1154 of this title.”.*

19 *(d) TERMINATION OF DEPARTMENT OF EDUCATION*
 20 *TROOPS-TO-TEACHERS PROGRAM.—*

21 *(1) TERMINATION.—Chapter A of subpart 1 of*
 22 *part C of title II of the Elementary and Secondary*
 23 *Education Act of 1965 (20 U.S.C. 6671 et seq.) is re-*
 24 *pealed.*

1 (2) *CLERICAL AMENDMENT.*—*The table of con-*
 2 *tents in section 2 of the Elementary and Secondary*
 3 *Education Act 1965 is amended by striking the items*
 4 *relating to chapter A of subpart 1 of part C of title*
 5 *II of such Act.*

6 (3) *EXISTING AGREEMENTS.*—*The repeal of*
 7 *chapter A of subpart 1 of part C of title II of the Ele-*
 8 *mentary and Secondary Education Act of 1965 (20*
 9 *U.S.C. 6671 et seq.) by paragraph (1) shall not af-*
 10 *fect—*

11 (A) *the validity or terms of any agreement*
 12 *entered into under such chapter, as in effect im-*
 13 *mediately before such repeal, before the effective*
 14 *date of the transfer of the Troops-to-Teachers*
 15 *Program under subsection (a); or*

16 (B) *the authority to pay assistance, make*
 17 *grants, or obtain reimbursement in connection*
 18 *with such an agreement as in effect before the ef-*
 19 *fective date of the transfer of the Troops-to-*
 20 *Teachers Program under subsection (a).*

21 **SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND**
 22 **PHYSICAL FITNESS PROGRAMS.**

23 (a) *AUTHORITY TO SUPPORT PROGRAMS.*—*Chapter*
 24 *603 of title 10, United States Code, is amended by adding*
 25 *at the end the following new section:*

1 **“§ 6981. Support of athletic and physical fitness pro-**
2 **grams**

3 “(a) *AUTHORITY.*—*The Secretary of the Navy may*
4 *enter into agreements, including cooperative agreements (as*
5 *described in section 6305 of title 31), with the Naval Acad-*
6 *emy Athletic Association and its successors and assigns (in*
7 *this section referred to as the ‘association’) to manage any*
8 *aspect of the athletic and physical fitness programs of the*
9 *Naval Academy.*

10 “(b) *AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-*
11 *TION.*—(1) *The Secretary of the Navy may to transfer funds*
12 *to the association to pay expenses incurred by the associa-*
13 *tion in managing the athletic and physical fitness programs*
14 *of the Naval Academy.*

15 “(2) *The Secretary may provide personal property and*
16 *the services of members of the naval service and civilian*
17 *personnel of the Department of the Navy to assist the asso-*
18 *ciation in managing the athletic and physical fitness pro-*
19 *grams of the Naval Academy.*

20 “(c) *ACCEPTANCE OF GIFTS FROM THE ASSOCIA-*
21 *TION.*—*The Secretary of the Navy may accept from the as-*
22 *sociation funds, supplies, and services for the support of the*
23 *athletic and physical fitness programs of the Naval Acad-*
24 *emy.*

25 “(d) *RECEIPT AND RETENTION OF FUNDS FROM ASSO-*
26 *CIATION AND OTHER SOURCES.*—(1) *The Secretary of the*

1 *Navy may receive from the association funds generated by*
2 *the athletic and physical fitness programs of the Naval*
3 *Academy and any other activity of the association and to*
4 *retain and use such funds to further the mission of the*
5 *Naval Academy. Receipt and retention of such funds shall*
6 *be subject to oversight by the Secretary.*

7 “(2) *The Secretary may accept, use, and retain funds*
8 *from the National Collegiate Athletic Association and to*
9 *transfer all or part of those funds to the association for the*
10 *support of the athletic and physical fitness programs of the*
11 *Naval Academy.*

12 “(e) *USER FEES.—The Secretary of the Navy may*
13 *charge user fees to the association for the association’s use*
14 *of Naval Academy facilities for the conduct of summer ath-*
15 *letic camps. Fees collected under this subsection may be re-*
16 *tained for use in support of the Naval Academy athletic*
17 *program and shall remain available until expended.*

18 “(f) *LICENSING, MARKETING, AND SPONSORSHIP*
19 *AGREEMENTS.—(1) The Secretary of the Navy may enter*
20 *into an agreement with the association authorizing the as-*
21 *sociation to represent the Department of the Navy in con-*
22 *nection with licensing, marketing, and sponsorship agree-*
23 *ments relating to trademarks and service marks identifying*
24 *the Naval Academy, to the extent authorized by the Chief*

1 *of Naval Research and in accordance with sections 2260*
2 *and 5022 of this title.*

3 “(2) *Notwithstanding section 2260(d)(2) of this title,*
4 *any funds generated by the licensing, marketing, and spon-*
5 *sorship under a agreement entered into under paragraph*
6 *(1) may be accepted, used, and retained by the Secretary,*
7 *or transferred by the Secretary to the association, for—*

8 “(A) *payment of the costs of securing trademark*
9 *registrations and operating of licensing programs; or*

10 “(B) *supporting the athletic and physical fitness*
11 *programs of the Naval Academy.*

12 “(g) *AUTHORIZED SERVICE ON BOARD OF DIREC-*
13 *TORS.—The Secretary may authorize members of the naval*
14 *service and civilian personnel of the Department of the*
15 *Navy to serve in accordance with sections 1033 and 1589*
16 *of this title as members of the governing board of the asso-*
17 *ciation.*

18 “(h) *CONDITIONS.—The authority provided in this sec-*
19 *tion with respect to the association is available only so long*
20 *as the association continues—*

21 “(1) *to qualify as a nonprofit organization*
22 *under section 501(c)(3) of the Internal Revenue Code*
23 *of 1986*

1 “(2) to operate in accordance with this section,
2 the laws of the State of Maryland, and the constitu-
3 tion and bylaws of the association; and

4 “(3) to operate exclusively to support the athletic
5 and physical fitness programs of the Naval Academy.

6 “(i) CONGRESSIONAL NOTIFICATION.—Not later than
7 60 days after the date on which the Secretary of the Navy
8 enters into an agreement under the authority of this section,
9 the Secretary shall provide a copy of the agreement to the
10 congressional defense committees.”.

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

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

14 **SEC. 543. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**
15 **REVIEW OF ACCESS TO MILITARY INSTALLA-**
16 **TIONS BY REPRESENTATIVES OF FOR-PROFIT**
17 **EDUCATIONAL INSTITUTIONS.**

18 (a) REVIEW REQUIRED.—The Inspector General of the
19 Department of Defense shall conduct a review to determine
20 the extent of the access that representatives of for-profit edu-
21 cational institutions have to military installations and
22 whether there are adequate safeguards in place to regulate
23 such access.

24 (b) ELEMENTS OF REVIEW.—The review shall deter-
25 mine at a minimum the following:

1 (1) *The extent to which representatives of for-*
2 *profit educational institutions are accessing military*
3 *installations for marketing and recruitment purposes.*

4 (2) *Whether there uniform and robust enforce-*
5 *ment of DOD Directive 1344.07.*

6 (3) *Whether additional Department rules, poli-*
7 *cies, or oversight mechanisms should be put in place*
8 *to regulate such practices.*

9 (c) *INSPECTOR GENERAL ACCESS.—The Secretary of*
10 *Defense shall ensure that the Inspector General has access*
11 *to all Department of Defense records and military installa-*
12 *tions for the purpose of conducting the review.*

13 ***Subtitle F—Decorations and*** 14 ***Awards***

15 ***SEC. 551. ISSUANCE OF PRISONER-OF-WAR MEDAL.***

16 *Section 1128(a)(4) of title 10, United States Code, is*
17 *amended by striking “that are hostile to the United*
18 *States,”.*

19 ***SEC. 552. AWARD OF PURPLE HEART TO MEMBERS OF THE*** 20 ***ARMED FORCES WHO WERE VICTIMS OF THE*** 21 ***ATTACKS AT RECRUITING STATION IN LITTLE*** 22 ***ROCK, ARKANSAS, AND AT FORT HOOD,*** 23 ***TEXAS.***

24 (a) *AWARD REQUIRED.—The Secretary of the military*
25 *department concerned shall award the Purple Heart to the*

1 *members of the Armed Forces who were killed or wounded*
2 *in the attacks that occurred at the recruiting station in Lit-*
3 *tle Rock, Arkansas, on June 1, 2009, and at Fort Hood,*
4 *Texas, on November 5, 2009.*

5 *(b) EXCEPTION.—Subsection (a) shall not apply to a*
6 *member of the Armed Forces whose wound was the result*
7 *of the willful misconduct of the member.*

8 ***Subtitle G—Defense Dependents’***
9 ***Education and Military Family***
10 ***Readiness Matters***

11 ***SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL***
12 ***EDUCATIONAL AGENCIES THAT BENEFIT DE-***
13 ***PENDENTS OF MEMBERS OF THE ARMED***
14 ***FORCES AND DEPARTMENT OF DEFENSE CI-***
15 ***VILIAN EMPLOYEES.***

16 *(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
17 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the*
18 *amount authorized to be appropriated for fiscal year 2013*
19 *by section 301 and available for operation and maintenance*
20 *for Defense-wide activities as specified in the funding table*
21 *in section 4301, \$25,000,000 shall be available only for the*
22 *purpose of providing assistance to local educational agen-*
23 *cies under subsection (a) of section 572 of the National De-*
24 *fense Authorization Act for Fiscal Year 2006 (Public Law*
25 *109–163; 20 U.S.C. 7703b).*

1 (b) *ASSISTANCE TO SCHOOLS WITH ENROLLMENT*
 2 *CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE*
 3 *CHANGES, OR FORCE RELOCATIONS.*—Of the amount au-
 4 thorized to be appropriated for fiscal year 2013 by section
 5 301 and available for operation and maintenance for De-
 6 fense-wide activities as specified in the funding table in sec-
 7 tion 4301, \$5,000,000 shall be available only for the purpose
 8 of providing assistance to local educational agencies under
 9 subsection (b) of section 572 of the National Defense Author-
 10 ization Act for Fiscal Year 2006 (Public Law 109–163; 20
 11 U.S.C. 7703b).

12 (c) *LOCAL EDUCATIONAL AGENCY DEFINED.*—In this
 13 section, the term “local educational agency” has the mean-
 14 ing given that term in section 8013(9) of the Elementary
 15 and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

16 **SEC. 562. TRANSITIONAL COMPENSATION FOR DEPENDENT**
 17 **CHILDREN WHO WERE CARRIED DURING**
 18 **PREGNANCY AT THE TIME OF DEPENDENT-**
 19 **ABUSE OFFENSE COMMITTED BY AN INDI-**
 20 **VIDUAL WHILE A MEMBER OF THE ARMED**
 21 **FORCES.**

22 (a) *DEFINITION OF DEPENDENT CHILD.*—Subsection
 23 (l) of section 1059 of title 10, United States Code, is amend-
 24 ed in the matter preceding paragraph (1) by striking “at
 25 the time of the dependent-abuse offense resulting in the sepa-

1 *ration of the former member” and inserting “or eligible*
 2 *spouse or former spouse at the time of the dependent-abuse*
 3 *offense resulting in the separation of the former member or*
 4 *who was carried during pregnancy at the time of the de-*
 5 *pendent-abuse offense resulting in the separation of the*
 6 *former member and was subsequently born alive to the eligi-*
 7 *ble spouse or former spouse”.*

8 **(b) DETERMINATION OF PAYMENT AMOUNT.**—Sub-
 9 *section (f) of such section is amended by adding at the end*
 10 *the following new paragraph:*

11 *“(4) A payment to a child under this section shall not*
 12 *cover any period during which the child was in utero.”.*

13 **(c) PROSPECTIVE APPLICABILITY.**—*No benefits shall*
 14 *accrue by reason of the amendments made by this section*
 15 *for any month that begins before the date of the enactment*
 16 *of this Act.*

17 **SEC. 563. MODIFICATION OF AUTHORITY TO ALLOW DE-**
 18 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**
 19 **ENT ELEMENTARY AND SECONDARY**
 20 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

21 *Section 2164 of title 10, United States Code, is amend-*
 22 *ed by adding at the end the following new subsections:*

23 **“(k) ENROLLMENT OF RELOCATED DEFENSE DEPEND-**
 24 **ENTS’ EDUCATION SYSTEM STUDENTS.**—*(1) The Secretary*
 25 *of Defense may authorize the enrollment in a Department*

1 of Defense education program provided by the Secretary
2 pursuant to subsection (a) of a dependent of a member of
3 the armed forces or a dependent of a Federal employee who
4 is enrolled in the defense dependents' education system es-
5 tablished under section 1402 of the Defense Dependents'
6 Education Act of 1978 (20 U.S.C. 921) if—

7 “(A) the dependents departed the overseas loca-
8 tion as a result of a evacuation order;

9 “(B) the designated safe haven of the dependent
10 is located within reasonable commuting distance of a
11 school operated by the Department of Defense edu-
12 cation program; and

13 “(C) the school possesses the capacity and re-
14 sources necessary to enable the student to attend the
15 school.

16 “(2) A dependent described in paragraph (1) who is
17 enrolled in a school operated by the Department of Defense
18 education program pursuant to such paragraph may attend
19 the school only through the end of the school year.

20 “(l) *ENROLLMENT IN VIRTUAL ELEMENTARY AND SEC-*
21 *ONDARY EDUCATION PROGRAM.*—(1) Under regulations
22 prescribed by the Secretary of Defense, the Secretary may
23 authorize the enrollment in the virtual elementary and sec-
24 ondary education program established as a component of

1 *the Department of Defense education program of a depend-*
2 *ent of a member of the armed forces on active duty who—*

3 “(A) *is enrolled in an elementary or secondary*
4 *school operated by a local educational agency or an-*
5 *other accredited educational program in the United*
6 *States (other than a school operated by the Depart-*
7 *ment of Defense education program); and*

8 “(B) *immediately before such enrollment, was*
9 *enrolled in the defense dependents’ education system*
10 *established under section 1402 of the Defense Depend-*
11 *ents’ Education Act of 1978 (20 U.S.C. 921).*

12 “(2) *Enrollment of a dependent described in para-*
13 *graph (1) pursuant to such paragraph shall be on a tuition*
14 *basis.*”.

15 **SEC. 564. PROTECTION OF CHILD CUSTODY ARRANGE-**
16 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
17 **THE ARMED FORCES.**

18 (a) *CHILD CUSTODY PROTECTION.*—*Title II of the*
19 *Servicemembers Civil Relief Act (50 U.S.C. App. 521 et*
20 *seq.) is amended by adding at the end the following new*
21 *section:*

22 **“SEC. 208. CHILD CUSTODY PROTECTION.**

23 “(a) **RESTRICTION ON TEMPORARY CUSTODY**
24 **ORDER.**—*If a court renders a temporary order for custodial*
25 *responsibility for a child based solely on a deployment or*

1 *anticipated deployment of a parent who is a servicemember,*
2 *then the court shall require that, upon the return of the serv-*
3 *icemember from deployment, the custody order that was in*
4 *effect immediately preceding the temporary order shall be*
5 *reinstated, unless the court finds that such a reinstatement*
6 *is not in the best interest of the child, except that any such*
7 *finding shall be subject to subsection (b).*

8 “(b) *EXCLUSION OF MILITARY SERVICE FROM DETER-*
9 *MINATION OF CHILD’S BEST INTEREST.*—*If a motion or a*
10 *petition is filed seeking a permanent order to modify the*
11 *custody of the child of a servicemember, no court may con-*
12 *sider the absence of the servicemember by reason of deploy-*
13 *ment, or the possibility of deployment, in determining the*
14 *best interest of the child.*

15 “(c) *NO FEDERAL JURISDICTION OR RIGHT OF ACTION*
16 *OR REMOVAL.*—*Nothing in this section shall create a Fed-*
17 *eral right of action or otherwise give rise to Federal juris-*
18 *isdiction or create a right of removal.*

19 “(d) *PREEMPTION.*—*In any case where State law ap-*
20 *plicable to a child custody proceeding involving a tem-*
21 *porary order as contemplated in this section provides a*
22 *higher standard of protection to the rights of the parent who*
23 *is a deploying servicemember than the rights provided*
24 *under this section with respect to such temporary order, the*
25 *appropriate court shall apply the higher State standard.*

1 “(e) *DEPLOYMENT DEFINED.*—*In this section, the term*
 2 *‘deployment’ means the movement or mobilization of a serv-*
 3 *icemember to a location for a period of longer than 60 days*
 4 *and not longer than 18 months pursuant to temporary or*
 5 *permanent official orders—*

6 “(1) *that are designated as unaccompanied;*

7 “(2) *for which dependent travel is not author-*
 8 *ized; or*

9 “(3) *that otherwise do not permit the movement*
 10 *of family members to that location.”.*

11 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
 12 *section 1(b) of such Act is amended by adding at the end*
 13 *of the items relating to title II the following new item:*

 “208. *Child custody protection.”.*

14 **SEC. 565. TREATMENT OF RELOCATION OF MEMBERS OF**
 15 **THE ARMED FORCES FOR ACTIVE DUTY FOR**
 16 **PURPOSES OF MORTGAGE REFINANCING.**

17 “(a) *IN GENERAL.*—*Title III of the Servicemembers*
 18 *Civil Relief Act is amended by inserting after section 303*
 19 *(50 U.S.C. App. 533) the following new section:*

20 **“SEC. 303A. TREATMENT OF RELOCATION OF**
 21 **SERVICEMEMBERS FOR ACTIVE DUTY FOR**
 22 **PURPOSES OF MORTGAGE REFINANCING.**

23 “(a) *TREATMENT OF ABSENCE FROM RESIDENCE DUE*
 24 *TO ACTIVE DUTY.*—*While a servicemember who is the mort-*
 25 *gagor under an existing mortgage does not reside in the*

1 residence that secures the existing mortgage because of a re-
2 location described in subsection (c)(1)(B), if the service-
3 member inquires about or applies for a covered refinancing
4 mortgage, the servicemember shall be considered, for all pur-
5 poses relating to the covered refinancing mortgage (includ-
6 ing such inquiry or application and eligibility for, and
7 compliance with, any underwriting criteria and standards
8 regarding such covered refinancing mortgage) to occupy the
9 residence that secures the existing mortgage to be paid or
10 prepaid by such covered refinancing mortgage as the prin-
11 cipal residence of the servicemember during the period of
12 such relocation.

13 “(b) *LIMITATION.*—Subsection (a) shall not apply with
14 respect to a servicemember who inquires about or applies
15 for a covered refinancing mortgage if, during the 5-year pe-
16 riod preceding the date of such inquiry or application, the
17 servicemember entered into a covered refinancing mortgage
18 pursuant to this section.

19 “(c) *DEFINITIONS.*—In this section:

20 “(1) *EXISTING MORTGAGE.*—The term ‘existing
21 mortgage’ means a mortgage that is secured by a 1-
22 to 4-family residence, including a condominium or a
23 share in a cooperative ownership housing association,
24 that was the principal residence of a servicemember
25 for a period that—

1 “(A) had a duration of 13 consecutive
2 months or longer; and

3 “(B) ended upon the relocation of the serv-
4 icemember caused by the servicemember receiving
5 military orders for a permanent change of sta-
6 tion or to deploy with a military unit, or as an
7 individual in support of a military operation,
8 for a period of not less than 18 months that did
9 not allow the servicemember to continue to oc-
10 cupy such residence as a principal residence.

11 “(2) COVERED REFINANCING MORTGAGE.—The
12 term ‘covered refinancing mortgage’ means any mort-
13 gage that—

14 “(A) is made for the purpose of paying or
15 prepaying, and extinguishing, the outstanding
16 obligations under an existing mortgage or mort-
17 gages; and

18 “(B) is secured by the same residence that
19 secured such existing mortgage or mortgages.”.

20 (b) CLERICAL AMENDMENT.—The table of contents in
21 section 1(b) of such Act is amended by inserting after the
22 item relating to section 303 the following new item:

“303A. Treatment of relocation of servicemembers for active duty for purposes of mortgage refinancing.”.

1 **SEC. 566. SENSE OF CONGRESS REGARDING SUPPORT FOR**
2 **YELLOW RIBBON DAY.**

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

4 (1) *The hopes and prayers of the American peo-*
5 *ple for the safe return of members of the Armed Forces*
6 *serving overseas are demonstrated through the proud*
7 *display of yellow ribbons.*

8 (2) *The designation of a “Yellow Ribbon Day”*
9 *would serve as an additional reminder for all Ameri-*
10 *cans of the continued sacrifice of members of the*
11 *Armed Forces.*

12 (3) *Yellow Ribbon Day would also recognize the*
13 *history and meaning of the Yellow Ribbon as the*
14 *symbol of support for members of the Armed Forces*
15 *and American civilians serving in combat or crisis*
16 *situations overseas.*

17 (b) *SENSE OF CONGRESS.*—Congress supports the
18 *goals and ideals of Yellow Ribbon Day, observed on April*
19 *9th each year, in honor of members of the Armed Forces*
20 *and American civilians who are serving overseas in defense*
21 *of the United States apart from their families and loved*
22 *ones.*

1 ***Subtitle H—Improved Sexual As-***
2 ***sault Prevention and Response***
3 ***in the Armed Forces***

4 ***SEC. 571. ESTABLISHMENT OF SPECIAL VICTIM TEAMS TO***
5 ***RESPOND TO ALLEGATIONS OF CHILD ABUSE,***
6 ***SERIOUS DOMESTIC VIOLENCE, OR SEXUAL***
7 ***OFFENSES.***

8 *(a) ESTABLISHMENT REQUIRED.—The Secretary of*
9 *each military department shall establish special victim*
10 *teams for the purpose of—*

11 *(1) investigating and prosecuting allegations of*
12 *child abuse, serious domestic violence, or sexual of-*
13 *fenses; and*

14 *(2) providing support for the victims of such of-*
15 *fenses.*

16 *(b) PERSONNEL.—A special victim team shall be com-*
17 *prised of specially trained and selected—*

18 *(1) investigators from the Defense Criminal In-*
19 *vestigative Service, Army Criminal Investigative*
20 *Command, Naval Criminal Investigative Service, or*
21 *Air Force Office of Special Investigations;*

22 *(2) judge advocates;*

23 *(3) victim witness assistance personnel; and*

24 *(4) administrative paralegal support personnel.*

1 (c) *TRAINING, SELECTION, AND CERTIFICATION*
2 *STANDARDS.*—*The Secretary of each military department*
3 *shall prescribe standards for the training, selection, and cer-*
4 *tification of personnel for special victim teams established*
5 *by that Secretary.*

6 (d) *TIME FOR ESTABLISHMENT.*—

7 (1) *DISCRETION REGARDING NUMBER OF TEAMS*
8 *NEEDED.*—*The Secretary of a military department*
9 *shall determine the total number of special victim*
10 *teams to be established, and prescribe regulations for*
11 *their management and use, in order to provide effec-*
12 *tive, timely, and responsive world-wide support for*
13 *the purposes described in subsection (a). Not later*
14 *than 270 days after the date of the enactment of this*
15 *Act, each Secretary shall submit to the Committees on*
16 *Armed Services of the Senate and the House of Rep-*
17 *resentatives a plan and time line for the establish-*
18 *ment of the special victim teams that the Secretary*
19 *has determined are needed.*

20 (2) *INITIAL TEAM.*—*Not later than one year after*
21 *the date of the enactment of this Act, the Secretary of*
22 *each military department shall have available for use*
23 *at least one special victim team.*

24 (e) *EVALUATION OF EFFECTIVENESS.*—*Not later than*
25 *180 days after the date of the enactment of this Act, the*

1 *Secretary of Defense shall prescribe the common criteria to*
2 *be used by the Secretaries of the military departments to*
3 *measure the effectiveness and impact of the special victim*
4 *teams from the investigative, prosecutorial, and victim’s*
5 *perspectives, and require the Secretaries of the military de-*
6 *partments to collect and report the data required by the*
7 *Secretary of Defense.*

8 *(f) SPECIAL VICTIM TEAM DEFINED.—In this section,*
9 *the term “special victim team” means a distinct, recogniz-*
10 *able group of appropriately skilled professionals who work*
11 *collaboratively to achieve the purposes described in sub-*
12 *section (a). This section does not require that a special vic-*
13 *tim team be created as separate military unit or have a*
14 *separate chain of command.*

15 **SEC. 572. ENHANCEMENT TO TRAINING AND EDUCATION**
16 **FOR SEXUAL ASSAULT PREVENTION AND RE-**
17 **SPONSE.**

18 *Section 585 of the National Defense Authorization Act*
19 *for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1434)*
20 *is amended by adding at the end the following new sub-*
21 *sections:*

22 *“(d) COMMANDERS’ TRAINING.—The Secretary of De-*
23 *fense shall provide for the inclusion of a sexual assault pre-*
24 *vention and response training module in the training for*
25 *new or prospective commanders at all levels of command.*

1 *The training shall be tailored to the responsibilities and*
2 *leadership requirements of members of the Armed Forces as*
3 *they are assigned to command positions. Such training*
4 *shall include the following:*

5 “(1) *Fostering a command climate that does not*
6 *tolerate sexual assault.*

7 “(2) *Fostering a command climate in which per-*
8 *sons assigned to the command are encouraged to in-*
9 *tervene to prevent potential incidents of sexual as-*
10 *sault.*

11 “(3) *Fostering a command climate that encour-*
12 *ages victims of sexual assault to report any incident*
13 *of sexual assault.*

14 “(4) *Understanding the needs of, and the re-*
15 *sources available to, the victim after an incident of*
16 *sexual assault.*

17 “(5) *Use of military criminal investigative orga-*
18 *nizations for the investigation of alleged incidents of*
19 *sexual assault.*

20 “(6) *Available disciplinary options, including*
21 *court-martial, non-judicial punishment, administra-*
22 *tive action, and deferral of discipline for collateral*
23 *misconduct, as appropriate.*

24 “(e) *EXPLANATION TO BE INCLUDED IN INITIAL*
25 *ENTRY AND ACCESSION TRAINING.—*

1 “(1) *REQUIREMENT.*—*The Secretary of Defense*
2 *shall require that the matters specified in paragraph*
3 *(2) be carefully explained to each member of the*
4 *Army, Navy, Air Force, and Marine Corps at the*
5 *time of (or within fourteen duty days after)—*

6 “(A) *the member’s initial entrance on active*
7 *duty; or*

8 “(B) *the member’s initial entrance into a*
9 *duty status with a reserve component.*

10 “(2) *MATTERS TO BE EXPLAINED.*—*This sub-*
11 *section applies with respect to the following:*

12 “(A) *Department of Defense policy with re-*
13 *spect to sexual assault.*

14 “(B) *The resources available with respect to*
15 *sexual assault reporting and prevention and the*
16 *procedures to be followed by a member seeking to*
17 *access those resources.”.*

18 **SEC. 573. ENHANCEMENT TO REQUIREMENTS FOR AVAIL-**
19 **ABILITY OF INFORMATION ON SEXUAL AS-**
20 **SAULT PREVENTION AND RESPONSE RE-**
21 **SOURCES.**

22 (a) *REQUIRED POSTING OF INFORMATION ON SEXUAL*
23 *ASSAULT PREVENTION AND RESPONSE RESOURCES.—*

24 (1) *POSTING.*—*The Secretary of Defense shall re-*
25 *quire that there be prominently posted, in accordance*

1 *with paragraph (2), notice of the following informa-*
2 *tion relating to sexual assault prevention and re-*
3 *sponse, in a form designed to ensure visibility and*
4 *understanding:*

5 *(A) Resource information for members of*
6 *the Armed Forces, military dependents, and ci-*
7 *vilian personnel of the Department of Defense*
8 *with respect to prevention of sexual assault and*
9 *reporting of incidents of sexual assault.*

10 *(B) Contact information for personnel who*
11 *are designated as Sexual Assault Response Coor-*
12 *dinators and Sexual Assault Victim Advocates.*

13 *(C) The Department of Defense “hotline”*
14 *telephone number, referred to as the Safe*
15 *Helpline, for reporting incidents of sexual as-*
16 *sault, or any successor operation.*

17 *(2) POSTING PLACEMENT.—Posting under sub-*
18 *section (a) shall be at the following locations, to the*
19 *extent practicable:*

20 *(A) Any Department of Defense duty facil-*
21 *ity.*

22 *(B) Any Department of Defense dining fa-*
23 *cility.*

24 *(C) Any Department of Defense multi-unit*
25 *residential facility.*

1 (D) Any Department of Defense health care
2 facility.

3 (E) Any Department of Defense commissary
4 or exchange.

5 (F) Any Department of Defense Community
6 Service Agency.

7 (b) NOTICE TO VICTIMS OF AVAILABLE ASSISTANCE.—
8 The Secretary of Defense shall require that procedures in
9 the Department of Defense for responding to a complaint
10 or allegation of sexual assault submitted by or against a
11 member of the Armed Forces include prompt notice to the
12 person making the complaint or allegation of the forms of
13 assistance available to that person from the Department of
14 Defense and, to the extent known to the Secretary, through
15 other departments and agencies, including State and local
16 agencies, and other sources.

17 **SEC. 574. MODIFICATION OF ANNUAL DEPARTMENT OF DE-**
18 **FENSE REPORTING REQUIREMENTS REGARD-**
19 **ING SEXUAL ASSAULTS.**

20 (a) GREATER DETAIL IN CASE SYNOPSES PORTION OF
21 REPORT.—Section 1631 of the Ike Skelton National Defense
22 Authorization Act for Fiscal Year 2011 (Public Law 111–
23 383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended by
24 adding at the end the following new subsection:

1 “(f) *ADDITIONAL DETAILS FOR CASE SYNOPSES POR-*
2 *TION OF REPORT.*—*The Secretary of each military depart-*
3 *ment shall include in the case synopses portion of each re-*
4 *port described in subsection (b)(3) the following additional*
5 *information:*

6 “(1) *If an Article 32 Investigating Officer rec-*
7 *ommends dismissal of the charges against a member*
8 *of the Armed Forces accused of committing a sexual*
9 *assault, the case synopsis shall explicitly state the rea-*
10 *sons for that recommendation.*

11 “(2) *If the case synopsis states that a member of*
12 *the Armed Forces accused of committing a sexual as-*
13 *sault was administratively separated or, in the case*
14 *of an officer, allowed to resign in lieu of facing a*
15 *court martial, the case synopsis shall include the*
16 *characterization (honorable, general, or other than*
17 *honorable) given the service of the member upon sepa-*
18 *ration.*

19 “(3) *The case synopsis shall indicate whether a*
20 *member of the Armed Forces accused of committing a*
21 *sexual assault was ever previously accused of a sub-*
22 *stantiated sexual assault.*

23 “(4) *The case synopsis shall indicate the branch*
24 *of the Armed Forces of each member accused of com-*
25 *mitting a sexual assault and the branch of the Armed*

1 *Forces of each member who is a victim of a sexual as-*
2 *sault.*

3 “(5) *If the case disposition includes non-judicial*
4 *punishment, the case synopsis shall explicitly state*
5 *the nature of the punishment.*”

6 “(6) *If alcohol was involved in any way in a*
7 *substantiated sexual assault incident, the case syn-*
8 *opsis shall specify whether the member of the Armed*
9 *Forces accused of committing the sexual assault had*
10 *previously been ordered to attend substance abuse*
11 *counseling.*”

12 ***(b) APPLICATIONS FOR CERTAIN TRANSFERS BY SEX-***
13 ***UAL ASSAULT VICTIMS.***—*Subsection (b) of such section is*
14 *amended by adding at the end the following new paragraph:*

15 “(7) *The number of applications submitted*
16 *under section 673 of title 10, United States Code,*
17 *during the year covered by the report for a permanent*
18 *change of station or unit transfer for members of the*
19 *Armed Forces on active duty who are the victim of*
20 *a sexual assault or related offense, the number of ap-*
21 *plications denied, and, for each application denied, a*
22 *description of the reasons why the application was de-*
23 *nied.*”

24 ***(c) APPLICATION OF AMENDMENTS.***—*The amendments*
25 *made by this section shall apply beginning with the report*

1 *regarding sexual assaults involving members of the Armed*
2 *Forces required to be submitted by March 1, 2013, under*
3 *section 1631 of the Ike Skelton National Defense Authoriza-*
4 *tion Act for Fiscal Year 2011.*

5 **SEC. 575. INCLUSION OF SEXUAL HARASSMENT INCIDENTS**
6 **IN ANNUAL DEPARTMENT OF DEFENSE RE-**
7 **PORTS ON SEXUAL ASSAULTS.**

8 *Effective with the report required to be submitted by*
9 *March 1, 2013, under section 1631 of the Ike Skelton Na-*
10 *tional Defense Authorization Act for Fiscal Year 2011 (Pub-*
11 *lic Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note),*
12 *the Secretary of each military department shall include in*
13 *each annual report required by that section information on*
14 *sexual harassment involving members of the Armed Forces*
15 *under the jurisdiction of that Secretary during the pre-*
16 *ceding year. For purposes of complying with this section,*
17 *the Secretary of the military department concerned shall*
18 *apply subsection (b) of such section 1631 by substituting*
19 *the term “sexual harassment” for “sexual assault” each*
20 *place it appears in paragraphs (1) through (4) of such sub-*
21 *section.*

1 **SEC. 576. CONTINUED SUBMISSION OF PROGRESS REPORTS**
2 **REGARDING CERTAIN INCIDENT INFORMA-**
3 **TION MANAGEMENT TOOLS.**

4 (a) *REPORTS REQUIRED.*—Not later than August 28,
5 2012, and every six months thereafter until the date deter-
6 mined under subsection (b), the Secretary of Defense shall
7 submit to the Committees on Armed Services of the Senate
8 and the House of Representatives a report describing the
9 progress made during the previous six months to ensure that
10 both of the following are fully functional and operational:

11 (1) *The Defense Incident-Based Reporting Sys-*
12 *tem.*

13 (2) *The Defense Sexual Assault Incident Data-*
14 *base.*

15 (b) *DURATION OF REPORTING REQUIREMENT.*—The
16 reporting requirement imposed by subsection (a) shall con-
17 tinue until the date on which the Secretary of Defense cer-
18 tifies, in a report submitted under such subsection, that—

19 (1) *the Defense Incident-Based Reporting System*
20 *and the Defense Sexual Assault Incident Database are*
21 *fully functional and operational throughout the De-*
22 *partment of Defense; and*

23 (2) *each of the military departments is using the*
24 *Defense Incident-Based Reporting System or pro-*
25 *viding data for inclusion in the Defense Sexual As-*
26 *sault Incident Database.*

1 (c) *REPEAL OF SUPERSEDED REPORTING REQUIRE-*
2 *MENT.—Section 598 of the National Defense Authorization*
3 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
4 *2345; 10 U.S.C. 113 note) is repealed.*

5 **SEC. 577. BRIEFINGS ON DEPARTMENT OF DEFENSE AC-**
6 **TIONS REGARDING SEXUAL ASSAULT PRE-**
7 **VENTION AND RESPONSE IN THE ARMED**
8 **FORCES.**

9 *Not later than October 31, 2012, and April 30, 2013,*
10 *the Secretary of Defense (or the designee of the Secretary*
11 *of Defense) shall provide to the Committees on Armed Serv-*
12 *ices of the Senate and House of Representatives a briefing*
13 *that outlines efforts by the Department of Defense to imple-*
14 *ment—*

15 (1) *subtitle H of title V of the National Defense*
16 *Authorization Act for Fiscal Year 2012 (Public Law*
17 *112–81; 125 Stat. 1430) and the amendments made*
18 *by that subtitle;*

19 (2) *the additional initiatives announced by the*
20 *Secretary of Defense on April 17, 2012, to address*
21 *sexual assault involving members of the Armed*
22 *Forces; and*

23 (3) *any other initiatives, policies, or programs*
24 *being undertaken by the Secretary of Defense and the*
25 *Secretaries of the military departments to address*

1 *sexual assault involving members of the Armed*
2 *Forces.*

3 **SEC. 578. ARMED FORCES WORKPLACE AND GENDER RELA-**
4 **TIONS SURVEYS.**

5 *(a) ADDITIONAL CONTENT OF SURVEYS.—Subsection*
6 *(c) of section 481 of title 10, United States Code, is amend-*
7 *ed—*

8 *(1) by striking “harassment and discrimination”*
9 *and inserting “harassment, assault, and discrimina-*
10 *tion”;*

11 *(2) by redesignating paragraphs (2) and (3) as*
12 *paragraphs (3) and (4); respectively;*

13 *(3) by inserting after paragraph (1) the fol-*
14 *lowing new paragraph (2):*

15 *“(2) The specific types of assault that have oc-*
16 *curred, and the number of times each respondent has*
17 *been assaulted during the preceding year.”;*

18 *(4) in paragraph (4), as so redesignated, by*
19 *striking “discrimination” and inserting “discrimina-*
20 *tion, harassment, and assault”; and*

21 *(5) by adding at the end the following new para-*
22 *graph*

23 *“(5) Any other issues relating to discrimination,*
24 *harassment, or assault as the Secretary of Defense*
25 *considers appropriate.”.*

1 (b) *TIME FOR CONDUCTING OF SURVEYS.*—Such sec-
2 tion is further amended—

3 (1) in subsection (a)(1), by striking “four quad-
4 rennial surveys (each in a separate year)” and insert-
5 ing “four surveys”; and

6 (2) by striking subsection (d) and inserting the
7 following new subsection:

8 “(d) *WHEN SURVEYS REQUIRED.*—(1) One of the two
9 Armed Forces Workplace and Gender Relations Surveys
10 shall be conducted in 2014 and then every second year there-
11 after and the other Armed Forces Workplace and Gender
12 Relations Survey shall be conducted in 2015 and then every
13 second year thereafter, so that one of the two surveys is
14 being conducted each year.

15 “(2) The two Armed Forces Workplace and Equal Op-
16 portunity Surveys shall be conducted at least once every
17 four years. The two surveys may not be conducted in the
18 same year.”.

19 **SEC. 579. REQUIREMENT FOR COMMANDERS TO CONDUCT**
20 **ANNUAL ORGANIZATIONAL CLIMATE ASSESS-**
21 **MENTS.**

22 (a) *REQUIREMENT.*—The Secretary of Defense shall re-
23 quire the commander of each covered unit to conduct an
24 organizational climate assessment within 120 days after the
25 commander assumes command and annually thereafter.

1 (b) *DEFINITIONS.—In this section:*

2 (1) *COVERED UNIT.—The term “covered unit”*
3 *means any organizational element of the Armed*
4 *Forces (other than the Coast Guard) with more than*
5 *50 members assigned, including any such element of*
6 *a reserve component.*

7 (2) *ORGANIZATIONAL CLIMATE ASSESSMENT.—*
8 *The term “organizational climate assessment” means*
9 *an assessment intended to obtain information about*
10 *the positive and negative factors that may have an*
11 *impact on unit effectiveness and readiness by meas-*
12 *uring matters relating to human relations climate*
13 *such as prevention and response to sexual assault and*
14 *equal opportunity.*

15 **SEC. 580. ADDITIONAL REQUIREMENTS FOR ORGANIZA-**
16 **TIONAL CLIMATE ASSESSMENTS.**

17 (a) *ELEMENTS OF ASSESSMENTS.—An organizational*
18 *climate assessment shall include avenues for members of the*
19 *Armed Forces to express their views on how their leaders,*
20 *including commanders, are responding to allegations of sex-*
21 *ual assault and complaints of sexual harassment. The Sec-*
22 *retary of Defense shall require the Office of Diversity Man-*
23 *agement and Equal Opportunity and the Sexual Assault*
24 *Prevention and Response Office to ensure equal opportunity*

1 *advisors and officers of the Sexual Assault Prevention and*
2 *Response Office are available to conduct these assessments.*

3 *(b) ENSURING COMPLIANCE.—*

4 *(1) IN GENERAL.—The Secretary of Defense shall*
5 *direct the Secretaries of the military departments to*
6 *verify and track the compliance of commanding offi-*
7 *cers in conducting organizational climate assess-*
8 *ments.*

9 *(2) IMPLEMENTATION.—No later than 90 days*
10 *after the date of the enactment of this Act, the Sec-*
11 *retary of Defense shall submit to the Committees on*
12 *Armed Services of the Senate and House of Represent-*
13 *atives a report containing—*

14 *(A) a description of the progress of the de-*
15 *velopment of the system that will verify and*
16 *track the compliance of commanding officers in*
17 *conducting organizational climate assessments;*
18 *and*

19 *(B) an estimate of when the system will be*
20 *completed and implemented.*

21 *(c) CONSULTATION.—In developing the sexual harass-*
22 *ment and sexual assault portion of an organizational cli-*
23 *mate assessment, the Secretary of Defense shall consult with*
24 *representatives of the following:*

1 (1) *The Sexual Assault Prevention and Response*
2 *Office.*

3 (2) *The Office of Diversity Management.*

4 (3) *Appropriate non-Governmental organizations*
5 *that have expertise in areas related to sexual harass-*
6 *ment and sexual assault in the Armed Forces.*

7 (d) *RELATION TO OTHER REPORTING REQUIRE-*
8 *MENTS.—The reporting requirements of this section are in*
9 *addition to, and an expansion of, the Armed Forces Work-*
10 *place and Gender Relations Surveys required by section 481*
11 *of title 10, United States Code.*

12 **SEC. 581. REVIEW OF UNRESTRICTED REPORTS OF SEXUAL**
13 **ASSAULT AND SUBSEQUENT SEPARATION OF**
14 **MEMBERS MAKING SUCH REPORTS.**

15 (a) *REVIEW REQUIRED.—The Secretary of Defense*
16 *shall conduct a review of all unrestricted reports of sexual*
17 *assault made by members of the Armed Forces since October*
18 *1, 2000, to determine the number of members who were sub-*
19 *sequently separated from the Armed Forces and the cir-*
20 *cumstances of and grounds for such separation.*

21 (b) *ELEMENTS OF REVIEW.—The review shall deter-*
22 *mine at a minimum the following:*

23 (1) *For each member who made an unrestricted*
24 *report of sexual assault and was subsequently sepa-*

1 rated, the reason provided for the separation and
2 whether the member requested an appeal.

3 (2) For each member separated on the grounds
4 of having a personality disorder, whether the separa-
5 tion was carried out in compliance with Department
6 of Defense Instruction 1332.14.

7 (3) For each member who requested an appeal,
8 the basis and results of the appeal.

9 (c) *SUBMISSION OF RESULTS.*—Not later than 180
10 days after the date of the enactment of this Act, the Sec-
11 retary of Defense shall submit to the Committees on Armed
12 Services of the Senate and House of Representatives a re-
13 port containing the results of the review.

14 **SEC. 582. LIMITATION ON RELEASE FROM ACTIVE DUTY OR**
15 **RECALL TO ACTIVE DUTY OF RESERVE COM-**
16 **PONENT MEMBERS WHO ARE VICTIMS OF**
17 **SEXUAL ASSAULT WHILE ON ACTIVE DUTY.**

18 (a) *IN GENERAL.*—Chapter 1209 of title 10, United
19 States Code, is amended by adding at the end the following
20 new section:

21 **“§ 12323. Active duty for response to sexual assault**

22 “(a) *CONTINUATION ON ACTIVE DUTY.*—In the case of
23 a member of a reserve component who is the alleged victim
24 of sexual assault committed while on active duty and who
25 is expected to be released from active duty before the deter-

1 *mination of whether the member was assaulted while in the*
2 *line of duty, the Secretary concerned may, upon the request*
3 *of the member, order the member to be retained on active*
4 *duty until the line of duty determination, but not to exceed*
5 *180 days beyond the original expiration of active duty date.*
6 *A member eligible for continuation on active duty under*
7 *this subsection shall be informed as soon as practicable after*
8 *the alleged assault of the option to request continuation on*
9 *active duty under this subsection.*

10 “(b) *RETURN TO ACTIVE DUTY.*—*In the case of a*
11 *member of a reserve component not on active duty who is*
12 *the alleged victim of a sexual assault that occurred while*
13 *the member was on active duty and when the determination*
14 *whether the member was in the line of duty is not com-*
15 *pleted, the Secretary concerned may, upon the request of*
16 *the member, order the member to active duty for such time*
17 *as necessary to complete the line of duty determination, but*
18 *not to exceed 180 days.*

19 “(c) *REGULATIONS.*—*The Secretaries of the military*
20 *departments shall prescribe regulations to carry out this*
21 *section, subject to guidelines prescribed by the Secretary of*
22 *Defense. The guidelines of the Secretary of Defense shall*
23 *provide that—*

24 “(1) *a request submitted by a member described*
25 *in subsection (a) or (b) to continue on active duty, or*

1 to be ordered to active duty, respectively, must be de-
2 cided within 30 days from the date of the request; and

3 “(2) if the request is denied, the member may
4 appeal to the first general officer or flag officer in the
5 chain of command of the member, and in the case of
6 such an appeal a decision on the appeal must be
7 made within 15 days from the date of the appeal.”.

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

 “12323. Active duty for response to sexual assault.”.

11 **SEC. 583. INCLUSION OF INFORMATION ON SUBSTAN-**
12 **TIATED REPORTS OF SEXUAL HARASSMENT**
13 **IN MEMBER’S OFFICIAL SERVICE RECORD.**

14 (a) *INCLUSION.*—If a complaint of sexual harassment
15 is made against a member of the Army, Navy, Air Force,
16 or Marine Corps and the complaint is substantiated, a no-
17 tation to that effect shall be placed in the service record
18 of the member, regardless of the member’s rank, for the pur-
19 pose of—

20 (1) reducing the likelihood that a member who
21 has committed sexual harassment can commit the
22 same offense multiple times without suffering the ap-
23 propriate consequences; and

24 (2) alerting commanders of the background of the
25 members of their command, so the commanders have

1 *better awareness of its members, especially as mem-*
 2 *bers are transferred.*

3 *(b) DEFINITION OF SUBSTANTIATED.—For purposes of*
 4 *implementing this section, the Secretary of Defense shall use*
 5 *the definition of substantiated developed for the annual re-*
 6 *port on sexual assaults involving members of the Armed*
 7 *Forces prepared under section 1631 of the Ike Skelton Na-*
 8 *tional Defense Authorization Act for Fiscal Year 2011 (Pub-*
 9 *lic Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note).*

10 ***Subtitle I—Other Matters***

11 **SEC. 590. INCLUSION OF FREELY ASSOCIATED STATES** 12 **WITHIN SCOPE OF JUNIOR RESERVE OFFI-** 13 **CERS' TRAINING CORPS PROGRAM.**

14 *Section 2031(a) of title 10, United States Code, is*
 15 *amended by adding at the end the following new paragraph:*

16 *“(3) If a secondary educational institution in the Fed-*
 17 *erated States of Micronesia, the Republic of the Marshall*
 18 *Islands, or the Republic of Palau otherwise meets the condi-*
 19 *tions imposed by subsection (b) on the establishment and*
 20 *maintenance of units of the Junior Reserve Officers' Train-*
 21 *ing Corps, the Secretary of a military department may es-*
 22 *tablish and maintain a unit of the Junior Reserve Officers'*
 23 *Training Corps at the secondary educational institution*
 24 *even though the secondary educational institution is not a*
 25 *United States secondary educational institution.”.*

1 **SEC. 591. PRESERVATION OF EDITORIAL INDEPENDENCE**
2 **OF STARS AND STRIPES.**

3 *To preserve the actual and perceived editorial and*
4 *management independence of the Stars and Stripes news-*
5 *paper, the Secretary of Defense shall extend the lease for*
6 *the commercial office space in the District of Columbia cur-*
7 *rently occupied by the editorial and management oper-*
8 *ations of the Stars and Stripes newspaper until such time*
9 *as the Secretary provides space and information technology*
10 *and other support for such operations in a Government-*
11 *owned facility in the National Capital Region geographi-*
12 *cally remote from facilities of the Defense Media Activity*
13 *at Fort Meade, Maryland.*

14 **SEC. 592. SENSE OF CONGRESS REGARDING DESIGNATION**
15 **OF BUGLE CALL COMMONLY KNOWN AS**
16 **“TAPS” AS NATIONAL SONG OF REMEM-**
17 **BRANCE.**

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

19 *(1) The bugle call commonly known as “Taps”*
20 *is known throughout the United States.*

21 *(2) In July 1862, following the Seven Days Bat-*
22 *tles, Union General Daniel Butterfield and bugler*
23 *Oliver Willcox Norton created “Taps” at Berkley*
24 *Plantation, Virginia, as a way to signal the end of*
25 *daily military activities.*

1 (3) “Taps” is now established by the uniformed
2 services as the last call of the day and is sounded at
3 the completion of a military funeral.

4 (4) “Taps” has become the signature, solemn mu-
5 sical farewell for members of the uniformed services
6 and veterans who have faithfully served the United
7 States during times of war and peace.

8 (5) Over its 150 years of use, “Taps” has been
9 woven into the historical fabric of the United States.

10 (6) When sounded, “Taps” summons emotions of
11 loss, pride, honor, and respect and encourages Ameri-
12 cans to remember patriots who served the United
13 States with honor and valor.

14 (7) The 150th anniversary of the writing of
15 “Taps” will be observed with events culminating in
16 June 2012 with a rededication of the Taps Monument
17 at Berkley Plantation, Virginia.

18 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
19 that the bugle call commonly known as “Taps” should be
20 designated as the National Song of Remembrance.

21 **SEC. 593. RECOMMENDED CONDUCT DURING SOUNDING OF**

22 **BUGLE CALL COMMONLY KNOWN AS “TAPS”.**

23 (a) *CONDUCT DURING SOUNDING OF “TAPS”.*—Chap-
24 ter 3 of title 36, United States Code, is amended by adding
25 at the end the following new section:

1 **“§ 306. Conduct during sounding of ‘Taps’**

2 “(a) *DEFINITION.*—*In this section, the term ‘Taps’ re-*
3 *fers to the bugle call consisting of 24 notes normally sound-*
4 *ed on a bugle or trumpet without accompaniment or embel-*
5 *ishment as the last call of the day on a military base, at*
6 *the completion of a military funeral, or on other occasions*
7 *as the solemn musical farewell to members of the uniform*
8 *services and veterans.*

9 “(b) *CONDUCT DURING SOUNDING.*—

10 “(1) *IN GENERAL.*—*During a performance of*
11 *Taps—*

12 “(A) *all present, except persons in uniform,*
13 *should stand at attention with the right hand*
14 *over the heart;*

15 “(B) *men not in uniform should remove*
16 *their headdress with their right hand and hold*
17 *the headdress at the left shoulder, the hand being*
18 *over the heart; and*

19 “(C) *persons in uniform should stand at at-*
20 *tention and give the military salute at the first*
21 *note of Taps and maintain that position until*
22 *the last note.*

23 “(2) *EXCEPTION.*—*Paragraph (1) shall not*
24 *apply when Taps is sounded as the final bugle call*
25 *of the day at a military base.*

1 “(c) *DEFINITION OF MILITARY BASE.*—*In this section,*
 2 *the term ‘military base’ means a base, camp, post, station,*
 3 *yard, center, homeport facility for any ship, or other activ-*
 4 *ity under the jurisdiction of the Department of Defense, in-*
 5 *cluding any leased facility, which is located within any of*
 6 *the several States, the District of Columbia, the Common-*
 7 *wealth of Puerto Rico, American Samoa, the Virgin Is-*
 8 *lands, the Commonwealth of the Northern Mariana Islands,*
 9 *or Guam.”.*

10 (b) *CONFORMING AND CLERICAL AMENDMENTS.*—

11 (1) *CHAPTER HEADING.*—*The heading of chapter*
 12 3 *of title 36, United States Code, is amended to read*
 13 *as follows:*

14 **“CHAPTER 3—NATIONAL ANTHEM, MOTTO,**
 15 **AND OTHER NATIONAL DESIGNATIONS”.**

16 (2) *TABLE OF CHAPTERS.*—*The item relating to*
 17 chapter 3 *in the table of chapters for such title is*
 18 *amended to read as follows:*

“3. *National Anthem, Motto, and Other National Designations* 301”.

19 (3) *TABLE OF SECTIONS.*—*The table of sections*
 20 at the beginning of such chapter *is amended by add-*
 21 *ing at the end the following new item:*

“306. *Conduct during sounding of ‘Taps’.*”.

1 **SEC. 594. INSPECTION OF MILITARY CEMETERIES UNDER**
2 **THE JURISDICTION OF DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) *DOD INSPECTOR GENERAL INSPECTION OF AR-*
5 *LINGTON NATIONAL CEMETERY AND UNITED STATES SOL-*
6 *DIERS' AND AIRMEN'S HOME NATIONAL CEMETERY.*—*Sec-*
7 *tion 1(d) of Public Law 111–339; 124 Stat. 3592) is*
8 *amended—*

9 (1) *in paragraph (1), by striking “The Sec-*
10 *retary” in the first sentence and inserting “Subject to*
11 *paragraph (2), the Secretary”; and*

12 (2) *in paragraph (2), by adding at the end the*
13 *following new sentence: “However, in the case of the*
14 *report required to be submitted during 2013, the as-*
15 *essment described in paragraph (1) shall be con-*
16 *ducted, and the report shall be prepared and sub-*
17 *mitted, by the Inspector General of the Department of*
18 *Defense instead of the Secretary of the Army.”.*

19 (b) *TIME FOR SUBMISSION OF REPORT AND PLAN OF*
20 *ACTION REGARDING INSPECTION OF CEMETERIES AT MILI-*
21 *TARY INSTALLATIONS.*—*Section 592(d)(2) of the National*
22 *Defense Authorization Act for Fiscal Year 2012 (Public*
23 *Law 112–81; 125 Stat. 1443) is amended—*

24 (1) *by striking “December 31, 2012” and insert-*
25 *ing “June 29, 2013”; and*

1 (2) by striking “April 1, 2013” and inserting
2 “October 1, 2013”.

3 **SEC. 595. PILOT PROGRAM TO PROVIDE TRANSITIONAL AS-**
4 **SISTANCE TO MEMBERS OF THE ARMED**
5 **FORCES WITH A FOCUS ON SCIENCE, TECH-**
6 **NOLOGY, ENGINEERING, AND MATHEMATICS.**

7 (a) *PROGRAM AUTHORITY.*—*The Secretary of Defense*
8 *may conduct one or more pilot programs to provide transi-*
9 *tional assistance for members of the Armed Forces leaving*
10 *active duty that focuses on assisting the members to transi-*
11 *tion into the fields of science, technology, engineering, and*
12 *mathematics to address the shortage of expertise within the*
13 *Department of Defense in those fields.*

14 (b) *COOPERATION WITH EDUCATIONAL INSTITU-*
15 *TIONS.*—*The Secretary of Defense may enter into an agree-*
16 *ment with an institution of higher education to provide for*
17 *the management and execution of a pilot program under*
18 *this section. The institution of higher education must agree*
19 *to allow the translation of military experience and training*
20 *into course credit and provide for the transfer of previously*
21 *received credit through local community colleges and other*
22 *accredited institutions of higher education.*

23 (c) *DURATION.*—*Any pilot program established under*
24 *the authority of this section may not operate for more than*
25 *three academic years.*

1 (d) *REPORTING REQUIREMENT.*—At the conclusion of
2 a pilot program under this section, the Secretary of Defense
3 shall submit to the congressional defense committee a report
4 on the results of the pilot program, including the cost in-
5 curred to conduct the program, the number of participants
6 of the program, and the outcomes for the participants of
7 the program.

8 **TITLE VI—COMPENSATION AND**
9 **OTHER PERSONNEL BENEFITS**

10 **Subtitle A—Pay and Allowances**

11 **SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC**
12 **PAY.**

13 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-
14 justment to become effective during fiscal year 2013 re-
15 quired by section 1009 of title 37, United States Code, in
16 the rates of monthly basic pay authorized members of the
17 uniformed services shall not be made.

18 (b) *INCREASE IN BASIC PAY.*—Effective on January
19 1, 2013, the rates of monthly basic pay for members of the
20 uniformed services are increased by 1.7 percent.

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**
2 **BER COUPLES WHEN ONE MEMBER IS ON SEA**
3 **DUTY.**

4 (a) *IN GENERAL.*—Subparagraph (C) of section
5 403(f)(2) of title 37, United States Code, is amended to read
6 as follows:

7 “(C) Notwithstanding section 421 of this title, a mem-
8 ber of a uniformed service in a pay grade below pay grade
9 E–6 who is assigned to sea duty and is married to another
10 member of a uniformed service is entitled to a basic allow-
11 ance for housing subject to the limitations of subsection
12 (e).”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
14 section (a) shall take effect on January 1, 2013.

15 **SEC. 603. NO REDUCTION IN BASIC ALLOWANCE FOR HOUS-**
16 **ING FOR ARMY NATIONAL GUARD AND AIR**
17 **NATIONAL GUARD MEMBERS WHO TRANSI-**
18 **TION BETWEEN ACTIVE DUTY AND FULL-TIME**
19 **NATIONAL GUARD DUTY WITHOUT A BREAK**
20 **IN ACTIVE SERVICE.**

21 Section 403(g) of title 37, United States Code, is
22 amended by adding at the end the following new paragraph:

23 “(6)(A) The rate of basic allowance for housing to be
24 paid to a member of the Army National Guard of the
25 United States or the Air National Guard of the United
26 States shall not be reduced upon the transition of the mem-

1 *ber from active duty to full-time National Guard duty, or*
2 *from full-time National Guard duty to active duty, when*
3 *the transition occurs without a break in active service.*

4 “(B) *For the purposes of this paragraph, a break in*
5 *active service occurs when one or more calendar days be-*
6 *tween active service periods do not qualify as active serv-*
7 *ice.*”.

8 **SEC. 604. MODIFICATION OF PROGRAM GUIDANCE RELAT-**
9 **ING TO THE AWARD OF POST-DEPLOYMENT/**
10 **MOBILIZATION RESPITE ABSENCE ADMINIS-**
11 **TRATIVE ABSENCE DAYS TO MEMBERS OF**
12 **THE RESERVE COMPONENTS UNDER DOD IN-**
13 **STRUCTION 1327.06.**

14 *Effective as of October 1, 2011, the changes made by*
15 *the Secretary of Defense to the Program Guidance relating*
16 *to the award of Post-Deployment/Mobilization Respite Ab-*
17 *sence administrative absence days to members of the reserve*
18 *components under DOD Instruction 1327.06 shall not*
19 *apply to a member of a reserve component whose qualified*
20 *mobilization (as described in such program guidance) com-*
21 *menced before October 1, 2011, and continued on or after*
22 *that date until the date the mobilization is terminated.*

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAY AUTHORITIES FOR RESERVE**
5 **FORCES.**

6 *The following sections of title 37, United States Code,*
7 *are amended by striking “December 31, 2012” and insert-*
8 *ing “December 31, 2013”:*

9 (1) *Section 308b(g), relating to Selected Reserve*
10 *reenlistment bonus.*

11 (2) *Section 308c(i), relating to Selected Reserve*
12 *affiliation or enlistment bonus.*

13 (3) *Section 308d(c), relating to special pay for*
14 *enlisted members assigned to certain high-priority*
15 *units.*

16 (4) *Section 308g(f)(2), relating to Ready Reserve*
17 *enlistment bonus for persons without prior service.*

18 (5) *Section 308h(e), relating to Ready Reserve*
19 *enlistment and reenlistment bonus for persons with*
20 *prior service.*

21 (6) *Section 308i(f), relating to Selected Reserve*
22 *enlistment and reenlistment bonus for persons with*
23 *prior service.*

1 (7) *Section 408a(e), relating to reimbursement of*
2 *travel expenses for inactive-duty training outside of*
3 *normal commuting distance.*

4 (8) *Section 910(g), relating to income replace-*
5 *ment payments for reserve component members expe-*
6 *riencing extended and frequent mobilization for active*
7 *duty service.*

8 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
9 **SPECIAL PAY AUTHORITIES FOR HEALTH**
10 **CARE PROFESSIONALS.**

11 (a) *TITLE 10 AUTHORITIES.*—*The following sections*
12 *of title 10, United States Code, are amended by striking*
13 *“December 31, 2012” and inserting “December 31, 2013”:*

14 (1) *Section 2130a(a)(1), relating to nurse officer*
15 *candidate accession program.*

16 (2) *Section 16302(d), relating to repayment of*
17 *education loans for certain health professionals who*
18 *serve in the Selected Reserve.*

19 (b) *TITLE 37 AUTHORITIES.*—*The following sections of*
20 *title 37, United States Code, are amended by striking “De-*
21 *cember 31, 2012” and inserting “December 31, 2013”:*

22 (1) *Section 302c–1(f), relating to accession and*
23 *retention bonuses for psychologists.*

24 (2) *Section 302d(a)(1), relating to accession*
25 *bonus for registered nurses.*

1 (3) *Section 302e(a)(1), relating to incentive spe-*
2 *cial pay for nurse anesthetists.*

3 (4) *Section 302g(e), relating to special pay for*
4 *Selected Reserve health professionals in critically*
5 *short wartime specialties.*

6 (5) *Section 302h(a)(1), relating to accession*
7 *bonus for dental officers.*

8 (6) *Section 302j(a), relating to accession bonus*
9 *for pharmacy officers.*

10 (7) *Section 302k(f), relating to accession bonus*
11 *for medical officers in critically short wartime spe-*
12 *cialties.*

13 (8) *Section 302l(g), relating to accession bonus*
14 *for dental specialist officers in critically short war-*
15 *time specialties.*

16 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
17 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
18 **CERS.**

19 *The following sections of title 37, United States Code,*
20 *are amended by striking “December 31, 2012” and insert-*
21 *ing “December 31, 2013”:*

22 (1) *Section 312(f), relating to special pay for*
23 *nuclear-qualified officers extending period of active*
24 *service.*

1 (2) *Section 312b(c), relating to nuclear career*
2 *accession bonus.*

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

5 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
6 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
7 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
8 **TIES.**

9 *The following sections of title 37, United States Code,*
10 *are amended by striking “December 31, 2012” and insert-*
11 *ing “December 31, 2013”:*

12 (1) *Section 331(h), relating to general bonus au-*
13 *thority for enlisted members.*

14 (2) *Section 332(g), relating to general bonus au-*
15 *thority for officers.*

16 (3) *Section 333(i), relating to special bonus and*
17 *incentive pay authorities for nuclear officers.*

18 (4) *Section 334(i), relating to special aviation*
19 *incentive pay and bonus authorities for officers.*

20 (5) *Section 335(k), relating to special bonus and*
21 *incentive pay authorities for officers in health profes-*
22 *sions.*

23 (6) *Section 351(h), relating to hazardous duty*
24 *pay.*

1 (7) *Section 352(g), relating to assignment pay or*
2 *special duty pay.*

3 (8) *Section 353(i), relating to skill incentive pay*
4 *or proficiency bonus.*

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

8 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
10 **NUSES AND SPECIAL PAYS.**

11 *The following sections of title 37, United States Code,*
12 *are amended by striking “December 31, 2012” and insert-*
13 *ing “December 31, 2013”:*

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

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

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

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

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

23 (6) *Section 326(g), relating to incentive bonus*
24 *for conversion to military occupational specialty to*
25 *ease personnel shortage.*

1 (7) *Section 327(h), relating to incentive bonus*
2 *for transfer between armed forces.*

3 (8) *Section 330(f), relating to accession bonus for*
4 *officer candidates.*

5 **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AF-**
6 **FILIATION BONUS FOR OFFICERS IN THE SE-**
7 **LECTED RESERVE.**

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

10 **SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**
11 **BONUS FOR RESERVE COMPONENT MEMBERS**
12 **WHO CONVERT MILITARY OCCUPATIONAL**
13 **SPECIALTY TO EASE PERSONNEL SHORT-**
14 **AGES.**

15 *Section 326(c)(1) of title 37, United States Code, is*
16 *amended by striking “\$4,000, in the case of a member of*
17 *a regular component of the armed forces, and \$2,000, in*
18 *the case of a member of a reserve component of the armed*
19 *forces.” and inserting “\$4,000.”.*

1 ***Subtitle C—Travel and Transpor-***
2 ***tation Allowances Generally***

3 ***SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES***
4 ***FOR NON-MEDICAL ATTENDANTS FOR MEM-***
5 ***BERS RECEIVING CARE IN A RESIDENTIAL***
6 ***TREATMENT PROGRAM.***

7 *(a) AUTHORIZED TRAVEL AND TRANSPORTATION.—*
8 *Subsection (a) of section 481k of title 37, United States*
9 *Code, is amended—*

10 *(1) by inserting “(1)” before “Under uniform*
11 *regulations”; and*

12 *(2) by adding at the end the following new para-*
13 *graph:*

14 *“(2) Travel and transportation described in subsection*
15 *(d) also may be provided for a qualified non-medical at-*
16 *tendant for a member of the uniformed services who is re-*
17 *ceiving care in a residential treatment program if the at-*
18 *tending physician or other mental health professional and*
19 *the commander or head of the military medical facility ex-*
20 *ercising control over the member determine that the presence*
21 *and participation of such an attendant is essential to the*
22 *treatment of the member.”.*

23 *(b) CONFORMING AMENDMENTS.—Such section is fur-*
24 *ther amended—*

25 *(1) in subsection (b)—*

1 (A) by striking “covered member” in the
2 matter preceding paragraph (1) and inserting
3 “member”; and

4 (B) in paragraph (2), by striking “surgeon
5 and the commander or head of the military med-
6 ical facility” and inserting “surgeon (or mental
7 health professional in the case of a member de-
8 scribed in subsection (a)(2)) and the commander
9 or head of the military medical facility exer-
10 cising control over the member”; and

11 (2) in subsection (c), by striking “this section”
12 in the matter preceding paragraph (1) and inserting
13 “subsection (a)(1)”.

14 ***Subtitle D—Benefits and Services***
15 ***for Members Being Separated or***
16 ***Recently Separated***

17 ***SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO***
18 ***YEARS OF COMMISSARY AND EXCHANGE BEN-***
19 ***EFITS AFTER SEPARATION.***

20 (a) *EXTENSION OF AUTHORITY.*—Section 1146 of title
21 10, *United States Code*, is amended—

22 (1) in subsection (a), by striking “2012” and in-
23 serting “2018”; and

24 (2) in subsection (b), by striking “2012” and in-
25 serting “2018”.

1 **(b) CORRECTION OF REFERENCE TO ADMINISTERING**
2 **SECRETARY.**—*Such section is further amended—*

3 (1) *in subsection (a), by striking “The Secretary*
4 *of Transportation” and inserting “The Secretary con-*
5 *cerned”; and*

6 (2) *in subsection (b), by striking “The Secretary*
7 *of Homeland Security” and inserting “The Secretary*
8 *concerned”.*

9 **SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUS-**
10 **ING.**

11 **(a) RESUMPTION OF AUTHORITY TO AUTHORIZE**
12 **TRANSITIONAL USE.**—*Subsection (a) of section 1147 of title*
13 *10, United States Code, is amended—*

14 (1) *in paragraph (1), by striking “October 1,*
15 *1990, and ending on December 31, 2001” and insert-*
16 *ing “October 1, 2012, and ending on December 31,*
17 *2018”; and*

18 (2) *in paragraph (2), by striking “October 1,*
19 *1994, and ending on December 31, 2001” and insert-*
20 *ing “October 1, 2012, and ending on December 31,*
21 *2018”.*

22 **(b) PROHIBITION ON PROVISION OF TRANSITIONAL**
23 **BASIC ALLOWANCE FOR HOUSING.**—*Such section is further*
24 *amended by adding at the end the following new subsection:*

1 “(c) *NO TRANSITIONAL BASIC ALLOWANCE FOR HOUS-*
 2 *ING.*—*Nothing in this section shall be construed to authorize*
 3 *the Secretary concerned to continue to provide for any pe-*
 4 *riod of time to an individual who is involuntary separated*
 5 *all or any portion of a basic allowance for housing to which*
 6 *the individual was entitled under section 403 of title 37*
 7 *immediately before being involuntarily separated, even in*
 8 *cases in which the individual or members of the individual’s*
 9 *household continue to reside after the separation in a hous-*
 10 *ing unit acquired or constructed under the alternative au-*
 11 *thority of subchapter IV of chapter 169 of this title that*
 12 *is not owned or leased by the United States.”.*

13 (c) *CORRECTION OF REFERENCE TO ADMINISTERING*
 14 *SECRETARY.*—*Subsection (a)(2) of such section is further*
 15 *amended by striking “The Secretary of Transportation”*
 16 *and inserting “The Secretary concerned”.*

17 ***Subtitle E—Commissary and Non-***
 18 ***appropriated Fund Instrumen-***
 19 ***tality Benefits and Operations***

20 ***SEC. 641. CHARITABLE ORGANIZATIONS ELIGIBLE FOR DO-***
 21 ***NATIONS OF UNUSABLE COMMISSARY STORE***
 22 ***FOOD AND OTHER FOOD PREPARED FOR THE***
 23 ***ARMED FORCES.***

24 *Subparagraph (A) of section 2485(f) of title 10, United*
 25 *States Code, is amended to read as follows:*

1 “(A) A food bank, food pantry, or soup kitchen
2 (as those terms are defined in section 201A of the
3 Emergency Food Assistance Act of 1983 (7 U.S.C.
4 7501)).”.

5 **SEC. 642. REPEAL OF CERTAIN RECORDKEEPING AND RE-**
6 **PORTING REQUIREMENTS APPLICABLE TO**
7 **COMMISSARY AND EXCHANGE STORES OVER-**
8 **SEAS.**

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

11 (b) *CONFORMING AMENDMENTS.*—Such section is fur-
12 *ther amended—*

13 (1) *by striking “GENERAL AUTHORITY.—(1)”*
14 *and inserting “AUTHORITY TO ESTABLISH RESTRIC-*
15 *TIONS.—”;*

16 (2) *by striking “(2)” and inserting “(b) LIMITA-*
17 *TIONS ON USE OF AUTHORITY.—”;* and

18 (3) *by redesignating subparagraphs (A) and (B)*
19 *as paragraphs (1) and (2), respectively.*

1 **SEC. 643. TREATMENT OF FISHER HOUSE FOR THE FAMI-**
2 **LIES OF THE FALLEN AND MEDITATION PA-**
3 **VILION AT DOVER AIR FORCE BASE, DELA-**
4 **WARE, AS A FISHER HOUSE.**

5 (a) *FISHER HOUSES AND AUTHORIZED FISHER*
6 *HOUSE RESIDENTS.*—Subsection (a) of section 2493 of title
7 10, United States Code, is amended—

8 (1) in paragraph (1)(B), by striking “by pa-
9 tients” and all that follows through “such patients;”
10 and inserting “by authorized Fisher House resi-
11 dents;”;

12 (2) by redesignating paragraph (2) as para-
13 graph (3);

14 (3) by inserting after paragraph (1) the fol-
15 lowing new paragraph:

16 “(2) The term ‘Fisher House’ includes the Fisher
17 House for the Families of the Fallen and Meditation
18 Pavilion at Dover Air Force Base, Delaware, so long
19 as such facility is available for residential use on a
20 temporary basis by authorized Fisher House resi-
21 dents.”; and

22 (4) by adding at the end the following new para-
23 graph:

24 “(4) The term ‘authorized Fisher House resi-
25 dents’ means the following:

1 “(A) With respect to a Fisher House de-
2 scribed in paragraph (1) that is located in prox-
3 imity to a health care facility of the Army, the
4 Air Force, or the Navy, the following persons:

5 “(i) Patients of that health care facil-
6 ity.

7 “(ii) Members of the families of such
8 patients.

9 “(iii) Other persons providing the
10 equivalent of familial support for such pa-
11 tients.

12 “(B) With respect to the Fisher House de-
13 scribed in paragraph (2), the following persons:

14 “(i) The primary next of kin of a
15 member of the armed forces who dies while
16 located or serving overseas.

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

20 “(iii) An escort of a family member de-
21 scribed in clause (i) or (ii).”.

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

1 (c) *REPEAL OF FISCAL YEAR 2012 FREESTANDING*
2 *DESIGNATION.*—Section 643 of the National Defense Au-
3 *thorization Act for Fiscal Year 2012 (Public Law 112–81;*
4 *125 Stat. 1466) is repealed.*

5 **SEC. 644. PURCHASE OF SUSTAINABLE PRODUCTS, LOCAL**
6 **FOOD PRODUCTS, AND RECYCLABLE MATE-**
7 **RIALS FOR RESALE IN COMMISSARY AND EX-**
8 **CHANGE STORE SYSTEMS.**

9 (a) *IMPROVED PURCHASING EFFORTS.*—Section
10 *2481(c) of title 10, United States Code, is amended by add-*
11 *ing at the end the following new paragraph:*

12 “(3)(A) *The governing body established pursuant to*
13 *paragraph (2) shall endeavor to increase the purchase for*
14 *resale at commissary stores and exchange stores of sustain-*
15 *able products, local food products, and recyclable materials.*

16 “(B) *As part of its efforts under subparagraph (A),*
17 *the governing body shall develop—*

18 “(i) *guidelines for the identification of fresh*
19 *meat, poultry, seafood, and fish, fresh produce, and*
20 *other products raised or produced through sustainable*
21 *methods; and*

22 “(ii) *goals, applicable to all commissary stores*
23 *and exchange stores world-wide, to maximize, to the*
24 *maximum extent practical, the purchase of sustain-*

1 able products, local food products, and recyclable ma-
2 terials by September 30, 2017.”.

3 (b) *DEADLINE FOR ESTABLISHMENT AND GUIDE-*
4 *LINES.*—The initial guidelines required by paragraph
5 (3)(B)(i) of section 2481(c) of title 10, United States Code,
6 as added by subsection (a), shall be issued not later than
7 two years after the date of the enactment of this Act.

8 ***Subtitle F—Disability, Retired Pay,***
9 ***and Survivor Benefits***

10 ***SEC. 651. REPEAL OF REQUIREMENT FOR PAYMENT OF SUR-***
11 ***VIVOR BENEFIT PLAN PREMIUMS WHEN PAR-***
12 ***TICIPANT WAIVES RETIRED PAY TO PROVIDE***
13 ***A SURVIVOR ANNUITY UNDER FEDERAL EM-***
14 ***PLOYEES RETIREMENT SYSTEM AND TERMI-***
15 ***NATING PAYMENT OF THE SURVIVOR BEN-***
16 ***EFIT PLAN ANNUITY.***

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

19 (1) in the subsection heading, by inserting “AND
20 *FERS*” after “*CSRS*”;

21 (2) by inserting “or chapter 84 of such title,”
22 after “chapter 83 of title 5”;

23 (3) by inserting “or 8416(a)” after “8339(j)”;
24 and

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

1 (b) *CONFORMING AMENDMENTS.*—Section 1450(d) of
2 such title is amended—

3 (1) by inserting “or chapter 84 of such title”
4 after “chapter 83 of title 5”;

5 (2) by inserting “or 8416(a)” after “8339(j)”;
6 and

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

8 (c) *APPLICATION OF AMENDMENTS.*—The amendments
9 made by this section shall apply with respect to any partic-
10 ipant electing a annuity for survivors under chapter 84 of
11 title 5, United States Code, on or after the date of the enact-
12 ment of this Act.

13 ***Subtitle G—Other Matters***

14 ***SEC. 661. CONSISTENT DEFINITION OF DEPENDENT FOR*** 15 ***PURPOSES OF APPLYING LIMITATIONS ON*** 16 ***TERMS OF CONSUMER CREDIT EXTENDED TO*** 17 ***CERTAIN MEMBERS OF THE ARMED FORCES*** 18 ***AND THEIR DEPENDENTS.***

19 Paragraph (2) of section 987(i) of title 10, United
20 States Code, is amended to read as follows:

21 “(2) *DEPENDENT.*—The term ‘dependent’, with
22 respect to a covered member, means a person de-
23 scribed in subparagraph (A), (D), (E), or (I) of sec-
24 tion 1072(2) of this title.”.

1 **SEC. 662. LIMITATION ON REDUCTION IN NUMBER OF MILI-**
2 **TARY AND CIVILIAN PERSONNEL ASSIGNED**
3 **TO DUTY WITH SERVICE REVIEW AGENCIES.**

4 *Section 1559(a) of title 10, United States Code, is*
5 *amended by striking “December 31, 2013” and inserting*
6 *“December 31, 2016”.*

7 **SEC. 663. EQUAL TREATMENT FOR MEMBERS OF COAST**
8 **GUARD RESERVE CALLED TO ACTIVE DUTY**
9 **UNDER TITLE 14, UNITED STATES CODE.**

10 *(a) INCLUSION IN DEFINITION OF CONTINGENCY OP-*
11 *ERATION.—Section 101(a)(13)(B) of title 10, United States*
12 *Code, is amended by inserting “section 712 of title 14,”*
13 *after “chapter 15 of this title.”*

14 *(b) CREDIT OF SERVICE TOWARDS REDUCTION OF*
15 *ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR NON-*
16 *REGULAR SERVICE.—Section 12731(f)(2)(B) of title 10,*
17 *United States Code, is amended by adding at the end the*
18 *following new clause:*

19 *“(iv) Service on active duty described in this subpara-*
20 *graph is also service on active duty pursuant to a call or*
21 *order to active duty authorized by the Secretary of Home-*
22 *land Security under section 712 of title 14 for purposes of*
23 *emergency augmentation of the Regular Coast Guard*
24 *forces.”.*

1 (c) *POST 9/11 EDUCATIONAL ASSISTANCE.*—Section
2 3301(1)(B) of title 38, United States Code, is amended by
3 inserting “or section 712 of title 14” after “title 10”.

4 (d) *RETROACTIVE APPLICATION OF AMENDMENTS.*—

5 (1) *INCLUSION OF PRIOR ORDERS.*—The amend-
6 ments made by this section shall apply to any call or
7 order to active duty authorized by the Secretary of
8 Homeland Security under section 712 of title 14,
9 United States Code, on or after April 19, 2010.

10 (2) *CREDIT FOR PRIOR SERVICE.*—The amend-
11 ments made by this section shall be deemed to have
12 been enacted on April 19, 2010, for purposes of ap-
13 plying the amendments to the following provisions of
14 law:

15 (A) Section 5538 of title 5, United States
16 Code, relating to nonreduction in pay.

17 (B) Section 701 of title 10, United States
18 Code, relating to the accumulation and retention
19 of leave.

20 (C) Section 12731 of title 10, United States
21 Code, relating to age and service requirements
22 for receipt of retired pay for non-regular service.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—Improvements to Health**
4 **Benefits**

5 **SEC. 701. SENSE OF CONGRESS ON NONMONETARY CON-**
6 **TRIBUTIONS TO HEALTH CARE BENEFITS**
7 **MADE BY CAREER MEMBERS OF THE ARMED**
8 **FORCES AND THEIR FAMILIES.**

9 *It is the sense of Congress that—*

10 (1) *career members of the uniformed services and*
11 *their families endure unique and extraordinary de-*
12 *mands and make extraordinary sacrifices over the*
13 *course of a 20- to 30-year career in protecting free-*
14 *dom for all Americans; and*

15 (2) *those decades of sacrifice constitute a signifi-*
16 *cant pre-paid premium for health care during a ca-*
17 *reer member's retirement that is over and above what*
18 *the member pays with money.*

19 **SEC. 702. 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) *TRICARE STANDARD COVERAGE.—Section*
24 *1076d(b) of title 10, United States 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 para-*
5 *graph:*

6 “(2) *During the period beginning on the earlier of the*
7 *date of the enactment of the National Defense Authorization*
8 *Act for Fiscal Year 2013 or October 1, 2012, and ending*
9 *December 31, 2018, eligibility for a member under this sec-*
10 *tion who is involuntarily separated from the Selected Re-*
11 *serve under other than adverse conditions, as characterized*
12 *by the Secretary concerned, shall terminate 180 days after*
13 *the date on which the member is separated.”.*

14 (b) *TRICARE DENTAL COVERAGE.—Section*
15 *1076a(a)(1) of such title is amended by adding at the end*
16 *the following new sentence: “During the period beginning*
17 *on the earlier of the date of the enactment of the National*
18 *Defense Authorization Act for Fiscal Year 2013 or October*
19 *1, 2012, and ending December 31, 2018, such plan shall*
20 *provide that coverage for a member of the Selected Reserve*
21 *who is involuntarily separated from the Selected Reserve*
22 *under other than adverse conditions, as characterized by the*
23 *Secretary concerned, shall not terminate earlier than 180*
24 *days after the date on which the member is separated.”.*

1 **SEC. 703. MEDICAL AND DENTAL CARE CONTRACTS FOR**
2 **CERTAIN MEMBERS OF THE NATIONAL**
3 **GUARD.**

4 (a) *STANDARDS.*—*The Secretary of Defense shall en-*
5 *sure that each individual who receives medical or dental*
6 *care under a covered contract meets the standards of med-*
7 *ical and dental readiness of the Secretary upon the mobili-*
8 *zation of the individual.*

9 (b) *COVERED CONTRACT DEFINED.*—*In this section,*
10 *the term “covered contract” means a contract entered into*
11 *by the National Guard of a State to provide medical or*
12 *dental care to the members of such National Guard to en-*
13 *sure that the members meet applicable standards of medical*
14 *and dental readiness.*

15 ***Subtitle B—Health Care***
16 ***Administration***

17 **SEC. 711. UNIFIED MEDICAL COMMAND.**

18 (a) *UNIFIED COMBATANT COMMAND.*—

19 (1) *IN GENERAL.*—*Chapter 6 of title 10, United*
20 *States Code, is amended by inserting after section*
21 *167a the following new section:*

22 ***“§ 167b. Unified combatant command for medical op-***
23 ***erations***

24 *“(a) ESTABLISHMENT.*—*With the advice and assist-*
25 *ance of the Chairman of the Joint Chiefs of Staff, the Presi-*
26 *dent, through the Secretary of Defense, shall establish under*

1 *section 161 of this title a unified command for medical op-*
2 *erations (in this section referred to as the ‘unified medical*
3 *command’). The principal function of the command is to*
4 *provide medical services to the armed forces and other*
5 *health care beneficiaries of the Department of Defense as*
6 *defined in chapter 55 of this title.*

7 “(b) *ASSIGNMENT OF FORCES.*—*In establishing the*
8 *unified medical command under subsection (a), all active*
9 *military medical treatment facilities, training organiza-*
10 *tions, and research entities of the armed forces shall be as-*
11 *signed to such unified command, unless otherwise directed*
12 *by the Secretary of Defense.*

13 “(c) *GRADE OF COMMANDER.*—*The commander of the*
14 *unified medical command shall hold the grade of general*
15 *or, in the case of an officer of the Navy, admiral while serv-*
16 *ing in that position, without vacating his permanent grade.*
17 *The commander of such command shall be appointed to that*
18 *grade by the President, by and with the advice and consent*
19 *of the Senate, for service in that position. The commander*
20 *of such command shall be a member of a health profession*
21 *described in paragraph (1), (2), (3), (4), (5), or (6) of sec-*
22 *tion 335(j) of title 37. During the five-year period begin-*
23 *ning on the date on which the Secretary establishes the com-*
24 *mand under subsection (a), the commander of such com-*

1 *mand shall be exempt from the requirements of section*
2 *164(a)(1) of this title.*

3 “(d) *SUBORDINATE COMMANDS.—(1) The unified med-*
4 *ical command shall have the following subordinate com-*
5 *mands:*

6 “(A) *A command that includes all fixed military*
7 *medical treatment facilities, including elements of the*
8 *Department of Defense that are combined, operated*
9 *jointly, or otherwise operated in such a manner that*
10 *a medical facility of the Department of Defense is op-*
11 *erating in or with a medical facility of another de-*
12 *partment or agency of the United States.*

13 “(B) *A command that includes all medical*
14 *training, education, and research and development*
15 *activities that have previously been unified or com-*
16 *bined, including organizations that have been des-*
17 *ignated as a Department of Defense executive agent.*

18 “(C) *The Defense Health Agency established*
19 *under subsection (f).*

20 “(2) *The commander of a subordinate command of the*
21 *unified medical command shall hold the grade of lieutenant*
22 *general or, in the case of an officer of the Navy, vice admiral*
23 *while serving in that position, without vacating his perma-*
24 *nent grade. The commander of such a subordinate command*
25 *shall be appointed to that grade by the President, by and*

1 *with the advice and consent of the Senate, for service in*
2 *that position. The commander of such a subordinate com-*
3 *mand shall also be required to be a surgeon general of one*
4 *of the military departments.*

5 “(e) *AUTHORITY OF COMBATANT COMMANDER.—(1) In*
6 *addition to the authority prescribed in section 164(c) of this*
7 *title, the commander of the unified medical command shall*
8 *be responsible for, and shall have the authority to conduct,*
9 *all affairs of such command relating to medical operations*
10 *activities.*

11 “(2) *The commander of such command shall be respon-*
12 *sible for, and shall have the authority to conduct, the fol-*
13 *lowing functions relating to medical operations activities*
14 *(whether or not relating to the unified medical command):*

15 “(A) *Developing programs and doctrine.*

16 “(B) *Preparing and submitting to the Secretary*
17 *of Defense program recommendations and budget pro-*
18 *posals for the forces described in subsection (b) and*
19 *for other forces assigned to the unified medical com-*
20 *mand.*

21 “(C) *Exercising authority, direction, and control*
22 *over the expenditure of funds—*

23 “(i) *for forces assigned to the unified med-*
24 *ical command;*

1 “(ii) for the forces described in subsection
2 (b) assigned to unified combatant commands
3 other than the unified medical command to the
4 extent directed by the Secretary of Defense; and
5 “(iii) for military construction funds of the
6 Defense Health Program.

7 “(D) Training assigned forces.

8 “(E) Conducting specialized courses of instruc-
9 tion for commissioned and noncommissioned officers.

10 “(F) Validating requirements.

11 “(G) Establishing priorities for requirements.

12 “(H) Ensuring the interoperability of equipment
13 and forces.

14 “(I) Monitoring the promotions, assignments, re-
15 tention, training, and professional military education
16 of medical officers described in paragraph (1), (2),
17 (3), (4), (5), or (6) of section 335(j) of title 37.

18 “(3) The commander of such command shall be respon-
19 sible for the Defense Health Program, including the Defense
20 Health Program Account established under section 1100 of
21 this title.

22 “(f) DEFENSE HEALTH AGENCY.—(1) In establishing
23 the unified medical command under subsection (a), the Sec-
24 retary shall also establish under section 191 of this title a
25 defense agency for health care (in this section referred to

1 as the ‘Defense Health Agency’), and shall transfer to such
2 agency the organization of the Department of Defense re-
3 ferred to as the TRICARE Management Activity and all
4 functions of the TRICARE Program (as defined in section
5 1072(7)).

6 “(2) The director of the Defense Health Agency shall
7 hold the rank of lieutenant general or, in the case of an
8 officer of the Navy, vice admiral while serving in that posi-
9 tion, without vacating his permanent grade. The director
10 of such agency shall be appointed to that grade by the Presi-
11 dent, by and with the advice and consent of the Senate,
12 for service in that position. The director of such agency
13 shall be a member of a health profession described in para-
14 graph (1), (2), (3), (4), (5), or (6) of section 335(j) of title
15 37.

16 “(g) REGULATIONS.—In establishing the unified med-
17 ical command under subsection (a), the Secretary of Defense
18 shall prescribe regulations for the activities of the unified
19 medical command.”

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of such chapter is amended by
22 inserting after the item relating to section 167a the
23 following new item:

“167b. Unified combatant command for medical operations.”

24 (b) PLAN, NOTIFICATION, AND REPORT.—

1 (1) *PLAN.*—Not later than July 1, 2013, the Sec-
2 retary of Defense shall submit to the congressional de-
3 fense committees a comprehensive plan to establish the
4 unified medical command authorized under section
5 167b of title 10, United States Code, as added by sub-
6 section (a), including any legislative actions the Sec-
7 retary considers necessary to implement the plan.

8 (2) *NOTIFICATION.*—The Secretary shall submit
9 to the congressional defense committees written notifi-
10 cation of the time line of the Secretary to establish the
11 unified medical command under such section 167b by
12 not later than the date that is 30 days before estab-
13 lishing such command.

14 (3) *REPORT.*—Not later than 180 days after sub-
15 mitting the notification under paragraph (2), the Sec-
16 retary shall submit to the congressional defense com-
17 mittees a report on—

18 (A) the establishment of the unified medical
19 command; and

20 (B) the establishment of the Defense Health
21 Agency under subsection (f) of such section 167b.

1 **SEC. 712. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**
2 **TRICARE PRIME OF DEPENDENTS OF MEM-**
3 **BERS IN PAY GRADES ABOVE PAY GRADE E-4.**

4 *Subsection (a) of section 1097a of title 10, United*
5 *States Code, is amended to read as follows:*

6 *“(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPEND-*
7 *ENTS.—(1) In the case of a dependent of a member of the*
8 *uniformed services who is entitled to medical and dental*
9 *care under section 1076(a)(2)(A) of this title and resides*
10 *in an area in which TRICARE Prime is offered, the Sec-*
11 *retary—*

12 *“(A) shall automatically enroll the dependent in*
13 *TRICARE Prime if the member is in pay grade E-*
14 *4 or below; and*

15 *“(B) may automatically enroll the dependent in*
16 *TRICARE Prime if the member is in pay grade E-*
17 *5 or higher.*

18 *“(2) Whenever a dependent of a member is enrolled*
19 *in TRICARE Prime under paragraph (1), the Secretary*
20 *concerned shall provide written notice of the enrollment to*
21 *the member.*

22 *“(3) The enrollment of a dependent of the member may*
23 *be terminated by the member or the dependent at any*
24 *time.”.*

1 **SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BE-**
2 **TWEEN THE MILITARY DEPARTMENTS AND**
3 **NON-MILITARY HEALTH CARE ENTITIES.**

4 (a) *AUTHORITY.*—*In addition to the authority of the*
5 *Secretary of Defense under section 713 of the National De-*
6 *fense Authorization Act of 2010 (10 U.S.C. 1073 note), the*
7 *Secretary of each military department may establish coop-*
8 *erative health care agreements between military installa-*
9 *tions and local or regional health care entities.*

10 (b) *REQUIREMENTS.*—*In establishing an agreement*
11 *under subsection (a), the Secretary concerned shall—*

12 (1) *consult with—*

13 (A) *representatives from the military instal-*
14 *lation selected for the agreement, including the*
15 *TRICARE managed care support contractor*
16 *with responsibility for such installation; and*

17 (B) *Federal, State, and local government of-*
18 *ficials;*

19 (2) *identify and analyze health care services*
20 *available in the area in which the military installa-*
21 *tion is located, including such services available at a*
22 *military medical treatment facility or in the private*
23 *sector (or a combination thereof);*

24 (3) *determine the cost avoidance or savings re-*
25 *sulting from innovative partnerships between the*

1 *military department concerned and the private sector;*
2 *and*

3 *(4) determine the opportunities for and barriers*
4 *to coordinating and leveraging the use of existing*
5 *health care resources, including such resources of Fed-*
6 *eral, State, local, and private entities.*

7 *(c) RULE OF CONSTRUCTION.—Nothing in this section*
8 *shall be construed as authorizing the provision of health*
9 *care services at military medical treatment facilities or*
10 *other facilities of the Department of Defense to individuals*
11 *who are not otherwise entitled or eligible for such services*
12 *under chapter 55 of title 10, United States Code.*

13 *(d) SECRETARY CONCERNED DEFINED.—In this sec-*
14 *tion, the term “Secretary concerned” has the meaning given*
15 *that term in section 101(a)(9) of title 10, United States*
16 *Code.*

17 **SEC. 714. REQUIREMENT TO ENSURE THE EFFECTIVENESS**
18 **AND EFFICIENCY OF HEALTH ENGAGEMENTS.**

19 *(a) IN GENERAL.—The Secretary of Defense, in coordi-*
20 *nation with the Assistant Secretary of Defense for Health*
21 *Affairs and the Uniformed Services University of the*
22 *Health Sciences, shall develop a process to ensure that*
23 *health engagements conducted by the Department of Defense*
24 *are effective and efficient in meeting the national security*
25 *goals of the United States.*

1 (b) *PROCESS GOALS.*—*The Assistant Secretary of De-*
2 *fense for Health Affairs and the Uniformed Services Univer-*
3 *sity of the Health Sciences shall ensure that each process*
4 *developed under subsection (a)—*

5 (1) *assesses the operational mission capabilities*
6 *of the health engagement;*

7 (2) *uses the collective expertise of the Federal*
8 *Government and non-governmental organizations to*
9 *ensure collaboration and partnering activities; and*

10 (3) *assesses the stability and resiliency of the*
11 *host nation of such engagement.*

12 (c) *PILOT PROGRAMS.*—*The Secretary of Defense, in*
13 *coordination with the Uniformed Services University of*
14 *Health Sciences, may conduct pilot programs to assess the*
15 *effectiveness of any process developed under subsection (a)*
16 *to ensure the applicability of the process to health engage-*
17 *ments conducted by the Department of Defense.*

18 **SEC. 715. CLARIFICATION OF APPLICABILITY OF FEDERAL**
19 **TORT CLAIMS ACT TO SUBCONTRACTORS EM-**
20 **PLOYED TO PROVIDE HEALTH CARE SERV-**
21 **ICES TO THE DEPARTMENT OF DEFENSE.**

22 Section 1089(a) of title 10, United States Code, is
23 amended in the last sentence—

24 (1) by striking “if the physician, dentist, nurse,
25 pharmacist, or paramedical” and inserting “to such

1 *a physician, dentist, nurse, pharmacist, or para-*
2 *medical”;*

3 (2) *by striking “involved is”;* and

4 (3) *by inserting before the period at the end the*
5 *following: “or a subcontract at any tier under such*
6 *a contract”.*

7 **SEC. 716. PILOT PROGRAM ON INCREASED THIRD-PARTY**
8 **COLLECTION REIMBURSEMENTS IN MILITARY**
9 **MEDICAL TREATMENT FACILITIES.**

10 *(a) PILOT PROGRAM.—*

11 (1) *IN GENERAL.—The Secretary of Defense, in*
12 *coordination with the Secretaries of the military de-*
13 *partments, shall carry out a pilot program to assess*
14 *the feasibility of using processes described in para-*
15 *graph (2) to increase the amounts collected under sec-*
16 *tion 1095 of title 10, United States Code, from a*
17 *third-party payer for charges for health care services*
18 *incurred by the United States at a military medical*
19 *treatment facility.*

20 (2) *PROCESSES DESCRIBED.—The processes de-*
21 *scribed in this paragraph are revenue-cycle improve-*
22 *ment processes, including cash-flow management and*
23 *accounts-receivable processes.*

24 (b) *REQUIREMENTS.—In carrying out the pilot pro-*
25 *gram under subsection (a)(1), the Secretary shall—*

1 (1) *identify and analyze the best practice options*
2 *with respect to the processes described in subsection*
3 *(a)(2) that are used in nonmilitary health care facili-*
4 *ties; and*

5 (2) *conduct a cost-benefit analysis to assess the*
6 *pilot program, including an analysis of—*

7 (A) *the different processes used in the pilot*
8 *program;*

9 (B) *the amount of third-party collections*
10 *that resulted from such processes;*

11 (C) *the cost to implement and sustain such*
12 *processes; and*

13 (D) *any other factors the Secretary deter-*
14 *mines appropriate to assess the pilot program.*

15 (c) *LOCATIONS.—The Secretary shall carry out the*
16 *pilot program under subsection (a)(1) at not less than two*
17 *military installations of different military departments*
18 *that meet the following criteria:*

19 (1) *There is a military medical treatment facil-*
20 *ity that has inpatient and outpatient capabilities at*
21 *the installation.*

22 (2) *At least 40 percent of the military bene-*
23 *ficiary population residing in the catchment area*
24 *surrounding the installation is potentially covered by*

1 *a third-party payer (as defined in section 1095(h)(1)*
2 *of title 10, United States Code).*

3 *(d) DURATION.—The Secretary shall commence the*
4 *pilot program under subsection (a)(1) by not later than 270*
5 *days after the date of the enactment of this Act and shall*
6 *carry out such program for three years.*

7 *(e) REPORT.—Not later than 180 days after com-*
8 *pleting the pilot program under subsection (a)(1), the Sec-*
9 *retary shall submit to the congressional defense committees*
10 *a report describing the results of the program, including—*

11 *(1) a comparison of—*

12 *(A) the processes described in subsection*
13 *(a)(2) that were used in the military medical*
14 *treatment facilities participating in the pro-*
15 *gram; and*

16 *(B) the third-party collection processes used*
17 *by military medical treatment facilities not in-*
18 *cluded in the program;*

19 *(2) a cost analysis of implementing the processes*
20 *described in subsection (a)(2) for third-party collec-*
21 *tions at military medical treatment facilities; and*

22 *(3) an assessment of the program, including any*
23 *recommendations to improve third-party collections.*

1 **SEC. 717. PILOT PROGRAM FOR REFILLS OF MAINTENANCE**
2 **MEDICATIONS FOR TRICARE FOR LIFE BENE-**
3 **FICIARIES THROUGH THE TRICARE MAIL-**
4 **ORDER PHARMACY PROGRAM.**

5 (a) *IN GENERAL.*—*The Secretary of Defense shall con-*
6 *duct a pilot program to refill prescription maintenance*
7 *medications for each TRICARE for Life beneficiary through*
8 *the national mail-order pharmacy program under section*
9 *1074g(a)(2)(E)(iii) of title 10, United States Code.*

10 (b) *MEDICATIONS COVERED.*—

11 (1) *DETERMINATION.*—*The Secretary shall deter-*
12 *mine the prescription maintenance medications in-*
13 *cluded in the pilot program under subsection (a).*

14 (2) *SUPPLY.*—*In carrying out the pilot program*
15 *under subsection (a), the Secretary shall ensure that*
16 *the medications included in the program are—*

17 (A) *generally available to the TRICARE for*
18 *Life beneficiary through retail pharmacies only*
19 *for an initial filling of a 30-day or less supply;*
20 *and*

21 (B) *any refills of such medications are ob-*
22 *tained through the national mail-order phar-*
23 *macy program.*

24 (3) *EXEMPTION.*—*The Secretary may exempt*
25 *the following prescription maintenance medications*
26 *from the requirements in paragraph (2):*

1 (A) *Such medications that are for acute*
2 *care needs.*

3 (B) *Such other medications as the Secretary*
4 *determines appropriate.*

5 (c) *NONPARTICIPATION.—*

6 (1) *OPT OUT.—The Secretary shall give*
7 *TRICARE for Life beneficiaries who have been cov-*
8 *ered by the pilot program under subsection (a) for a*
9 *period of one year an opportunity to opt out of con-*
10 *tinuing to participate in the program.*

11 (2) *WAIVER.—The Secretary may waive the re-*
12 *quirement of a TRICARE for Life beneficiary to par-*
13 *ticipate in the pilot program under subsection (a) if*
14 *the Secretary determines, on an individual basis, that*
15 *such waiver is appropriate.*

16 (d) *TRICARE FOR LIFE BENEFICIARY DEFINED.—In*
17 *this section, the term “TRICARE for Life beneficiary”*
18 *means a TRICARE beneficiary enrolled in the Medicare*
19 *wraparound coverage option of the TRICARE program*
20 *made available to the beneficiary by reason of section*
21 *1086(d) of title 10, United States Code.*

22 (e) *REPORTS.—Not later than March 31 of each year*
23 *beginning in 2014 and ending in 2018, the Secretary shall*
24 *submit to the congressional defense committees a report on*
25 *the pilot program under subsection (a), including the effects*

1 *of offering incentives for the use of mail order pharmacies*
2 *by TRICARE beneficiaries and the effect on retail phar-*
3 *macies.*

4 (f) *SUNSET.*—*The Secretary may not carry out the*
5 *pilot program under subsection (a) after December 31,*
6 *2017.*

7 **SEC. 718. COST-SHARING RATES FOR PHARMACY BENEFITS**
8 **PROGRAM OF THE TRICARE PROGRAM.**

9 (a) *IN GENERAL.*—*Section 1074g(a)(6) of title 10,*
10 *United States Code, is amended—*

11 (1) *by amending subparagraph (A) to read as*
12 *follows:*

13 “(A) *The Secretary, in the regulations prescribed*
14 *under subsection (h), shall establish cost-sharing require-*
15 *ments under the pharmacy benefits program. In accordance*
16 *with subparagraph (C), such cost-sharing requirements*
17 *shall consist of the following:*

18 “(i) *With respect to each supply of a prescrip-*
19 *tion covering not more than 30 days that is obtained*
20 *by a covered beneficiary under the TRICARE retail*
21 *pharmacy program—*

22 “(I) *in the case of generic agents, \$5;*

23 “(II) *in the case of formulary agents, \$17;*

24 *and*

1 “(III) in the case of nonformulary agents,
2 \$44.

3 “(ii) With respect to each supply of a prescrip-
4 tion covering not more than 90 days that is obtained
5 by a covered beneficiary under the national mail-
6 order pharmacy program—

7 “(I) in the case of generic agents, \$0;

8 “(II) in the case of formulary agents, \$13;

9 and

10 “(III) in the case of nonformulary agents,
11 \$43.”; and

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

14 “(C) Beginning October 1, 2013, the Secretary may
15 only increase in any year the cost-sharing amount estab-
16 lished under subparagraph (A) by an amount equal to the
17 percentage by which retired pay is increased under section
18 1401a of this title.”.

19 (b) *EFFECTIVE DATE.*—The cost-sharing requirements
20 under section 1074g(a)(6)(A) of title 10, United States
21 Code, as amended by subsection (a)(1), shall apply with re-
22 spect to prescriptions obtained under the TRICARE phar-
23 macy benefits program on or after October 1, 2012.

1 **SEC. 719. REVIEW OF THE ADMINISTRATION OF THE MILI-**
2 **TARY HEALTH SYSTEM.**

3 *Section 716(a)(1) of the National Defense Authoriza-*
4 *tion Act for Fiscal Year 2012 (Public Law 112–81; 125*
5 *Stat. 1477) is amended by striking “until a 120-day pe-*
6 *riod” and all that follows through the period and inserting*
7 *the following: “until the Secretary implements and com-*
8 *pletes any recommendations included in the report sub-*
9 *mitted by the Comptroller General of the United States*
10 *under subsection (b)(3) and notifies the congressional de-*
11 *fense committees of such implementation and completion.”.*

12 ***Subtitle C—Reports and Other***
13 ***Matters***

14 **SEC. 721. EXTENSION OF COMPTROLLER GENERAL REPORT**
15 **ON CONTRACT HEALTH CARE STAFFING FOR**
16 **MILITARY MEDICAL TREATMENT FACILITIES.**

17 *Section 726(a) of the National Defense Authorization*
18 *Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.*
19 *1480) is amended by striking “March 31, 2012” and insert-*
20 *ing “March 31, 2013”.*

21 **SEC. 722. EXTENSION OF COMPTROLLER GENERAL REPORT**
22 **ON WOMEN-SPECIFIC HEALTH SERVICES AND**
23 **TREATMENT FOR FEMALE MEMBERS OF THE**
24 **ARMED FORCES.**

25 *Section 725(c) of the National Defense Authorization*
26 *Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.*

1 1480) is amended by striking “December 31, 2012” and in-
2 serting “March 31, 2013”.

3 **SEC. 723. ESTABLISHMENT OF TRICARE WORKING GROUP.**

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

6 (1) *children of members of the Armed Forces de-*
7 *serve health-care practices and policies that—*

8 (A) *are designed to meet their pediatric-spe-*
9 *cific needs;*

10 (B) *are developed and determined*
11 *proactively and comprehensively; and*

12 (C) *ensure and maintain their access to pe-*
13 *diatric-specific treatments, providers, and facili-*
14 *ties.*

15 (2) *children’s health-care needs and standards of*
16 *care are different and distinct from those of adults,*
17 *therefore the TRICARE program should undertake a*
18 *proactive, comprehensive approach to review and*
19 *analyze its policies and practices to meet the needs of*
20 *children to ensure that children and their families re-*
21 *ceive appropriate care in proper settings and avoid*
22 *unnecessary challenges in seeking or obtaining proper*
23 *health care;*

24 (3) *a proactive and comprehensive review is nec-*
25 *essary because the reimbursement structure of the*

1 *TRICARE* program is patterned upon Medicare and
2 the resulting policies and practices of the *TRICARE*
3 program do not always properly reflect appropriate
4 standards for pediatric care;

5 (4) one distinct aspect of children's health care
6 is the need for specialty care and services for children
7 with special-health-care needs and chronic-health con-
8 ditions;

9 (5) the requirement for specialized health care
10 and developmental support is an ongoing and serious
11 matter of day-to-day life for families with children
12 with special or chronic-health-care needs;

13 (6) the Department of Defense and the
14 *TRICARE* program, recognizing the special needs of
15 certain children, have instituted special-needs pro-
16 grams, including the *ECHO* program, but there are
17 collateral needs that are not being met, generally be-
18 cause the services are provided in the local commu-
19 nity rather than by the Department of Defense, who
20 may not always have the best tools or knowledge to
21 access these State and local resources;

22 (7) despite wholehearted efforts by the Depart-
23 ment of Defense, a gap exists between linking mili-
24 tary families with children with special-health-care
25 needs and chronic conditions with the resources and

1 *services available from local or regional highly spe-*
2 *cialized providers and the communities and States in*
3 *which they reside;*

4 *(8) the gap is especially exacerbated by the mo-*
5 *bility of military families, who often move from State*
6 *to State, because special-needs health care, edu-*
7 *cational, and social services are very specific to each*
8 *local community and State and such services often*
9 *have lengthy waiting lists; and*

10 *(9) the Department of Defense will be better able*
11 *to assist military families with children with special-*
12 *health-care needs fill the gap by collaborating with*
13 *special-health-care needs providers and those knowl-*
14 *edgeable about the opportunities for such children that*
15 *are provided by States and local communities.*

16 *(b) ESTABLISHMENT.—*

17 *(1) IN GENERAL.—The Secretary of Defense shall*
18 *establish a working group to carry out a review of the*
19 *TRICARE program with respect to—*

20 *(A) pediatric health care needs under para-*
21 *graph (2); and*

22 *(B) pediatric special and chronic health*
23 *care needs under paragraph (3).*

24 *(2) PEDIATRIC HEALTH CARE NEEDS.—*

25 *(A) DUTIES.—The working group shall—*

1 (i) *comprehensively review the policy*
2 *and practices of the TRICARE program*
3 *with respect to providing pediatric health*
4 *care;*

5 (ii) *recommend changes to such policies*
6 *and practices to ensure that—*

7 (I) *children receive appropriate*
8 *care in an appropriate manner, at the*
9 *appropriate time, and in an appro-*
10 *priate setting; and*

11 (II) *access to care and treatment*
12 *provided by pediatric providers and*
13 *children's hospitals remains available*
14 *for families with children; and*

15 (iii) *develop a plan to implement such*
16 *changes.*

17 (B) *REVIEW.—In carrying out the duties*
18 *under subparagraph (A), the working group*
19 *shall—*

20 (i) *identify improvements in policies,*
21 *practices, and administration of the*
22 *TRICARE program with respect to pedi-*
23 *atric-specific health care and pediatric-spe-*
24 *cific healthcare settings;*

1 (ii) analyze the direct and indirect ef-
2 fects of the reimbursement policies and
3 practices of the *TRICARE* program with re-
4 spect to pediatric care and care provided in
5 pediatric settings;

6 (iii) consider case management pro-
7 grams with respect to pediatric complex
8 and chronic care, including whether pedi-
9 atric specific programs are necessary;

10 (iv) develop a plan to ensure that the
11 *TRICARE* program addresses pediatric-spe-
12 cific health care needs on an on-going basis
13 beyond the life of the working group;

14 (v) consider how the *TRICARE* pro-
15 gram can work with the pediatric provider
16 community to ensure access, promote com-
17 munication and collaboration, and optimize
18 experiences of military families seeking and
19 receiving health care services for children;
20 and

21 (vi) review matters that further the
22 mission of the working group.

23 (3) *PEDIATRIC SPECIAL AND CHRONIC HEALTH*
24 *CARE NEEDS.*—

25 (A) *DUTIES.*—*The working group shall—*

1 (i) review the methods in which fami-
2 lies in the TRICARE program who have
3 children with special-health-care needs ac-
4 cess community resources and health-care
5 resources;

6 (ii) review how having access to, and
7 a better understanding of, community re-
8 sources may improve access to health care
9 and support services;

10 (iii) recommend methods to accomplish
11 improved access by such children and fami-
12 lies to community resources and health-care
13 resources, including through collaboration
14 with children's hospitals and other pro-
15 viders of pediatric specialty care, local
16 agencies, local communities, and States;

17 (iv) consider approaches and make rec-
18 ommendations for the improved integration
19 of individualized or compartmentalized
20 medical and family support resources for
21 military families;

22 (v) work closely with the Office of
23 Community Support for Military Families
24 with Special Needs of the Department of
25 Defense and other relevant offices to avoid

1 *redundancies and target shared areas of*
2 *concern for children with special or chronic-*
3 *health-care needs; and*

4 *(vi) review any relevant information*
5 *learned and findings made by the working*
6 *group under this paragraph that may be*
7 *considered or adopted in a consistent man-*
8 *ner with respect to improving access, re-*
9 *sources, and services for adults with special*
10 *needs.*

11 *(B) REVIEW.—In carrying out the duties*
12 *under subparagraph (A), the working group*
13 *shall—*

14 *(i) discuss improvements to special*
15 *needs health care policies and practices;*

16 *(ii) determine how to support and pro-*
17 *tect families of members of the National*
18 *Guard or Reserve Components as the mem-*
19 *bers transition into and out of the relevant*
20 *Exceptional Family Member Program or*
21 *the ECHO program;*

22 *(iii) analyze case management services*
23 *to improve consistency, communication,*
24 *knowledge, and understanding of resources*
25 *and community contacts;*

1 (iv) identify areas in which a State
2 may offer services that are not covered by
3 the TRICARE program or the ECHO pro-
4 gram and how to coordinate such services;

5 (v) identify steps that States and com-
6 munities can take to improve support for
7 military families of children with special
8 health care needs;

9 (vi) consider how the TRICARE pro-
10 gram and other programs of the Depart-
11 ment of Defense can work with specialty pe-
12 diatric providers and resource communities
13 to ensure access, promote communication
14 and collaboration, and optimize experiences
15 of military families seeking and receiving
16 health care services for their children with
17 special or chronic health care needs;

18 (vii) consider special and chronic
19 health care in a comprehensive manner
20 without focus on one or more conditions or
21 diagnoses to the exclusion of others;

22 (viii) focus on ways to create innova-
23 tive partnerships, linkages, and access to in-
24 formation and resources for military fami-
25 lies across the spectrum of the special-needs

1 *community and between the medical com-*
2 *munity and the family support community;*
3 *and*

4 *(ix) review matters that further the*
5 *mission of the working group.*

6 (c) *MEMBERSHIP.—*

7 (1) *APPOINTMENTS.—The working group shall be*
8 *composed of not less than 14 members as follows:*

9 (A) *The Chief Medical Officer of the*
10 *TRICARE program, who shall serve as chair-*
11 *person.*

12 (B) *The Chief Medical Officers of the North,*
13 *South, and West regional offices of the*
14 *TRICARE program.*

15 (C) *One individual representing the Army*
16 *appointed by the Surgeon General of the Army.*

17 (D) *One individual representing the Navy*
18 *appointed by the Surgeon General of the Navy.*

19 (E) *One individual representing the Air*
20 *Force appointed by the Surgeon General of the*
21 *Air Force.*

22 (F) *One individual representing the re-*
23 *gional managed care support contractor of the*
24 *North region of the TRICARE program ap-*
25 *pointed by such contractor.*

1 (G) *One individual representing the re-*
2 *gional managed care support contractor of the*
3 *South region of the TRICARE program ap-*
4 *pointed by such contractor.*

5 (H) *One individual representing the re-*
6 *gional managed care support contractor of the*
7 *West region of the TRICARE program appointed*
8 *by such contractor.*

9 (I) *Not more than three individuals rep-*
10 *resenting the non-profit organization the Mili-*
11 *tary Coalition appointed by such organization.*

12 (J) *One individual representing the Amer-*
13 *ican Academy of Pediatrics appointed by such*
14 *organization.*

15 (K) *One individual representing the Na-*
16 *tional Association of Children's Hospitals ap-*
17 *pointed by such organization.*

18 (L) *One individual representing military*
19 *families who is not an employee of an organiza-*
20 *tion representing such families.*

21 (M) *Any other individual as determined by*
22 *the Chief Medical Officer of the TRICARE pro-*
23 *gram.*

24 (2) *TERMS.—Each member shall be appointed*
25 *for the life of the working group. A vacancy in the*

1 *working group shall be filled in the manner in which*
2 *the original appointment was made.*

3 (3) *TRAVEL EXPENSES.*—*Each member shall re-*
4 *ceive travel expenses, including per diem in lieu of*
5 *subsistence, in accordance with applicable provisions*
6 *under subchapter I of chapter 57 of title 5, United*
7 *States Code.*

8 (4) *STAFF.*—*The Secretary of Defense shall en-*
9 *sure that employees of the TRICARE program pro-*
10 *vide the working group with the necessary support to*
11 *carry out this section.*

12 (d) *MEETINGS.*—

13 (1) *SCHEDULE.*—*The working group shall—*

14 (A) *convene its first meeting not later than*
15 *60 days after the date of the enactment of this*
16 *Act; and*

17 (B) *convene not less than four other times.*

18 (2) *FORM.*—*Any meeting of the working group*
19 *may be conducted in-person or through the use of*
20 *video conferencing.*

21 (3) *QUORUM.*—*Seven members of the working*
22 *group shall constitute a quorum but a lesser number*
23 *may hold hearings.*

24 (e) *ADVICE.*—*With respect to carrying out the review*
25 *of the TRICARE program and pediatric special and chron-*

1 *ic health care needs under subsection (b)(3), the working*
2 *group shall seek counsel from the following individuals act-*
3 *ing as an expert advisory group:*

4 (1) *One individual representing the Exceptional*
5 *Family Member Program of the Army.*

6 (2) *One individual representing the Exceptional*
7 *Family Member Program of the Navy.*

8 (3) *One individual representing the Exceptional*
9 *Family Member Program of the Air Force.*

10 (4) *One individual representing the Exceptional*
11 *Family Member Program of the Marine Corps.*

12 (5) *One individual representing the Office of*
13 *Community Support for Military Families with Spe-*
14 *cial Needs.*

15 (6) *One individual who is not an employee of an*
16 *organization representing military families shall rep-*
17 *resent a military family with a child with special*
18 *health care needs.*

19 (7) *Not more than three individuals representing*
20 *organizations that—*

21 (A) *are not otherwise represented in this*
22 *paragraph or in the working group; and*

23 (B) *possess expertise needed to carry out the*
24 *goals of the working group.*

25 (f) *REPORTS REQUIRED.—*

1 (1) *REPORT.*—Not later than 12 months after the
2 date on which the working group convenes its first
3 meeting, the working group shall submit to the con-
4 gressional defense committees a report including—

5 (A) any changes described in subsection
6 (b)(2)(A)(ii) identified by the working group
7 that—

8 (i) require legislation to carry out, in-
9 cluding proposed legislative language for
10 such changes;

11 (ii) require regulations to carry out,
12 including proposed regulatory language for
13 such changes; and

14 (iii) may be carried out without legis-
15 lation or regulations, including a time line
16 for such changes; and

17 (B) steps that States and local communities
18 may take to improve the experiences of military
19 families with special-needs children in inter-
20 acting with and accessing State and local com-
21 munity resources.

22 (2) *FINAL REPORT.*—Not later than 18 months
23 after the date on which the report is submitted under
24 paragraph (1), the working group shall submit to the

1 congressional defense committees a final report in-
2 cluding—

3 (A) any additional information and up-
4 dates to the report submitted under paragraph
5 (1);

6 (B) information with respect to how the
7 Secretary of Defense is implementing the changes
8 identified in the report submitted under para-
9 graph (1); and

10 (C) information with respect to any steps
11 described in subparagraph (B) of such para-
12 graph that were taken by States and local com-
13 munities after the date on which such report was
14 submitted.

15 (g) *TERMINATION.*—The working group shall termi-
16 nate on the date that is 30 days after the date on which
17 the working group submits the final report pursuant to sub-
18 section (f)(2).

19 (h) *DEFINITIONS.*—In this Act:

20 (1) The term “children” means dependents of a
21 member of the Armed Forces who are—

22 (A) individuals who have not yet attained
23 the age of 21; or

24 (B) individuals who have not yet attained
25 the age of 27 if the inclusion of such dependents

1 *is applicable and relevant to a program or pol-*
2 *icy being reviewed under this Act.*

3 (2) *The term “congressional defense committees”*
4 *has the meaning given that term in section*
5 *101(a)(16) of title 10, United States Code.*

6 (3) *The term “ECHO program” means the pro-*
7 *gram established pursuant to subsections (d) through*
8 *(e) of section 1079 of title 10, United States Code*
9 *(commonly referred to as the “Extended Care Health*
10 *Option program”).*

11 (4) *The term “TRICARE program” means the*
12 *managed health care program that is established by*
13 *the Department of Defense under chapter 55 of title*
14 *10, United States Code.*

15 **SEC. 724. REPORT ON STRATEGY TO TRANSITION TO USE**
16 **OF HUMAN-BASED METHODS FOR CERTAIN**
17 **MEDICAL TRAINING.**

18 (a) *REPORT.—*

19 (1) *IN GENERAL.—Not later than March 1, 2013,*
20 *the Secretary of Defense shall submit to the congres-*
21 *sional defense committees a report that outlines a*
22 *strategy to refine, reduce, and, when appropriate,*
23 *transition to using human-based training methods for*
24 *the purpose of training members of the Armed Forces*

1 *in the treatment of combat trauma injuries by Octo-*
2 *ber 1, 2017.*

3 (2) *ELEMENTS.—The report under paragraph*
4 *(1) shall include the following:*

5 (A) *Required research, development, testing,*
6 *and evaluation investments to validate human-*
7 *based training methods to refine, reduce, and,*
8 *when appropriate, transition to the use of live*
9 *animals in medical education and training by*
10 *October 1, 2015.*

11 (B) *Phased sustainment and readiness costs*
12 *to refine, reduce, and, when appropriate, replace*
13 *the use of live animals in medical education and*
14 *training by October 1, 2017.*

15 (C) *Any risks associated with transitioning*
16 *to human-based training methods, including re-*
17 *source availability, anticipated technological de-*
18 *velopment time lines, and potential impact on*
19 *the present combat trauma training curricula.*

20 (D) *An assessment of the potential affect of*
21 *transitioning to human based-training methods*
22 *on the quality of medical care delivered on the*
23 *battlefield including any reduction in the com-*
24 *petency of combat medical personnel.*

1 (E) *An assessment of risks to maintaining*
2 *the level of combat life-saver techniques per-*
3 *formed by all members of the Armed Forces.*

4 (b) *UPDATED ANNUAL REPORTS.*—*Not later than*
5 *March 1, 2014, and each year thereafter, the Secretary shall*
6 *submit to the congressional defense committees a report on*
7 *the development and implementation of human-based train-*
8 *ing methods for the purposes of training members of the*
9 *Armed Forces in the treatment of combat trauma injuries*
10 *under this section.*

11 (c) *DEFINITIONS.*—*In this section:*

12 (1) *The term “combat trauma injuries” means*
13 *severe injuries likely to occur during combat, includ-*
14 *ing—*

15 (A) *extremity hemorrhage;*

16 (B) *tension pneumothorax;*

17 (C) *amputation resulting from blast injury;*

18 (D) *compromises to the airway; and*

19 (E) *other injuries.*

20 (2) *The term “human-based training methods”*
21 *means, with respect to training individuals in med-*
22 *ical treatment, the use of systems and devices that do*
23 *not use animals, including—*

24 (A) *simulators;*

25 (B) *partial task trainers;*

1 (C) moulage;

2 (D) simulated combat environments; and

3 (E) human cadavers.

4 (3) The term “partial task trainers” means
5 training aids that allow individuals to learn or prac-
6 tice specific medical procedures.

7 **TITLE VIII—ACQUISITION POL-**
8 **ICY, ACQUISITION MANAGE-**
9 **MENT, AND RELATED MAT-**
10 **TERS**

11 **Subtitle A—Acquisition Policy and**
12 **Management**

13 **SEC. 801. PILOT EXEMPTION REGARDING TREATMENT OF**
14 **PROCUREMENTS ON BEHALF OF THE DE-**
15 **PARTMENT OF DEFENSE IN ACCORDANCE**
16 **WITH THE DEPARTMENT OF ENERGY’S WORK**
17 **FOR OTHERS PROGRAM.**

18 (a) EXEMPTION FROM INSPECTOR GENERAL REVIEWS
19 AND DETERMINATIONS.—Subsection (a) of section 801 of
20 the National Defense Authorization Act for Fiscal Year
21 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amend-
22 ed by adding at the end the following new paragraph:

23 “(7) TREATMENT OF PROCUREMENTS THROUGH
24 DEPARTMENT OF ENERGY.—For purposes of this sub-
25 section, effective during the 24-month period begin-

1 *ning on the date of the enactment of the National De-*
2 *fense Authorization Act for Fiscal Year 2013, the pro-*
3 *curement of property or services on behalf of the De-*
4 *partment of Defense pursuant to an interagency*
5 *agreement between the Department of Defense and the*
6 *Department of Energy in accordance with the De-*
7 *partment of Energy’s Work For Others Program,*
8 *under which the property or services are provided by*
9 *a management and operating contractor of the De-*
10 *partment of Energy and are procured on behalf of the*
11 *Department of Defense, shall not be considered a pro-*
12 *curement of property or services on behalf of the De-*
13 *partment of Defense by a covered non-defense agen-*
14 *cy.”.*

15 *(b) EXEMPTION FROM CERTAIN CERTIFICATION RE-*
16 *QUIREMENTS.—Subsection (b) of such section is amended—*

17 *(1) in paragraph (1), by striking “paragraph*
18 *(2)” and inserting “paragraphs (2) and (4)”;* and

19 *(2) by adding at the end the following new para-*
20 *graph:*

21 *“(4) EXCEPTION FOR PROCUREMENTS IN AC-*
22 *CORDANCE WITH THE DEPARTMENT OF ENERGY’S*
23 *WORK FOR OTHERS PROGRAM.—Effective during the*
24 *24-month period beginning on the date of the enact-*
25 *ment of the National Defense Authorization Act for*

1 *Fiscal Year 2013, the limitation in paragraph (1)*
2 *shall not apply to the procurement of property or*
3 *services on behalf of the Department of Defense pursu-*
4 *ant to an interagency agreement between the Depart-*
5 *ment of Defense and the Department of Energy in ac-*
6 *cordance with the Department of Energy's Work for*
7 *Others Program, under which the property or services*
8 *are provided by a management and operating con-*
9 *tractor of the Department of Energy and procured on*
10 *behalf of the Department of Defense."*

11 *(c) CERTIFICATION.—Not later than 20 months after*
12 *the date of the enactment of this Act, the Under Secretary*
13 *of Defense for Acquisition, Technology, and Logistics shall*
14 *submit to the congressional defense committees the fol-*
15 *lowing:*

16 *(1) A statement certifying whether the procure-*
17 *ment policies, procedures, and internal controls of the*
18 *Department of Energy provide sufficient protection*
19 *and oversight for Department of Defense funds ex-*
20 *pended through the Department of Energy Work for*
21 *Others Program.*

22 *(2) A recommendation regarding whether the*
23 *pilot exemption granted by the amendments made by*
24 *this section should be extended.*

1 ***Subtitle B—Amendments to General***
2 ***Contracting Authorities, Proce-***
3 ***dures, and Limitations***

4 **SEC. 811. MODIFICATION OF TIME PERIOD FOR CONGRES-**
5 **SIONAL NOTIFICATION OF THE LEASE OF**
6 **CERTAIN VESSELS BY THE DEPARTMENT OF**
7 **DEFENSE.**

8 *Section 2401(h)(2) of title 10, United States Code, is*
9 *amended by striking “30 days of continuous session of Con-*
10 *gress” and inserting “60 days”.*

11 **SEC. 812. EXTENSION OF AUTHORITY FOR USE OF SIM-**
12 **PLIFIED ACQUISITION PROCEDURES FOR**
13 **CERTAIN COMMERCIAL ITEMS.**

14 *(a) EXTENSION.—Effective as of January 1, 2012, sec-*
15 *tion 4202 of the Clinger–Cohen Act of 1996 (division D of*
16 *Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note)*
17 *is amended in subsection (e) by striking “2012” and insert-*
18 *ing “2015”.*

19 *(b) TECHNICAL AMENDMENT TO CROSS REF-*
20 *ERENCES.—Subsection (e) of such Act is further amended*
21 *by striking “section 303(g)(1) of the Federal Property and*
22 *Administrative Services Act of 1949, and section 31(a) of*
23 *the Office of Federal Procurement Policy Act, as amended*
24 *by this section,” and inserting “section 3305(a) of title 41,*

1 *United States Code, and section 1901(a) of title 41, United*
2 *States Code,”.*

3 **SEC. 813. CODIFICATION AND AMENDMENT RELATING TO**
4 **LIFE-CYCLE MANAGEMENT AND PRODUCT**
5 **SUPPORT REQUIREMENTS.**

6 *(a) CODIFICATION AND AMENDMENT.—*

7 *(1) IN GENERAL.—Chapter 137 of title 10,*
8 *United States Code, is amended by adding at the end*
9 *the following new section:*

10 **“§ 2335. Life-cycle management and product support**

11 *“(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—The*
12 *Secretary of Defense shall issue and maintain comprehen-*
13 *sive guidance on life-cycle management and the develop-*
14 *ment and implementation of product support strategies for*
15 *major weapon systems. The guidance issued pursuant to*
16 *this subsection shall—*

17 *“(1) maximize competition and make the best*
18 *possible use of available Department of Defense and*
19 *industry resources at the system, subsystem, and com-*
20 *ponent levels; and*

21 *“(2) maximize value to the Department of De-*
22 *fense by providing the best possible product support*
23 *outcomes at the lowest operations and support cost.*

24 *“(b) PRODUCT SUPPORT MANAGERS.—*

1 “(1) *REQUIREMENT.*—*The Secretary of Defense*
2 *shall require that each major weapon system be sup-*
3 *ported by a product support manager in accordance*
4 *with this subsection.*

5 “(2) *RESPONSIBILITIES.*—*A product support*
6 *manager for a major weapon system shall—*

7 “(A) *develop and implement a comprehen-*
8 *sive product support strategy for the weapon sys-*
9 *tem;*

10 “(B) *use advanced predictive analysis to the*
11 *extent practicable to improve material avail-*
12 *ability and reliability, increase operational*
13 *availability rates, and reduce operation and*
14 *sustainment costs;*

15 “(C) *conduct appropriate cost analyses to*
16 *validate the product support strategy, including*
17 *cost-benefit analyses as outlined in Office of*
18 *Management and Budget Circular A-94;*

19 “(D) *ensure achievement of desired product*
20 *support outcomes through development and im-*
21 *plementation of appropriate product support ar-*
22 *rangements;*

23 “(E) *adjust performance requirements and*
24 *resource allocations across product support inte-*
25 *grators and product support providers as nec-*

1 *essary to optimize implementation of the product*
2 *support strategy;*

3 “(F) *periodically review product support*
4 *arrangements between the product support inte-*
5 *grators and product support providers to ensure*
6 *the arrangements are consistent with the overall*
7 *product support strategy;*

8 “(G) *prior to each change in the product*
9 *support strategy or every five years, whichever*
10 *occurs first, revalidate any business-case analysis*
11 *performed in support of the product support*
12 *strategy; and*

13 “(H) *ensure that the product support strat-*
14 *egy maximizes small business participation at*
15 *the appropriate tiers and apply the requirements*
16 *of section 15(g) of the Small Business Act (15*
17 *U.S.C. 644(g)) in a manner that ensures that*
18 *small business concerns are not inappropriately*
19 *selected for performance as a prime contractor.*

20 “(c) *DEFINITIONS.—In this section:*

21 “(1) *PRODUCT SUPPORT.—The term ‘product*
22 *support’ means the package of support functions re-*
23 *quired to field and maintain the readiness and oper-*
24 *ational capability of major weapon systems, sub-*

1 *systems, and components, including all functions re-*
2 *lated to weapon system readiness.*

3 “(2) *PRODUCT SUPPORT ARRANGEMENT.*— *The*
4 *term ‘product support arrangement’ means a con-*
5 *tract, task order, or any type of other contractual ar-*
6 *rangement, or any type of agreement or non-contract-*
7 *ual arrangement within the Federal Government, for*
8 *the performance of sustainment or logistics support*
9 *required for major weapon systems, subsystems, or*
10 *components. The term includes arrangements for any*
11 *of the following:*

12 “(A) *Performance-based logistics.*

13 “(B) *Sustainment support.*

14 “(C) *Contractor logistics support.*

15 “(D) *Life-cycle product support.*

16 “(E) *Weapon systems product support.*

17 “(3) *PRODUCT SUPPORT INTEGRATOR.*—*The*
18 *term ‘product support integrator’ means an entity*
19 *within the Federal Government or outside the Federal*
20 *Government charged with integrating all sources of*
21 *product support, both private and public, defined*
22 *within the scope of a product support arrangement.*

23 “(4) *PRODUCT SUPPORT PROVIDER.*—*The term*
24 *‘product support provider’ means an entity that pro-*
25 *vides product support functions. The term includes an*

1 *entity within the Department of Defense, an entity*
2 *within the private sector, or a partnership between*
3 *such entities.*

4 “(5) *MAJOR WEAPON SYSTEM.*—*The term ‘major*
5 *weapon system’ has the meaning given that term in*
6 *section 2302d of this title.*

7 “(6) *ADVANCED PREDICTIVE ANALYSIS.*—*The*
8 *term ‘advanced predictive analysis’ means a type of*
9 *analysis that applies advanced predictive modeling*
10 *methodology to life-cycle management and product*
11 *support by using event simulation to account for*
12 *variations in asset demand over time, including*
13 *events such as current equipment condition, planned*
14 *usage, aging of parts, maintenance capacity and*
15 *quality, and logistics response.”.*

16 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
17 *tions at the beginning of chapter 137 of such title is*
18 *amended by adding at the end the following new item:*

“2335. Life-cycle management and product support.”.

19 (b) *REPEAL OF SUPERSEDED SECTION.*—*Section 805*
20 *of the National Defense Authorization Act for Fiscal Year*
21 *2010 (Public Law 111–84; 10 U.S.C. 2302) is repealed.*

22 **SEC. 814. CODIFICATION OF REQUIREMENT RELATING TO**
23 **GOVERNMENT PERFORMANCE OF CRITICAL**
24 **ACQUISITION FUNCTIONS.**

25 (a) *CODIFICATION.*—

1 (1) *IN GENERAL.*—Subchapter I of chapter 87 of
2 *title 10, United States Code, is amended by adding*
3 *at the end the following new section:*

4 “§1706. **Government performance of certain acquisi-**
5 **tion functions**

6 “(a) *GOAL.*—It shall be the goal of the Department of
7 *Defense and each of the military departments to ensure*
8 *that, for each major defense acquisition program and each*
9 *major automated information system program, each of the*
10 *following positions is performed by a properly qualified*
11 *member of the armed forces or full-time employee of the De-*
12 *partment of Defense:*

13 “(1) *Program manager.*

14 “(2) *Deputy program manager.*

15 “(3) *Product support manager.*

16 “(4) *Chief engineer.*

17 “(5) *Systems engineer.*

18 “(6) *Chief developmental tester.*

19 “(7) *Cost estimator.*

20 “(b) *PLAN OF ACTION.*—The Secretary of Defense shall
21 *develop and implement a plan of action for recruiting,*
22 *training, and ensuring appropriate career development of*
23 *military and civilian personnel to achieve the objective es-*
24 *tablished in subsection (a).*

25 “(c) *DEFINITIONS.*—In this section:

1 “(1) *The term ‘major defense acquisition pro-*
2 *gram’ has the meaning given such term in section*
3 *2430(a) of this title.*

4 “(2) *The term ‘major automated information*
5 *system program’ has the meaning given such term in*
6 *section 2445a(a) of this title.”.*

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

“1706. Government performance of certain acquisition functions.”.

10 (b) *REPEAL OF SUPERSEDED SECTION.—Section 820*
11 *of the John Warner National Defense Authorization Act for*
12 *Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1701*
13 *note) is repealed.*

14 ***SEC. 815. LIMITATION ON FUNDING PENDING CERTIFI-***
15 ***CATION OF IMPLEMENTATION OF REQUIRE-***
16 ***MENTS FOR COMPETITION.***

17 (a) *LIMITATION ON FUNDING FOR CERTAIN OF-*
18 *FICES.—Of the funds authorized to be appropriated for fis-*
19 *cal year 2013 as specified in the funding table in section*
20 *4301, not more than 80 percent of the funds authorized for*
21 *the Office of the Secretary of Defense may be obligated or*
22 *expended until the certification described in subsection (b)*
23 *is submitted.*

24 (b) *CERTIFICATION REQUIRED.—The Secretary of De-*
25 *fense shall certify to the congressional defense committees*

1 *that the Department of Defense is implementing the require-*
2 *ments of section 202(d) of the Weapon Systems Acquisition*
3 *Reform Act of 2009 (Public Law 111-23; 10 U.S.C. 2430*
4 *note). Such a certification shall be accompanied by—*

5 (1) *a briefing to the congressional defense com-*
6 *mittees on processes and procedures that have been*
7 *implemented across the military departments and De-*
8 *fense Agencies to maximize competition throughout*
9 *the life-cycle of major defense acquisition programs,*
10 *including actions to award contracts for performance*
11 *of maintenance and sustainment of major weapon*
12 *systems or subsystems and components of such sys-*
13 *tems; and*

14 (2) *a representative sample of solicitations issued*
15 *since May 22, 2009, intended to fulfill the objectives*
16 *of such section 202(d).*

17 **SEC. 816. CONTRACTOR RESPONSIBILITIES IN REGULA-**
18 **TIONS RELATING TO DETECTION AND AVOID-**
19 **ANCE OF COUNTERFEIT ELECTRONIC PARTS.**

20 *Section 818(c)(2)(B) of the National Defense Author-*
21 *ization Act for Fiscal Year 2012 (Public Law 112–81; 125*
22 *Stat. 1493; 10 U.S.C. 2302 note) is amended to read as*
23 *follows:*

24 “(B) *the cost of counterfeit electronic parts*
25 *and suspect counterfeit electronic parts and the*

1 *cost of rework or corrective action that may be*
2 *required to remedy the use or inclusion of such*
3 *parts are not allowable costs under Department*
4 *contracts, unless—*

5 *“(i) the covered contractor has an oper-*
6 *ational system to detect and avoid counter-*
7 *feit parts and suspect counterfeit electronic*
8 *parts that has been reviewed and approved*
9 *by the Department of Defense pursuant to*
10 *subsection (e)(2)(B);*

11 *“(ii) the counterfeit electronic parts or*
12 *suspect counterfeit electronic parts were—*

13 *“(I) procured from a trusted sup-*
14 *plier in accordance with regulations*
15 *described in paragraph (3); or*

16 *“(II) provided to the contractor as*
17 *Government property in accordance*
18 *with part 45 of the Federal Acquisition*
19 *Regulation; and*

20 *“(iii) the covered contractor provides*
21 *timely notice to the Government pursuant*
22 *to paragraph (4).”.*

1 **SEC. 817. ADDITIONAL DEFINITION RELATING TO PRODUC-**
2 **TION OF SPECIALTY METALS WITHIN THE**
3 **UNITED STATES.**

4 *Section 2533b(m) of title 10, United States Code, is*
5 *amended by adding at the end the following new paragraph:*

6 *“(11) The term ‘produced’, as used in subsections*
7 *(a) and (b), means melted, or processed in a manner*
8 *that results in physical or chemical property changes*
9 *that are the equivalent of melting. The term does not*
10 *include finishing processes such as rolling, heat treat-*
11 *ment, quenching, tempering, grinding, or shaving.”.*

12 **SEC. 818. REQUIREMENT FOR PROCUREMENT OF INFRARED**
13 **TECHNOLOGIES FROM NATIONAL TECH-**
14 **NOLOGY AND INDUSTRIAL BASE.**

15 *Section 2534(a) of title 10, United States Code, is*
16 *amended by adding at the end the following new paragraph:*

17 *“(6) INFRARED TECHNOLOGIES.—Infrared tech-*
18 *nologies, including focal plane arrays sensitive to in-*
19 *frared wavelengths, read-out integrated circuits, cryo-*
20 *genic coolers, Dewar technology, infrared sensor en-*
21 *gine assemblies, and infrared imaging systems.”.*

1 **SEC. 819. COMPLIANCE WITH BERRY AMENDMENT RE-**
 2 **QUIRED FOR UNIFORM COMPONENTS SUP-**
 3 **PLIED TO AFGHAN MILITARY OR AFGHAN NA-**
 4 **TIONAL POLICE.**

5 (a) *REQUIREMENT.*—*In the case of any textile compo-*
 6 *nents supplied by the Department of Defense to the Afghan*
 7 *National Army or the Afghan National Police for purposes*
 8 *of production of uniforms, section 2533a of title 10, United*
 9 *States Code, shall apply, and no exceptions or exemptions*
 10 *under that section shall apply.*

11 (b) *EFFECTIVE DATE.*—*This section shall apply to so-*
 12 *licitations issued and contracts awarded for the procure-*
 13 *ment of such components after the date of the enactment*
 14 *of this Act.*

15 **Subtitle C—Provisions Relating to**
 16 **Contracts in Support of Contin-**
 17 **gency Operations in Iraq or Af-**
 18 **ghanistan**

19 **SEC. 821. EXTENSION AND EXPANSION OF AUTHORITY TO**
 20 **ACQUIRE PRODUCTS AND SERVICES PRO-**
 21 **DUCED IN COUNTRIES ALONG A MAJOR**
 22 **ROUTE OF SUPPLY TO AFGHANISTAN.**

23 (a) *EXTENSION OF TERMINATION DATE.*—*Subsection*
 24 *(f) of section 801 of the National Defense Authorization Act*
 25 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399)*
 26 *is amended by striking “on or after the date occurring three*

1 *years after the date of the enactment of this Act” and insert-*
2 *ing “after December 31, 2014”.*

3 (b) *EXPANSION OF AUTHORITY TO COVER FORCES OF*
4 *THE UNITED STATES AND COALITION FORCES.—Subsection*
5 *(b)(1) of such section is amended—*

6 (1) *in subparagraph (B), by striking “or” at the*
7 *end;*

8 (2) *in subparagraph (C), by adding “or” at the*
9 *end; and*

10 (3) *by adding at the end the following:*

11 “(D) *by the United States or coalition*
12 *forces in Afghanistan if the product or service is*
13 *from a country that has agreed to allow the*
14 *transport of coalition personnel, equipment, and*
15 *supplies;”.*

16 (c) *LIMITATION.—Such section is amended—*

17 (1) *by redesignating subsections (d), (e), (f), and*
18 *(g) as subsections (e), (f), (g), and (h), respectively;*
19 *and*

20 (2) *by inserting after subsection (c) the fol-*
21 *lowing:*

22 “(d) *LIMITATION.—The Secretary may not use the au-*
23 *thority provided in subsection (a) to procure goods or serv-*
24 *ices from Pakistan until such time as the Government of*
25 *Pakistan agrees to re-open the Ground Lines of Commu-*

1 *nication for the movement of United States equipment and*
 2 *supplies through Pakistan.”.*

3 *(d) REPEAL OF EXPIRED REPORT REQUIREMENT.—*
 4 *Subsection (h) of such section, as redesignated by subsection*
 5 *(c) of this section, is repealed.*

6 *(e) CLERICAL AMENDMENT.—The heading of such sec-*
 7 *tion is amended by striking “; REPORT”.*

8 **SEC. 822. LIMITATION ON AUTHORITY TO ACQUIRE PROD-**
 9 **UCTS AND SERVICES PRODUCED IN AFGHANI-**
 10 **STAN.**

11 *Section 886 of the National Defense Authorization Act*
 12 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266;*
 13 *10 U.S.C. 2302 note) is amended—*

14 *(1) in the section heading, by striking “IRAQ*
 15 *AND”;*

16 *(2) by striking “Iraq or” each place it appears;*
 17 *and*

18 *(3) in subsection (b)—*

19 *(A) by inserting “(A)” after “(1)”;*

20 *(B) in paragraph (2)—*

21 *(i) by redesignating clauses (i) and (ii)*
 22 *of subparagraph (B) as subclauses (I) and*
 23 *(II), respectively, and in subclause (II), as*
 24 *so redesignated, by striking the period at*
 25 *the end and inserting “; and”;*

1 (ii) by redesignating subparagraphs
2 (A) and (B) as clauses (i) and (ii), respec-
3 tively; and

4 (iii) by striking “(2)” and inserting
5 “(B)”; and

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

8 “(2) the Government of Afghanistan is not tax-
9 ing assistance provided by the United States to Af-
10 ghanistan in violation of any bilateral or other agree-
11 ment with the United States.”.

12 **Subtitle D—Other Matters**

13 **SEC. 831. ENHANCEMENT OF REVIEW OF ACQUISITION** 14 **PROCESS FOR RAPID FIELDING OF CAPABILI-** 15 **TIES IN RESPONSE TO URGENT OPER-** 16 **ATIONAL NEEDS.**

17 Section 804(b)(3) of the Ike Skelton National Defense
18 Authorization Act for Fiscal Year 2011 (Public Law 111–
19 383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amended—

20 (1) by inserting “and” at the end of subpara-
21 graph (B);

22 (2) by striking “; and” at the end of subpara-
23 graph (C) and inserting a period; and

24 (3) by striking subparagraph (D).

1 **SEC. 832. LOCATION OF CONTRACTOR-OPERATED CALL**
2 **CENTERS IN THE UNITED STATES.**

3 *The Secretary of Defense shall ensure that any call cen-*
4 *ter operated pursuant to a contract entered into by the Sec-*
5 *retary or by the head of any of the military departments*
6 *is located in the United States.*

7 **TITLE IX—DEPARTMENT OF DE-**
8 **FENSE ORGANIZATION AND**
9 **MANAGEMENT**

10 **Subtitle A—Department of Defense**
11 **Management**

12 **SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SEC-**
13 **RETARY OF DEFENSE FOR MANUFACTURING**
14 **AND INDUSTRIAL BASE POLICY AND AMEND-**
15 **MENTS TO STRATEGIC MATERIALS PROTEC-**
16 **TION BOARD.**

17 *(a) FINDINGS.—Congress finds the following:*

18 *(1) The Defense Logistics Agency has made little*
19 *progress in addressing the findings and recommenda-*
20 *tions from the April 2009 report of the Department*
21 *of Defense report titled “Reconfiguration of the Na-*
22 *tional Defense Stockpile Report to Congress”.*

23 *(2) The office of the Deputy Assistant Secretary*
24 *of Defense for Manufacturing and Industrial Base*
25 *Policy has historically analyzed the United States de-*
26 *fense industrial base from the point of view of prime*

1 *contractors and original equipment manufacturers*
2 *and has provided insufficient attention to producers*
3 *of materials critical to national security, including*
4 *raw materials producers.*

5 *(3) Responsibility for the secure supply of mate-*
6 *rials critical to national security, which supports the*
7 *defense industrial base, is decentralized throughout*
8 *the Department of Defense.*

9 *(4) The office of the Deputy Assistant Secretary*
10 *of Defense for Manufacturing and Industrial Base*
11 *Policy should expand its focus to consider both a top-*
12 *down view of the supply chain, beginning with prime*
13 *contractors, and a bottom-up view that begins with*
14 *raw materials suppliers.*

15 *(5) To enable this focus and support a more co-*
16 *herent, comprehensive strategy as it pertains to mate-*
17 *rials critical to national security, the office of the*
18 *Deputy Assistant Secretary of Defense for Manufac-*
19 *turing and Industrial Base Policy should develop pol-*
20 *icy, conduct oversight, and monitor resource alloca-*
21 *tion for agencies of the Department of Defense, in-*
22 *cluding the Defense Logistics Agency, for all activities*
23 *that pertain to ensuring a secure supply of materials*
24 *critical to national security.*

1 (6) *The Strategic Materials Protection Board*
2 *should be reconfigured so as to be chaired by the Dep-*
3 *uty Assistant Secretary of Defense for Manufacturing*
4 *and Industrial Base Policy and should fully execute*
5 *its duties and responsibilities.*

6 (b) *APPOINTMENT OF DEPUTY ASSISTANT SEC-*
7 *RETARY.—Section 139c(a) of title 10, United States Code,*
8 *is amended by striking “appointed by” and all that follows*
9 *through the end of the subsection and inserting “appointed*
10 *by the Secretary of Defense.”.*

11 (c) *RESPONSIBILITIES OF DEPUTY ASSISTANT SEC-*
12 *RETARY.—Section 139c(b) of such title is amended—*

13 (1) *by striking paragraphs (1) through (4) and*
14 *inserting the following:*

15 “(1) *Providing input to strategy reviews, includ-*
16 *ing quadrennial defense reviews conducted pursuant*
17 *to section 118 of this title, on matters related to—*

18 “(A) *the defense industrial base; and*

19 “(B) *materials critical to national security.*

20 “(2) *Establishing policies of the Department of*
21 *Defense for developing and maintaining the defense*
22 *industrial base of the United States and ensuring a*
23 *secure supply of materials critical to national secu-*
24 *rity.*

1 “(3) *Providing recommendations to the Under*
2 *Secretary on budget matters pertaining to the indus-*
3 *trial base, the supply chain, and the development and*
4 *retention of skills necessary to support the industrial*
5 *base.*

6 “(4) *Providing recommendations and acquisition*
7 *policy guidance to the Under Secretary on supply*
8 *chain management and supply chain vulnerability*
9 *throughout the entire supply chain, from suppliers of*
10 *raw materials to producers of major end items.”.*

11 (2) *by striking paragraph (5) and redesignating*
12 *paragraphs (6), (7), (8), (9), and (10) as paragraphs*
13 *(5), (6), (7), (8), and (9), respectively;*

14 (3) *by inserting after paragraph (9), as so redesi-*
15 *gnated, the following new paragraph (10):*

16 “(10) *Providing policy and oversight of matters*
17 *related to materials critical to national security to*
18 *ensure a secure supply of such materials to the De-*
19 *partment of Defense.”.*

20 (4) *by redesignating paragraph (15) as para-*
21 *graph (18); and*

22 (5) *by inserting after paragraph (14) the fol-*
23 *lowing new paragraphs:*

1 “(15) *Coordinating with the Director of Small*
2 *Business Programs on all matters related to indus-*
3 *trial base policy of the Department of Defense.*”

4 “(16) *Ensuring reliable sources of materials crit-*
5 *ical to national security, such as specialty metals,*
6 *armor plate, and rare earth elements.*”

7 “(17) *Establishing policies of the Department of*
8 *Defense for continued reliable resource availability*
9 *from domestic sources and allied nations for the in-*
10 *dustrial base of the United States.*”.

11 (d) *MATERIALS CRITICAL TO NATIONAL SECURITY DE-*
12 *FINED.*—Section 139c of such title is further amended by
13 adding at the end the following new subsection:

14 “(d) *MATERIALS CRITICAL TO NATIONAL SECURITY*
15 *DEFINED.*—In this section, the term ‘materials critical to
16 national security’ has the meaning given that term in sec-
17 tion 187(e)(1) of this title.”.

18 (e) *AMENDMENTS TO STRATEGIC MATERIALS PROTEC-*
19 *TION BOARD.*—

20 (1) *MEMBERSHIP.*—Paragraph (2) of section
21 187(a) of such title is amended to read as follows:

22 “(2) *The Board shall be composed of the following:*

23 “(A) *The Deputy Assistant Secretary of Defense*
24 *for Manufacturing and Industrial Base Policy, who*
25 *shall be the chairman of the Board.*”

1 “(B) *The Administrator of the Defense Logistics*
2 *Agency Strategic Materials, or any successor organi-*
3 *zation, who shall be the vice chairman of the Board.*

4 “(C) *A designee of the Assistant Secretary of the*
5 *Army for Acquisition, Logistics, and Technology.*

6 “(D) *A designee of the Assistant Secretary of the*
7 *Navy for Research, Development, and Acquisition.*

8 “(E) *A designee of the Assistant Secretary of the*
9 *Air Force for Acquisition.*”.

10 (2) *DUTIES.*—*Paragraphs (3) and (4) of section*
11 *187(b) of such title are each amended by striking*
12 *“President” and inserting “Secretary”.*

13 (3) *MEETINGS.*—*Section 187(c) of such title is*
14 *amended by striking “Secretary of Defense” and in-*
15 *serting “Deputy Assistant Secretary of Defense for*
16 *Manufacturing and Industrial Base Policy”.*

17 (4) *REPORTS.*—*Section 187(d) of such title is*
18 *amended to read as follows:*

19 “(d) *REPORTS.*—(1) *After each meeting of the Board,*
20 *the Board shall prepare a report containing the results of*
21 *the meeting and such recommendations as the Board deter-*
22 *mines appropriate. The Secretary of each military depart-*
23 *ment shall review and comment on the report.*

24 “(2) *Each such report shall be published in the Federal*
25 *Register and subsequently submitted to the congressional de-*

1 *fense committees, together with public comments and com-*
2 *ments and recommendations from the Secretary of Defense,*
3 *not later than 90 days after the meeting covered by the re-*
4 *port.”.*

5 **SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPER-**
6 **ATIONAL NEEDS AND RAPID ACQUISITION.**

7 *(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE*
8 *FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID*
9 *ACQUISITION.—*

10 *(1) IN GENERAL.—The Secretary of Defense,*
11 *after consultation with the Secretaries of the military*
12 *departments, shall designate a senior official in the*
13 *Office of the Secretary of Defense as the principal of-*
14 *ficial of the Department of Defense responsible for*
15 *leading the Department’s actions on urgent oper-*
16 *ational needs and rapid acquisition, in accordance*
17 *with this section.*

18 *(2) STAFF AND RESOURCES.—The Secretary*
19 *shall assign to the senior official designated under*
20 *paragraph (1) appropriate staff and resources nec-*
21 *essary to carry out the official’s functions under this*
22 *section.*

23 *(b) RESPONSIBILITIES.—The senior official designated*
24 *under subsection (a) shall be responsible for the following:*

1 (1) *Acting as an advocate within the Depart-*
2 *ment of Defense for issues related to the Department’s*
3 *ability to rapidly respond to urgent operational*
4 *needs, including programs funded and carried out by*
5 *the military departments.*

6 (2) *Improving visibility of urgent operational*
7 *needs throughout the Department, including across*
8 *the military departments, the Defense Agencies, and*
9 *all other entities and processes in the Department*
10 *that address urgent operational needs.*

11 (3) *Ensuring that tools and mechanisms are*
12 *used to track, monitor, and manage the status of ur-*
13 *gent operational needs within the Department, from*
14 *validation through procurement and fielding, includ-*
15 *ing a formal feedback mechanism for the armed forces*
16 *to provide information on how well fielded solutions*
17 *are meeting urgent operational needs.*

18 (c) *URGENT OPERATIONAL NEEDS DEFINED.—In this*
19 *section, the term “urgent operational needs” means capa-*
20 *bilities that are determined by the Secretary of Defense,*
21 *pursuant to the review process required by section 804(b)*
22 *of the Ike Skelton National Defense Authorization Act for*
23 *Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for*
24 *rapid fielding in response to urgent operational needs.*

1 **SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SEN-**
2 **IOR OFFICIAL FOR ENTERPRISE RESOURCE**
3 **PLANNING SYSTEM DATA CONVERSION.**

4 *Not later than 90 days after the date of the enactment*
5 *of this Act, the Secretary of Defense shall—*

6 *(1) designate a senior official of the Department*
7 *of Defense as the official with principal responsibility*
8 *for coordination and management oversight of data*
9 *conversion for all enterprise resource planning sys-*
10 *tems of the Department; and*

11 *(2) set forth the responsibilities of that senior of-*
12 *ficial with respect to such data conversion.*

13 **SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES**
14 **FOR DEPUTY ASSISTANT SECRETARY OF DE-**
15 **FENSE FOR DEVELOPMENTAL TEST AND**
16 **EVALUATION.**

17 *(a) SUPERVISION.—Section 139b(a)(3) of title 10,*
18 *United States Code, is amended by striking “to the Under*
19 *Secretary” before the period and inserting “directly to the*
20 *Under Secretary, without the interposition of any other su-*
21 *pervising official”.*

22 *(b) CONCURRENT SERVICE.—Section 139b(a)(7) of*
23 *such title is amended by striking “may” and inserting*
24 *“shall”.*

25 *(c) RESOURCES.—Section 139b(a) of such title is*
26 *amended by adding at the end the following new paragraph:*

1 “(8) *RESOURCES.*—

2 “(A) *The President shall include in the*
3 *budget transmitted to Congress, pursuant to sec-*
4 *tion 1105 of title 31, for each fiscal year, a sepa-*
5 *rate statement of estimated expenditures and*
6 *proposed appropriations for the fiscal year for*
7 *the activities of the Deputy Assistant Secretary*
8 *of Defense for Developmental Test and Evalua-*
9 *tion in carrying out the duties and responsibil-*
10 *ities of the Deputy Assistant Secretary under*
11 *this section.*

12 “(B) *The Deputy Assistant Secretary of De-*
13 *fense for Developmental Test and Evaluation*
14 *shall have sufficient professional staff of military*
15 *and civilian personnel to enable the Deputy As-*
16 *stant Secretary to carry out the duties and re-*
17 *sponsibilities prescribed by law. The resources for*
18 *the Deputy Assistant Secretary shall be com-*
19 *parable to the resources, including Senior Execu-*
20 *tive Service positions, other civilian positions,*
21 *and military positions, available to the Director*
22 *of Operational Test and Evaluation.”.*

23 (d) *ANNUAL REPORT.*—*Section 139b(d) of such title*
24 *is amended—*

1 (1) *in the subsection heading, by striking*
2 *“JOINT”;*

3 (2) *by redesignating paragraphs (1), (2), (3),*
4 *and (4) as subparagraphs (A), (B), (C), and (D), re-*
5 *spectively;*

6 (3) *by inserting “(1)” before “Not later than*
7 *March 31”;*

8 (4) *in the matter appearing before subparagraph*
9 *(A), as so redesignated, by striking “jointly” and in-*
10 *serting “each”; and*

11 (5) *by adding at the end the following new para-*
12 *graph:*

13 “(2) *With respect to the report required under para-*
14 *graph (1) by the Deputy Assistant Secretary of Defense for*
15 *Developmental Test and Evaluation—*

16 “(A) *the report shall include a separate section*
17 *that covers the activities of the Department of Defense*
18 *Test Resource Management Center (established under*
19 *section 196 of this title) during the preceding year;*
20 *and*

21 “(B) *the report shall be transmitted to the Under*
22 *Secretary of Defense for Acquisition, Technology, and*
23 *Logistics at the same time it is submitted to the con-*
24 *gressional defense committees.”.*

1 **SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE**
2 **NAVY AS THE DEPARTMENT OF THE NAVY**
3 **AND MARINE CORPS.**

4 (a) *REDESIGNATION OF THE DEPARTMENT OF THE*
5 *NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE*
6 *CORPS.—*

7 (1) *REDESIGNATION OF MILITARY DEPART-*
8 *MENT.—The military department designated as the*
9 *Department of the Navy is redesignated as the De-*
10 *partment of the Navy and Marine Corps.*

11 (2) *REDESIGNATION OF SECRETARY AND OTHER*
12 *STATUTORY OFFICES.—*

13 (A) *SECRETARY.—The position of the Sec-*
14 *retary of the Navy is redesignated as the Sec-*
15 *retary of the Navy and Marine Corps.*

16 (B) *OTHER STATUTORY OFFICES.—The po-*
17 *sitions of the Under Secretary of the Navy, the*
18 *four Assistant Secretaries of the Navy, and the*
19 *General Counsel of the Department of the Navy*
20 *are redesignated as the Under Secretary of the*
21 *Navy and Marine Corps, the Assistant Secre-*
22 *taries of the Navy and Marine Corps, and the*
23 *General Counsel of the Department of the Navy*
24 *and Marine Corps, respectively.*

25 (b) *CONFORMING AMENDMENTS TO TITLE 10, UNITED*
26 *STATES CODE.—*

1 (1) *DEFINITION OF “MILITARY DEPARTMENT”.*—
2 *Paragraph (8) of section 101(a) of title 10, United*
3 *States Code, is amended to read as follows:*

4 *“(8) The term ‘military department’ means the*
5 *Department of the Army, the Department of the Navy*
6 *and Marine Corps, and the Department of the Air*
7 *Force.”.*

8 (2) *ORGANIZATION OF DEPARTMENT.*—*The text*
9 *of section 5011 of such title is amended to read as fol-*
10 *lows: “The Department of the Navy and Marine*
11 *Corps is separately organized under the Secretary of*
12 *the Navy and Marine Corps.”.*

13 (3) *POSITION OF SECRETARY.*—*Section*
14 *5013(a)(1) of such title is amended by striking “There*
15 *is a Secretary of the Navy” and inserting “There is*
16 *a Secretary of the Navy and Marine Corps”.*

17 (4) *CHAPTER HEADINGS.*—

18 (A) *The heading of chapter 503 of such title*
19 *is amended to read as follows:*

20 **“CHAPTER 503—DEPARTMENT OF THE**
21 **NAVY AND MARINE CORPS”.**

22 (B) *The heading of chapter 507 of such title*
23 *is amended to read as follows:*

1 **“CHAPTER 507—COMPOSITION OF THE DE-**
2 **PARTMENT OF THE NAVY AND MARINE**
3 **CORPS”.**

4 (5) *OTHER AMENDMENTS.—*

5 (A) *Title 10, United States Code, is amend-*
6 *ed by striking “Department of the Navy” and*
7 *“Secretary of the Navy” each place they appear*
8 *other than as specified in paragraphs (1), (2),*
9 *(3), and (4) (including in section headings, sub-*
10 *section captions, tables of chapters, and tables of*
11 *sections) and inserting “Department of the Navy*
12 *and Marine Corps” and “Secretary of the Navy*
13 *and Marine Corps”, respectively, in each case*
14 *with the matter inserted to be in the same type-*
15 *face and typestyle as the matter stricken.*

16 (B)(i) *Sections 5013(f), 5014(b)(2), 5016(a),*
17 *5017(2), 5032(a), and 5042(a) of such title are*
18 *amended by striking “Assistant Secretaries of the*
19 *Navy” and inserting “Assistant Secretaries of*
20 *the Navy and Marine Corps”.*

21 (ii) *The heading of section 5016 of such*
22 *title, and the item relating to such section in the*
23 *table of sections at the beginning of chapter 503*
24 *of such title, are each amended by inserting “and*
25 *Marine Corps” after “of the Navy”, with the*

1 *matter inserted in each case to be in the same*
2 *typeface and typestyle as the matter amended.*

3 (c) *OTHER PROVISIONS OF LAW AND OTHER REF-*
4 *ERENCES.—*

5 (1) *TITLE 37, UNITED STATES CODE.—Title 37,*
6 *United States Code, is amended by striking “Depart-*
7 *ment of the Navy” and “Secretary of the Navy” each*
8 *place they appear and inserting “Department of the*
9 *Navy and Marine Corps” and “Secretary of the Navy*
10 *and Marine Corps”, respectively.*

11 (2) *OTHER REFERENCES.—Any reference in any*
12 *law other than in title 10 or title 37, United States*
13 *Code, or in any regulation, document, record, or other*
14 *paper of the United States, to the Department of the*
15 *Navy shall be considered to be a reference to the De-*
16 *partment of the Navy and Marine Corps. Any such*
17 *reference to an office specified in subsection (a)(2)*
18 *shall be considered to be a reference to that office as*
19 *redesignated by that section.*

20 (d) *EFFECTIVE DATE.—This section and the amend-*
21 *ments made by this section shall take effect on the first day*
22 *of the first month beginning more than 60 days after the*
23 *date of the enactment of this Act.*

1 ***Subtitle B—Space Activities***

2 ***SEC. 911. ANNUAL ASSESSMENT OF THE SYNCHRONI-***
3 ***ZATION OF SEGMENTS IN SPACE PROGRAMS***
4 ***THAT ARE MAJOR DEFENSE ACQUISITION***
5 ***PROGRAMS.***

6 *(a) ANNUAL ASSESSMENT.—Not later than 180 days*
7 *after the date of the enactment of this Act, and annually*
8 *thereafter for five years, the Under Secretary of Defense for*
9 *Acquisition, Technology, and Logistics shall annually sub-*
10 *mit to the congressional defense committees an assessment*
11 *of the synchronization of the operability of the program seg-*
12 *ments of each space program that is a major defense acqui-*
13 *sition program.*

14 *(b) CONTENTS.—Each assessment required under sub-*
15 *section (a) shall include—*

16 *(1) a description of the intended primary capa-*
17 *bilities of each space program that is a major defense*
18 *acquisition program and the level of operability of*
19 *each program segment of such space program at the*
20 *time of such assessment;*

21 *(2) a schedule for the deployment of such in-*
22 *tended primary capabilities of such space program in*
23 *each such program segment and in such space pro-*
24 *gram as a whole;*

1 (3) *for each such space program for which a pri-*
2 *mary capability of such program will be operable by*
3 *one program segment at least one year after the date*
4 *on which such capability is operable by another pro-*
5 *gram segment—*

6 (A) *an explanation of the reasons that such*
7 *primary capability will be operable by one pro-*
8 *gram segment at least one year after the date*
9 *such capability is operable by another program*
10 *segment; and*

11 (B) *an identification of the steps the De-*
12 *partment is taking to improve the alignment of*
13 *when the program segments become operable and*
14 *the related challenges, costs, and risks; and*

15 (4) *a description of the impact on the mission of*
16 *such space program caused by such primary capa-*
17 *bility being operable by one program segment at least*
18 *one year after the date such capability is operable by*
19 *another program segment.*

20 (c) *DEFINITIONS.—In this section:*

21 (1) *MAJOR DEFENSE ACQUISITION PROGRAM DE-*
22 *FINED.—The term “major defense acquisition pro-*
23 *gram” has the meaning given the term in section*
24 *2430 of title 10, United States Code.*

1 (2) *PROGRAM SEGMENT.*—The term “program
2 segment” means, with respect to a space program that
3 is a major defense acquisition program, the following
4 segments:

5 (A) *The portion of such program that is*
6 *satellite-based.*

7 (B) *The portion of such program that is*
8 *ground-based.*

9 (C) *The portion of such program that is op-*
10 *erated by the end-user.*

11 **SEC. 912. REPORT ON OVERHEAD PERSISTENT INFRARED**
12 **TECHNOLOGY.**

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

15 (1) *there are significant investments in overhead*
16 *persistent infrared technology that span multiple*
17 *agencies and support a variety of missions, including*
18 *missile warning, missile defense, battle space aware-*
19 *ness, and technical intelligence; and*

20 (2) *further efforts should be made to fully exploit*
21 *overhead persistent infrared sensor data.*

22 (b) *REPORT.*—Not later than 270 days after the date
23 *of the enactment of this Act, the Secretary of Defense, in*
24 *consultation with the Director of National Intelligence,*
25 *shall submit to the congressional defense committees, the*

1 *Permanent Select Committee on Intelligence of the House*
2 *of Representatives, and the Select Committee on Intelligence*
3 *of the Senate a report on overhead persistent infrared tech-*
4 *nology that includes—*

5 (1) *an assessment of whether there are further*
6 *opportunities for the Department of Defense and the*
7 *intelligence community (as defined in section 3(4) of*
8 *the National Security Act of 1947 (50 U.S.C.*
9 *401a(4))) to capitalize on increased data sharing, fu-*
10 *sion, interoperability, and exploitation; and*

11 (2) *recommendations on how to better coordinate*
12 *the efforts by the Department and the intelligence*
13 *community to exploit overhead persistent infrared*
14 *sensor data.*

15 (c) *COMPTROLLER GENERAL ASSESSMENT.—Not later*
16 *than 90 days after the date on which the Secretary of De-*
17 *fense submits the report required under subsection (b), the*
18 *Comptroller General of the United States shall submit to*
19 *the congressional defense committees an assessment of the*
20 *report required under subsection (b), including—*

21 (1) *an assessment of whether such report is com-*
22 *prehensive, fully supported, and sufficiently detailed;*
23 *and*

24 (2) *an identification of any shortcomings, limi-*
25 *tations, or other reportable matters that affect the*

1 *quality or findings of the report required under sub-*
2 *section (b).*

3 **SEC. 913. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**
4 **INTERNATIONAL AGREEMENT ON SPACE AC-**
5 **TIVITIES THAT HAS NOT BEEN RATIFIED BY**
6 **THE SENATE OR AUTHORIZED BY STATUTE.**

7 *(a) PROHIBITION.—None of the funds authorized to be*
8 *appropriated by this Act or any other Act may be used by*
9 *the Secretary of Defense or the Director of National Intel-*
10 *ligence to limit the activities of the Department of Defense*
11 *or the intelligence community (as defined in section 3(4)*
12 *of the National Security Act of 1947 (50 U.S.C. 401a(4)))*
13 *in outer space to implement or comply with an inter-*
14 *national agreement concerning outer space activities unless*
15 *such agreement is ratified by the Senate or authorized by*
16 *statute.*

17 *(b) REPORT ON INTERNATIONAL AGREEMENT NEGO-*
18 *TIATIONS.—*

19 *(1) REPORT REQUIRED.—Not later than 90 days*
20 *after the date of the enactment of this Act, and every*
21 *90 days thereafter, the Secretary of State and the Sec-*
22 *retary of Defense shall submit to the appropriate con-*
23 *gressional committees a report on the progress of ne-*
24 *gotiations on an international agreement concerning*
25 *outer space activities. Such report shall include a de-*

1 *scription of which foreign countries have agreed to*
2 *sign such an international agreement and any impli-*
3 *cations that the draft of the agreement being nego-*
4 *tiated may have on both classified and unclassified*
5 *military and intelligence activities of the United*
6 *States in outer space.*

7 (2) *FORM.—*

8 (A) *UNCLASSIFIED.—Except as provided in*
9 *subparagraph (B), each report required under*
10 *paragraph (1) shall be submitted in unclassified*
11 *form.*

12 (B) *CLASSIFIED ANNEX.—The Secretary of*
13 *Defense may submit to the Committee on Armed*
14 *Services and the Permanent Select Committee on*
15 *Intelligence of the House of Representatives and*
16 *the Committee on Armed Services and the Select*
17 *Committee on Intelligence of the Senate a classi-*
18 *fied annex to a report required under paragraph*
19 *(1) containing any classified information re-*
20 *quired to be submitted for such report.*

21 (3) *TERMINATION DATE.—The requirement to*
22 *submit a report under paragraph (1) shall cease to*
23 *apply on the date on which the President submits to*
24 *the appropriate congressional committees a certifi-*
25 *cation that the United States is no longer involved in*

1 *negotiations on an international agreement con-*
2 *cerning outer space activities.*

3 (4) *APPROPRIATE CONGRESSIONAL COMMIT-*
4 *TEES.—In this subsection, the term “appropriate con-*
5 *gressional committees” means—*

6 (A) *the Committee on Armed Services, the*
7 *Permanent Select Committee on Intelligence, the*
8 *Committee on Foreign Affairs, and the Com-*
9 *mittee on Science, Space, and Technology of the*
10 *House of Representatives; and*

11 (B) *the Committee on Armed Services, the*
12 *Select Committee on Intelligence, the Committee*
13 *on Foreign Relations, and the Committee on*
14 *Commerce, Science, and Transportation of the*
15 *Senate.*

16 (c) *REPORT ON FOREIGN COUNTER-SPACE PRO-*
17 *GRAMS.—*

18 (1) *REPORT REQUIRED.—Chapter 135 of title*
19 *10, United States Code, is amended by adding at the*
20 *end the following new section:*

21 **“§2275. Report on foreign counter-space programs**

22 “(a) *REPORT REQUIRED.—Not later than January 1*
23 *of each year, the Secretary of Defense shall submit to Con-*
24 *gress a report on the counter-space programs of foreign*
25 *countries.*

1 “(b) *CONTENTS.*—*Each report required under sub-*
2 *section (a) shall include—*

3 “(1) *an explanation of whether any foreign coun-*
4 *try has a counter-space program that could be a*
5 *threat to the national security or commercial space*
6 *systems of the United States; and*

7 “(2) *the name of each country with a counter-*
8 *space program described in paragraph (1).*

9 “(c) *FORM.*—

10 “(1) *IN GENERAL.*—*Except as provided in para-*
11 *graphs (2) and (3), each report required under sub-*
12 *section (a) shall be submitted in unclassified form.*

13 “(2) *CLASSIFIED ANNEX.*—*The Secretary of De-*
14 *fense may submit to the covered congressional com-*
15 *mittees a classified annex to a report required under*
16 *subsection (a) containing any classified information*
17 *required to be submitted for such report.*

18 “(3) *FOREIGN COUNTRY NAMES.*—

19 “(A) *UNCLASSIFIED FORM.*—*Subject to sub-*
20 *paragraph (B), each report required under sub-*
21 *section (a) shall include the information required*
22 *under subsection (b)(2) in unclassified form.*

23 “(B) *NATIONAL SECURITY WAIVER.*—*The*
24 *Secretary of Defense may waive the requirement*
25 *under subparagraph (A) if the Secretary deter-*

1 *mines it is in the interests of national security*
2 *to waive such requirement and submits to Con-*
3 *gress an explanation of why the Secretary*
4 *waived such requirement.*

5 “(d) *PROHIBITION ON USE OF FUNDS FOR NON-COM-*
6 *PLIANCE.—If in any fiscal year the Secretary of Defense*
7 *does not submit a report required under subsection (a) on*
8 *or before the date on which such report is required to be*
9 *submitted, none of the funds authorized to be appropriated*
10 *by any Act for such fiscal year for activities of the Depart-*
11 *ment of Defense may be used for travel related to the nego-*
12 *tiation of an international agreement concerning outer*
13 *space activities until such report is submitted.*

14 “(e) *COVERED CONGRESSIONAL COMMITTEES DE-*
15 *FINED.—In this section, the term ‘covered congressional*
16 *committees’ means the Committee on Armed Services and*
17 *the Permanent Select Committee on Intelligence of the*
18 *House of Representatives and the Committee on Armed*
19 *Services and the Select Committee on Intelligence of the*
20 *Senate.”.*

21 (2) *CLERICAL AMENDMENT.—The table of sec-*
22 *tions at the beginning of chapter 135 of title 10,*
23 *United States Code, is amended by adding at the end*
24 *the following new item:*

“2275. Report on foreign counter-space programs.”.

1 **SEC. 914. ASSESSMENT OF FOREIGN COMPONENTS AND**
2 **THE SPACE LAUNCH CAPABILITY OF THE**
3 **UNITED STATES.**

4 (a) *ASSESSMENT.*—*The Secretary of the Air Force*
5 *shall enter into an agreement with a federally funded re-*
6 *search and development center to conduct an independent*
7 *assessment of the national security implications of con-*
8 *tinuing to use foreign component and propulsion systems*
9 *for the launch vehicles under the evolved expendable launch*
10 *vehicle program.*

11 (b) *REPORT.*—*Not later than 180 days after the date*
12 *of the enactment of this Act, the federally funded research*
13 *and development center shall submit to the congressional*
14 *defense committees a report on the assessment conducted*
15 *under subsection (a).*

16 **SEC. 915. REPORT ON COUNTER SPACE TECHNOLOGY.**

17 (a) *REPORT.*—*Not later than one year after the date*
18 *of the enactment of this Act, and annually thereafter for*
19 *two years, the Secretary of Defense shall submit to the con-*
20 *gressional defense committees, the Committee on Foreign Af-*
21 *airs of the House of Representatives, and the Committee*
22 *on Foreign Relations of the Senate a report based on all*
23 *available information describing key space technologies that*
24 *could be used, or are being sought, by a foreign country*
25 *with a counter space or ballistic missile program, and*

1 *should be subject to export controls by the United States*
2 *or an ally of the United States, as appropriate.*

3 (b) *FORM.—Each report required under subsection (a)*
4 *shall be submitted in unclassified form, but may include*
5 *a classified annex.*

6 ***Subtitle C—Intelligence-Related***
7 ***Activities***

8 ***SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-***
9 ***LIGENCE SUPPORT TO CERTAIN SECURITY***
10 ***ALLIANCES AND REGIONAL ORGANIZATIONS.***

11 (a) *AUTHORIZATION.—Section 443(a) of title 10,*
12 *United States Code, is amended—*

13 (1) *by striking “The Director” and inserting*
14 *“(1) Subject to paragraph (2), the Director”;*

15 (2) *by striking “foreign countries” and inserting*
16 *“foreign countries, regional organizations with de-*
17 *fense or security components, and security alliances of*
18 *which the United States is a member”;* and

19 (3) *by adding at the end the following new para-*
20 *graph:*

21 *“(2) In each case in which the Director of the National*
22 *Geospatial-Intelligence Agency provides imagery intel-*
23 *ligence or geospatial information support to a regional or-*
24 *ganization or security alliance under paragraph (1), the*
25 *Director shall—*

1 “(A) ensure that such intelligence and such sup-
2 port are not provided by such regional organization
3 or such security alliance to any other person or enti-
4 ty;

5 “(B) notify the congressional defense committees,
6 the Permanent Select Committee on Intelligence of the
7 House of Representatives, and the Select Committee
8 on Intelligence of the Senate, that the Director has
9 provided such intelligence or such support; and

10 “(C) coordinate the provision of such intelligence
11 and such support with the commander of the appro-
12 priate combatant command.”.

13 (b) CLERICAL AMENDMENTS.—

14 (1) SECTION HEADING.—The heading of section
15 443 of title 10, United States Code, is amended by
16 striking “**foreign countries**” and inserting “**for-**
17 **eign countries, regional organizations,**
18 **and security alliances**”.

19 (2) TABLE OF SECTIONS.—The table of sections
20 at the beginning of chapter 22 of title 10, United
21 States Code, is amended by striking the item relating
22 to section 443 and inserting the following new item:

“443. Imagery intelligence and geospatial information: support for foreign coun-
tries, regional organizations, and security alliances.”.

1 **SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE**
 2 **IN NAME OF NATIONAL DEFENSE INTEL-**
 3 **LIGENCE COLLEGE TO NATIONAL INTEL-**
 4 **LIGENCE UNIVERSITY.**

5 (a) *CONFORMING AMENDMENTS TO REFLECT NAME*
 6 *CHANGE.*—Section 2161 of title 10, United States Code, is
 7 amended by striking “National Defense Intelligence Col-
 8 lege” each place it appears and inserting “National Intel-
 9 ligence University”.

10 (b) *CLERICAL AMENDMENTS.*—

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

13 **“§2161. Degree granting authority for National Intel-**
 14 **ligence University”.**

15 (2) *TABLE OF SECTIONS.*—The item related to
 16 such section in the table of sections at the beginning
 17 of chapter 108 of such title is amended to read as fol-
 18 lows:

“2161. Degree granting authority for National Intelligence University.”.

19 **Subtitle D—Total Force**
 20 **Management**

21 **SEC. 931. LIMITATION ON CERTAIN FUNDING UNTIL CER-**
 22 **TIFICATION THAT INVENTORY OF CON-**
 23 **TRACTS FOR SERVICES HAS BEGUN.**

24 (a) *LIMITATION ON FUNDING FOR CERTAIN OF-*
 25 *FICES.*—Of the funds authorized to be appropriated for fis-

1 *cal year 2013 as specified in the funding table in section*
2 *4301, not more than 80 percent of the funds authorized for*
3 *the Office of the Under Secretary of Defense for Acquisition,*
4 *Technology, and Logistics; the Office of the Assistant Sec-*
5 *retary of the Navy for Research, Development, and Acquisi-*
6 *tion; and the Office of the Assistant Secretary of the Air*
7 *Force for Acquisition may be obligated or expended until*
8 *the certification described in subsection (c) is submitted.*

9 **(b) LIMITATION ON FUNDING FOR OTHER CON-**
10 *TRACTS.—Of the funds authorized for other contracts or*
11 *other services to be appropriated for fiscal year 2013 as*
12 *specified in the funding table in section 4301, not more than*
13 *80 percent of the funds authorized for the Office of the Sec-*
14 *retary of Defense, the Department of the Navy, and the De-*
15 *partment of the Air Force may be obligated or expended*
16 *until the certification described in subsection (c) is sub-*
17 *mitted.*

18 **(c) CERTIFICATION.—***The certification described in*
19 *this subsection is a certification in writing submitted to the*
20 *congressional defense committees and made by the Secretary*
21 *of Defense that the collection of data for purposes of meeting*
22 *the requirements of section 2330a of title 10, United States*
23 *Code, has begun.*

24 **(d) DEFINITION.—***In this section, the term “other con-*
25 *tracts or other services” means funding described in line*

1 0989 within Exhibit OP-32 of the justification materials
2 accompanying the President's budget request for fiscal year
3 2013.

4 **SEC. 932. REQUIREMENT TO ENSURE SUFFICIENT LEVELS**
5 **OF GOVERNMENT MANAGEMENT, CONTROL,**
6 **AND OVERSIGHT OF FUNCTIONS CLOSELY AS-**
7 **SOCIATED WITH INHERENTLY GOVERN-**
8 **MENTAL FUNCTIONS.**

9 Section 129a of title 10, United States Code, is amend-
10 ed—

11 (1) in subparagraph (B) of subsection (f)(3), by
12 inserting after “Government” the following: “manage-
13 ment, control, and”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(g) **REQUIREMENT FOR MANAGEMENT, CONTROL, AND**
17 **OVERSIGHT OR APPROPRIATE CORRECTIVE ACTIONS.**—For
18 purposes of subsection (f)(3)(B), if insufficient levels of Gov-
19 ernment management, control, and oversight are found, the
20 Secretary of the military department or head of the Defense
21 agency responsible shall provide such management, control,
22 and oversight or take appropriate corrective actions, includ-
23 ing potential conversion to Government performance, con-
24 sistent with this section and sections 129 and 2463 of this
25 title.”

1 **SEC. 933. SPECIAL MANAGEMENT ATTENTION REQUIRED**
2 **FOR CERTAIN FUNCTIONS IDENTIFIED IN IN-**
3 **VENTORY OF CONTRACTS FOR SERVICES.**

4 *Subparagraph (C) of section 2330a(e)(2) of title 10,*
5 *United States Code, is amended to read as follows:*

6 *“(C) special management attention is being*
7 *given to functions identified in the inventory as*
8 *being closely associated with inherently govern-*
9 *mental functions; and”.*

10 ***Subtitle E—Cyberspace-related***
11 ***Matters***

12 **SEC. 941. MILITARY ACTIVITIES IN CYBERSPACE.**

13 *Section 954 of the National Defense Authorization Act*
14 *for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1551)*
15 *is amended to read as follows:*

16 **“SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.**

17 *“(a) AFFIRMATION.—Congress affirms that the Sec-*
18 *retary of Defense is authorized to conduct military activi-*
19 *ties in cyberspace.*

20 *“(b) AUTHORITY DESCRIBED.—The authority referred*
21 *to in subsection (a) includes the authority to carry out a*
22 *clandestine operation in cyberspace—*

23 *“(1) in support of a military operation pursuant*
24 *to the Authorization for Use of Military Force (50*
25 *U.S.C. 1541 note; Public Law 107-40) against a tar-*
26 *get located outside of the United States; or*

1 “(2) to defend against a cyber attack against an
2 asset of the Department of Defense.

3 “(c) *RULE OF CONSTRUCTION.*—Nothing in this sec-
4 tion shall be construed to limit the authority of the Sec-
5 retary of Defense to conduct military activities in cyber-
6 space.”.

7 **SEC. 942. QUARTERLY CYBER OPERATIONS BRIEFINGS.**

8 (a) *BRIEFINGS.*—Chapter 23 of title 10, United States
9 Code, is amended by inserting after section 483 the fol-
10 lowing new section:

11 **“§ 484. Quarterly cyber operations briefings**

12 “The Secretary of Defense shall provide to the Commit-
13 tees on Armed Services of the House of Representatives and
14 the Senate quarterly briefings on all offensive and signifi-
15 cant defensive military operations in cyberspace carried out
16 by the Department of Defense during the immediately pre-
17 ceding quarter.”.

18 (b) *INITIAL BRIEFING.*—The first briefing required
19 under section 484 of title 10, United States Code, as added
20 by subsection (a), shall be provided not later than March
21 1, 2013.

22 (c) *CLERICAL AMENDMENT.*—The table of sections at
23 the beginning of chapter 23 of title 10, United States Code,
24 is amended by inserting after the item relating to section
25 483 the following new item:

“484. Quarterly cyber operations briefings.”.

Subtitle F—Other Matters**SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIRMAN OF JOINT CHIEFS OF STAFF AND JOINT REQUIREMENTS OVERSIGHT COUNCIL.**

(a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United States Code, is amended by striking subparagraph (F) and inserting the following new subparagraphs:

“(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national military strategy.

“(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, and performance objectives to ensure that such trade-offs are made in the acquisition of materiel and equipment to meet military requirements in a manner that best supports the strategic and contingency plans required by subsection (a).”.

(b) AMENDMENTS RELATED TO JROC.—Section 181(b) of such title is amended—

(1) in paragraph (1)(C), by striking “in ensuring” and all that follows through “requirements” and inserting the following: “in ensuring that appropriate trade-offs are made among life-cycle cost, schedule,

1 *and performance objectives in the acquisition of mate-*
2 *riel and equipment to meet military requirements”;*
3 *and*

4 *(2) in paragraph (3), by striking “such resource*
5 *level” and inserting “the total cost of such resources”.*

6 *(c) AMENDMENTS RELATED CHIEFS OF ARMED*
7 *FORCES.—Section 2547(a) of such title is amended—*

8 *(1) in paragraph (1), by striking “of require-*
9 *ments relating to the defense acquisition system” and*
10 *inserting “and certification of requirements for equip-*
11 *ping the armed force concerned”;*

12 *(2) by redesignating paragraphs (3) and (4) as*
13 *paragraphs (5) and (6), respectively; and*

14 *(3) by inserting after paragraph (2) the fol-*
15 *lowing new paragraphs:*

16 *“(3) The recommendation of trade-offs among*
17 *life-cycle cost, schedule, and performance objectives to*
18 *ensure acquisition programs to equip the armed force*
19 *concerned deliver best value.*

20 *“(4) Termination of development or procurement*
21 *programs that fail to meet life-cycle cost, schedule,*
22 *and performance objectives.”.*

1 **SEC. 952. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**
2 **DITED FEDERAL HIRING FOLLOWING COM-**
3 **PLETION OF NATIONAL SECURITY EDU-**
4 **CATION PROGRAM SCHOLARSHIP.**

5 *Section 802(k) of the David L. Boren National Secu-*
6 *rity Education Act of 1991 (50 U.S.C. 1902(k)) is amended*
7 *to read as follows:*

8 *“(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—*

9 *“(1) APPOINTMENT AUTHORITY.—The Secretary*
10 *of Defense, the Secretary of Homeland Security, the*
11 *Secretary of State, or the head of a Federal agency*
12 *or office identified by the Secretary of Defense under*
13 *subsection (g) as having national security responsibil-*
14 *ities—*

15 *“(A) may, without regard to any provision*
16 *of title 5 governing appointments in the competi-*
17 *tive service, appoint an eligible program partici-*
18 *pant—*

19 *“(i) to a position in the excepted serv-*
20 *ice that is certified by the Secretary of De-*
21 *fense under clause (i) of subsection (b)(2)(A)*
22 *as contributing to the national security of*
23 *the United States; or*

24 *“(ii) subject to clause (ii) of such sub-*
25 *section, to a position in the excepted service*

1 *in such Federal agency or office identified*
2 *by the Secretary; and*

3 “(B) may, upon satisfactory completion of
4 *two years of substantially continuous service by*
5 *an incumbent who was appointed to an excepted*
6 *service position under the authority of subpara-*
7 *graph (A), convert the appointment of such indi-*
8 *vidual, without competition, to a career or career*
9 *conditional appointment.*

10 “(2) *TREATMENT OF CERTAIN SERVICE.—In the*
11 *case of an eligible program participant described in*
12 *clause (ii) or (iii) of paragraph (3)(B) who receives*
13 *an appointment under paragraph (1)(A), the head of*
14 *a Department or Federal agency or office referred to*
15 *in paragraph (1) may count any period that the in-*
16 *dividual served in a position with the Federal Gov-*
17 *ernment towards satisfaction of the service require-*
18 *ment under paragraph (1)(B) if that service—*

19 “(A) *in the case of an appointment under*
20 *clause (i) of paragraph (1)(A), was in a position*
21 *that is identified under clause (i) of subsection*
22 *(b)(2)(A) as contributing to the national security*
23 *of the United States; or*

24 “(B) *in the case of an appointment under*
25 *clause (ii) of paragraph (1)(A), was in the Fed-*

1 *eral agency or office in which the appointment*
2 *under that clause is made.*

3 “(3) *ELIGIBLE PROGRAM PARTICIPANT DE-*
4 *FINED.—In this subsection, the term ‘eligible program*
5 *participant’ means an individual who—*

6 “(A) *has successfully completed an academic*
7 *program for which a scholarship or fellowship*
8 *under this section was awarded; and*

9 “(B) *at the time of the appointment of the*
10 *individual to an excepted service position under*
11 *paragraph (1)(A)—*

12 “(i) *under the terms of the agreement*
13 *for such scholarship or fellowship, owes a*
14 *service commitment to a Department or*
15 *Federal agency or office referred to in para-*
16 *graph (1);*

17 “(ii) *is employed by the Federal Gov-*
18 *ernment under a non-permanent appoint-*
19 *ment to a position in the excepted service*
20 *that has national security responsibilities;*
21 *or*

22 “(iii) *is a former civilian employee of*
23 *the Federal Government who has less than*
24 *a one-year break in service from the last pe-*
25 *riod of Federal employment of such indi-*

1 *vidual in a non-permanent appointment in*
2 *the excepted service with national security*
3 *responsibilities.”.*

4 **SEC. 953. ANNUAL BRIEFING TO CONGRESSIONAL DEFENSE**
5 **COMMITTEES ON CERTAIN WRITTEN POLICY**
6 **GUIDANCE.**

7 *Section 113(g) of title 10, United States Code, is*
8 *amended by adding at the end the following new paragraph:*
9 *“(3) The Secretary of Defense shall provide an annual*
10 *briefing to the congressional defense committees on the writ-*
11 *ten policy guidance provided under paragraphs (1) and*
12 *(2).”.*

13 **SEC. 954. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
14 **REIMBURSEMENT OF COSTS OF ACTIVITIES**
15 **FOR NONGOVERNMENTAL PERSONNEL AT DE-**
16 **PARTMENT OF DEFENSE REGIONAL CENTERS**
17 **FOR SECURITY STUDIES.**

18 *(a) EXTENSION.—Paragraph (1) of section 941(b) of*
19 *the Duncan Hunter National Defense Authorization Act for*
20 *Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184*
21 *note), is amended by striking “through 2012” and inserting*
22 *“through 2013”.*

23 *(b) ASSESSMENT REQUIRED.—The Comptroller Gen-*
24 *eral of the United States shall assess—*

1 (1) *the effectiveness of the Regional Centers for*
2 *Security Studies in meeting the Centers' objectives*
3 *and advancing the priorities of the Department of De-*
4 *fense;*

5 (2) *the extent to which the Centers perform a*
6 *unique function within the interagency community or*
7 *the extent to which there are similar or duplicative ef-*
8 *forts within the Department of Defense or the Depart-*
9 *ment of State;*

10 (3) *the measures of effectiveness and impact in-*
11 *dicators each Regional Center uses to internally*
12 *evaluate its programs;*

13 (4) *the oversight mechanisms within the Depart-*
14 *ment of Defense with respect to the Regional Centers;*
15 *and*

16 (5) *the costs and benefits to the Department of*
17 *Defense of waiving reimbursement costs for personnel*
18 *of nongovernmental organizations and international*
19 *organizations to participate in activities of the Cen-*
20 *ters on an ongoing basis.*

21 (c) *REPORT.*—*Not later than March 1, 2013, the*
22 *Comptroller General shall submit to the Committees on*
23 *Armed Services and on Foreign Relations of the Senate and*
24 *the Committees on Armed Services and on Foreign Affairs*

1 *of the House of Representatives a report on the assessment*
2 *required by subsection (b).*

3 ***TITLE X—GENERAL PROVISIONS***

4 ***Subtitle A—Financial Matters***

5 ***SEC. 1001. GENERAL TRANSFER AUTHORITY.***

6 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

7 *(1) AUTHORITY.—Upon determination by the*
8 *Secretary of Defense that such action is necessary in*
9 *the national interest, the Secretary may transfer*
10 *amounts of authorizations made available to the De-*
11 *partment of Defense in this division for fiscal year*
12 *2013 between any such authorizations for that fiscal*
13 *year (or any subdivisions thereof). Amounts of au-*
14 *thorizations so transferred shall be merged with and*
15 *be available for the same purposes as the authoriza-*
16 *tion to which transferred.*

17 *(2) LIMITATION.—Except as provided in para-*
18 *graph (3), the total amount of authorizations that the*
19 *Secretary may transfer under the authority of this*
20 *section may not exceed \$3,500,000,000.*

21 *(3) EXCEPTION FOR TRANSFERS BETWEEN MILI-*
22 *TARY PERSONNEL AUTHORIZATIONS.—A transfer of*
23 *funds between military personnel authorizations*
24 *under title IV shall not be counted toward the dollar*
25 *limitation in paragraph (2).*

1 (b) *LIMITATIONS.*—*The authority provided by sub-*
2 *section (a) to transfer authorizations—*

3 (1) *may only be used to provide authority for*
4 *items that have a higher priority than the items from*
5 *which authority is transferred; and*

6 (2) *may not be used to provide authority for an*
7 *item that has been denied authorization by Congress.*

8 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
9 *fer made from one account to another under the authority*
10 *of this section shall be deemed to increase the amount au-*
11 *thorized for the account to which the amount is transferred*
12 *by an amount equal to the amount transferred.*

13 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
14 *promptly notify Congress of each transfer made under sub-*
15 *section (a).*

16 **SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

17 *The budgetary effects of this Act, for the purpose of*
18 *complying with the Statutory Pay-As-You-Go Act of 2010,*
19 *shall be determined by reference to the latest statement titled*
20 *“Budgetary Effects of PAYGO Legislation” for this Act,*
21 *submitted for printing in the Congressional Record by the*
22 *Chairman of the Committee on the Budget of the House of*
23 *Representatives, as long as such statement has been sub-*
24 *mitted prior to the vote on passage of this Act.*

1 **SEC. 1003. ANNUAL REPORT ON ARMED FORCES UNFUNDED**
2 **PRIORITIES.**

3 (a) *REPORT REQUIRED.*—Not later than 30 days after
4 the date on which the budget for a fiscal year is submitted
5 to Congress pursuant to section 1105 of title 31, United
6 States Code, each member of the Joint Chiefs of Staff speci-
7 fied in subsection (b) and the Commander of the United
8 States Special Operations Command shall submit to the
9 congressional defense committees a report containing a list
10 of the unfunded priorities for the Armed Force under the
11 jurisdiction of that member or commander.

12 (b) *COVERED MILITARY SERVICE CHIEFS.*—The re-
13 ports required by subsection (a) shall be submitted by the
14 Chief of Staff of the Army, the Chief of Naval Operations,
15 the Chief of Staff of the Air Force, the Commandant of the
16 Marine Corps, and the Chief of the National Guard Bureau.

17 (c) *UNFUNDED PRIORITIES DEFINED.*—In this section,
18 the term “unfunded priorities”, with respect to a report re-
19 quired by subsection (a) for a fiscal year, means a program
20 or mission requirement that—

21 (1) has not been selected for funding in the pro-
22 posed budget for the fiscal year;

23 (2) is necessary to fulfill a requirement associ-
24 ated with a combatant commander operational or
25 contingency plan or other validated global force re-
26 quirement; and

1 (3) the officer submitting the report would have
2 recommended for inclusion in the proposed budget for
3 the fiscal year had additional resources been available
4 or had the requirement emerged before the budget was
5 submitted.

6 **Subtitle B—Counter-Drug Activities**

7 **SEC. 1011. EXTENSION OF THE AUTHORITY OF THE CHIEF**
8 **OF THE NATIONAL GUARD BUREAU TO ESTAB-**
9 **LISH AND OPERATE NATIONAL GUARD**
10 **COUNTERDRUG SCHOOLS.**

11 *Section 901 of the Office of National Drug Control Pol-*
12 *icy Reauthorization Act of 2006 (Public Law 109–469; 120*
13 *Stat. 3536; 32 U.S.C. 112 note) is amended—*

14 (1) *in subsection (c)—*

15 (A) *by striking paragraph (1) and redesign-*
16 *ating paragraphs (2) through (5) as para-*
17 *graphs (1) through (4), respectively; and*

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

20 “(5) *The Western Regional Counterdrug Train-*
21 *ing Center, Camp Murray, Washington.*”;

22 (2) *by striking subsection (f) and redesignating*
23 *subsection (g) as subsection (f); and*

1 (3) in subsection (f)(1), as so redesignated, by
2 striking “fiscal years 2006 through 2010” and insert-
3 ing “fiscal years 2013 through 2017”.

4 **SEC. 1012. REPORTING REQUIREMENT ON EXPENDITURES**
5 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**
6 **TIVITIES.**

7 Section 1022(a) of the Floyd D. Spence National De-
8 fense Authorization Act for Fiscal Year 2001 (as enacted
9 into law by Public Law 106–398; 114 Stat. 1654A–255),
10 as most recently amended by the section 1008 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2012 (Pub-
12 lic Law 112–81; 125 Stat. 1558), is further amended by
13 striking “February 15, 2012” and inserting “February 15,
14 2013”.

15 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
16 **FIED COUNTER-DRUG AND COUNTERTER-**
17 **RORISM CAMPAIGN 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 sec-
21 tion 1007 of the National Defense Authorization Act for Fis-
22 cal Year 2012 (Public Law 112–81; 125 Stat. 1558), is
23 amended—

24 (1) in subsection (a), by striking “2012” and in-
25 serting “2013”; and

1 (2) in subsection (c), by striking “2012” and in-
2 serting “2013”.

3 **SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK**
4 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
5 **FORCEMENT AGENCIES CONDUCTING**
6 **COUNTER-TERRORISM ACTIVITIES.**

7 Section 1022(b) of the National Defense Authorization
8 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
9 1594; 10 U.S.C. 371 note) is amended by striking “2012”
10 and inserting “2013”.

11 **Subtitle C—Naval Vessels and**
12 **Shipyards**

13 **SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VES-**
14 **SELS OF THE STRIKE FORCES OF THE UNITED**
15 **STATES NAVY.**

16 Section 1012 of the National Defense Authorization
17 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
18 303), as most recently amended by section 1015 of the Dun-
19 can Hunter National Defense Authorization Act for Fiscal
20 Year 2009 (Public Law 110–417; 122 Stat. 4586), is
21 amended by striking “Secretary of Defense” and all that
22 follows through the period and inserting the following: “Sec-
23 retary the Navy notifies the congressional defense commit-
24 tees that, as a result of a cost-benefit analysis, it would not

1 *be practical for the Navy to design the class of ships with*
2 *an integrated nuclear power system.”.*

3 **SEC. 1022. LIMITATION ON AVAILABILITY OF FUNDS FOR**
4 ***DELAYED ANNUAL NAVAL VESSEL CONSTRUC-***
5 ***TION PLAN.***

6 *(a) IN GENERAL.—Section 231 of title 10, United*
7 *States Code, is amended—*

8 *(1) by redesignating subsection (e) as subsection*
9 *(f); and*

10 *(2) by inserting after subsection (d) the following*
11 *new subsection (e):*

12 *“(e)(1) If the Secretary of Defense does not include*
13 *with the defense budget materials for a fiscal year the plan*
14 *and certification under subsection (a), the Secretary of the*
15 *Navy may not use more than 50 percent of the funds de-*
16 *scribed in paragraph (2) during the fiscal year in which*
17 *such materials are submitted until the date on which such*
18 *plan and certification are submitted to the congressional*
19 *defense committees.*

20 *“(2) The funds described in this paragraph are funds*
21 *made available to the Secretary of the Navy for operation*
22 *and maintenance, Navy, for emergencies and extraordinary*
23 *expenses.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 12304b(i) of
2 title 10, United States Code, is amended by striking
3 “231(e)(2)” and inserting “section 231(f)(2)”.

4 ***Subtitle D—Counterterrorism***

5 ***SEC. 1031. FINDINGS ON DETENTION PURSUANT TO THE***
6 ***AUTHORIZATION FOR USE OF MILITARY***
7 ***FORCE ENACTED IN 2001.***

8 *Congress finds the following:*

9 (1) *In 2001, Congress passed, and the President*
10 *signed, the Authorization for Use of Military Force*
11 *(Public Law 107–40; 50 U.S.C. 1541 note) (herein-*
12 *after referred to as the “AUMF”), which authorized*
13 *the President to “use all necessary and appropriate*
14 *force” against those responsible for the attacks of Sep-*
15 *tember 11, 2001, and those who harbored them “in*
16 *order to prevent any future acts of international ter-*
17 *rorism against the United States”.*

18 (2) *In 2004, the Supreme Court held in Hamdi*
19 *v. Rumsfeld that the AUMF authorized the President*
20 *to detain individuals, including a United States cit-*
21 *izen captured in Afghanistan and later detained in*
22 *the United States, legitimately determined to be “en-*
23 *gaged in armed conflict against the United States”*
24 *until the end of hostilities, noting that “[W]e under-*
25 *stand Congress’ grant of authority for the use of ‘nec-*

1 *essary and appropriate force' to include the authority*
2 *to detain for the duration of the relevant conflict, and*
3 *our understanding is based on longstanding law-of-*
4 *war principles”.*

5 *(3) The Court reaffirmed the long-standing prin-*
6 *ciple of American law that a United States citizen*
7 *may not be detained in the United States pursuant*
8 *to the AUMF without due process of law, stating the*
9 *following:*

10 *(A) “Striking the proper constitutional bal-*
11 *ance here is of great importance to the Nation*
12 *during this period of ongoing combat. But it is*
13 *equally vital that our calculus not give short*
14 *shrift to the values that this country holds dear*
15 *or to the privilege that is American citizenship.”.*

16 *(B) “It is during our most challenging and*
17 *uncertain moments that our Nation’s commit-*
18 *ment to due process is most severely tested; and*
19 *it is in those times that we must preserve our*
20 *commitment at home to the principles for which*
21 *we fight abroad.”.*

22 *(C) “[A] state of war is not a blank check*
23 *for the President when it comes to the rights of*
24 *the Nation’s citizens.”.*

1 (D) “[A]bsent suspension, the writ of habeas
2 *corpus* remains available to every individual de-
3 tained within the United States.”.

4 (E) “All agree suspension of the writ has
5 not occurred here.”.

6 (F) “[A]n enemy combatant must receive
7 notice of the factual basis for his classification,
8 and a fair opportunity to rebut the Govern-
9 ment’s factual assertions before a neutral deci-
10 sionmaker.”.

11 (G) “Whatever power the United States
12 Constitution envisions for the Executive in its
13 exchanges with other nations or with enemy or-
14 ganizations in times of conflict, it most as-
15 suredly envisions a role for all three branches
16 when individual liberties are at stake.”.

17 (H) “[U]nless Congress acts to suspend it,
18 the Great Writ of habeas corpus allows the Judi-
19 cial Branch to play a necessary role in main-
20 taining this delicate balance of governance, serv-
21 ing as an important judicial check on the Execu-
22 tive’s discretion in the realm of detentions.”.

23 (I) “We reaffirm today the fundamental na-
24 ture of a citizen’s right to be free from involun-
25 tary confinement by his own government without

1 *due process of law, and we weigh the opposing*
2 *governmental interests against the curtailment of*
3 *liberty that such confinement entails.”.*

4 (4) *In 2008, in *Boumediene v. Bush*, the Su-*
5 *preme Court also extended the constitutional right to*
6 *habeas corpus to the foreign detainees held pursuant*
7 *to the AUMF at the United States Naval Station,*
8 *Guantanamo Bay, Cuba.*

9 (5) *Chapter 47A of title 10, United States Code,*
10 *as originally enacted by the Military Commissions*
11 *Act of 2006 (Public Law 109–366), only allows for*
12 *prosecution of foreign terrorists by military commis-*
13 *sion.*

14 (6) *In 2011, with the enactment of the National*
15 *Defense Authorization Act for Fiscal Year 2012 (Pub-*
16 *lic Law 112–81), Congress and the President affirmed*
17 *the authority of the Armed Forces of the United*
18 *States to detain pursuant to the AUMF a person who*
19 *planned, authorized, committed, or aided the terrorist*
20 *attacks that occurred on September 11, 2001, or har-*
21 *bored those responsible for those attacks, or a person*
22 *who was a part of or substantially supported al-*
23 *Qaeda, the Taliban, or associated forces that are en-*
24 *gaged in hostilities against the United States or its*
25 *coalition partners, including any person who has*

1 committed a belligerent act or has directly supported
2 such hostilities in aid of such enemy forces.

3 (7) *The interpretation of the detention authority*
4 *provided by the AUMF under the National Defense*
5 *Authorization Act for Fiscal Year 2012 is the same as*
6 *the interpretation used by the Obama administration*
7 *in its legal filings in Federal court and is nearly*
8 *identical to the interpretation used by the Bush ad-*
9 *ministration. This interpretation has also been*
10 *upheld by the United States Court of Appeals for the*
11 *District of Columbia Circuit.*

12 (8) *Such Act also requires the Secretary of De-*
13 *fense to regularly brief Congress regarding the appli-*
14 *cation of the detention authority provided by the*
15 *AUMF.*

16 (9) *Section 1021 of such Act states that “Nothing*
17 *in this section shall be construed to affect existing law*
18 *or authorities relating to the detention of United*
19 *States citizens, lawful resident aliens of the United*
20 *States, or any other persons who are captured or ar-*
21 *rested in the United States.”.*

22 **SEC. 1032. FINDINGS REGARDING HABEAS CORPUS RIGHTS.**

23 *Congress finds the following:*

24 (1) *Article 1, section 9 of the Constitution states*
25 *“The Privilege of the Writ of Habeas Corpus shall not*

1 *be suspended, unless when in Cases of Rebellion or In-*
2 *vasion the public Safety may require it.”.*

3 (2) *Regarding the Great Writ, the Supreme*
4 *Court has noted “The writ of habeas corpus is the*
5 *fundamental instrument for safeguarding individual*
6 *freedom against arbitrary and lawless state action.”.*

7 **SEC. 1033. HABEAS CORPUS RIGHTS.**

8 *Nothing in the Authorization for Use of Military Force*
9 *(Public Law 107–40; 50 U.S.C. 1541 note) or the National*
10 *Defense Authorization Act for Fiscal Year 2012 (Public*
11 *Law 112–81) shall be construed to deny the availability of*
12 *the writ of habeas corpus in a court ordained or established*
13 *by or under Article III of the Constitution for any person*
14 *who is detained in the United States pursuant to the Au-*
15 *thorization for Use of Military Force (Public Law 107–40;*
16 *50 U.S.C. 1541 note).*

17 **SEC. 1034. EXTENSION OF AUTHORITY TO MAKE REWARDS**
18 **FOR COMBATING TERRORISM.**

19 (a) *EXTENSION.*—*Section 127b(c)(3)(C) of title 10,*
20 *United States Code, is amended by striking “September 30,*
21 *2013” and inserting “September 30, 2014”.*

22 (b) *REPORT TO CONGRESS.*—*Not later than 180 days*
23 *after the date of the enactment of this Act, the Secretary*
24 *of Defense shall submit to the congressional defense commit-*
25 *tees a report that outlines the future requirements and au-*

1 *thorities to make rewards for combating terrorism. The re-*
2 *port shall include—*

3 (1) *an analysis of future requirements under sec-*
4 *tion 127b of title 10, United States Code;*

5 (2) *a detailed description of requirements for re-*
6 *wards in support of operations with allied forces; and*

7 (3) *an overview of geographic combatant com-*
8 *mander requirements through September 30, 2014.*

9 **SEC. 1035. PROHIBITION ON TRAVEL TO THE UNITED**
10 **STATES FOR CERTAIN DETAINEES REPATRI-**
11 **ATED TO THE FEDERATED STATES OF MICRO-**
12 **NESIA, THE REPUBLIC OF PALAU, AND THE**
13 **REPUBLIC OF THE MARSHALL ISLANDS.**

14 (a) *PROHIBITION ON TRAVEL TO THE UNITED*
15 *STATES.—Notwithstanding any provision of the applicable*
16 *Compact of Free Association described in subsection (c), an*
17 *individual described in subsection (b) who has been repatri-*
18 *ated to the Federated States of Micronesia, the Republic of*
19 *the Marshall Islands, or the Republic of Palau may not be*
20 *afforded the rights and benefits put forth in section 141 of*
21 *such applicable Compact of Free Association.*

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

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

1 (2) *is or was located at United States Naval*
2 *Station, Guantanamo Bay, Cuba, on or after Sep-*
3 *tember 11, 2001, while—*

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

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

8 (c) *APPLICABLE COMPACT OF FREE ASSOCIATION.—*

9 *The applicable Compact of Free Association described in*
10 *this subsection is—*

11 (1) *with respect to an individual repatriated to*
12 *the Federal States of Micronesia, the Compact of Free*
13 *Association, as amended, between the Government of*
14 *the United States of America and the Government of*
15 *the Federated States of Micronesia as set forth in sec-*
16 *tion 201(a) of the Compact of Free Association*
17 *Amendments Act of 2003 (Public Law 108–188; 48*
18 *U.S.C. 1921 note);*

19 (2) *with respect to an individual repatriated to*
20 *the Republic of the Marshall Islands, the Compact of*
21 *Free Association, as amended, between the Govern-*
22 *ment of the United States of America and the Govern-*
23 *ment of the Republic of the Marshall Islands as set*
24 *forth in section 201(b) of the Compact of Free Asso-*

1 *ciation Amendments Act of 2003 (Public Law 108–*
2 *188; 48 U.S.C. 1921 note); and*

3 *(3) with respect to an individual repatriated to*
4 *the Republic of Palau, the Compact of Free Associa-*
5 *tion between the Government of the United States of*
6 *America and the Government of Palau as set forth in*
7 *section 201 of the joint resolution entitled “A Joint*
8 *Resolution to approve the ‘Compact of Free Associa-*
9 *tion’ between the United States and the Government*
10 *of Palau, and for other purposes”, approved Novem-*
11 *ber 14, 1986 (Public Law 99–658; 48 U.S.C. 1931*
12 *note).*

13 **SEC. 1036. PROHIBITION ON THE USE OF FUNDS FOR THE**
14 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**
15 **TAINED AT UNITED STATES NAVAL STATION,**
16 **GUANTANAMO BAY, CUBA.**

17 *None of the funds authorized to be appropriated by this*
18 *Act for fiscal year 2013 may be used to transfer, release,*
19 *or assist in the transfer or release to or within the United*
20 *States, its territories, or possessions of Khalid Sheikh Mo-*
21 *ammed or any other detainee who—*

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

1 (2) *is or was held on or after January 20, 2009,*
2 *at United States Naval Station, Guantanamo Bay,*
3 *Cuba, by the Department of Defense.*

4 **SEC. 1037. REQUIREMENTS FOR CERTIFICATIONS RELAT-**
5 **ING TO THE TRANSFER OF DETAINEES AT**
6 **UNITED STATES NAVAL STATION, GUANTA-**
7 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**
8 **AND OTHER FOREIGN ENTITIES.**

9 (a) *CERTIFICATION REQUIRED PRIOR TO TRANS-*
10 *FER.—*

11 (1) *IN GENERAL.—Except as provided in para-*
12 *graph (2) and subsection (d), the Secretary of Defense*
13 *may not use any amounts authorized to be appro-*
14 *priated or otherwise available to the Department of*
15 *Defense for fiscal year 2013 to transfer any indi-*
16 *vidual detained at Guantanamo to the custody or*
17 *control of the individual's country of origin, any*
18 *other foreign country, or any other foreign entity un-*
19 *less the Secretary submits to Congress the certification*
20 *described in subsection (b) not later than 30 days be-*
21 *fore the transfer of the individual.*

22 (2) *EXCEPTION.—Paragraph (1) shall not apply*
23 *to any action taken by the Secretary to transfer any*
24 *individual detained at Guantanamo to effectuate an*
25 *order affecting the disposition of the individual that*

1 *is issued by a court or competent tribunal of the*
2 *United States having lawful jurisdiction (which the*
3 *Secretary shall notify Congress of promptly after*
4 *issuance).*

5 *(b) CERTIFICATION.—A certification described in this*
6 *subsection is a written certification made by the Secretary*
7 *of Defense, with the concurrence of the Secretary of State*
8 *and in consultation with the Director of National Intel-*
9 *ligence, that—*

10 *(1) the government of the foreign country or the*
11 *recognized leadership of the foreign entity to which*
12 *the individual detained at Guantanamo is to be*
13 *transferred—*

14 *(A) is not a designated state sponsor of ter-*
15 *rorism or a designated foreign terrorist organi-*
16 *zation;*

17 *(B) maintains control over each detention*
18 *facility in which the individual is to be detained*
19 *if the individual is to be housed in a detention*
20 *facility;*

21 *(C) is not, as of the date of the certification,*
22 *facing a threat that is likely to substantially af-*
23 *fect its ability to exercise control over the indi-*
24 *vidual;*

1 (D) has taken or agreed to take effective ac-
2 tions to ensure that the individual cannot take
3 action to threaten the United States, its citizens,
4 or its allies in the future;

5 (E) has taken or agreed to take such actions
6 as the Secretary of Defense determines are nec-
7 essary to ensure that the individual cannot en-
8 gage or reengage in any terrorist activity; and

9 (F) has agreed to share with the United
10 States any information that—

11 (i) is related to the individual or any
12 associates of the individual; and

13 (ii) could affect the security of the
14 United States, its citizens, or its allies; and

15 (2) includes an assessment, in classified or un-
16 classified form, of the capacity, willingness, and past
17 practices (if applicable) of the foreign country or enti-
18 ty in relation to the Secretary's certifications.

19 (c) *PROHIBITION IN CASES OF PRIOR CONFIRMED RE-*
20 *CIDIVISM.—*

21 (1) *PROHIBITION.—*Except as provided in para-
22 graph (2) and subsection (d), the Secretary of Defense
23 may not use any amounts authorized to be appro-
24 priated or otherwise made available to the Depart-
25 ment of Defense to transfer any individual detained

1 at Guantanamo to the custody or control of the indi-
2 vidual's country of origin, any other foreign country,
3 or any other foreign entity if there is a confirmed
4 case of any individual who was detained at United
5 States Naval Station, Guantanamo Bay, Cuba, at
6 any time after September 11, 2001, who was trans-
7 ferred to such foreign country or entity and subse-
8 quently engaged in any terrorist activity.

9 (2) *EXCEPTION.*—Paragraph (1) shall not apply
10 to any action taken by the Secretary to transfer any
11 individual detained at Guantanamo to effectuate an
12 order affecting the disposition of the individual that
13 is issued by a court or competent tribunal of the
14 United States having lawful jurisdiction (which the
15 Secretary shall notify Congress of promptly after
16 issuance).

17 (d) *NATIONAL SECURITY WAIVER.*—

18 (1) *IN GENERAL.*—The Secretary of Defense may
19 waive the applicability to a detainee transfer of a cer-
20 tification requirement specified in subparagraph (D)
21 or (E) of subsection (b)(1) or the prohibition in sub-
22 section (c), if the Secretary certifies the rest of the cri-
23 teria required by subsection (b) for transfers prohib-
24 ited by subsection (c) and, with the concurrence of the

1 *Secretary of State and in consultation with the Direc-*
2 *tor of National Intelligence, determines that—*

3 *(A) alternative actions will be taken to ad-*
4 *dress the underlying purpose of the requirement*
5 *or requirements to be waived;*

6 *(B) in the case of a waiver of subparagraph*
7 *(D) or (E) of subsection (b)(1), it is not possible*
8 *to certify that the risks addressed in the para-*
9 *graph to be waived have been completely elimi-*
10 *nated, but the actions to be taken under subpara-*
11 *graph (A) will substantially mitigate such risks*
12 *with regard to the individual to be transferred;*

13 *(C) in the case of a waiver of subsection (c),*
14 *the Secretary has considered any confirmed case*
15 *in which an individual who was transferred to*
16 *the country subsequently engaged in terrorist ac-*
17 *tivity, and the actions to be taken under sub-*
18 *paragraph (A) will substantially mitigate the*
19 *risk of recidivism with regard to the individual*
20 *to be transferred; and*

21 *(D) the transfer is in the national security*
22 *interests of the United States.*

23 *(2) REPORTS.—Whenever the Secretary makes a*
24 *determination under paragraph (1), the Secretary*
25 *shall submit to the appropriate committees of Con-*

1 *gress, not later than 30 days before the transfer of the*
2 *individual concerned, the following:*

3 *(A) A copy of the determination and the*
4 *waiver concerned.*

5 *(B) A statement of the basis for the deter-*
6 *mination, including—*

7 *(i) an explanation why the transfer is*
8 *in the national security interests of the*
9 *United States; and*

10 *(ii) in the case of a waiver of subpara-*
11 *graph (D) or (E) of subsection (b)(1), an*
12 *explanation why it is not possible to certify*
13 *that the risks addressed in the subpara-*
14 *graph to be waived have been completely*
15 *eliminated.*

16 *(C) A summary of the alternative actions to*
17 *be taken to address the underlying purpose of,*
18 *and to mitigate the risks addressed in, the sub-*
19 *paragraph or subsection to be waived.*

20 *(D) The assessment required by subsection*
21 *(b)(2).*

22 *(e) DEFINITIONS.—In this section:*

23 *(1) The term “appropriate committees of Con-*
24 *gress” means—*

1 (A) *the Committee on Armed Services, the*
2 *Committee on Appropriations, and the Select*
3 *Committee on Intelligence of the Senate; and*

4 (B) *the Committee on Armed Services, the*
5 *Committee on Appropriations, and the Perma-*
6 *nent Select Committee on Intelligence of the*
7 *House of Representatives.*

8 (2) *The term “individual detained at Guanta-*
9 *namo” means any individual located at United*
10 *States Naval Station, Guantanamo Bay, Cuba, as of*
11 *October 1, 2009, who—*

12 (A) *is not a citizen of the United States or*
13 *a member of the Armed Forces of the United*
14 *States; and*

15 (B) *is—*

16 (i) *in the custody or under the control*
17 *of the Department of Defense; or*

18 (ii) *otherwise under detention at*
19 *United States Naval Station, Guantanamo*
20 *Bay, Cuba.*

21 (3) *The term “foreign terrorist organization”*
22 *means any organization so designated by the Sec-*
23 *retary of State under section 219 of the Immigration*
24 *and Nationality Act (8 U.S.C. 1189).*

1 **SEC. 1038. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
2 **OR MODIFY FACILITIES IN THE UNITED**
3 **STATES TO HOUSE DETAINEES TRANS-**
4 **FERRED FROM UNITED STATES NAVAL STA-**
5 **TION, GUANTANAMO BAY, CUBA.**

6 (a) *IN GENERAL.*—No amounts authorized to be ap-
7 propriated or otherwise made available to the Department
8 of Defense for fiscal year 2013 may be used to construct
9 or modify any facility in the United States, its territories,
10 or possessions to house any individual detained at Guanta-
11 namo for the purposes of detention or imprisonment in the
12 custody or under the control of the Department of Defense
13 unless authorized by Congress.

14 (b) *EXCEPTION.*—The prohibition in subsection (a)
15 shall not apply to any modification of facilities at United
16 States Naval Station, Guantanamo Bay, Cuba.

17 (c) *INDIVIDUAL DETAINED AT GUANTANAMO DE-*
18 *FINED.*—In this section, the term “individual detained at
19 Guantanamo” has the meaning given that term in section
20 1037(e)(2).

21 **SEC. 1039. REPORTS ON RECIDIVISM OF INDIVIDUALS DE-**
22 **TAINED AT UNITED STATES NAVAL STATION,**
23 **GUANTANAMO BAY, CUBA, THAT HAVE BEEN**
24 **TRANSFERRED TO FOREIGN COUNTRIES.**

25 (a) *REPORT ON FACTORS CAUSING OR CONTRIBUTING*
26 *TO RECIDIVISM.*—Not later than 60 days after the date of

1 *the enactment of this Act, and annually thereafter for five*
2 *years, the Director of the Defense Intelligence Agency, in*
3 *consultation with the head of each element of the intelligence*
4 *community that the Director considers appropriate, shall*
5 *submit to the covered congressional committees a report as-*
6 *sessing the factors that cause or contribute to the recidivism*
7 *of individuals detained at Guantanamo that are transferred*
8 *or released to a foreign country, including a discussion of*
9 *trends, by country and region, where recidivism has oc-*
10 *curred.*

11 **(b) REPORT ON EFFECTIVENESS OF INTERNATIONAL**
12 *AGREEMENTS.—Not later than 60 days after the date of the*
13 *enactment of this Act, the Secretary of State, with the con-*
14 *currence of the Secretary of Defense, shall submit to the cov-*
15 *ered congressional committees, the Committee on Foreign*
16 *Affairs of the House of Representatives, and the Committee*
17 *on Foreign Relations of the Senate a report assessing the*
18 *effectiveness of international agreements relating to the*
19 *transfer or release of individuals detained at Guantanamo*
20 *between the United States and each foreign country to*
21 *which an individual detained at Guantanamo has been*
22 *transferred or released.*

23 **(c) FORM.—***The reports required under subsections (a)*
24 *and (b) shall be submitted in unclassified form, but may*
25 *include a classified annex.*

1 (d) *DEFINITIONS.—In this section:*

2 (1) *COVERED CONGRESSIONAL COMMITTEES.—*

3 *The term “covered congressional committees”*
4 *means—*

5 (A) *the Committee on Armed Services and*
6 *the Permanent Select Committee on Intelligence*
7 *of the House of Representatives; and*

8 (B) *the Committee on Armed Services and*
9 *the Select Committee on Intelligence of the Sen-*
10 *ate.*

11 (2) *INDIVIDUAL DETAINED AT GUANTANAMO.—*

12 *The term “individual detained at Guantanamo”*
13 *means any individual that is or was located at*
14 *United States Naval Station, Guantanamo Bay,*
15 *Cuba, who—*

16 (A) *is not a citizen of the United States or*
17 *a member of the Armed Forces of the United*
18 *States; and*

19 (B) *is or was—*

20 (i) *in the custody or under the control*
21 *of the Department of Defense; or*

22 (ii) *otherwise under detention at*
23 *United States Naval Station, Guantanamo*
24 *Bay, Cuba.*

1 **SEC. 1040. NOTICE AND REPORT ON USE OF NAVAL VES-**
2 **SELS FOR DETENTION OF INDIVIDUALS CAP-**
3 **TURED OUTSIDE AFGHANISTAN PURSUANT**
4 **TO THE AUTHORIZATION FOR USE OF MILI-**
5 **TARY FORCE.**

6 (a) *NOTICE TO CONGRESS.*—Not later than 5 days
7 after first detaining an individual who is captured pursu-
8 ant to the Authorization for Use of Military Force on a
9 naval vessel outside the United States, the Secretary of De-
10 fense shall submit to the Committees on Armed Services of
11 the Senate and House of Representatives notice of the deten-
12 tion.

13 (b) *REPORT.*—

14 (1) *IN GENERAL.*—Not later than 90 days after
15 the date of the enactment of this Act, the Secretary of
16 Defense shall submit to the Committees on Armed
17 Services of the Senate and House of Representatives
18 a report on the use of naval vessels for the detention
19 outside the United States of any individual who is
20 captured pursuant to the Authorization for Use of
21 Military Force (Public Law 107–40; 50 U.S.C. 1541
22 note). Such report shall include—

23 (A) procedures and any limitations on de-
24 taining such individuals at sea on board United
25 States naval vessels;

1 (B) an assessment of any force protection
2 issues associated with detaining such individuals
3 on such vessels;

4 (C) an assessment of the likely effect of such
5 detentions on the original mission of the naval
6 vessel; and

7 (D) any restrictions on long-term detention
8 of individuals on United States naval vessels.

9 (2) *FORM OF REPORT.*—The report required
10 under paragraph (1) shall be submitted in unclassi-
11 fied form but may contain a classified annex.

12 **SEC. 1041. NOTICE REQUIRED PRIOR TO TRANSFER OF CER-**
13 **TAIN INDIVIDUALS DETAINED AT THE DETEN-**
14 **TION FACILITY AT PARWAN, AFGHANISTAN.**

15 (a) *NOTICE REQUIRED.*—The Secretary of Defense
16 shall submit to the appropriate congressional committees
17 notice in writing of the proposed transfer of any individual
18 detained pursuant to the Authorization for Use of Military
19 Force (Public Law 107–40; 50 U.S.C. 1541 note) who is
20 a national of a country other than the United States or
21 Afghanistan from detention at the Detention Facility at
22 Parwan, Afghanistan, to the custody of the Government of
23 Afghanistan or of any other country. Such notice shall be
24 provided not later than 10 days before such a transfer may
25 take place.

1 (b) *ADDITIONAL ASSESSMENTS AND CERTIFI-*
2 *CATIONS.*—*As part of the notice required under subsection*
3 *(a), the Secretary shall include the following:*

4 (1) *In the case of the proposed transfer of such*
5 *an individual by reason of the individual being re-*
6 *leased, an assessment of the threat posed by the indi-*
7 *vidual and the security environment of the country to*
8 *which the individual is to be transferred.*

9 (2) *In the case of the proposed transfer of such*
10 *an individual to a country other than Afghanistan*
11 *for the purpose of the prosecution of the individual,*
12 *a certification that an assessment has been conducted*
13 *regarding the capacity, willingness, and historical*
14 *track record of the country with respect to prosecuting*
15 *similar cases, including a description of the evidence*
16 *against the individual that is likely to be admissible*
17 *as part of the prosecution.*

18 (3) *In the case of the proposed transfer of such*
19 *an individual for reintegration or rehabilitation in a*
20 *country other than Afghanistan, a certification that*
21 *an assessment has been conducted regarding the ca-*
22 *capacity, willingness, and historical track records of the*
23 *country for reintegrating or rehabilitating similar in-*
24 *dividuals.*

1 (4) *In the case of the proposed transfer of such*
2 *an individual to the custody of the government of Af-*
3 *ghanistan for prosecution or detention, a certification*
4 *that an assessment has been conducted regarding the*
5 *capacity, willingness, and historical track record of*
6 *Afghanistan to prosecute or detain long-term such in-*
7 *dividuals.*

8 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
9 *FINED.—In this section, the term “appropriate congres-*
10 *sional committees” means the Committee on Armed Services*
11 *and the Committee on Foreign Affairs of the House of Rep-*
12 *resentatives and the Committee on Armed Services and the*
13 *Committee on Foreign Relations of the Senate.*

14 **SEC. 1042. REPORT ON RECIDIVISM OF INDIVIDUALS FOR-**
15 **MERLY DETAINED AT THE DETENTION FACIL-**
16 **ITY AT PARWAN, AFGHANISTAN.**

17 (a) *REPORT.—Not later than 90 days after the date*
18 *of the enactment of this Act, the Secretary of Defense shall*
19 *submit to the relevant congressional committees a report*
20 *that—*

21 (1) *assesses recidivism rates and the factors that*
22 *cause or contribute to the recidivism of individuals*
23 *formerly detained at the Detention Facility at*
24 *Parwan, Afghanistan, who are transferred or released,*
25 *with particular emphasis on individuals transferred*

1 *or released in connection with reconciliation efforts or*
2 *peace negotiations; and*

3 (2) *includes a general rationale of the Com-*
4 *mander, International Security Assistance Force, as*
5 *to why such individuals were released.*

6 (b) *FORM.—The report required under subsection (a)*
7 *shall be submitted in unclassified form, but may include*
8 *a classified annex.*

9 (c) *RELEVANT CONGRESSIONAL COMMITTEES DE-*
10 *FINED.—In this section, the term “relevant congressional*
11 *committees” means—*

12 (1) *the Committee on Armed Services and the*
13 *Committee on Foreign Relations of the Senate; and*

14 (2) *the Committee on Armed Services and the*
15 *Committee on Foreign Affairs of the House of Rep-*
16 *resentatives.*

17 **SEC. 1043. ADDITIONAL REQUIREMENTS RELATING TO THE**
18 **TRANSFER OF INDIVIDUALS DETAINED AT**
19 **GUANTANAMO TO FOREIGN COUNTRIES AND**
20 **OTHER FOREIGN ENTITIES.**

21 *Section 1028 of the National Defense Authorization*
22 *Act for Fiscal Year 2012 (Public Law 112–81) is amend-*
23 *ed—*

24 (1) *in subsection (a)(1)—*

1 (A) by striking “the certification described
2 in subsection (b) not later than 30 days before
3 the transfer of the individual” and inserting “by
4 not later than 90 days before the transfer each
5 of the following;”; and

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

8 “(A) The certification described in sub-
9 section (b).

10 “(B) An assessment of the likelihood that
11 the individual to be transferred will engage in
12 terrorist activity after the transfer takes place.

13 “(C) A detailed summary, in classified or
14 unclassified form, of the individual’s history of
15 associations with foreign terrorist organizations
16 and the individual’s record of cooperation while
17 in the custody of or under the effective control of
18 the Department of Defense.”; and

19 (2) in subsection (d)(2) —

20 (A) by striking “30 days” and inserting
21 “90 days”; and

22 (B) by adding at the end the following new
23 subparagraphs:

1 “(E) An assessment of the likelihood that
2 the individual to be transferred will engage in
3 terrorist activity after the transfer takes place.

4 “(F) A detailed summary, in classified or
5 unclassified form, of the individual’s history of
6 associations with foreign terrorist organizations
7 and the individual’s record of cooperation while
8 in the custody of or under the effective control of
9 the Department of Defense.”.

10 **Subtitle E—Nuclear Forces**

11 **SEC. 1051. NUCLEAR WEAPONS EMPLOYMENT STRATEGY OF** 12 **THE UNITED STATES.**

13 (a) *SENSE OF CONGRESS.*—Subsection (a) of section
14 1046 of the National Defense Authorization Act for Fiscal
15 Year 2012 (Public Law 112–81; 125 Stat. 1579) is amended
16 to read as follows:

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

19 “(1) any future modification to the nuclear
20 weapons employment strategy, plans, and options of
21 the United States should maintain or enhance the
22 ability of the nuclear forces of the United States to
23 support the goals of the United States with respect to
24 nuclear deterrence, extended deterrence, and assur-

1 *ances for allies, and the defense of the United States;*
2 *and*

3 *“(2) the oversight responsibility of Congress in-*
4 *cludes oversight of the nuclear weapons employment*
5 *strategy, plans, and options of the United States and*
6 *that therefore the Chairmen and Ranking Members of*
7 *the Committees on Armed Services of the Senate and*
8 *House of Representatives, and such professional staff*
9 *as they designate, should have access to the nuclear*
10 *weapons employment strategy, plans, and options of*
11 *the United States.”.*

12 *(b) REPORTS ON STRATEGY.—Section 491 of title 10,*
13 *United States Code, is—*

14 *(1) transferred to chapter 24 of such title, as*
15 *added by subsection (c)(1); and*

16 *(2) amended—*

17 *(A) in the heading, by inserting “**weap-***
18 ***ons**” after “**Nuclear**”;*

19 *(B) by striking “nuclear employment strat-*
20 *egy” each place it appears and inserting “nu-*
21 *clear weapons employment strategy”;*

22 *(C) in paragraph (1)—*

23 *(i) by inserting “the” after “modifica-*
24 *tions to”; and*

1 (ii) by inserting “, plans, and options”
2 after “employment strategy”;

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

5 “(4) the extent to which such modifications in-
6 clude an increased reliance on conventional or non-
7 nuclear global strike capabilities or missile defenses of
8 the United States.”;

9 (E) by striking “On the date” and inserting
10 “(a) REPORTS.—On the date”; and

11 (F) by adding at the end the following new
12 subsection:

13 “(b) ANNUAL BRIEFINGS.—Not later than March 15
14 of each year, the Secretary of Defense shall provide to the
15 congressional defense committees a briefing regarding the
16 nuclear weapons employment strategy, plans, and options
17 of the United States.”.

18 (c) CLERICAL AND CONFORMING AMENDMENTS.—

19 (1) CHAPTER 24.—Part I of subtitle A of title 10,
20 United States Code, is amended by adding at the end
21 the following new chapter:

22 **“CHAPTER 24—NUCLEAR POSTURE**

“Sec.

“491. Nuclear weapons employment strategy of the United States: modification of
strategy.”.

23 (2) TABLE OF CHAPTERS.—The table of chapters
24 at the beginning of subtitle A of title 10, United

1 *States Code, and at the beginning of part I of such*
 2 *subtitle, are each amended by inserting after the item*
 3 *relating to chapter 23 the following new item:*

“24. Nuclear posture 491”.

4 (3) *TRANSFER OF PROVISIONS.—*

5 (A) *CHAPTER 23.—Chapter 23 of title 10,*
 6 *United States Code, is amended as follows:*

7 (i) *Section 490a is—*

8 (I) *transferred to chapter 24 of*
 9 *such title, as added by paragraph (1);*

10 (II) *inserted after section 491 of*
 11 *such title, as added to such chapter 24*
 12 *by subsection (b)(1); and*

13 (III) *redesignated as section 492.*

14 (ii) *The table of sections at the begin-*
 15 *ning of such chapter 23 is amended by*
 16 *striking the items relating to sections 490a*
 17 *and 491.*

18 (B) *FY12 NDAA.—Section 1077 of the Na-*
 19 *tional Defense Authorization Act for Fiscal Year*
 20 *2012 (Public Law 112–81; 50 U.S.C. 2514) is—*

21 (i) *transferred to chapter 24 of title 10,*
 22 *United States Code, as added by paragraph*
 23 *(1);*

24 (ii) *inserted after section 492 of such*
 25 *title, as added by subparagraph (A)(i);*

1 (iii) redesignated as section 493; and
 2 (iv) amended by striking “the date of
 3 the enactment of this Act” and inserting
 4 “December 31, 2011,”.

5 (C) CHAPTER 24.—The table of sections at
 6 the beginning of chapter 24 of title 10, United
 7 States Code, as added by paragraph (1), is
 8 amended by inserting after the item relating to
 9 section 491 the following new items:

“492. Biennial assessment and report on the delivery platforms for nuclear weap-
 ons and the nuclear command and control system.

“493. Reports to Congress on the modification of the force structure for the stra-
 tegic nuclear weapons delivery systems of the United States.”.

10 (4) CONFORMING AMENDMENT.—Section 1041(b)
 11 of the National Defense Authorization Act for Fiscal
 12 Year 2012 (Public Law 112–81; 125 Stat. 1574) is
 13 amended by striking “section 490a of title 10, United
 14 States Code, as added by subsection (a),” and insert-
 15 ing “section 492 of title 10, United States Code,”.

16 **SEC. 1052. COMMITMENTS FOR NUCLEAR WEAPONS STOCK-**
 17 **PILE MODERNIZATION.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) In 2008, then Secretary of Defense Robert
 20 Gates warned that “to be blunt, there is absolutely no
 21 way we can maintain a credible deterrent and reduce
 22 the number of weapons in our stockpile without either

1 *resorting to testing our stockpile or pursuing a mod-*
2 *ernization program.”.*

3 (2) *Secretary Gates also warned in September*
4 *2009 that modernization is a prerequisite to nuclear*
5 *force reductions, stating that modernizing the nuclear*
6 *capability of the United States is an “enabler of arms*
7 *control and our ability to reduce the size of our nu-*
8 *clear stockpile. When we have more confidence in the*
9 *long-term viability of our weapons systems, then our*
10 *ability to reduce the number of weapons we must keep*
11 *in the stockpile is enhanced.”.*

12 (3) *President Obama’s 2010 Nuclear Posture Re-*
13 *view stated that—*

14 (A) *“In order to sustain a safe, secure, and*
15 *effective U.S. nuclear stockpile as long as nuclear*
16 *weapons exist, the United States must possess a*
17 *modern physical infrastructure—comprised of*
18 *the national security laboratories and a complex*
19 *of supporting facilities.”; and*

20 (B) *“[I]mplementation of the Stockpile*
21 *Stewardship Program and the nuclear infra-*
22 *structure investments recommended in the NPR*
23 *will allow the United States to shift away from*
24 *retaining large numbers of non-deployed war-*
25 *heads as a hedge against technical or geopolitical*

1 *surprise, allowing major reductions in the nu-*
2 *clear stockpile. These investments are essential to*
3 *facilitating reductions while sustaining deter-*
4 *rence under New START and beyond.”.*

5 *(4) Section 1251 of the National Defense Author-*
6 *ization Act for Fiscal Year 2010 (Public Law 111-*
7 *84; 123 Stat. 2549) required the President to submit*
8 *a report to Congress on the plan for the nuclear*
9 *weapons stockpile, nuclear weapons complex, and de-*
10 *livery platforms at the time a follow-on treaty to the*
11 *Strategic Arms Reduction Treaty was submitted by*
12 *the President to the Senate. The President submitted*
13 *such report in May 2010 and submitted updates in*
14 *November 2010 and February 2011.*

15 *(5) Such section 1251 also contained a sense of*
16 *Congress that “the enhanced safety, security, and reli-*
17 *ability of the nuclear weapons stockpile, moderniza-*
18 *tion of the nuclear weapons complex, and mainte-*
19 *nance of nuclear delivery systems are key to enabling*
20 *further reductions in the nuclear forces of the United*
21 *States.”.*

22 *(6) Forty-one Senators wrote to President*
23 *Obama on December 15, 2009, stating, “we don’t be-*
24 *lieve further reductions can be in the national secu-*

1 *urity interest of the U.S. in the absence of a significant*
2 *program to modernize our nuclear deterrent.”.*

3 *(7) Former Secretary of Defense and Secretary of*
4 *Energy James Schlesinger stated, while testifying be-*
5 *fore the Committee on Foreign Relations of the Senate*
6 *in April 2010, “I believe that it is immensely impor-*
7 *tant for the Senate to ensure, what the Administra-*
8 *tion has stated as its intent, i.e., that there be a ro-*
9 *bust plan with a continuation of its support over the*
10 *full 10 years, before it proceeds to ratify this START*
11 *follow-on treaty.”.*

12 *(8) Former Secretary of State James Baker stat-*
13 *ed in testimony before the Committee on Foreign Re-*
14 *lations of the Senate in May 2010 that “because our*
15 *security is based upon the safety and reliability of*
16 *our nuclear weapons, it is important that our Gov-*
17 *ernment budget enough money to guarantee that those*
18 *weapons can carry out their mission.”.*

19 *(9) Former Secretary of State Henry Kissinger*
20 *also stated in May 2010 while testifying before the*
21 *Committee on Foreign Relations of the Senate that*
22 *“as part of a number of recommendations, my col-*
23 *leagues, Bill Perry, George Shultz, Sam Nunn, and I*
24 *have called for significant investments in a repaired*

1 *and modernized nuclear weapons infrastructure and*
2 *added resources for the three national laboratories.”.*

3 (10) *Then Secretary of Defense Robert Gates,*
4 *while testifying before the Committee on Armed Serv-*
5 *ices of the Senate in June 2010, stated, “I see this*
6 *treaty as a vehicle to finally be able to get what we*
7 *need in the way of modernization that we have been*
8 *unable to get otherwise. . . . We are essentially the*
9 *only nuclear power in the world that is not carrying*
10 *out these kinds of modernization programs.”.*

11 (11) *Secretary Gates further stated that “I’ve*
12 *been up here for the last four springs trying to get*
13 *money for this and this is the first time I think I’ve*
14 *got a fair shot of actually getting money for our nu-*
15 *clear arsenal.”.*

16 (12) *The Directors of the national nuclear weap-*
17 *ons laboratories wrote to the chairman and ranking*
18 *member of the Committee on Foreign Relations of the*
19 *Senate in December 2010 that “We are very pleased*
20 *by the update to the Section 1251 Report, as it would*
21 *enable the laboratories to execute our requirements for*
22 *ensuring a safe, secure, reliable and effective stockpile*
23 *under the Stockpile Stewardship and Management*
24 *Plan. In particular, we are pleased because it clearly*
25 *responds to many of the concerns that we and others*

1 *have voiced in the past about potential future-year*
2 *funding shortfalls, and it substantially reduces risks*
3 *to the overall program. In summary, we believe that*
4 *the proposed budgets provide adequate support to sus-*
5 *tain the safety, security, reliability and effectiveness*
6 *of America’s nuclear deterrent within the limit of*
7 *1,550 deployed strategic warheads established by the*
8 *New START Treaty with adequate confidence and ac-*
9 *ceptable risk.”.*

10 (13) *President Obama pledged, in a December*
11 *2010 letter to several Senators, “I recognize that nu-*
12 *clear modernization requires investment for the long-*
13 *term. . . . That is my commitment to the Congress—*
14 *that my Administration will pursue these programs*
15 *and capabilities for as long as I am President.”.*

16 (14) *Secretary Gates added in May 2011 that,*
17 *“this modernization program was very carefully*
18 *worked out between ourselves and the Department of*
19 *Energy; and, frankly, where we came out on that*
20 *played a fairly significant role in the willingness of*
21 *the Senate to ratify the New START agreement.”.*

22 (15) *The Administrator for Nuclear Security,*
23 *Thomas D’Agostino, testified before Congress in No-*
24 *vember 2011 that, “it is critical to accept the linkage*
25 *between modernizing our current stockpile in order to*

1 *achieve the policy objective of decreasing the number*
2 *of weapons we have in our stockpile, while still ensur-*
3 *ing that the deterrent is safe, secure, and effective.”.*

4 **(b) NEW START TREATY DEFINED.**—*In this subtitle,*
5 *the term “New START Treaty” means the Treaty between*
6 *the United States of America and the Russian Federation*
7 *on Measures for the Further Reduction and Limitation of*
8 *Strategic Offensive Arms, signed on April 8, 2010, and en-*
9 *tered into force on February 5, 2011.*

10 **SEC. 1053. LIMITATION AND REPORT IN THE EVENT OF IN-**
11 **SUFFICIENT FUNDING FOR MODERNIZATION**
12 **OF NUCLEAR WEAPONS STOCKPILE.**

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

15 **(1)** *consistent with Condition 9 of the Resolution*
16 *of Advice and Consent to Ratification of the New*
17 *START Treaty of the Senate, agreed to on December*
18 *22, 2011, the United States is committed to ensuring*
19 *the safety, security, reliability, and credibility of its*
20 *nuclear forces; and*

21 **(2)** *the United States is committed to—*

22 **(A)** *proceeding with a robust stockpile stew-*
23 *ardship program and maintaining and modern-*
24 *izing nuclear weapons production capabilities*
25 *and capacities of the United States to ensure the*

1 *safety, security, reliability, and credibility of the*
2 *nuclear arsenal of the United States at the New*
3 *START Treaty levels and meeting requirements*
4 *for hedging against possible international devel-*
5 *opments or technical problems;*

6 *(B) reinvigorating and sustaining the nu-*
7 *clear security laboratories of the United States*
8 *and preserving the core nuclear weapons com-*
9 *petencies therein; and*

10 *(C) providing the resources needed to*
11 *achieve these objectives, at a minimum at the*
12 *levels set forth in the President's 10-year plan*
13 *provided to Congress in November 2010 pursu-*
14 *ant to section 1251 of the National Defense Au-*
15 *thorization Act for Fiscal Year 2010 (Public*
16 *Law 111–84; 123 Stat. 2549).*

17 **(b) INSUFFICIENT FUNDING REPORT AND LIMITA-**
18 **TION.—**

19 **(1) IN GENERAL.—***Paragraph (2) of section*
20 *1045(a) of the National Defense Authorization Act for*
21 *Fiscal Year 2012 (50 U.S.C. 2523b) is amended to*
22 *read as follows:*

23 **“(2) INSUFFICIENT FUNDING.—**

24 **“(A) REPORT.—***During each year in which*
25 *the New START Treaty is in force, if the Presi-*

1 *dent determines that an appropriations Act is*
2 *enacted that fails to meet the resource levels set*
3 *forth in the November 2010 update to the plan*
4 *referred to in section 1251 of the National De-*
5 *fense Authorization Act for Fiscal Year 2010*
6 *(Public Law 111–84; 123 Stat. 2549) or if at*
7 *any time determines that more resources are re-*
8 *quired to carry out such plan than were esti-*
9 *mated, the President shall submit to the appro-*
10 *priate congressional committees, within 60 days*
11 *of making such a determination, a report detail-*
12 *ing—*

13 *“(i) a plan to remedy the resource*
14 *shortfall;*

15 *“(ii) if more resources are required to*
16 *carry out the plan than were estimated—*

17 *“(I) the proposed level of funding*
18 *required; and*

19 *“(II) an identification of the*
20 *stockpile work, campaign, facility, site,*
21 *asset, program, operation, activity,*
22 *construction, or project for which addi-*
23 *tional funds are required;*

24 *“(iii) any effects caused by the shortfall*
25 *on the safety, security, reliability, or credi-*

1 *bility of the nuclear forces of the United*
2 *States; and*

3 “(iv) *whether and why, in light of the*
4 *shortfall, remaining a party to the New*
5 *START Treaty is in the national interest of*
6 *the United States.*

7 “(B) *LIMITATION.—If the President submits*
8 *a report under subparagraph (A), none of the*
9 *funds made available for fiscal year 2012 or any*
10 *fiscal year thereafter for the Department of De-*
11 *fense or the National Nuclear Security Adminis-*
12 *tration may be used to reduce the number of de-*
13 *ployed nuclear warheads until—*

14 “(i) *after the date on which such report*
15 *is submitted, the President certifies in writ-*
16 *ing to the appropriate congressional com-*
17 *mittees that the resource shortfall identified*
18 *in such report has been addressed; and*

19 “(ii) *a period of 120 days has elapsed*
20 *following the date on which such certifi-*
21 *cation is made.*

22 “(C) *EXCEPTION.—The limitation in sub-*
23 *paragraph (B) shall not apply to—*

24 “(i) *reductions made to ensure the safe-*
25 *ty, security, reliability, and credibility of*

1 *the nuclear weapons stockpile and strategic*
2 *delivery systems, including activities related*
3 *to surveillance, assessment, certification,*
4 *testing, and maintenance of nuclear war-*
5 *heads and strategic delivery systems; or*

6 “(ii) *nuclear warheads that are retired*
7 *or awaiting dismantlement on the date of*
8 *the report under subparagraph (A).*

9 “(D) *DEFINITIONS.—In this paragraph:*

10 “(i) *The term ‘appropriate congress-*
11 *sional committees’ means—*

12 “(I) *the congressional defense*
13 *committees; and*

14 “(II) *the Committee on Foreign*
15 *Relations of the Senate and the Com-*
16 *mittee on Foreign Affairs of the House*
17 *of Representatives.*

18 “(ii) *The term ‘New START Treaty’*
19 *means the Treaty between the United States*
20 *of America and the Russian Federation on*
21 *Measures for the Further Reduction and*
22 *Limitation of Strategic Offensive Arms,*
23 *signed on April 8, 2010, and entered into*
24 *force on February 5, 2011.’.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
2 *paragraph (1) shall take effect on October 1, 2012.*

3 **SEC. 1054. PROGRESS OF MODERNIZATION.**

4 (a) *FINDINGS.*—*Congress finds the following:*

5 (1) *In 2008, then Secretary of Defense Robert*
6 *Gates warned that “to be blunt, there is absolutely no*
7 *way we can maintain a credible deterrent and reduce*
8 *the number of weapons in our stockpile without either*
9 *resorting to testing our stockpile or pursuing a mod-*
10 *ernization program.”.*

11 (2) *The 2010 Nuclear Posture Review stated that*
12 *“the President has directed a review of post-New*
13 *START arms control objectives, to consider future re-*
14 *ductions in nuclear weapons. Several factors will in-*
15 *fluence the magnitude and pace of future reductions*
16 *in U.S. nuclear forces below New START levels”, in-*
17 *cluding—*

18 (A) *“First, any future nuclear reductions*
19 *must continue to strengthen deterrence of poten-*
20 *tial regional adversaries, strategic stability vis-*
21 *à-vis Russia and China, and assurance of our*
22 *allies and partners. This will require an updated*
23 *assessment of deterrence requirements; further*
24 *improvements in U.S., allied, and partner non-*
25 *nuclear capabilities; focused reductions in stra-*

1 *tegic and non-strategic weapons; and close con-*
2 *sultations with allies and partners. The United*
3 *States will continue to ensure that, in the cal-*
4 *culations of any potential opponent, the per-*
5 *ceived gains of attacking the United States or its*
6 *allies and partners would be far outweighed by*
7 *the unacceptable costs of the response.”;*

8 *(B) “Second, implementation of the Stock-*
9 *pile Stewardship Program and the nuclear in-*
10 *frastructure investments recommended in the*
11 *NPR will allow the United States to shift away*
12 *from retaining large numbers of non-deployed*
13 *warheads as a hedge against technical or geo-*
14 *political surprise, allowing major reductions in*
15 *the nuclear stockpile. These investments are es-*
16 *sential to facilitating reductions while sustaining*
17 *deterrence under New START and beyond.”; and*

18 *(C) “Third, Russia’s nuclear force will re-*
19 *main a significant factor in determining how*
20 *much and how fast we are prepared to reduce*
21 *U.S. forces. Because of our improved relations,*
22 *the need for strict numerical parity between the*
23 *two countries is no longer as compelling as it*
24 *was during the Cold War. But large disparities*
25 *in nuclear capabilities could raise concerns on*

1 *both sides and among U.S. allies and partners,*
2 *and may not be conducive to maintaining a sta-*
3 *ble, long-term strategic relationship, especially as*
4 *nuclear forces are significantly reduced. There-*
5 *fore, we will place importance on Russia joining*
6 *us as we move to lower levels.”.*

7 *(3) The 2010 Nuclear Posture Review also stated*
8 *that the Administration would “conduct follow-on*
9 *analysis to set goals for future nuclear reductions*
10 *below the levels expected in New START, while*
11 *strengthening deterrence of potential regional adver-*
12 *saries, strategic stability vis-à-vis Russia and China,*
13 *and assurance of our allies and partners.”.*

14 *(4) The Secretary of Defense has warned in testi-*
15 *mony before the Committee on Armed Services of the*
16 *House of Representatives regarding the sequestration*
17 *mechanism under section 251A of the Balanced Budg-*
18 *et and Emergency Deficit Control Act of 1985 that “if*
19 *this sequester goes into effect and it doubles the num-*
20 *ber of cuts, then it’ll truly devastate our national de-*
21 *fense, because it will then require that we have to go*
22 *at our force structure. We will have to hollow it out*
23 *. . . [i]t will badly damage our capabilities for the*
24 *future. . . . And if you have a smaller force, you’re*

1 *not going to be able to be out there responding in as*
2 *many areas as we do now.”.*

3 *(5) The 2010 Nuclear Posture Review also stated*
4 *that “by modernizing our aging nuclear facilities and*
5 *investing in human capital, we can substantially re-*
6 *duce the number of nuclear weapons we retain as a*
7 *hedge.”.*

8 *(6) The President requested the promised*
9 *\$7,600,000,000 for weapons activities of the National*
10 *Nuclear Security Administration in fiscal year 2012*
11 *but signed an appropriations Act for fiscal year 2012*
12 *that provided only \$7,233,997,000, a substantial re-*
13 *duction to only the second year of the ten-year plan*
14 *under section 1251 of the National Defense Authoriza-*
15 *tion Act for Fiscal Year 2010 (Public Law 111–84;*
16 *123 Stat. 2549).*

17 *(7) The President requested only \$7,577,341,000*
18 *for weapons activities of the National Nuclear Secu-*
19 *urity Administration in fiscal year 2013 while the*
20 *President’s section 1251 plan promised*
21 *\$7,900,000,000.*

22 *(8) The President’s section 1251 plan further*
23 *promised to request \$8,400,000,000 in fiscal year*
24 *2014, \$8,700,000,000 in fiscal year 2015,*
25 *\$8,900,000,000 in fiscal year 2016, at least*

1 \$8,900,000,000 in fiscal year 2017, at least
2 \$9,200,000,000 in fiscal year 2018, at least
3 \$9,400,000,000 in fiscal year 2019, at least
4 \$9,400,000,000 in fiscal year 2020, and at least
5 \$9,500,000,000 in fiscal year 2021.

6 (9) While the administration has not yet shared
7 with Congress the terms of reference of the so-called
8 *Nuclear Posture Review Implementation Study*, or
9 the Department of Defense’s instructions for that re-
10 view, the only publicly available statements by the
11 administration, including language from the *Nuclear*
12 *Posture Review*, suggest the review was specifically
13 instructed by the President and his senior political
14 appointees to only consider reductions to the nuclear
15 forces of the United States.

16 (10) When asked at a hearing if the *New START*
17 *Treaty* allowed the United States “to maintain a nu-
18 clear arsenal that is more than is needed to guarantee
19 an adequate deterrent,” then Commander of the
20 *United States Strategic Command*, General Kevin P.
21 Chilton said, “I do not agree that it is more than is
22 needed. I think the arsenal that we have is exactly
23 what is needed today to provide the deterrent.”.

1 (b) *NUCLEAR EMPLOYMENT STRATEGY*.—Section 491
2 of title 10, United States Code, as amended by section 1051,
3 is amended by adding after subsection (b) the following:

4 “(c) *LIMITATION*.—With respect to a new nuclear
5 weapons employment strategy described in a report sub-
6 mitted to Congress under subsection (a), none of the funds
7 made available for fiscal year 2012 or any fiscal year there-
8 after for the Department of Defense may be used to imple-
9 ment such strategy until a period of one year has elapsed
10 following the date on which such report is submitted to Con-
11 gress.”.

12 (c) *LIMITATION*.—During each of fiscal years 2012
13 through 2021, none of the funds made available for each
14 such fiscal year for the Department of Defense may be used
15 to carry out the results of the decisions made pursuant to
16 the 2010 Nuclear Posture Review Implementation Study
17 that would alter the nuclear weapons employment strategy,
18 guidance, plans, or options of the United States until the
19 date on which the President certifies to the congressional
20 defense committees that—

21 (1) the President has included the resources nec-
22 essary to carry out the February 2011 update to the
23 report required under section 1251 of the National
24 Defense Authorization Act for Fiscal Year 2010 (Pub-
25 lic Law 111–84; 123 Stat. 2549) in the budget of the

1 *President submitted to Congress under section*
2 *1105(a) of title 31, United States Code, for such fiscal*
3 *year;*

4 *(2) the resources described in paragraph (1) have*
5 *been provided to the President in an appropriations*
6 *Act; and*

7 *(3) the sequestration mechanism under section*
8 *251A of the Balanced Budget and Emergency Deficit*
9 *Control Act of 1985 has been repealed or the seques-*
10 *tration mechanism under such section for the security*
11 *category has otherwise been terminated.*

12 **SEC. 1055. LIMITATION ON STRATEGIC DELIVERY SYSTEM**
13 **REDUCTIONS.**

14 *(a) FINDINGS.—Congress finds the following:*

15 *(1) The Nuclear Posture Review of 2010 said,*
16 *with respect to modernizing the triad, “for planned*
17 *reductions under New START, the United States*
18 *should retain a smaller Triad of SLBMs, ICBMs, and*
19 *heavy bombers. Retaining all three Triad legs will*
20 *best maintain strategic stability at reasonable cost,*
21 *while hedging against potential technical problems or*
22 *vulnerabilities.”.*

23 *(2) The Senate stated in Declaration 13 of the*
24 *Resolution of Advice and Consent to Ratification of*
25 *the New START Treaty that “In accordance with*

1 paragraph 1 of Article V of the New START Treaty,
2 which states that, ‘Subject to the provisions of this
3 Treaty, modernization and replacement of strategic
4 offensive arms may be carried out,’ it is the sense of
5 the Senate that United States deterrence and flexi-
6 bility is assured by a robust triad of strategic delivery
7 vehicles. To this end, the United States is committed
8 to accomplishing the modernization and replacement
9 of its strategic nuclear delivery vehicles, and to ensur-
10 ing the continued flexibility of United States conven-
11 tional and nuclear delivery systems.”.

12 (3) The Senate required the President, prior to
13 the entry into force of the New START Treaty, to cer-
14 tify to the Senate that the President intended to mod-
15 ernize or replace the triad of strategic nuclear deliv-
16 ery systems.

17 (4) The President made this certification in a
18 message to the Senate on February 2, 2011, in which
19 the President stated, “I intend to (a) modernize or re-
20 place the triad of strategic nuclear delivery systems:
21 a heavy bomber and air-launched cruise missile, an
22 ICBM, and a nuclear-powered ballistic missile sub-
23 marine (SSBN) and SLBM; and (b) maintain the
24 United States rocket motor industrial base.”.

25 (b) LIMITATION.—

1 (1) *IN GENERAL.*—Chapter 24 of title 10, United
2 States Code, as added by section 1051, is amended by
3 adding at the end the following new section:

4 **“§ 494. Strategic delivery system reductions**

5 “(a) *ANNUAL CERTIFICATION.*—Beginning fiscal year
6 2013, the President shall annually certify in writing to the
7 congressional defense committees whether plans to mod-
8 ernize or replace strategic delivery systems are fully
9 resourced and being executed at a level equal to or more
10 than the levels set forth in the November 2010 update to
11 the plan referred to in section 1251 of the National Defense
12 Authorization Act for Fiscal Year 2010 (Public Law 111–
13 84; 123 Stat. 2549), including plans regarding—

14 “(1) a heavy bomber and air-launched cruise
15 missile;

16 “(2) an intercontinental ballistic missile;

17 “(3) a submarine-launched ballistic missile;

18 “(4) a ballistic missile submarine; and

19 “(5) maintaining—

20 “(A) the nuclear command and control sys-
21 tem; and

22 “(B) the rocket motor industrial base of the
23 United States.

24 “(b) *LIMITATION.*—If the President certifies under sub-
25 section (a) that plans to modernize or replace strategic de-

1 *livery systems are not fully resourced or being executed,*
2 *none of the funds made available for fiscal year 2012 or*
3 *any fiscal year thereafter for the Department of Defense*
4 *may be used to reduce, convert, or eliminate strategic deliv-*
5 *ery systems, whether deployed or nondeployed, pursuant to*
6 *the New START Treaty or otherwise until a period of 120*
7 *days has elapsed following the date on which such certifi-*
8 *cation is made.*

9 “(c) *EXCEPTION.—The limitation in subsection (b)*
10 *shall not apply to—*

11 “(1) *reductions made to ensure the safety, secu-*
12 *rity, reliability, and credibility of the nuclear weap-*
13 *ons stockpile and strategic delivery systems, including*
14 *activities related to surveillance, assessment, certifi-*
15 *cation, testing, and maintenance of nuclear warheads*
16 *and delivery systems; or*

17 “(2) *strategic delivery systems that are retired or*
18 *awaiting dismantlement on the date of the certifi-*
19 *cation under subsection (a).*

20 “(d) *DEFINITIONS.—In this section:*

21 “(1) *The term ‘New START Treaty’ means the*
22 *Treaty between the United States of America and the*
23 *Russian Federation on Measures for the Further Re-*
24 *duction and Limitation of Strategic Offensive Arms,*

1 signed on April 8, 2010, and entered into force on
2 February 5, 2011.

3 “(2) The term ‘strategic delivery system’ means
4 a delivery platform for nuclear weapons.”.

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

“494. Strategic delivery system reductions.”.

8 **SEC. 1056. PREVENTION OF ASYMMETRY OF NUCLEAR**
9 **WEAPON STOCKPILE REDUCTIONS.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Then Secretary of Defense Robert Gates
12 warned in 2008 that, “There is no way to ignore ef-
13 forts by rogue states such as North Korea and Iran
14 to develop and deploy nuclear weapons or Russian or
15 Chinese strategic modernization programs. To be sure,
16 we do not consider Russia or China as adversaries,
17 but we cannot ignore these developments and the im-
18 plications they have for our national security.”.

19 (2) The 2010 Nuclear Posture Review stated
20 that, “large disparities in nuclear capabilities could
21 raise concerns on both sides and among U.S. allies
22 and partners, and may not be conducive to maintain-
23 ing a stable, long-term strategic relationship, espe-
24 cially as nuclear forces are significantly reduced.”.

1 (3) *The Senate stated in the Resolution of Advice*
2 *and Consent to Ratification of the New START Trea-*
3 *ty that, “It is the sense of the Senate that, in con-*
4 *ducting the reductions mandated by the New START*
5 *Treaty, the President should regulate reductions in*
6 *United States strategic offensive arms so that the*
7 *number of accountable strategic offensive arms under*
8 *the New START Treaty possessed by the Russian*
9 *Federation in no case exceeds the comparable number*
10 *of accountable strategic offensive arms possessed by*
11 *the United States to such an extent that a strategic*
12 *imbalance endangers the national security interests of*
13 *the United States.”.*

14 (4) *At a hearing before the Committee on Armed*
15 *Services of the House of Representatives in 2011, Sec-*
16 *retary of Defense Leon Panetta said, with respect to*
17 *unilateral nuclear reductions by the United States, “I*
18 *don’t think we ought to do that unilaterally—we*
19 *ought to do that on the basis of negotiations with the*
20 *Russians and others to make sure we are all walking*
21 *the same path.”.*

22 (b) *CERTIFICATION.—Section 1045 of the National De-*
23 *fense Authorization Act for Fiscal Year 2012 (50 U.S.C.*
24 *2523b) is amended by adding at the end the following new*
25 *subsection:*

1 “(d) *PREVENTION OF ASYMMETRY IN REDUCTIONS.*—

2 “(1) *CERTIFICATION.*—*During any year in*
3 *which the President recommends to reduce the number*
4 *of nuclear weapons in the active and inactive stock-*
5 *piles of the United States by a number that is greater*
6 *than one percent of the number of nuclear weapons in*
7 *such stockpiles, the President shall certify in writing*
8 *to the congressional defense committees whether such*
9 *reductions will cause the number of nuclear weapons*
10 *in such stockpiles to be fewer than the number of nu-*
11 *clear weapons in the active and inactive stockpiles of*
12 *the Russian Federation.*

13 “(2) *LIMITATION.*—*If the President certifies*
14 *under paragraph (1) that the recommended number of*
15 *nuclear weapons in the active and inactive stockpiles*
16 *of the United States is fewer than the number of nu-*
17 *clear weapons in the active and inactive stockpiles of*
18 *the Russian Federation, none of the funds made*
19 *available for fiscal year 2012 or any fiscal year there-*
20 *after for the Department of Defense or the National*
21 *Nuclear Security Administration may be used to*
22 *carry out any reduction to such stockpiles of the*
23 *United States until—*

24 “(A) *after the date on which such certifi-*
25 *cation is made, the President transmits to the*

1 congressional defense committees a report by the
2 Commander of the United States Strategic Com-
3 mand, without change, detailing whether the rec-
4 ommended reduction would create a strategic im-
5 balance between the total nuclear forces of the
6 United States and the total nuclear forces of the
7 Russian Federation; and

8 “(B) a period of 180 days has elapsed fol-
9 lowing the date on which such report is trans-
10 mitted.

11 “(3) *EXCEPTION.*—The limitation in paragraph
12 (2) shall not apply to—

13 “(A) reductions made to ensure the safety,
14 security, reliability, and credibility of the nu-
15 clear weapons stockpile and strategic delivery
16 systems, including activities related to surveil-
17 lance, assessment, certification, testing, and
18 maintenance of nuclear warheads and strategic
19 delivery systems; or

20 “(B) nuclear warheads that are retired or
21 awaiting dismantlement on the date of the cer-
22 tification under paragraph (1).”.

23 **SEC. 1057. CONSIDERATION OF EXPANSION OF NUCLEAR**
24 **FORCES OF OTHER COUNTRIES.**

25 (a) *FINDINGS.*—Congress finds the following:

1 (1) *The Resolution of Advice and Consent to*
2 *Ratification of the New START Treaty of the Senate*
3 *said, “It is the sense of the Senate that if, during the*
4 *time the New START Treaty remains in force, the*
5 *President determines that there has been an expan-*
6 *sion of the strategic arsenal of any country not party*
7 *to the New START Treaty so as to jeopardize the su-*
8 *preme interests of the United States, then the Presi-*
9 *dent should consult on an urgent basis with the Sen-*
10 *ate to determine whether adherence to the New*
11 *START Treaty remains in the national interest of the*
12 *United States.”.*

13 (2) *In 2011, experts testified before the Com-*
14 *mittee on Armed Services of the House of Representa-*
15 *tives that—*

16 (A) *“Russia is modernizing every leg of its*
17 *nuclear triad with new, more advanced systems”,*
18 *including new ballistic missile submarines, new*
19 *heavy intercontinental ballistic missiles carrying*
20 *up to 15 warheads each, new shorter range bal-*
21 *listic missiles, and new low-yield warheads; and*

22 (B) *“China is steadily increasing the num-*
23 *bers and capabilities of the ballistic missiles it*
24 *deploys and is upgrading older ICBMs to newer,*
25 *more advanced systems. China also appears to be*

1 *actively working to develop a submarine-based*
2 *nuclear deterrent force, something it has never*
3 *had. . . . A recent unclassified Department of De-*
4 *fense report says that this network of tunnels*
5 *could be in excess of 5,000 kilometers and is used*
6 *to transport nuclear weapons and forces.”.*

7 ***(b) REPORT AND CERTIFICATION.—***

8 ***(1) IN GENERAL.—****Chapter 24 of title 10, United*
9 *States Code, as added by section 1051, is amended by*
10 *adding at the end the following new section:*

11 ***“§ 495. Consideration of expansion of nuclear forces of***
12 ***other countries***

13 ***“(a) REPORT AND CERTIFICATION.—****During any year*
14 *in which the President recommends any reductions in the*
15 *nuclear forces of the United States, none of the funds made*
16 *available for fiscal year 2012 or any fiscal year thereafter*
17 *for the Department of Defense or the National Nuclear Se-*
18 *curity Administration may be used for such recommended*
19 *reduction until the date on which—*

20 ***“(1) the President transmits to the appropriate***
21 ***congressional committees a report detailing, for each***
22 ***country with nuclear weapons—***

23 ***“(A) the number of each type of nuclear***
24 ***weapons possessed by such country;***

1 “(B) the modernization plans for such
2 weapons of such country;

3 “(C) the production capacity of nuclear
4 warheads and strategic delivery systems (as de-
5 fined in section 491(c) of this title) of such coun-
6 try; and

7 “(D) the nuclear doctrine of such country;
8 and

9 “(2) the Commander of the United States Stra-
10 tegic Command certifies to the appropriate congres-
11 sional committees whether such recommended reduc-
12 tions in the nuclear forces of the United States will—

13 “(A) impair the ability of the United States
14 to address—

15 “(i) unplanned strategic or geopolitical
16 events; or

17 “(ii) technical challenge; or

18 “(B) degrade the deterrence or assurance
19 provided by the United States to friends and al-
20 lies of the United States.

21 “(b) FORM.—The reports required by subsection (a)(1)
22 shall be submitted in unclassified form, but may include
23 a classified annex.

1 “(c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term ‘appropriate congres-*
3 *sional committees’ means the following:*

4 “(1) *The congressional defense committees.*

5 “(2) *The Committee on Foreign Affairs of the*
6 *House of Representatives and the Committee on For-*
7 *ign Relations of the Senate.”.*

8 “(2) *The table of sections at the beginning of*
9 *chapter 24 of title 10, United States Code, is amended*
10 *by inserting after the item relating to section 494 the*
11 *following new item:*

“495. Consideration of expansion of nuclear forces of other countries.”.

12 **SEC. 1058. CHEMISTRY AND METALLURGY RESEARCH RE-**
13 **PLACEMENT NUCLEAR FACILITY AND URA-**
14 **NIUM PROCESSING FACILITY.**

15 (a) *FINDINGS.*—*Congress finds the following:*

16 “(1) *Administrator for Nuclear Security Thomas*
17 *D’Agostino testified before the Committee on Armed*
18 *Services of the House of Representatives in February*
19 *2008 that “Infrastructure improvements are a major*
20 *part of the complex transformation plan that we have,*
21 *and we’ve made important progress, but we have a lot*
22 *more to do. Some major facilities that we have date*
23 *back to World War II and cannot readily meet to-*
24 *day’s safety and security requirements. Let me give*
25 *you just two quick examples, if I could. A sufficient*

1 *capability to work with plutonium is an essential*
2 *part of a national security enterprise and is required*
3 *for as long as we retain a nuclear deterrent, and most*
4 *likely even longer. Currently, we have a very small*
5 *production capacity at Los Alamos, about 10 pits per*
6 *year, at our TA-55 area. Our building at Los Ala-*
7 *mos, the Chemistry and Metallurgy Research Facility,*
8 *is well over 50 years old and is insufficient to support*
9 *the national security requirements for the stockpile*
10 *and for future national security mission areas. So,*
11 *whether we continue on our existing path or move to-*
12 *wards a replacement modern warhead-type stockpile,*
13 *we still need the capacity to produce about 50 to 80*
14 *pits per year, which is less than one-tenth of our Cold*
15 *War level, as well as the ability to carry out pit sur-*
16 *veillance, which is an essential part of maintaining*
17 *our stockpile.”.*

18 *(2) Then Commander of the United States Stra-*
19 *tegic Command General Kevin P. Chilton also testi-*
20 *fied in February 2008 that “When you have a respon-*
21 *sive complex that has the capacity to flex to produc-*
22 *tion as you may need it or adjust your deployed force*
23 *posture in the future, should you need it—in other*
24 *words, if we go to a lower number, you need to be cer-*
25 *tain that you can come back up, should the strategic*

1 *environment change, and you can't necessarily with-*
2 *out that flexible or responsive infrastructure behind*
3 *it, and that's probably one of my great concerns. And*
4 *then how you posture both the portion of your stock-*
5 *pile that you hold in reserve and your confidence in*
6 *the weapons that you have deployed is very much a*
7 *function of modernizing, in my view, the weapons*
8 *systems that we have available today, which are, as*
9 *the secretary described, of Cold War legacy design,*
10 *and the associated issues with them."*

11 *(3) The Congressional Commission on the Stra-*
12 *tegic Posture of the United States reported in May*
13 *2009, with respect to the timing of the replacement of*
14 *the nuclear weapons infrastructure of the United*
15 *States, that "This raises an obvious question about*
16 *whether these two replacement programs might pro-*
17 *ceed in sequence rather than concurrently. There are*
18 *strong arguments for moving forward concurrently.*
19 *Existing facilities are genuinely decrepit and are*
20 *maintained in a safe and secure manner only at high*
21 *cost. Moreover, the improved production capabilities*
22 *they promise are integral to the program of refurbish-*
23 *ment and modernization described in the preceding*
24 *chapter. If funding can be found for both, this would*
25 *best serve the national interest in maintaining a safe,*

1 *secure, and reliable stockpile of weapons in the most*
2 *effective and efficient manner.”.*

3 *(4) The 2010 Nuclear Posture Review states—*

4 *(A) “The National Nuclear Security Ad-*
5 *ministration (NNSA), in close coordination with*
6 *DoD, will provide a new stockpile stewardship*
7 *and management plan to Congress within 90*
8 *days, consistent with the increases in infrastruc-*
9 *ture investment requested in the President’s FY*
10 *2011 budget. As critical infrastructure is re-*
11 *stored and modernized, it will allow the United*
12 *States to begin to shift away from retaining*
13 *large numbers of non-deployed warheads as a*
14 *technical hedge, allowing additional reductions*
15 *in the U.S. stockpile of non-deployed nuclear*
16 *weapons over time.”;*

17 *(B) “In order to sustain a safe, secure, and*
18 *effective U.S. nuclear stockpile as long as nuclear*
19 *weapons exist, the United States must possess a*
20 *modern physical infrastructure—comprised of*
21 *the national security laboratories and a complex*
22 *of supporting facilities.”;*

23 *(C) “Funding the Chemistry and Metal-*
24 *lurgy Research Replacement Project at Los Ala-*
25 *mos National Laboratory to replace the existing*

1 *50-year old Chemistry and Metallurgy Research*
2 *facility in 2021.”;*

3 *(D) “Developing a new Uranium Processing*
4 *Facility at the Y-12 Plant in Oak Ridge, Ten-*
5 *nessee to come on line for production operations*
6 *in 2021.”;*

7 *(E) “Without an ability to produce ura-*
8 *nium components, any plan to sustain the stock-*
9 *pile, as well as support for our Navy nuclear*
10 *propulsion, will come to a halt. This would have*
11 *a significant impact, not just on the weapons*
12 *program, but in dealing with nuclear dangers of*
13 *many kinds.”; and*

14 *(F) “The non-deployed stockpile currently*
15 *includes more warheads than required for the*
16 *above purposes, due to the limited capacity of the*
17 *National Nuclear Security Administration*
18 *(NNSA) complex to conduct LEPs for deployed*
19 *weapons in a timely manner. Progress in restor-*
20 *ing NNSA’s production infrastructure will allow*
21 *these excess warheads to be retired along with*
22 *other stockpile reductions planned over the next*
23 *decade.”.*

24 *(5) In the memorandum of agreement between*
25 *the Department of Defense and the Department of*

1 *Energy concerning the modernization of the nuclear*
2 *weapon stockpile of the United States dated May 3,*
3 *2010, then Secretary of Defense Robert Gates and*
4 *Secretary of Energy Steven Chu agreed that “DOE*
5 *Agrees to . . . increase pit production capacity . . .*
6 *plan and program to ramp up to a minimum of 50–*
7 *80 PPY in 2022.”.*

8 *(6) The plan required under section 1251 of the*
9 *National Defense Authorization Act for Fiscal Year*
10 *2010 (Public Law 111–84; 123 Stat. 2549) submitted*
11 *by the President states that the Chemistry and Metal-*
12 *lurgy Research Replacement building and the Ura-*
13 *anium Processing Facility will complete construction*
14 *by 2021 and will achieve full operational*
15 *functionality by 2024.*

16 *(7) The Senate required that, prior to the entry*
17 *into force of the New START Treaty, the President*
18 *certifies to the Senate that the President intends to—*

19 *(A) accelerate to the extent possible the de-*
20 *sign and engineering phase of the Chemistry and*
21 *Metallurgy Research Replacement building and*
22 *the Uranium Processing Facility; and*

23 *(B) request full funding, including on a*
24 *multiyear basis as appropriate, for the Chem-*
25 *istry and Metallurgy Research Replacement*

1 *building and the Uranium Processing Facility*
2 *upon completion of the design and engineering*
3 *phase for such facilities.*

4 (8) *The President did request full funding for*
5 *such facilities on February 2, 2011, when the Presi-*
6 *dent stated, “I intend to (a) accelerate, to the extent*
7 *possible, the design and engineering phase of the*
8 *Chemistry and Metallurgy Research Replacement*
9 *(CMRR) building and the Uranium Processing Facil-*
10 *ity (UPF); and (b) request full funding, including on*
11 *a multi-year basis as appropriate, for the CMRR*
12 *building and the UPF upon completion of the design*
13 *and engineering phase for such facilities.”.*

14 (b) *LIMITATION.—Section 1045 of the National De-*
15 *fense Authorization Act for Fiscal Year 2012 (50 U.S.C.*
16 *2523b), as amended by section 1056(b), is amended by add-*
17 *ing at the end the following new subsection:*

18 “(e) *CMRR AND UPF.—*

19 “(1) *ANNUAL CERTIFICATION.—Beginning fiscal*
20 *year 2013, the President shall annually certify in*
21 *writing to the congressional defense committees wheth-*
22 *er—*

23 “(A) *the construction of both the Chemistry*
24 *and Metallurgy Research Replacement building*

1 *and the Uranium Processing Facility will be*
2 *completed by not later than 2021; and*

3 *“(B) both facilities will be fully operational*
4 *by not later than 2024.*

5 *“(2) LIMITATION.—If the President certifies*
6 *under paragraph (1) that the Chemistry and Metal-*
7 *lurgy Research Replacement building and the Ura-*
8 *nium Processing Facility will be completed by later*
9 *than 2021 or be fully operational by later than 2024,*
10 *none of the funds made available for fiscal year 2012*
11 *or any fiscal year thereafter for the National Nuclear*
12 *Security Administration may be used to reduce the*
13 *nondeployed nuclear warheads in the nuclear weap-*
14 *ons stockpile of the United States until a period of*
15 *120 days has elapsed following the date of such cer-*
16 *tification.*

17 *“(3) EXCEPTION.—The limitation in paragraph*
18 *(2) shall not apply to—*

19 *“(A) reductions made to ensure the safety,*
20 *security, reliability, and credibility of the nu-*
21 *clear weapons stockpile and delivery systems, in-*
22 *cluding activities related to surveillance, assess-*
23 *ment, certification, testing, and maintenance of*
24 *nuclear warheads and strategic delivery systems;*
25 *or*

1 “(B) nuclear warheads that are retired or
2 awaiting dismantlement on the date of the cer-
3 tification under paragraph (1).

4 “(4) *TERMINATION.*—The requirement in para-
5 graph (1) shall terminate on the date on which the
6 President certifies in writing to the congressional de-
7 fense committees that the Chemistry and Metallurgy
8 Research Replacement building and the Uranium
9 Processing Facility are both fully operational.”.

10 **SEC. 1059. NUCLEAR WARHEADS ON INTERCONTINENTAL**
11 **BALLISTIC MISSILES OF THE UNITED STATES.**

12 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
13 that reducing the number of nuclear warheads contained
14 on each intercontinental ballistic missile of the United
15 States does not promote strategic stability if at the same
16 time other nuclear weapons states, including the Russian
17 Federation and the People’s Republic of China, are rapidly
18 increasing the warhead-loading of their land-based missile
19 forces.

20 (b) *LIMITATION.*—

21 (1) *IN GENERAL.*—Chapter 24 of title 10, United
22 States Code, as added by section 1051, is amended by
23 adding at the end the following new section:

1 **“§496. Nuclear warheads on intercontinental bal-**
2 **listic missiles of the United States**

3 “(a) *IN GENERAL.*—During any year in which the
4 President proposes to reduce the number of nuclear war-
5 heads contained on an intercontinental ballistic missile of
6 the United States, none of the funds made available for fis-
7 cal year 2012 or any fiscal year thereafter for the Depart-
8 ment of Defense or the National Nuclear Security Adminis-
9 tration may be used for such proposed reduction if the re-
10 duction results in such missile having only a single nuclear
11 warhead unless the President certifies in writing to the con-
12 gressional defense committees that the Russian Federation
13 and the People’s Republic of China are both also carrying
14 out a similar reduction.

15 “(b) *EXCEPTION.*—The limitation in subsection (a)
16 shall not apply to reductions made to ensure the safety, se-
17 curity, reliability, and credibility of the nuclear weapons
18 stockpile and delivery systems, including activities related
19 to surveillance, assessment, certification, testing, and main-
20 tenance of nuclear warheads and strategic delivery sys-
21 tems.”.

22 (2) *The table of sections at the beginning of*
23 *chapter 24 of title 10, United States Code, is amended*
24 *by inserting after the item relating to section 495 the*
25 *following:*

“496. *Nuclear warheads on intercontinental ballistic missiles of the United States.*”.

1 **SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUCTIONS**
2 **AND EXTENDED DETERRENCE POLICY.**

3 (a) *FINDINGS.*—Congress finds the following:

4 (1) *The NATO Strategic Concept of 2010 en-*
5 *dorsed the continued role of nuclear weapons in the*
6 *security of the NATO alliance, stating—*

7 (A) *“The supreme guarantee of the security*
8 *of the Allies is provided by the strategic nuclear*
9 *forces of the Alliance, particularly those of the*
10 *United States; the independent strategic nuclear*
11 *forces of the United Kingdom and France, which*
12 *have a deterrent role of their own, contribute to*
13 *the overall deterrence and security of the Allies.”;*

14 (B) *“We will ensure that NATO has the full*
15 *range of capabilities necessary to deter and de-*
16 *fend against any threat to the safety and secu-*
17 *rity of our populations. Therefore, we will . . .*
18 *maintain an appropriate mix of nuclear and*
19 *conventional forces”;* and

20 (C) *“[NATO will] ensure the broadest pos-*
21 *sible participation of Allies in collective defence*
22 *planning on nuclear roles, in peacetime basing*
23 *of nuclear forces, and in command, control and*
24 *consultation arrangements.”.*

1 (2) *However, the 2010 Strategic Concept also*
2 *walked away from the decades-long policy encapsulated by the 1999 Strategic Concept that said, “The*
3 *presence of United States conventional and nuclear*
4 *forces in Europe remains vital to the security of Eu-*
5 *rope, which is inseparably linked to that of North*
6 *America.”.*

8 (3) *Former Secretary of Defense William Perry*
9 *said in March 2011 testimony before the Sub-*
10 *committee on Strategic Forces of the Committee on*
11 *Armed Services of the House of Representatives that*
12 *“the reason we have nuclear weapons in Europe in*
13 *the first place, is not because the rest of our weapons*
14 *are not capable of deterrence, but because, during the*
15 *Cold War at least, our allies in Europe felt more as-*
16 *ured when we had nuclear weapons in Europe. That*
17 *is why they were deployed there in the first place.*
18 *Today the issue is a little different. The issue is the*
19 *Russians in the meantime have built a large number*
20 *of nuclear weapons, and we keep our nuclear weapons*
21 *there as somewhat of a political leverage for dealing*
22 *with an ultimate treaty in which we may get Russia*
23 *and the United States to eliminate tactical nuclear*
24 *weapons. My own view is it would be desirable if both*
25 *the United States and Russia would eliminate tac-*

1 *tactical nuclear weapons, but I see it as very difficult to*
2 *arrive at that conclusion if we were to simply elimi-*
3 *nate all of our tactical nuclear weapons unilater-*
4 *ally.”.*

5 *(4) During testimony before the Subcommittee on*
6 *Strategic Forces of the Committee on Armed Services*
7 *of the House of Representatives in July 2011—*

8 *(A) former Department of Defense official*
9 *Frank Miller stated, “as long as U.S. allies be-*
10 *lieve that those weapons need to be there, we need*
11 *to make sure that we provide that security.”; and*

12 *(B) former Department of Defense official*
13 *Mort Halperin stated, “I do not think we should*
14 *be willing to trade our withdrawal of our nu-*
15 *clear weapons from Europe for some reduction,*
16 *even a substantial reduction, in Russian tactical*
17 *nuclear weapons because if it is . . . that the*
18 *credibility of the American nuclear deterrent for*
19 *our NATO allies depends on the presence of nu-*
20 *clear weapons in Europe, that will not change if*
21 *the Russians cut their tactical nuclear arsenal*
22 *by two thirds, or even eliminate it because they*
23 *will still have their strategic weapons, which,*
24 *while they can’t have intermediate range mis-*

1 siles, they can find a way to target them on the
2 NATO countries.”.

3 (5) Section 1237(b) of the National Defense Au-
4 thorization Act for Fiscal Year 2012 (Public Law
5 112–81) expressed the sense of Congress that—

6 (A) the commitment of the United States to
7 extended deterrence in Europe and the nuclear
8 alliance of NATO is an important component of
9 ensuring and linking the national security of the
10 United States and its European allies;

11 (B) the nuclear forces of the United States
12 are a key component of the NATO nuclear alli-
13 ance; and

14 (C) the presence of the nuclear weapons of
15 the United States in Europe—combined with
16 NATO’s unique nuclear sharing arrangements
17 under which non-nuclear members participate in
18 nuclear planning and possess specially config-
19 ured aircraft capable of delivering nuclear weap-
20 ons—provides reassurance to NATO allies who
21 feel exposed to regional threats.

22 (b) LIMITATION.—Chapter 24 of title 10, United States
23 Code, as added by section 1051, is amended by adding at
24 the end the following new section:

1 **“§497. Limitation on reduction, consolidation, or**
2 **withdrawal of nuclear forces based in Eu-**
3 **rope**

4 “(a) *POLICY ON NONSTRATEGIC NUCLEAR WEAP-*
5 *ONS.—It is the policy of the United States—*

6 “(1) *to pursue negotiations with the Russian*
7 *Federation aimed at the reduction of Russian de-*
8 *ployed and nondeployed, nonstrategic nuclear forces;*

9 “(2) *that nonstrategic nuclear weapons should be*
10 *considered when weighing the balance of the nuclear*
11 *forces of the United States and the Russian Federa-*
12 *tion;*

13 “(3) *that any geographical relocation or storage*
14 *of nonstrategic nuclear weapons by the Russian Fed-*
15 *eration does not constitute a reduction or elimination*
16 *of such weapons;*

17 “(4) *the vast advantage of the Russian Federa-*
18 *tion in nonstrategic nuclear weapons constitutes a*
19 *threat to the United States and its allies and a grow-*
20 *ing asymmetry in Western Europe; and*

21 “(5) *the forward-deployed nuclear forces of the*
22 *United States are an important contributor to the as-*
23 *surance of the allies of the United States and con-*
24 *stitute a check on proliferation and a tool in dealing*
25 *with neighboring states hostile to NATO.*

1 “(b) *POLICY ON EXTENDED DETERRENCE COMMIT-*
2 *MENT TO EUROPE.—It is the policy of the United States*
3 *that—*

4 “(1) *it maintain its commitment to extended de-*
5 *terrence, specifically the nuclear alliance of the North*
6 *Atlantic Treaty Organization, as an important com-*
7 *ponent of ensuring and linking the national security*
8 *interests of the United States and the security of its*
9 *European allies;*

10 “(2) *forward-deployed nuclear forces of the*
11 *United States shall remain based in Europe in sup-*
12 *port of the nuclear policy and posture of NATO;*

13 “(3) *the presence of nuclear weapons of the*
14 *United States in Europe—combined with NATO’s*
15 *unique nuclear sharing arrangements under which*
16 *non-nuclear members participate in nuclear planning*
17 *and possess specially configured aircraft capable of*
18 *delivering nuclear weapons—contributes to the cohe-*
19 *sion of NATO and provides reassurance to allies and*
20 *partners who feel exposed to regional threats; and*

21 “(4) *only the President and Congress can articu-*
22 *late when and how the United States will employ the*
23 *nuclear forces of the United States and no multilat-*
24 *eral organization, not even NATO, can articulate a*

1 *declaratory policy concerning the use of nuclear*
2 *weapons that binds the United States.*

3 “(c) *LIMITATION ON REDUCTION, CONSOLIDATION, OR*
4 *WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.—*
5 *In light of the policy expressed in subsections (a) and (b),*
6 *none of the funds made available for fiscal year 2012 or*
7 *any fiscal year thereafter for the Department of Defense*
8 *may be used to effect or implement the reduction, consolida-*
9 *tion, or withdrawal of nuclear forces of the United States*
10 *that are based in Europe unless—*

11 “(1) *the reduction, consolidation, or withdrawal*
12 *of such nuclear forces is requested by the government*
13 *of the host nation in the manner provided in the*
14 *agreement between the United States and the host na-*
15 *tion regarding the forces;*

16 “(2) *the President certifies that—*

17 “(A) *NATO member states have considered*
18 *the reduction, consolidation, or withdrawal in*
19 *the High Level Group;*

20 “(B) *NATO has decided to support such re-*
21 *duction, consolidation, or withdrawal;*

22 “(C) *the remaining nuclear forces of the*
23 *United States that are based in Europe after*
24 *such reduction, consolidation, or withdrawal*
25 *would provide a commensurate or better level of*

1 *assurance and credibility as before such reduc-*
2 *tion, consolidation, or withdrawal; and*

3 “(D) *there has been reciprocal action by the*
4 *Russian Federation, not including the Russian*
5 *Federation relocating nuclear forces from one lo-*
6 *cation to another; or*

7 “(3) *the reduction, consolidation, or withdrawal*
8 *of such nuclear forces is specifically authorized by an*
9 *Act of Congress.*

10 “(d) *NOTIFICATION.—Upon any decision to reduce,*
11 *consolidate, or withdraw the nuclear forces of the United*
12 *States that are based in Europe, the President shall submit*
13 *to the appropriate congressional committees a notification*
14 *containing—*

15 “(1) *the certification required by paragraph (2)*
16 *of subsection (c) if such reduction, consolidation, or*
17 *withdrawal is based upon such paragraph;*

18 “(2) *justification for such reduction, consolida-*
19 *tion, or withdrawal; and*

20 “(3) *an assessment of how NATO member states,*
21 *in light of such reduction, consolidation, or with-*
22 *drawal, assess the credibility of the deterrence capa-*
23 *bility of the United States in support of its commit-*
24 *ments undertaken pursuant to article 5 of the North*
25 *Atlantic Treaty, signed at Washington, District of Co-*

1 *lumbia, on April 4, 1949, and entered into force on*
2 *August 24, 1949 (63 Stat. 2241; TIAS 1964).*

3 “(e) *NOTICE AND WAIT REQUIREMENT.*—*The Presi-*
4 *dent may not commence a reduction, consolidation, or with-*
5 *drawal of the nuclear forces of the United States that are*
6 *based in Europe for which the certification required by sub-*
7 *section (c)(2) is made until the expiration of a 180-day pe-*
8 *riod beginning on the date on which the President submits*
9 *the notification under subsection (d) containing the certifi-*
10 *cation.*

11 “(f) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*In*
12 *this section, the term ‘appropriate congressional commit-*
13 *tees’ means—*

14 “(1) *the Committees on Armed Services of the*
15 *House of Representatives and the Senate; and*

16 “(2) *the Committee on Foreign Affairs of the*
17 *House of Representatives and the Committee on For-*
18 *ign Relations of the Senate.”.*

19 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
20 *the beginning of chapter 24 of title 10, United States Code,*
21 *is amended by inserting after the item relating to section*
22 *496 the following:*

 “497. *Limitation on reduction, consolidation, or withdrawal of nuclear forces*
 based in Europe.”.

1 **SEC. 1061. IMPROVEMENTS TO NUCLEAR WEAPONS COUN-**
2 **CIL.**

3 *Section 179 of title 10, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (b)(3), by adding at the end the*
6 *following: “Not later than seven days before a meet-*
7 *ing, the Chairman shall disseminate to each member*
8 *of the Council the agenda and documents for such*
9 *meeting.”; and*

10 *(2) in subsection (d)—*

11 *(A) in paragraph (2), by inserting “and al-*
12 *ternatives” before the period;*

13 *(B) in paragraph (3), by inserting “and*
14 *approving” after “Coordinating”;*

15 *(C) in paragraph (7)—*

16 *(i) by striking “broad” and inserting*
17 *“specific”; and*

18 *(ii) by inserting before the period the*
19 *following: “and priorities among activities,*
20 *including production, surveillance, research,*
21 *construction, and any other programs with-*
22 *in the National Nuclear Security Adminis-*
23 *tration”; and*

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

1 “(11) Coordinating and approving the annual
2 budget proposals of the National Nuclear Security Ad-
3 ministration, including before such proposals are sub-
4 mitted to—

5 “(A) the Director of the Office of Manage-
6 ment and Budget;

7 “(B) the President; and

8 “(C) Congress under section 1105 of title
9 31.”.

10 **SEC. 1062. INTERAGENCY COUNCIL ON THE STRATEGIC CA-**
11 **PABILITY OF THE NATIONAL LABORATORIES.**

12 (a) *ESTABLISHMENT.*—Chapter 7 of title 10, United
13 States Code, is amended by adding at the end the following
14 new section:

15 **“§ 188. Interagency Council on the Strategic Capa-**
16 **bility of the National Laboratories**

17 “(a) *ESTABLISHMENT.*—There is an Interagency
18 Council on the Strategic Capability of the National Labora-
19 tories (in this section referred to as the ‘Council’).

20 “(b) *MEMBERSHIP.*—The membership of the Council
21 is comprised of the following:

22 “(1) The Secretary of Defense.

23 “(2) The Secretary of Energy.

24 “(3) The Secretary of Homeland Security.

25 “(4) The Director of National Intelligence.

1 “(5) *The Administrator for Nuclear Security.*

2 “(6) *Such other officials as the President con-*
3 *siders appropriate.*

4 “(c) *STRUCTURE AND PROCEDURES.—The President*
5 *may determine the chair, structure, staff, and procedures*
6 *of the Council.*

7 “(d) *RESPONSIBILITIES.—The Council shall be respon-*
8 *sible for the following matters:*

9 “(1) *Identifying and considering the science,*
10 *technology, and engineering capabilities of the na-*
11 *tional laboratories that could be leveraged by each*
12 *participating agency to support national security*
13 *missions.*

14 “(2) *Reviewing and assessing the adequacy of the*
15 *national security science, technology, and engineering*
16 *capabilities of the national laboratories for sup-*
17 *porting national security missions throughout the*
18 *Federal Government.*

19 “(3) *Establishing and overseeing means of ensur-*
20 *ing that—*

21 “(A) *capabilities identified by the Council*
22 *under paragraph (1) are sustained to an appro-*
23 *priate level; and*

1 “(B) each participating agency provides the
2 appropriate level of institutional support to sus-
3 tain such capabilities.

4 “(4) In accordance with acquisition rules regard-
5 ing federally funded research and development cen-
6 ters, establishing criteria for when each participating
7 agency should seek to use the services of the national
8 laboratories, including the identification of appro-
9 priate mission areas and capabilities.

10 “(5) Making recommendations to the President
11 and Congress regarding regulatory or statutory
12 changes needed to better support—

13 “(A) the strategic capabilities of the na-
14 tional laboratories; and

15 “(B) the use of such laboratories by each
16 participating agency.

17 “(6) Other actions the Council considers appro-
18 priate with respect to—

19 “(A) the sustainment of the national labora-
20 tories; and

21 “(B) the use of the strategic capabilities of
22 such laboratories.

23 “(e) *STREAMLINED PROCESS*.—With respect to the
24 participating agency for which a member of the Council
25 is the head of, each member of the Council shall—

1 “(1) *establish processes to streamline the consid-*
 2 *eration and approval of procuring the services of the*
 3 *national laboratories on appropriate matters; and*

4 “(2) *ensure that such processes are used in ac-*
 5 *cordance with the criteria established under sub-*
 6 *section (d)(4).*

7 “(f) *DEFINITIONS.—In this section:*

8 “(1) *The term ‘participating agency’ means a*
 9 *department or agency of the Federal Government that*
 10 *is represented on the Council by a member under sub-*
 11 *section (b).*

12 “(2) *The term ‘national laboratories’ means—*

13 “(A) *each national security laboratory (as*
 14 *defined in section 3281(1) of the National Nu-*
 15 *clear Security Administration Act (50 U.S.C.*
 16 *2471(1)); and*

17 “(B) *each national laboratory of the De-*
 18 *partment of Energy.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
 20 *the beginning of such chapter is amended by adding after*
 21 *the item relating to section 187 the following new item:*

 “188. *Interagency Council on the Strategic Capability of the National Labora-*
 tories.”.

22 “(c) *REPORT.—*

23 “(1) *IN GENERAL.—Not later than July 1, 2013,*
 24 *the Interagency Council on the Strategic Capability*

1 *of the National Laboratories under section 188 of title*
2 *10, United States Code, as added by subsection (a),*
3 *shall submit to the appropriate congressional commit-*
4 *tees a report describing and assessing the following:*

5 *(A) The actions taken to implement the re-*
6 *quirements of such section 188 and the charter*
7 *titled “Governance Charter for an Interagency*
8 *Council on the Strategic Capability of DOE Na-*
9 *tional Laboratories as National Security Assets”*
10 *signed by the Secretary of Defense, the Secretary*
11 *of Energy, the Secretary of Homeland Security,*
12 *and the Director of National Intelligence in July*
13 *2010.*

14 *(B) The effectiveness of the Council in ac-*
15 *complishing the purpose and objectives of such*
16 *section and such Charter.*

17 *(C) Efforts to strengthen work-for-others*
18 *programs at the national laboratories.*

19 *(D) Efforts to make work-for-others oppor-*
20 *tunities more cost-effective.*

21 *(E) Ongoing and planned measures for in-*
22 *creasing cost-sharing and institutional support*
23 *investments from other agencies.*

24 *(F) Any regulatory or statutory changes*
25 *recommended to improve the ability of such other*

1 *agencies to leverage expertise and capabilities at*
2 *such laboratories.*

3 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
4 *TEES.—In this subsection, the term “appropriate con-*
5 *gressional committees” means the following:*

6 (A) *The congressional defense committees.*

7 (B) *The Committee on Energy and Com-*
8 *merce of the House of Representatives and the*
9 *Committee on Energy and Natural Resources of*
10 *the Senate.*

11 (C) *The Committee on Homeland Security*
12 *of the House of Representatives and the Com-*
13 *mittee on Homeland Security and Governmental*
14 *Affairs of the Senate.*

15 (D) *The Committee on Science, Space, and*
16 *Technology of the House of Representatives and*
17 *the Committee on Commerce, Science, and*
18 *Transportation of the Senate.*

19 (E) *The Permanent Select Committee on*
20 *Intelligence of the House of Representatives and*
21 *the Select Committee on Intelligence of the Sen-*
22 *ate.*

23 (d) *CONSTRUCTION.—Nothing in section 188 of title*
24 *10, United States Code, as added by subsection (a), shall*

1 *be construed to limit section 309 of the Homeland Security*
2 *Act of 2002 (6 U.S.C. 189).*

3 **SEC. 1063. REPORT ON CAPABILITY OF CONVENTIONAL AND**
4 **NUCLEAR FORCES AGAINST CERTAIN TUN-**
5 **NEL SITES.**

6 (a) *REPORT.*—*Not later than one year after the date*
7 *of the enactment of this Act, the Commander of the United*
8 *States Strategic Command shall submit to the appropriate*
9 *congressional committees a report on the underground tun-*
10 *nel network used by the People’s Republic of China with*
11 *respect to the capability of the United States to use conven-*
12 *tional and nuclear forces to neutralize such tunnels and*
13 *what is stored within such tunnels.*

14 (b) *FORM.*—*The report under subsection (a) shall be*
15 *submitted in unclassified form, but may include a classified*
16 *annex.*

17 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*In*
18 *this section, the term “appropriate congressional commit-*
19 *tees” means the following:*

20 (1) *The congressional defense committees.*

21 (2) *The Committee on Foreign Affairs of the*
22 *House of Representatives and the Committee on For-*
23 *ign Relations of the Senate.*

1 **SEC. 1064. REPORT ON CONVENTIONAL AND NUCLEAR**
2 **FORCES IN THE WESTERN PACIFIC REGION.**

3 (a) *SENSE OF CONGRESS.—Congress—*

4 (1) *supports steps taken by the President to—*

5 (A) *reinforce the security of the allies of the*

6 *United States; and*

7 (B) *strengthen the deterrent capability of*

8 *the United States against the illegal and increas-*

9 *ingly belligerent actions of North Korea; and*

10 (2) *encourages further steps, including such steps*

11 *to deploy additional conventional forces of the United*

12 *States and redeploy tactical nuclear weapons to the*

13 *Western Pacific region.*

14 (b) *REPORT.—Not later than 90 days after the date*

15 *of the enactment of this Act, the Secretary of Defense, in*

16 *consultation with the Secretary of State, shall submit to the*

17 *congressional defense committees a report on deploying ad-*

18 *ditional conventional and nuclear forces to the Western Pa-*

19 *cific region to ensure the presence of a robust conventional*

20 *and nuclear capability, including a forward-deployed nu-*

21 *clear capability, of the United States in response to the bal-*

22 *listic missile and nuclear weapons developments of North*

23 *Korea and the other belligerent actions North Korea has*

24 *made against allies of the United States. The report shall*

25 *include an evaluation of any bilateral agreements, basing*

1 *arrangements, and costs that would be involved with such*
2 *additional deployments.*

3 **SEC. 1065. SENSE OF CONGRESS ON NUCLEAR ARSENAL.**

4 *It is the sense of Congress that the nuclear force struc-*
5 *ture of the United States should be periodically reexamined,*
6 *through nuclear posture reviews, to assess assumptions that*
7 *shape the structure, size, and targeting of the nuclear forces*
8 *of the United States and to ensure that such forces are struc-*
9 *tured, sized, and targeted—*

10 *(1) to be capable of holding at risk the assets*
11 *that potential adversaries value; and*

12 *(2) to provide robust extended deterrence and as-*
13 *urance to allies of the United States.*

14 ***Subtitle F—Studies and Reports***

15 **SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE**
16 **OF ELECTROMAGNETIC SPECTRUM.**

17 *(a) REPORT.—Not later than 270 days after the date*
18 *of the enactment of this Act, the Secretary of Defense shall*
19 *submit to the congressional defense committees, the Com-*
20 *mittee on Energy and Commerce of the House of Represent-*
21 *atives, and the Committee on Commerce, Science, and*
22 *Transportation of the Senate a report assessing the use of*
23 *electromagnetic spectrum by the Department of Defense, in-*
24 *cluding—*

1 (1) a comparison of the actual and projected cost
2 impact, time required to plan and implement, and
3 policy implications of electromagnetic spectrum re-
4 allocations made since the enactment of the Omnibus
5 Budget Reconciliation Act of 1993 (Public Law 103–
6 66, 107 Stat. 312);

7 (2) an identification of critical electromagnetic
8 spectrum assignments where there is use by the De-
9 partment of Defense that—

10 (A) cannot be eliminated, relocated, consoli-
11 dated in other electromagnetic spectrum bands,
12 or for which there is no commercial or non-spec-
13 trum alternative, including a detailed expla-
14 nation of why that is the case; and

15 (B) can be eliminated, relocated, consoli-
16 dated in other electromagnetic spectrum bands,
17 or for which there is a commercial or non-spec-
18 trum alternative, including frequency of use,
19 time necessary to relocate or consolidate to an-
20 other electromagnetic spectrum band, and oper-
21 ational and cost impacts; and

22 (3) an analysis of the research being conducted
23 by the Department of Defense in electromagnetic spec-
24 trum-sharing and other dynamic electromagnetic
25 spectrum access technologies, including maturity level,

1 *applicability for spectrum relocation or consolidation,*
2 *and potential costs for continued development or im-*
3 *plementation.*

4 **(b) INTERIM UPDATE.**—*Not later than 120 days after*
5 *the date of the enactment of this Act, the Secretary of De-*
6 *fense shall provide to the congressional defense committees*
7 *a briefing to update such committees on the status of the*
8 *report required under subsection (b).*

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

12 **SEC. 1067. ELECTRONIC WARFARE STRATEGY OF THE DE-**
13 **PARTMENT OF DEFENSE.**

14 **(a) GUIDANCE REQUIRED.**—*Not later than January 1,*
15 *2013, the Secretary of Defense shall review and update De-*
16 *partment of Defense guidance related to electronic warfare*
17 *to ensure that oversight roles and responsibilities within the*
18 *Department related to electronic warfare policy and pro-*
19 *grams are clearly defined. Such guidance shall clarify, as*
20 *appropriate, the roles and responsibilities related to the in-*
21 *tegration of electronic warfare matters and cyberspace oper-*
22 *ations.*

23 **(b) PLAN REQUIRED.**—*Not later than January 1,*
24 *2013, the Commander of the United States Strategic Com-*
25 *mand shall update and issue guidance regarding the re-*

1 *sponsibilities of the Command with regard to joint elec-*
2 *tronic warfare capabilities. Such guidance shall—*

3 *(1) define the role and objectives of the Joint*
4 *Electromagnetic Spectrum Control Center or any*
5 *other center established in the Command to provide*
6 *governance and oversight of electronic warfare mat-*
7 *ters; and*

8 *(2) include an implementation plan outlining*
9 *tasks, metrics, and timelines to establish such a cen-*
10 *ter.*

11 *(c) ADDITIONAL REPORTING REQUIREMENTS.—Sec-*
12 *tion 1053(b)(1) of the National Defense Authorization Act*
13 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2459)*
14 *is amended—*

15 *(1) in subparagraph (B), by striking “; and”*
16 *and inserting a semicolon;*

17 *(2) in subparagraph (C), by striking the period*
18 *and inserting a semicolon; and*

19 *(3) by adding at the end the following new sub-*
20 *paragraphs:*

21 *“(D) performance measures to guide the im-*
22 *plementation of such strategy;*

23 *“(E) an identification of resources and in-*
24 *vestments necessary to implement such strategy;*

25 *and*

1 “(F) an identification of the roles and re-
2 sponsibilities within the Department to imple-
3 ment such strategy.”.

4 **SEC. 1068. REPORT ON COUNTERPROLIFERATION CAPABILI-**
5 **TIES AND LIMITATIONS.**

6 (a) *REPORT REQUIRED.*—Not later than March 1,
7 2013, the Secretary of Defense shall provide to the congres-
8 sional defense committees a report outlining operational ca-
9 pabilities, limitations, and shortfalls within the Depart-
10 ment of Defense with respect to counterproliferation and
11 combating weapons of mass destruction involving special
12 operations forces and key enabling forces.

13 (b) *ELEMENTS.*—The report required under subsection
14 (a) shall include each of the following elements:

15 (1) *An overview of current capabilities and limi-*
16 *tations.*

17 (2) *An overview and assessment of current and*
18 *future training requirements and gaps.*

19 (3) *An assessment of technical capability gaps.*

20 (4) *An assessment of interagency coordination*
21 *capabilities and gaps.*

22 (5) *An outline of current and future prolifera-*
23 *tion and weapons of mass destruction threats, includ-*
24 *ing critical intelligence gaps.*

1 (6) *An assessment of current international bilat-*
2 *eral and multilateral partnerships and the limita-*
3 *tions of such partnerships, including an assessment of*
4 *existing authorities to build partnership capacity in*
5 *this area.*

6 (7) *A description of efforts to address the limita-*
7 *tions and gaps referred to in paragraphs (1) through*
8 *(6), including timelines and requirements to address*
9 *such limitations and such gaps.*

10 (8) *Any other matters the Secretary considered*
11 *appropriate.*

12 ***Subtitle G—Miscellaneous***
13 ***Authorities and Limitations***

14 ***SEC. 1071. RULE OF CONSTRUCTION RELATING TO PROHI-***
15 ***BITION ON INFRINGING ON THE INDIVIDUAL***
16 ***RIGHT TO LAWFULLY ACQUIRE, POSSESS,***
17 ***OWN, CARRY, AND OTHERWISE USE PRI-***
18 ***VATELY OWNED FIREARMS, AMMUNITION,***
19 ***AND OTHER WEAPONS.***

20 *Section 1062(c) of the Ike Skelton National Defense*
21 *Authorization Act for Fiscal Year 2011 (Public Law 111–*
22 *383; 124 Stat. 4363) is amended—*

23 (1) *in paragraph (1)(B), by striking “; or” and*
24 *inserting a semicolon;*

1 (2) in paragraph (2), by striking “others.” and
2 inserting “others; or”; and

3 (3) by adding at the end the following new para-
4 graph:

5 “(3) authorize a mental health professional that
6 is a member of the Armed Forces or a civilian em-
7 ployee of the Department of Defense or a commanding
8 officer to inquire if a member of the Armed Forces
9 plans to acquire, or already possesses or owns, a pri-
10 vately-owned firearm, ammunition, or other weapon,
11 if such mental health professional or such com-
12 manding officer has reasonable grounds to believe
13 such member is at high risk for suicide or causing
14 harm to others.”.

15 **SEC. 1072. EXPANSION OF AUTHORITY OF THE SECRETARY**
16 **OF THE ARMY TO LOAN OR DONATE EXCESS**
17 **SMALL ARMS FOR FUNERAL AND OTHER CER-**
18 **EMONIAL PURPOSES.**

19 Section 4683(a) of title 10, United States Code, is
20 amended by adding at the end the following new paragraph:

21 “(3)(A) In order to meet the needs of an eligible
22 organization with respect to performing funeral and
23 other ceremonies, if the Secretary determines appro-
24 priate, the Secretary may—

1 “(i) loan or donate excess small arms to an
2 eligible organization;

3 “(ii) authorize an eligible organization to
4 retain small arms other than M–1 rifles; or

5 “(iii) if excess small arms stock is insuffi-
6 cient to meet organizational requirements, pre-
7 scribe policies and procedures to establish a rota-
8 tional loan program based on the needs of eligi-
9 ble organizations.

10 “(B) Nothing in this paragraph shall be con-
11 strued to supersede any Federal law or regulation
12 governing the use or ownership of firearms.

13 “(C) The Secretary may not delegate the author-
14 ity under this paragraph.”.

15 **SEC. 1073. PROHIBITION ON THE USE OF FUNDS FOR MANU-**
16 **FACTURING BEYOND LOW-RATE INITIAL PRO-**
17 **DUCTION AT CERTAIN PROTOTYPE INTEGRA-**
18 **TION FACILITIES.**

19 (a) *PROHIBITION.*—None of the funds authorized to be
20 appropriated by this Act may be used for manufacturing
21 production beyond the greater of low-rate initial production
22 or 1000 units at a prototype integration facility of any of
23 the following components of the Army Research, Develop-
24 ment, and Engineering Command:

1 (1) *The Armament Research, Development, and*
2 *Engineering Center.*

3 (2) *The Aviation and Missile Research, Develop-*
4 *ment, and Engineering Center.*

5 (3) *The Communications-Electronics Research,*
6 *Development, and Engineering Center.*

7 (4) *The Tank Automotive Research, Develop-*
8 *ment, and Engineering Center.*

9 (b) *WAIVER.—The Assistant Secretary of the Army for*
10 *Acquisition, Logistics, and Technology may waive the pro-*
11 *hibition under subsection (a) for a fiscal year if—*

12 (1) *the Assistant Secretary determines that the*
13 *waiver is necessary—*

14 (A) *for reasons of national security; or*

15 (B) *to rapidly acquire equipment to re-*
16 *spond to combat emergencies; and*

17 (2) *the Assistant Secretary submits to Congress*
18 *a notification of the waiver together with the reasons*
19 *for the waiver.*

20 (c) *LOW-RATE INITIAL PRODUCTION.—For purposes of*
21 *this section, the term “low-rate initial production” shall be*
22 *determined in accordance with section 2400 of title 10,*
23 *United States Code.*

1 **SEC. 1074. INTERAGENCY COLLABORATION ON UNMANNED**
2 **AIRCRAFT SYSTEMS.**

3 (a) *FINDINGS ON JOINT DEPARTMENT OF DEFENSE-*
4 *FEDERAL AVIATION ADMINISTRATION EXECUTIVE COM-*
5 *MITTEE ON CONFLICT AND DISPUTE RESOLUTION.*—*Sec-*
6 *tion 1036(a) of the Duncan Hunter National Defense Au-*
7 *thorization Act for Fiscal Year 2009 (Public Law 110–417;*
8 *122 Stat. 4596) is amended by adding at the end the fol-*
9 *lowing new paragraph:*

10 “(9) *Collaboration of scientific and technical*
11 *personnel and sharing resources from the Department*
12 *of Defense, Federal Aviation Administration, and Na-*
13 *tional Aeronautics and Space Administration can ad-*
14 *vance an enduring relationship of research capability*
15 *to advance the access of unmanned aircraft systems of*
16 *the Department of Defense to the National Airspace*
17 *System.”.*

18 (b) *INTERAGENCY COLLABORATION.*—

19 (1) *IN GENERAL.*—*The Secretary of Defense shall*
20 *collaborate with the Administrator of the Federal*
21 *Aviation Administration and the Administrator of*
22 *the National Aeronautics and Space Administration*
23 *to conduct research and seek solutions to challenges*
24 *associated with the safe integration of unmanned air-*
25 *craft systems into the National Airspace System in*
26 *accordance with subtitle B of title III of the FAA*

1 *Modernization and Reform Act of 2012 (Public Law*
2 *112–95; 126 Stat. 72).*

3 (2) *ACTIVITIES IN SUPPORT OF PLAN ON ACCESS*
4 *TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT*
5 *SYSTEMS.—Collaboration under paragraph (1) may*
6 *include research and development of scientific and*
7 *technical issues, equipment, and technology in sup-*
8 *port of the plan to safely accelerate the integration of*
9 *unmanned aircraft systems as required by subtitle B*
10 *of title III of the FAA Modernization and Reform Act*
11 *of 2012 (Public Law 112–95; 126 Stat. 72).*

12 (3) *NONDUPLICATIVE EFFORTS.—If the Secretary*
13 *of Defense determines it is in the interest of the De-*
14 *partment of Defense, the Secretary may use existing*
15 *aerospace-related laboratories, personnel, equipment*
16 *research radars, and ground facilities of the Depart-*
17 *ment of Defense to avoid the duplication of efforts in*
18 *carrying out collaboration under paragraph (1).*

19 (4) *REPORTS.—*

20 (A) *REQUIREMENT.—The Secretary of De-*
21 *fense, on behalf of the UAS Executive Committee,*
22 *shall annually submit to the congressional de-*
23 *fense committees, the Committee on Transpor-*
24 *tation and Infrastructure and the Committee on*
25 *Science, Space, and Technology of the House of*

1 *Representatives, and the Committee on Com-*
2 *merce, Science, and Transportation of the Senate*
3 *a report on the progress of collaborative research*
4 *activity, including—*

5 *(i) the progress on accomplishing the*
6 *goals of the unmanned aircraft systems re-*
7 *search, development, and demonstration*
8 *roadmap of the Next Generation Air Trans-*
9 *portation System Joint Planning and De-*
10 *velopment Office of the Federal Aviation*
11 *Administration; and*

12 *(ii) estimates of long-term funding*
13 *needs.*

14 *(B) TERMINATION.—The requirement to*
15 *submit a report under subparagraph (A) shall*
16 *terminate on the date that is five years after the*
17 *date of the enactment of this Act.*

18 *(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this*
19 *section, the term “UAS Executive Committee” means the*
20 *Department of Defense–Federal Aviation Administration*
21 *executive committee described in section 1036(b) of the Dun-*
22 *can Hunter National Defense Authorization Act for Fiscal*
23 *Year 2009 (Public Law 110–417; 122 Stat. 4596) estab-*
24 *lished by the Secretary of Defense and the Administrator*
25 *of the Federal Aviation Administration.*

1 **SEC. 1075. AUTHORITY TO TRANSFER SURPLUS MINE-RE-**
2 **SISTANT AMBUSH-PROTECTED VEHICLES**
3 **AND SPARE PARTS.**

4 (a) *AUTHORITY.*—*The Secretary of Defense is author-*
5 *ized to transfer surplus Mine-Resistant Ambush-Protected*
6 *vehicles, including spare parts for such vehicles, to non-*
7 *profit United States humanitarian demining organizations*
8 *for purposes of demining activities and training of such or-*
9 *ganizations.*

10 (b) *TERMS AND CONDITIONS.*—*Any transfer of vehicles*
11 *or spare parts under subsection (a) shall be subject to the*
12 *following terms and conditions:*

13 (1) *The transfer shall be made on a loan basis.*

14 (2) *The costs of operation and maintenance of*
15 *the vehicles shall be borne by the recipient organiza-*
16 *tion.*

17 (3) *Any other terms and conditions as the Sec-*
18 *retary of Defense determines to be appropriate.*

19 (c) *NOTIFICATION.*—*The Secretary of Defense shall no-*
20 *tify the congressional defense committees in writing not less*
21 *than 60 days before making any transfer of vehicles or spare*
22 *parts under subsection (a). Such notification shall include*
23 *the name of the organization, the number and model of the*
24 *vehicle to be transferred, a listing of any spare parts to*
25 *be transferred, and any other information the Secretary*
26 *considers appropriate.*

1 **SEC. 1076. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **RETIREMENT OF AIRCRAFT.**

3 (a) *IN GENERAL.*—*Except as provided by section 135,*
4 *none of the funds authorized to be appropriated by this Act*
5 *or otherwise made available for fiscal year 2013 for the*
6 *Army or the Air Force may be used during fiscal year 2013*
7 *to divest, retire, or transfer, or prepare to divest, retire, or*
8 *transfer, any—*

9 (1) *C-23 aircraft of the Army assigned to the*
10 *Army as of May 31, 2012; or*

11 (2) *aircraft of the Air Force assigned to the Air*
12 *Force as of May 31, 2012.*

13 (b) *WAIVER.*—*The Secretary of Defense may waive the*
14 *limitation in subsection (a) if—*

15 (1) *the Secretary submits to the congressional de-*
16 *fense committees written certification that such a*
17 *waiver is necessary to meet an emergency national se-*
18 *curity requirement; and*

19 (2) *a period of 15 days has elapsed following the*
20 *date on which such certification is submitted.*

21 (c) *REPORT.*—

22 (1) *IN GENERAL.*—*Not later than March 1, 2013,*
23 *the Secretary of Defense shall submit to the congres-*
24 *sional defense committees a report by the Chief of the*
25 *National Guard Bureau, the Chief of Staff of the Air*
26 *Force, and the Chief of Staff of the Army and ap-*

1 *proved by the Secretary of Defense that specifies, with*
2 *respect to all aircraft proposed to be retired during*
3 *fiscal years 2013 through 2017—*

4 *(A) the economic analysis used to make*
5 *each realignment decision with respect to such*
6 *aircraft of the National Guard and Air Force*
7 *Reserve;*

8 *(B) alternative options considered for each*
9 *such realignment decision, including an analysis*
10 *of such options;*

11 *(C) the effect of each such realignment deci-*
12 *sion on—*

13 *(i) the current personnel at the loca-*
14 *tion; and*

15 *(ii) the missions and capabilities of the*
16 *Army; and*

17 *(D) the plans for each location that is being*
18 *realigned, including the analysis used for such*
19 *plans.*

20 *(2) GAO ANALYSIS.—The Comptroller General of*
21 *the United States shall carry out the following:*

22 *(A) An economic analysis of the realign-*
23 *ment decisions made by the Secretary of Defense*
24 *with respect to the aircraft of the National*

1 *Guard and Air Force Reserve described in para-*
2 *graph (1)(A).*

3 *(B) An analysis of the alternative options*
4 *considered for each such realignment decision.*

5 *(C) An analysis of the effect of each such re-*
6 *alignment decision on—*

7 *(i) the current personnel at the loca-*
8 *tion; and*

9 *(ii) the missions and capabilities of the*
10 *Army; and*

11 *(D) An analysis of the plans described in*
12 *paragraph (1)(D).*

13 *(3) COOPERATION.—The Secretary of Defense*
14 *shall provide the Comptroller General with relevant*
15 *data and cooperation to carry out the analyses under*
16 *paragraph (2).*

17 *(4) SUBMITTAL.—Not later than 90 days after*
18 *the date on which the Secretary submits the report*
19 *under paragraph (1), the Comptroller General shall*
20 *submit to the congressional defense committees a re-*
21 *port containing the analyses conducted under para-*
22 *graph (2).*

1 **SEC. 1077. PROHIBITION ON DEPARTMENT OF DEFENSE**
2 **USE OF NONDISCLOSURE AGREEMENTS TO**
3 **PREVENT MEMBERS OF THE ARMED FORCES**
4 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
5 **MENT FROM COMMUNICATING WITH MEM-**
6 **BERS OF CONGRESS.**

7 *(a) INCLUSION OF CIVILIAN EMPLOYEES IN CURRENT*
8 *PROHIBITION ON RESTRICTING COMMUNICATION.—Para-*
9 *graph (1) of subsection (a) of section 1034 of title 10,*
10 *United States Code, is amended by inserting “or civilian*
11 *employee of the Department of Defense” after “member of*
12 *the armed forces”.*

13 *(b) PROHIBITION ON USING NONDISCLOSURE AGREE-*
14 *MENTS TO RESTRICT COMMUNICATION.—Such subsection is*
15 *further amended—*

16 *(1) by redesignating paragraph (2) as para-*
17 *graph (3); and*

18 *(2) by inserting after paragraph (1) the fol-*
19 *lowing new paragraph:*

20 *“(2)(A) The prohibition imposed by paragraph (1)*
21 *precludes the use of a nondisclosure agreement with a mem-*
22 *ber of the armed forces or a civilian employee of the Depart-*
23 *ment of Defense to restrict the member or employee in com-*
24 *municating with a Member of Congress or an Inspector*
25 *General.*

1 “(B) Subparagraph (A) does not prevent the use of
2 nondisclosure agreements to prevent the disclosure of—

3 “(i) deliberations regarding the closure or re-
4 alignment of a military installation under a base clo-
5 sure law;

6 “(ii) commercial proprietary information; and

7 “(iii) classified information the level of which ex-
8 ceeds the clearance held by the requestor.”.

9 **Subtitle H—Other Matters**

10 **SEC. 1081. BIPARTISAN INDEPENDENT STRATEGIC REVIEW**

11 **PANEL.**

12 (a) *BIPARTISAN INDEPENDENT STRATEGIC REVIEW*

13 *PANEL.—*

14 (1) *ESTABLISHMENT.—Chapter 2 of title 10,*
15 *United States Code, is amended by adding at the end*
16 *the following new section:*

17 **“§ 119b. Bipartisan independent strategic review** 18 **panel**

19 “(a) *ESTABLISHMENT.—There is established a bipar-*
20 *tisan independent strategic review panel (in this section re-*
21 *ferred to as the ‘Panel’) to conduct a regular review of the*
22 *national defense strategic environment of the United States*
23 *and to conduct an independent assessment of the quadren-*
24 *ennial defense review required under section 118.*

25 “(b) *MEMBERSHIP.—*

1 “(1) *APPOINTMENT.*—*The Panel shall be com-*
2 *posed of 12 members from civilian life with a recog-*
3 *nized expertise in national security matters who shall*
4 *be appointed as follows:*

5 “(A) *Four members shall be appointed by*
6 *the Secretary of Defense, of whom not more than*
7 *three members shall be of the same political*
8 *party.*

9 “(B) *Two members shall be appointed by*
10 *the chair of the Committee on Armed Services of*
11 *the House of Representatives.*

12 “(C) *Two members shall be appointed by*
13 *the chair of the Committee on Armed Services of*
14 *the Senate.*

15 “(D) *Two members shall be appointed by*
16 *the ranking minority member of the Committee*
17 *on Armed Services of the House of Representa-*
18 *tives.*

19 “(E) *Two members shall be appointed by*
20 *the ranking minority member of the Committee*
21 *on Armed Services of the Senate.*

22 “(2) *INITIAL MEMBERS: APPOINTMENT DATE AND*
23 *TERM OF SERVICE.*—

1 “(A) *APPOINTMENT DATE.*—*The initial*
2 *members of the Panel shall be appointed under*
3 *paragraph (1) not later than January 30, 2013.*

4 “(B) *TERMS.*—

5 “(i) *The Secretary of Defense shall des-*
6 *ignate two initial members of the Panel ap-*
7 *pointed under paragraph (1)(A) to serve*
8 *terms that expire on December 31, 2013,*
9 *and two such initial members to serve terms*
10 *that expire on December 31, 2014.*

11 “(ii) *The chair of the Committee on*
12 *Armed Services of the House of Representa-*
13 *tives shall designate one initial member of*
14 *the Panel appointed under paragraph*
15 *(1)(B) to serve a term that expires on De-*
16 *cember 31, 2013, and one such initial mem-*
17 *ber to serve a term that expires on Decem-*
18 *ber 31, 2014.*

19 “(iii) *The chair of the Committee on*
20 *Armed Services of the Senate shall designate*
21 *one initial member of the Panel appointed*
22 *under paragraph (1)(C) to serve a term that*
23 *expires on December 31, 2013, and one such*
24 *initial member to serve a term that expires*
25 *on December 31, 2014.*

1 “(iv) *The ranking minority member of*
2 *the Committee on Armed Services of the*
3 *House of Representatives shall designate one*
4 *initial member of the Panel appointed*
5 *under paragraph (1)(D) to serve a term*
6 *that expires on December 31, 2013, and one*
7 *such initial member to serve a term that ex-*
8 *pires on December 31, 2014.*

9 “(v) *The ranking minority member of*
10 *the Committee on Armed Services of the*
11 *Senate shall designate one initial member of*
12 *the Panel appointed under paragraph*
13 *(1)(E) to serve a term that expires on De-*
14 *cember 31, 2013, and one such initial mem-*
15 *ber to serve a term that expires on Decem-*
16 *ber 31, 2014.*

17 “(3) *CHAIRS.—The Secretary of Defense shall*
18 *designate two members appointed pursuant to para-*
19 *graph (1)(A) that are not of the same political party*
20 *to serve as the Chairs of the Panel.*

21 “(4) *VACANCIES.—*

22 “(A) *A vacancy in the Panel shall be filled*
23 *in the same manner as the original appointment*
24 *and not later than 30 days after the date on*
25 *which the vacancy begins.*

1 “(B) *A member of the Panel appointed to*
2 *fill a vacancy shall be appointed for a term that*
3 *expires—*

4 “(i) *in the case of an appointment to*
5 *fill a vacancy resulting from a person not*
6 *-serving the entire term for which such per-*
7 *son was appointed, at the end of the re-*
8 *mainder of such term; and*

9 “(ii) *in the case of an appointment to*
10 *fill a vacancy resulting from the expiration*
11 *of the term of a member of the panel, two*
12 *years after the date on which the term of*
13 *such member expired.*

14 “(5) *REAPPOINTMENT.—Members of the Panel*
15 *may be reappointed to the Panel for additional terms*
16 *of service.*

17 “(6) *PAY.—The members of the Panel shall serve*
18 *without pay*

19 “(7) *TRAVEL EXPENSES.—Each member of the*
20 *Panel shall receive travel expenses, including per*
21 *diem in lieu of subsistence, in accordance with appli-*
22 *cable provisions under subchapter I of chapter 57 of*
23 *title 5, United States Code.*

24 “(c) *DUTIES.—*

1 “(1) *REVIEW OF NATIONAL DEFENSE STRATEGIC*
2 *ENVIRONMENT.—The Panel shall every four years,*
3 *during a year following a year evenly divisible by*
4 *four, review the national defense strategic environ-*
5 *ment of the United States. Such review shall include*
6 *a review and assessment of—*

7 “(A) *the national defense environment, in-*
8 *cluding challenges and opportunities;*

9 “(B) *the national defense strategy and pol-*
10 *icy;*

11 “(C) *the national defense roles, missions,*
12 *and organizations;*

13 “(D) *the risks to the national defense of the*
14 *United States and how such risks affect chal-*
15 *lenges and opportunities to national defense; and*

16 “(2) *ADDITIONAL REVIEWS.—The Panel may*
17 *conduct additional reviews under paragraph (1) as*
18 *requested by Congress or the Secretary of Defense, or*
19 *when the Panel determines a significant change in the*
20 *national defense environment has occurred that would*
21 *warrant new recommendations from the Panel.*

22 “(3) *ASSESSMENT OF QUADRENNIAL DEFENSE*
23 *REVIEW.—The Panel shall conduct an assessment of*
24 *each quadrennial defense review required to be con-*

1 *ducted under section 118. Each assessment shall in-*
2 *clude—*

3 *“(A) a review of the Secretary of Defense’s*
4 *terms of reference, and any other materials pro-*
5 *viding the basis for, or substantial inputs to, the*
6 *work of the Department of Defense on such quad-*
7 *rennial defense review;*

8 *“(B) an assessment of the assumptions,*
9 *strategy, findings, and risks in the report of the*
10 *Secretary of Defense on such quadrennial defense*
11 *review required under section 118(d), with par-*
12 *ticular attention paid to the risks described in*
13 *such a report;*

14 *“(C) an independent assessment of a variety*
15 *of possible force structures for the armed forces,*
16 *including the force structure identified in the re-*
17 *port required under section 118(d); and*

18 *“(D) a review of the resource requirements*
19 *identified in such quadrennial defense review*
20 *pursuant to section 118(b)(3) and, to the extent*
21 *practicable, a general comparison of such re-*
22 *source requirements with the resource require-*
23 *ments to support the forces contemplated under*
24 *the force structures assessed under subparagraph*
25 *(C).*

1 “(d) *ADMINISTRATIVE PROVISIONS.*—

2 “(1) *STAFF.*—

3 “(A) *IN GENERAL.*—*The Chairs of the Panel*
4 *may, without regard to the civil service laws and*
5 *regulations, appoint and terminate an executive*
6 *director and not more than 11 additional per-*
7 *sonnel, as may be necessary to enable the Panel*
8 *to perform the duties of the Panel.*

9 “(B) *COMPENSATION.*—*The Chairs of the*
10 *Panel may fix the compensation of the executive*
11 *director and other personnel without regard to*
12 *the provisions of chapter 51 and subchapter III*
13 *of chapter 53 of title 5, United States Code, re-*
14 *lating to the classification of positions and Gen-*
15 *eral Schedule pay rates, except that the rate of*
16 *pay for the executive director and other per-*
17 *sonnel may not exceed the rate payable for level*
18 *V of the Executive Schedule under section 5316*
19 *of such title.*

20 “(2) *DETAIL OF GOVERNMENT EMPLOYEES.*—

21 *Any Federal Government employee may be detailed to*
22 *the Panel without reimbursement, and such detail*
23 *shall be without interruption or loss of civil service*
24 *status or privilege.*

1 “(3) *PROCUREMENT OF TEMPORARY AND INTER-*
2 *MITTENT SERVICES.*—*The Chairs of the Panel may*
3 *procure temporary and intermittent services under*
4 *section 3109(b) of title 5, United States Code, at rates*
5 *for individuals that do not exceed the daily equivalent*
6 *of the annual rate of basic pay for level V of the Exec-*
7 *utive Schedule under section 5316 of such title.*

8 “(4) *PROVISION OF INFORMATION.*—*The Panel*
9 *may request directly from the Department of Defense*
10 *and any of its components such information as the*
11 *Panel considers necessary to carry out its duties*
12 *under this section. The head of the department or*
13 *agency concerned shall cooperate with the Panel to*
14 *ensure that information requested by the Panel under*
15 *this paragraph is promptly provided to the maximum*
16 *extent practical.*

17 “(5) *USE OF CERTAIN DEPARTMENT OF DEFENSE*
18 *RESOURCES.*—*Upon the request of the Chairs of the*
19 *Panel, the Secretary of Defense shall make available*
20 *to the Panel the services of any federally-funded re-*
21 *search and development center that is covered by a*
22 *sponsoring agreement of the Department of Defense.*

23 “(6) *FUNDING.*—*Funds for activities of the Panel*
24 *shall be provided from amounts available to the De-*
25 *partment of Defense.*

1 “(e) *REPORTS.*—

2 “(1) *REVIEW OF NATIONAL DEFENSE STRATEGIC*
3 *ENVIRONMENT.*—*Not later than June 30 of a year fol-*
4 *lowing a year evenly divisible by four, the Panel shall*
5 *submit to the congressional defense committees, the*
6 *Secretary of Defense, and the National Security*
7 *Council a report containing the results of the review*
8 *conducted under subsection (c)(1) and any rec-*
9 *ommendations or other matters that the Panel con-*
10 *siders appropriate.*

11 “(2) *ASSESSMENT OF QUADRENNIAL DEFENSE*
12 *REVIEW.*—*Not later than 90 days after the date on*
13 *which a report on a quadrennial defense review is*
14 *submitted to Congress under section 118(d), the Panel*
15 *shall submit to the congressional defense committees*
16 *and the Secretary of Defense a report containing the*
17 *results of the assessment conducted under subsection*
18 *(c)(3) and any recommendations or other matters*
19 *that the Panel considers appropriate.”.*

20 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
21 *tions at the beginning of chapter 2 of title 10, United*
22 *States Code, is amended by adding at the end the fol-*
23 *lowing new item:*

 “119b. *Bipartisan independent strategic review panel.*”.

24 “(b) *UPDATES FROM SECRETARY OF DEFENSE ON*
25 *PROGRESS OF QUADRENNIAL DEFENSE REVIEW.*—*Section*

1 118(f) of title 10, United States Code, is amended to read
2 as follows:

3 “(f) *UPDATES TO BIPARTISAN INDEPENDENT STRA-*
4 *TEGIC REVIEW PANEL.*—*The Secretary of Defense shall en-*
5 *sure that periodically, but not less often than every 60 days,*
6 *or at the request of the Chairs of the bipartisan independent*
7 *strategic review panel established under section 119b(a), the*
8 *Department of Defense briefs such panel on the progress of*
9 *the conduct of a quadrennial defense review under sub-*
10 *section (a).”.*

11 (c) *BIPARTISAN INDEPENDENT STRATEGIC REVIEW OF*
12 *THE UNITED STATES ARMY.*—

13 (1) *REVIEW REQUIRED.*—*Not later than 30 days*
14 *after the date on which all initial members of the bi-*
15 *partisan independent strategic review panel are ap-*
16 *pointed under section 119b(b) of title 10, United*
17 *States Code, as added by subsection (a)(1) of this sec-*
18 *tion, the Panel shall begin a review of the future of*
19 *the Army.*

20 (2) *ELEMENTS OF REVIEW.*—*The review required*
21 *under paragraph (1) shall include a review and as-*
22 *essment of—*

23 (A) *the validity and utility of the scenarios*
24 *and planning assumptions the Army used to de-*
25 *velop the current force structure of the Army;*

1 (B) such force structure and an evaluation
2 of the adequacy of such force structure for meet-
3 ing the goals of the national military strategy of
4 the United States;

5 (C) the size and structure of elements of the
6 Army, in particular United States Army Train-
7 ing and Doctrine Command, United States
8 Army Materiel Command, and corps and higher
9 headquarters elements;

10 (D) potential alternative force structures of
11 the Army; and

12 (E) the resource requirements of each of the
13 alternative force structures analyzed by the
14 Panel.

15 (3) REPORT.—

16 (A) PANEL REPORT.—Not later than one
17 year after the date on which the Panel begins the
18 review required under paragraph (1), the Panel
19 shall submit to the congressional defense commit-
20 tees and the Secretary of Defense a report con-
21 taining the findings and recommendations of the
22 Panel, including any recommendations con-
23 cerning changes to the planned size and composi-
24 tion of the Army.

1 (B) *ADDITIONAL VIEWS.*—*The report re-*
2 *quired under subparagraph (A) shall include*
3 *any additional or dissenting views of a member*
4 *of the Panel that such member considers appro-*
5 *priate to include in such report.*

6 (4) *DEFINITIONS.*—*In this section:*

7 (A) *ARMY.*—*The term “Army” includes the*
8 *reserve components of the Army.*

9 (B) *BIPARTISAN INDEPENDENT STRATEGIC*
10 *REVIEW PANEL.*—*The terms “bipartisan inde-*
11 *pendent strategic review panel” and “Panel”*
12 *mean the bipartisan independent strategic re-*
13 *view panel established under section 119b(a) of*
14 *title 10, United States Code, as added by sub-*
15 *section (a)(1) of this section.*

16 **SEC. 1082. NOTIFICATION OF DELAYED REPORTS.**

17 (a) *IN GENERAL.*—*Chapter 3 of title 10, United States*
18 *Code, is amended by inserting after section 122a the fol-*
19 *lowing new section:*

20 **“§ 122b. Notification of delayed reports**

21 *“If the Secretary of Defense determines that a report*
22 *required by law to be submitted by any official of the De-*
23 *partment of Defense to Congress will not be submitted by*
24 *the date required under law, the Secretary shall submit to*

1 *the congressional defense committees a notification, by not*
2 *later than such date, of the following:*

3 “(1) *An explanation of why such report will not*
4 *be submitted by such date.*”

5 “(2) *The date on which such report will be sub-*
6 *mitted.*”

7 “(3) *The status of such report as of the date of*
8 *the notification.*”

9 “(4) *The office of the Department carrying out*
10 *such report and the individual acting as the head of*
11 *such office.*”

12 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
13 *the beginning of such chapter is amended by inserting after*
14 *the item relating to section 122a the following new item:*
“122b. Notification of delayed reports.”

15 **SEC. 1083. TECHNICAL AND CLERICAL AMENDMENTS.**

16 **(a) AMENDMENTS TO NATIONAL DEFENSE AUTHOR-**
17 **IZATION ACT FOR FISCAL YEAR 2012.**—*Effective as of De-*
18 *cember 31, 2011, and as if included therein as enacted, the*
19 *National Defense Authorization Act for Fiscal Year 2012*
20 *(Public Law 112–81) is amended as follows:*

21 (1) *Section 243(d) (125 Stat. 1344) is amended*
22 *by striking “paragraph” and inserting “subsection”.*

23 (2) *Section 541(b) (125 Stat. 1407) is amended*
24 *by striking “, as amended by subsection (a),”.*

1 (3) *Section 589(b) (125 Stat. 1438) is amended*
2 *by striking “section 717” and inserting “section*
3 *2564”.*

4 (4) *Section 602(a)(2) (125 Stat. 1447) is amend-*
5 *ed by striking “repairs,” and inserting “repairs”.*

6 (5) *Section 631(e)(28)(A) (125 Stat. 1464) is*
7 *amended by striking “In addition” in the matter pro-*
8 *posed to be inserted and inserting “Under regula-*
9 *tions”.*

10 (6) *Section 631(f)(2) (125 Stat. 1464) is amend-*
11 *ed by striking “table of chapter” and inserting “table*
12 *of chapters”.*

13 (7) *Section 631(f)(3)(B) (125 Stat. 1465) is*
14 *amended by striking “chapter 9” and inserting*
15 *“chapter 10”.*

16 (8) *Section 631(f)(4) (125 Stat. 1465) is amend-*
17 *ed by striking “subsection (c)” both places it appears*
18 *and inserting “subsection (d)”.*

19 (9) *Section 801 (125 Stat. 1482) is amended—*

20 (A) *in subsection (a)(1)(B), by striking*
21 *“paragraphs (6) and (7)” and inserting “para-*
22 *graphs (5) and (6)”;*

23 (B) *in subsection (a)(2), in the matter pro-*
24 *posed to be inserted as a new paragraph, by*
25 *striking the double closing quotation marks after*

1 “capabilities” and inserting a single closing
2 quotation mark; and

3 (C) in subsection (e)(1)(A), by striking
4 “**Point**” in the matter proposed to be struck
5 and inserting “**Point A**”.

6 (10) Section 832(b)(1) (125 Stat. 1504) is
7 amended by striking “Defenese” and inserting “De-
8 fense”.

9 (11) Section 855 (125 Stat. 1521) is amended by
10 striking “Section 139e(b)(12)” and inserting “Section
11 139c(b)(12)”.

12 (12) Section 864(a)(2) (125 Stat. 1522) is
13 amended by striking “for Acquisition Workforce Pro-
14 grams” in the matter proposed to be struck.

15 (13) Section 864(d)(2) (125 Stat. 1525) is
16 amended to read as follows:

17 “(2) in paragraph (6), by striking ‘ensure that
18 amounts collected’ and all that follows through the
19 end of the paragraph (as amended by section 526 of
20 division C of Public Law 112-74 (125 Stat. 914)) and
21 inserting ‘ensure that amounts collected under this
22 section are not used for a purpose other than the ac-
23 tivities set forth in section 1201(a) of this title.’”.

1 (14) Section 866(a) (125 Stat. 1526) is amended
2 by striking “September 30” in the matter proposed to
3 be struck and inserting “December 31”.

4 (15) Section 867 (125 Stat. 1526) is amended—

5 (A) in paragraph (1), by striking “2010” in
6 the matter proposed to be struck and inserting
7 “2011”; and

8 (B) in paragraph (2), by striking “2013”
9 in the matter proposed to be struck and inserting
10 “2014”.

11 (16) Section 1045(c)(1) (125 Stat. 1577) is
12 amended by striking “described in subsection (b)”
13 and inserting “described in paragraph (2)”.

14 (17) Section 1067 (125 Stat. 1589) is amend-
15 ed—

16 (A) by striking subsection (a); and

17 (B) by striking the subsection designation
18 and the subsection heading of subsection (b).

19 (18) Section 2702 (125 Stat. 1681) is amend-
20 ed—

21 (A) in the section heading, by striking “**AU-**
22 **THORIZED**” and inserting “**AUTHORIZATION**
23 **OF APPROPRIATIONS FOR**”; and

24 (B) by striking “Using amounts” and all
25 that follows through “may carry out” and insert-

1 ing “Funds are hereby authorized to be appro-
2 priated for fiscal years beginning after Sep-
3 tember 30, 2011, for”.

4 (19) Section 2815(c) (125 Stat. 1689) is amend-
5 ed by inserting “subchapter III of” before “chapter
6 169”.

7 (b) AMENDMENTS TO IKE SKELTON NATIONAL DE-
8 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Ef-
9 fective as of January 7, 2011, and as if included therein
10 as enacted, the Ike Skelton National Defense Authorization
11 Act for Fiscal Year 2011 (Public Law 111–383) is amended
12 as follows:

13 (1) Section 533(b) (124 Stat. 4216) is amended
14 by inserting “Section” before “1559(a)”.

15 (2) Section 863(d)(9) (124 Stat. 4293; 10 U.S.C.
16 2330 note) is amended by striking “this title” and in-
17 serting “title 10, United States Code”.

18 (3) Section 896(a) (124 Stat. 4314) is amended
19 by striking “Chapter 7” and inserting “Chapter 4”.

20 (c) AMENDMENTS TO REFLECT REDESIGNATION OF
21 CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DE-
22 FENSE.—

23 (1) ASSISTANT SECRETARY OF DEFENSE FOR NU-
24 CLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PRO-
25 GRAMS.— Section 1605(a)(5) of the National Defense

1 *Authorization Act for Fiscal Year 1994 (Public Law*
2 *103–160; 22 U.S.C. 2751 note) is amended by strik-*
3 *ing “The Assistant to the Secretary of Defense for Nu-*
4 *clear and Chemical and Biological Defense Pro-*
5 *grams” each place it appears and inserting “The As-*
6 *stant Secretary of Defense for Nuclear, Chemical,*
7 *and Biological Defense Programs”.*

8 (2) ASSISTANT SECRETARY OF DEFENSE FOR RE-
9 SEARCH AND ENGINEERING.—

10 (A) *The following provisions are amended*
11 *by striking “Director of Defense Research and*
12 *Engineering” and inserting “Assistant Secretary*
13 *of Defense for Research and Engineering”:*

14 (i) *Sections 2362(a)(1) and 2521(e)(5)*
15 *of title 10, United States Code.*

16 (ii) *Section 241(c) of the National De-*
17 *fense Authorization Act for Fiscal Year*
18 *2006 (Public Law 109–163; 10 U.S.C. 2521*
19 *note).*

20 (iii) *Section 212(b) of the Ronald W.*
21 *Reagan National Defense Authorization Act*
22 *for Fiscal Year 2005 (Public Law 108–375;*
23 *10 U.S.C. 2358 note).*

24 (iv) *Section 246(d)(1) of the Bob*
25 *Stump National Defense Authorization Act*

1 *for Fiscal Year 2003 (Public Law 107–314;*
2 *10 U.S.C. 2358 note).*

3 *(v) Section 257(a) of the National De-*
4 *fense Authorization Act for Fiscal Year*
5 *1995 (Public Law 103–337; 10 U.S.C. 2358*
6 *note).*

7 *(vi) Section 1101(b)(1)(D) of the*
8 *Strom Thurmond National Defense Author-*
9 *ization Act for Fiscal Year 1999 (Public*
10 *Law 105–261; 5 U.S.C. 3104 note).*

11 *(vii) Section 802(g)(1)(B)(ii) of the*
12 *Higher Education Opportunity Act (20*
13 *U.S.C. 9631(g)(1)(B)(ii)).*

14 *(B) Section 2365 of title 10, United States*
15 *Code, is amended—*

16 *(i) in subsection (a), by inserting “of*
17 *Defense for Research and Engineering”*
18 *after “Assistant Secretary”; and*

19 *(ii) in subsection (d)(3)(A), by striking*
20 *“Director” and inserting “Assistant Sec-*
21 *retary”.*

22 *(C) Section 256 of the National Defense Au-*
23 *thorization Act for Fiscal Year 2006 (Public*
24 *Law 109–163; 10 U.S.C. 1071 note) is amended*
25 *in subsections (b)(4) and (d) by striking “Direc-*

1 *tor, Defense” and inserting “Assistant Secretary*
2 *of Defense for”.*

3 *(D) Section 1504 of the Duncan Hunter*
4 *National Defense Authorization Act for Fiscal*
5 *Year 2009 (Public Law 110–417; 10 U.S.C. 2358*
6 *note) is amended—*

7 *(i) in subsection (a), by striking “Di-*
8 *rector of Defense” and inserting “Assistant*
9 *Secretary of Defense for”; and*

10 *(ii) in subsection (b)(9), by striking*
11 *“the Director of the” and all that follows*
12 *through “Engineering” and inserting “the*
13 *Director and the Assistant Secretary”.*

14 *(E) Section 802 of the National Defense Au-*
15 *thorization Act for Fiscal Year 1994 (Public*
16 *Law 103–160; 10 U.S.C. 2358 note) is amend-*
17 *ed—*

18 *(i) in subsection (a), by striking “Di-*
19 *rector of Defense” and inserting “Assistant*
20 *Secretary of Defense for”;*

21 *(ii) in subsections (b), (d), and (e), by*
22 *striking “Director” and inserting “Assist-*
23 *ant Secretary”;* and

24 *(iii) in subsection (f), by striking “Not*
25 *later than” and all that follows through*

1 *“the Director” and inserting “The Assistant*
2 *Secretary”.*

3 *(F) Section 214 of the National Defense Au-*
4 *thorization Act for Fiscal Year 2008 (Public*
5 *Law 110–181; 10 U.S.C. 2521 note) is amended*
6 *by striking “unless the” and all that follows*
7 *through “ensures” and inserting “unless the As-*
8 *stant Secretary of Defense for Research and*
9 *Engineering ensures”.*

10 *(d) CROSS-REFERENCE AMENDMENTS RELATING TO*
11 *ENACTMENT OF TITLE 41.—Title 10, United States Code,*
12 *is amended as follows:*

13 *(1) Section 2302 is amended—*

14 *(A) in paragraph (7), by striking “section*
15 *4 of such Act” and inserting “such section”; and*

16 *(B) in paragraph (9)(A)—*

17 *(i) by striking “section 26 of the Office*
18 *of Federal Procurement Policy Act (41*
19 *U.S.C. 422)” and inserting “chapter 15 of*
20 *title 41”; and*

21 *(ii) by striking “such section” and in-*
22 *serting “such chapter”.*

23 *(2) Section 2306a(b)(3)(B) is amended by strik-*
24 *ing “section 4(12)(C)(i) of the Office of Federal Pro-*

1 *curement Policy Act (41 U.S.C. 403(12)(C)(i))” and*
2 *inserting “section 103(3)(A) of title 41”.*

3 (3) *Section 2321(f)(2) is amended by striking*
4 *“section 35(c) of the Office of Federal Procurement*
5 *Policy Act (41 U.S.C. 431(c))” and inserting “section*
6 *104 of title 41”.*

7 (4) *Section 2359a(h) is amended by striking*
8 *“section 16(c) of the Office of Federal Procurement*
9 *Policy Act (41 U.S.C. 414(c))” and inserting “section*
10 *1702(c) of title 41”.*

11 (5) *Section 2359b(k)(4) is amended—*

12 (A) *in subparagraph (A), by striking “sec-*
13 *tion 4 of the Office of Federal Procurement Pol-*
14 *icy Act (41 U.S.C. 403)” and inserting “section*
15 *110 of title 41”; and*

16 (B) *in subparagraph (B), by adding a pe-*
17 *riod at the end.*

18 (6) *Section 2379 is amended—*

19 (A) *in subsections (a)(1)(A), (b)(2)(A), and*
20 *(c)(1)(B)(i), by striking “section 4(12) of the Of-*
21 *fice of Federal Procurement Policy Act (41*
22 *U.S.C. 403(12))” and inserting “section 103 of*
23 *title 41”; and*

24 (B) *in subsections (b) and (c)(1), by strik-*
25 *ing “section 35(c) of the Office of Federal Pro-*

1 *curement Policy Act (41 U.S.C. 431(c))” and in-*
2 *serting “section 104 of title 41”.*

3 *(7) Section 2382(c) is amended—*

4 *(A) in paragraph (2)(B), by striking “sec-*
5 *tions 303H through 303K of the Federal Prop-*
6 *erty and Administrative Services Act of 1949 (41*
7 *U.S.C. 253h through 253k)” and inserting “sec-*
8 *tions 4101, 4103, 4105, and 4106 of title 41”;*
9 *and*

10 *(B) in paragraph (3)(A), by striking “sec-*
11 *tion 16(c) of the Office of Federal Procurement*
12 *Policy Act (41 U.S.C. 414(c))” and inserting*
13 *“section 1702(c) of title 41”.*

14 *(8) Section 2410m(b)(1) is amended—*

15 *(A) in subparagraph (A)(i), by striking*
16 *“section 7 of such Act” and inserting “section*
17 *7104(a) of such title”; and*

18 *(B) in subparagraph (B)(ii), by striking*
19 *“section 7 of the Contract Disputes Act of 1978”*
20 *and inserting “section 7104(a) of title 41”.*

21 *(9) Section 2533b is amended—*

22 *(A) in subsection (h)—*

23 *(i) in paragraph (1), by striking “sec-*
24 *tions 34 and 35 of the Office of Federal Pro-*
25 *curement Policy Act (41 U.S.C. 430 and*

1 431)” and inserting “sections 1906 and
2 1907 of title 41”; and

3 (ii) in paragraph (2), by striking “sec-
4 tion 35(c) of the Office of Federal Procure-
5 ment Policy Act (41 U.S.C. 431(c))” and
6 inserting “section 104 of title 41”; and
7 (B) in subsection (m)—

8 (i) in paragraph (2), by striking “sec-
9 tion 4 of the Office of Federal Procurement
10 Policy Act (41 U.S.C. 403)” and inserting
11 “section 105 of title 41”;

12 (ii) in paragraph (3), by striking “sec-
13 tion 4 of the Office of Federal Procurement
14 Policy Act (41 U.S.C. 403)” and inserting
15 “section 131 of title 41”; and

16 (iii) in paragraph (5), by striking
17 “section 35(c) of the Office of Federal Pro-
18 curement Policy Act (41 U.S.C. 431(c))”
19 and inserting “section 104 of title 41”.

20 (e) *OTHER CROSS-REFERENCE AMENDMENTS IN TITLE*
21 *10.—Title 10, United States Code, is amended as follows:*

22 (1) *Section 1722b(c) is amended—*

23 (A) in paragraph (3), by striking “sub-
24 sections (b)(2)(A) and (b)(2)(B)” and inserting
25 “subsections (b)(1)(A) and (b)(1)(B)”; and

1 (B) in paragraph (4), by striking “1734(d),
2 or 1736(c)” and inserting “or 1734(d)”.

3 (2) Section 2382(b)(1) is amended by inserting
4 “of the Small Business Act (15 U.S.C. 657q(c)(4))”
5 after “section 44(c)(4)”;

6 (3) Section 2548(e)(2) is amended by striking
7 “section 103(f) of the Weapon Systems Acquisition
8 Reform Act of 2009 (10 U.S.C. 2430 note),” and in-
9 serting “section 2438(f) of this title”.

10 (4) Section 2925 is amended—

11 (A) in subsection (a)(1), by striking “sec-
12 tion 533” and inserting “section 553”; and

13 (B) in subsection (b)(1), by striking “sec-
14 tion 139b” and inserting “section 138c”.

15 (f) *DATE OF ENACTMENT REFERENCES.*—Title 10,
16 *United States Code*, is amended as follows:

17 (1) Section 1564(a)(2)(B) is amended by strik-
18 ing “the date of the enactment of the Ike Skelton Na-
19 tional Defense Authorization Act for Fiscal Year
20 2011” in clauses (ii) and (iii) and inserting “Janu-
21 ary 7, 2011”.

22 (2) Section 2359b(k)(5) is amended by striking
23 “the date that is five years after the date of the enact-
24 ment of this Act” and inserting “January 7, 2016”.

1 (3) *Section 2649(c) is amended by striking*
2 *“During the 5-year period beginning on the date of*
3 *the enactment of the Ike Skelton National Defense Au-*
4 *thorization Act for Fiscal Year 2011” and inserting*
5 *“Until January 6, 2016”.*

6 (4) *Section 2790(g)(1) is amended by striking*
7 *“on or after the date of the enactment of the Ike Skel-*
8 *ton National Defense Authorization Act for Fiscal*
9 *Year 2011” and inserting “after January 6, 2011,”.*

10 (5) *Sections 3911(b)(2), 6323(a)(2)(B), and*
11 *8911(b)(2) are amended by striking “the date of the*
12 *enactment of the Ike Skelton National Defense Au-*
13 *thorization Act for Fiscal Year 2011” and inserting*
14 *“January 7, 2011,”.*

15 (6) *Section 10217(d)(3) is amended by striking*
16 *“after the end of the 2-year period beginning on the*
17 *date of the enactment of this subsection” and insert-*
18 *ing “after January 6, 2013”.*

19 (g) *OTHER MISCELLANEOUS AMENDMENTS TO TITLE*
20 *10.—Title 10, United States Code, is amended as follows:*

21 (1) *Section 113(c)(2) is amended by striking*
22 *“on” after “Board on”.*

23 (2) *The table of sections at the beginning of*
24 *chapter 4 is amended by striking the item relating to*
25 *section 133b.*

1 (3) Paragraph (3) of section 138(c), as added by
2 section 314(a) of the National Defense Authorization
3 Act for Fiscal Year 2012 (Public Law 112–81; 125
4 Stat. 1357), is transferred to appear at the end of sec-
5 tion 138c(c).

6 (4) Section 139a(d)(4) is amended by adding a
7 period at the end.

8 (5) Section 139b(a)(6) is amended by striking
9 “propriety” and inserting “proprietary”.

10 (6) The item relating to section 225 at the end
11 of the table of sections at the beginning of chapter 9
12 is transferred to appear after the item relating to sec-
13 tion 224.

14 (7) Section 843(b)(2)(B)(v) (article 43 of the
15 Uniform Code of Military Justice) is amended by
16 striking “Kidnaping,,” and inserting “Kidnaping,”

17 (8) Section 920(g)(7) (article 120 of the Uniform
18 Code of Military Justice) is amended by striking the
19 second period at the end.

20 (9) Section 1086(b)(1) is amended by striking
21 “clause (2)” and inserting “paragraph (2)”.

22 (10) Section 1142(b)(10) is amended by striking
23 “training,,” and inserting “training,”.

1 (11) *Section 1401(a) is amended by striking*
2 *“columns 1, 2, 3, and 4,” in the matter preceding the*
3 *table and inserting “columns 1, 2, and 3,”.*

4 (12) *Section 1781(a) is amended—*

5 (A) *in the first sentence, by striking “Direc-*
6 *tor” and inserting “Office”;*

7 (B) *in the first sentence, by striking “here-*
8 *inafter”;* and

9 (C) *in the second sentence, by striking “of-*
10 *ficie” both places it appears and inserting “Of-*
11 *ficie”.*

12 (13) *Section 1790 is amended—*

13 (A) *by striking the section heading and in-*
14 *serting the following:*

15 ***“§ 1790. Military personnel citizenship processing”;***

16 (B) *by striking “AUTHORIZATION OF PAY-*
17 *MENTS.—”;*

18 (C) *by striking “title 10, United States*
19 *Code” and inserting “this title”;*

20 (D) *by striking “Secs.”; and*

21 (E) *by striking “sections 286(m) and (n) of*
22 *such Act (8 U.S.C. Sec. 1356(m))” and inserting*
23 *“subsections m and (n) of section 286 of such Act*
24 *(8 U.S.C. 1356).”.*

1 (14) *Section 2006(b)(2) is amended by redesignig-*
2 *nating the second subparagraph (E) (as added by sec-*
3 *tion 109(b)(2)(B) of Public Law 111–377 (124 Stat.*
4 *4120), effective August 1, 2011) as subparagraph (F).*

5 (15) *Section 2350m(e) is amended by striking*
6 *“Not later than October 31, 2009, and annually there-*
7 *after” and inserting “Not later than October 31 each*
8 *year”.*

9 (16) *Section 2401 is amended by striking “the*
10 *Committee on Armed Services and the Committee on*
11 *Appropriations of the Senate and the Committee on*
12 *Armed Services and the Committee on Appropriations*
13 *of the House of Representatives” in subsections*
14 *(b)(1)(B) and (h)(1) and inserting “the congressional*
15 *defense committees”.*

16 (17) *Section 2438(a)(3) is amended by inserting*
17 *“the senior” before “official’s”.*

18 (18) *Section 2548 is amended—*

19 (A) *in subsection (a)—*

20 (i) *by striking “Not later than” and*
21 *all that follows through “the Secretary” and*
22 *inserting “The Secretary”; and*

23 (ii) *by adding a period at the end of*
24 *paragraph (3);*

1 (B) in subsection (d), by striking “Begin-
2 ning with fiscal year 2012, the” and inserting
3 “The”; and

4 (C) in subsection (e)(1), by striking “,
5 United States Code,”.

6 (19) Section 2561(f)(2) is amended by striking
7 “Committee on International Relations” and insert-
8 ing “Committee on Foreign Affairs”.

9 (20) Section 2687a is amended—

10 (A) in subsection (a), by striking “Foreign
11 relations” and inserting “Foreign Relations”;
12 and

13 (B) in subsection (b)(1)—

14 (i) by striking the comma after “in-
15 cluding”; and

16 (ii) by striking “The Treaty” and in-
17 serting “the Treaty”.

18 (21) Section 4342 is amended—

19 (A) in subsection (b)—

20 (i) in paragraph (1), by striking
21 “clause” both places it appears and insert-
22 ing “paragraph”; and

23 (ii) in paragraph (5), by striking
24 “clauses” and inserting “paragraphs”;

1 (B) in subsection (d), by striking “clauses”
2 and inserting “paragraphs”; and

3 (C) in subsection (f), by striking “clauses”
4 and inserting “paragraphs”.

5 (22) Section 4343 is amended by striking
6 “clauses” and inserting “paragraphs”.

7 (23) Section 6954 is amended—

8 (A) in subsection (b)—

9 (i) in paragraph (1), by striking
10 “clause” both places it appears and insert-
11 ing “paragraph”; and

12 (ii) in paragraph (5), by striking
13 “clauses” and inserting “paragraphs”; and

14 (B) in subsection (d), by striking “clauses”
15 and inserting “paragraphs”.

16 (24) Section 6956(b) is amended by striking
17 “clauses” and inserting “paragraphs”.

18 (25) Section 9342 is amended—

19 (A) in subsection (b)—

20 (i) in paragraph (1), by striking
21 “clause” both places it appears and insert-
22 ing “paragraph”; and

23 (ii) in paragraph (5), by striking
24 “clauses” and inserting “paragraphs”;

1 (B) in subsection (d), by striking “clauses”
2 and inserting “paragraphs”; and

3 (C) in subsection (f), by striking “clauses”
4 and inserting “paragraphs”.

5 (26) Section 9343 is amended by striking
6 “clauses” and inserting “paragraphs”.

7 (27) Section 10217(c)(3) is amended by striking
8 “consider” and inserting “considered”.

9 (h) *REPEAL OF EXPIRED PROVISIONS.*—Title 10,
10 *United States Code*, is amended as follows:

11 (1) Section 1108 is amended—

12 (A) by striking subsections (j) and (k); and

13 (B) by redesignating subsection (l) as sub-
14 section (j).

15 (2) Section 2325 is amended by striking sub-
16 section (b) and redesignating subsection (c) as sub-
17 section (b).

18 (3) Section 2349a is repealed, and the table of
19 sections at the beginning of subchapter I of chapter
20 138 is amended by striking the item relating to that
21 section.

22 (4) Section 2374b is repealed, and the table of
23 sections at the beginning of chapter 139 is amended
24 by striking the item relating to that section.

1 (i) *AMENDMENTS TO TITLE 37.*— *Title 37, United*
2 *States Code, is amended as follows:*

3 (1) *Section 310(c)(1) is amended by striking*
4 *“section for for” and inserting “section for”.*

5 (2) *Section 431, as transferred to chapter 9 of*
6 *such title by section 631(d)(2) of the National Defense*
7 *Authorization Act for Fiscal Year 2012 (Public Law*
8 *112–81; 125 Stat. 1460), is redesignated as section*
9 *491.*

10 (j) *AMENDMENTS TO TITLE 41.*— *Title 41, United*
11 *States Code, is amended as follows:*

12 (1) *Section 1122(a)(5) is amended by striking*
13 *the period at the end and inserting a semicolon.*

14 (2) *Section 1703(i)(6) is amended by striking*
15 *“Procurement” and inserting “Procurement”.*

16 (k) *AMENDMENT TO TITLE 46.*— *Subsection (a) of sec-*
17 *tion 51301 of title 46, United States Code, is amended in*
18 *the heading by striking “IN GENERAL” and inserting “IN*
19 *GENERAL”.*

20 (l) *DUPLICATIVE PROVISION IN ARMED FORCES RE-*
21 *TIREMENT HOME ACT OF 1991.*— *Section 1511(d) of the*
22 *Armed Forces Retirement Home Act of 1991 (24 U.S.C.*
23 *411(d)) is amended by striking the first paragraph (3),*
24 *leaving the second paragraph (3) added by section 561 of*
25 *Public Law 112–81 (125 Stat. 1420).*

1 (m) *CROSS REFERENCES AND DATE OF ENACTMENT*
2 *REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY*
3 *RETIREMENT AUTHORITY.*— *Section 4403 of the National*
4 *Defense Authorization Act for Fiscal Year 1993 (Public*
5 *Law 102–484; 10 U.S.C. 1293 note), as amended by section*
6 *504(b) of the National Defense Authorization Act for Fiscal*
7 *Year 2012 (Public Law 112–81; 125 Stat. 1391), is amend-*
8 *ed—*

9 (1) *in subsection (c)(2)—*

10 (A) *in subparagraph (A), by striking “1995*
11 *” and inserting “1995 (Public Law 103–337;”;*
12 *and*

13 (B) *in subparagraph (B), by striking*
14 *“1995” and inserting “1996”;*

15 (2) *in subsection (h), by striking “the date of the*
16 *enactment of the National Defense Authorization Act*
17 *for Fiscal Year 2012” and inserting “December 31,*
18 *2011,”; and*

19 (3) *in subsection (i)(2), by striking “the date of*
20 *the enactment of the National Defense Authorization*
21 *Act for Fiscal Year 2012” and inserting “December*
22 *31, 2011,”.*

23 (n) *COORDINATION WITH OTHER AMENDMENTS MADE*
24 *BY THIS ACT.*—*For purposes of applying amendments*
25 *made by provisions of this Act other than this section, the*

1 *amendments made by this section shall be treated as having*
2 *been enacted immediately before any amendment made by*
3 *other provisions of this Act.*

4 **TITLE XI—CIVILIAN PERSONNEL**
5 **MATTERS**

6 **Subtitle A—General Provisions**

7 **SEC. 1101. EXPANSION OF PERSONNEL MANAGEMENT AU-**
8 **THORITY UNDER EXPERIMENTAL PROGRAM**
9 **WITH RESPECT TO CERTAIN SCIENTIFIC AND**
10 **TECHNICAL POSITIONS.**

11 *Subparagraph (A) of section 1101(b)(1) of the Strom*
12 *Thurmond National Defense Authorization Act for Fiscal*
13 *Year 1999 (5 U.S.C. 3104 note), as most recently amended*
14 *by section 1110 of the National Defense Authorization Act*
15 *for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1615),*
16 *is further amended by striking “40” and inserting “60”.*

17 **SEC. 1102. AUTHORITY TO PAY FOR THE TRANSPORT OF**
18 **FAMILY HOUSEHOLD PETS FOR FEDERAL EM-**
19 **PLOYEES DURING CERTAIN EVACUATION OP-**
20 **ERATIONS.**

21 *Section 5725 of title 5, United States Code, is amend-*
22 *ed—*

23 *(1) in subsection (a), in the matter following*
24 *paragraph (2), by striking “and personal effects,”*

1 and inserting “, personal effects, and family house-
2 hold pets,”; and

3 (2) by adding at the end the following:

4 “(c)(1) The expenses authorized under subsection (a)
5 shall, with respect to the transport of family household pets,
6 include the expenses for the shipment of and the payment
7 of any quarantine costs for such pets.

8 “(2) Any payment or reimbursement under this sec-
9 tion in connection with the transport of family household
10 pets shall be subject to terms and conditions which—

11 “(A) the head of the agency shall by regulation
12 prescribe; and

13 “(B) shall, to the extent practicable, be the same
14 as would apply under regulations prescribed under
15 section 476(b)(1)(H)(iii) of title 37 in connection
16 with the transport of family household pets of mem-
17 bers of the uniformed services, including regulations
18 relating to the types, size, and number of pets for
19 which such payment or reimbursement may be pro-
20 vided.”.

1 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**
2 **CATEGORY POSITIONS FOR CERTAIN FED-**
3 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**
4 **AGENCIES.**

5 *Section 1703(j) of title 41, United States Code, is*
6 *amended—*

7 *(1) in paragraph (1)—*

8 *(A) by striking “sections 3304, 5333, and*
9 *5753” and inserting “section 3304”; and*

10 *(B) by striking “use the authorities in those*
11 *sections to recruit and”; and*

12 *(2) in paragraph (2), by striking “September 30,*
13 *2012” and inserting “September 30, 2017”.*

14 **SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
15 **ANNUAL LIMITATION ON PREMIUM PAY AND**
16 **AGGREGATE LIMITATION ON PAY FOR FED-**
17 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
18 **SEAS.**

19 **SEC. 1105. POLICY ON SENIOR MENTORS.**

20 *(a) IN GENERAL.—The Secretary of Defense shall pro-*
21 *vide written notice to the congressional defense committees*
22 *at least 60 days before implementing any change in the pol-*
23 *icy regarding senior mentors issued on or about April 1,*
24 *2010.*

1 (b) *APPLICABILITY*.—Changes implemented before the
2 date of the enactment of this Act shall not be affected by
3 this section.

4 ***Subtitle B—Interagency Personnel***
5 ***Rotations***

6 ***SEC. 1111. INTERAGENCY PERSONNEL ROTATIONS.***

7 (a) *SHORT TITLE*.—This subtitle may be cited as the
8 “*Interagency Personnel Rotation Act of 2012*”.

9 (b) *DEFINITIONS*.—In this subtitle:

10 (1) *AGENCY*.—The term “agency” has the mean-
11 ing given the term “Executive agency” under section
12 105 of title 5, United States Code.

13 (2) *COMMITTEE*.—The term “Committee” means
14 the Committee on National Security Personnel estab-
15 lished under subsection (c)(1).

16 (3) *COVERED AGENCY*.—The term “covered agen-
17 cy” means an agency that is part of an ICI.

18 (4) *ICI*.—The term “ICI” means a National Se-
19 curity Interagency Community of Interest identified
20 by the Committee under subsection (d)(1).

21 (5) *ICI POSITION*.—The term “ICI position”—

22 (A) means—

23 (i) a position that—

24 (I) is identified by the head of a
25 covered agency as a position within the

1 covered agency that has significant re-
2 sponsibility for the subject area of the
3 ICI in which the position is located
4 and for activities that involve more
5 than 1 agency;

6 (II) is in the civil service (as de-
7 fined in section 2101(1) of title 5,
8 United States Code) in the executive
9 branch of the Government (including a
10 position in the Foreign Service) at or
11 above GS-11 of the General Schedule
12 or at a level of responsibility com-
13 parable to a position at or above GS-
14 11 of the General Schedule; and

15 (III) is within an ICI; or

16 (ii) a position in an interagency body
17 identified as an ICI position under sub-
18 section (d)(3)(B)(i); and

19 (B) shall not include—

20 (i) any position described under para-
21 graph (10)(A) or (C); or

22 (ii) any position filled by an employee
23 described under paragraph (10)(B).

24 (6) INTELLIGENCE COMMUNITY.—The term “in-
25 telligence community” has the meaning given under

1 *section 3(4) of the National Security Act of 1947 (50*
2 *U.S.C. 401a(4)).*

3 (7) *INTERAGENCY BODY.*—*The term “interagency*
4 *body” means an entity or component identified under*
5 *subsection (d)(3)(A).*

6 (8) *INTERAGENCY ROTATIONAL SERVICE.*—*The*
7 *term “interagency rotational service” means service*
8 *by an employee in—*

9 (A) *an ICI position that is—*

10 (i) *in—*

11 (I) *a covered agency other than*
12 *the covered agency employing the em-*
13 *ployee; or*

14 (II) *an interagency body, without*
15 *regard to whether the employee is em-*
16 *ployed by the agency in which the*
17 *interagency body is located; and*

18 (ii) *the same ICI as the position in*
19 *which the employee serves or has served be-*
20 *fore serving in that ICI position; or*

21 (B) *a position in an interagency body iden-*
22 *tified under subsection (d)(3)(B)(ii).*

23 (9) *NATIONAL SECURITY INTERAGENCY COMMU-*
24 *NITY OF INTEREST.*—*The term “National Security*
25 *Interagency Community of Interest” means the posi-*

1 *tions in the executive branch of the Government*
2 *that—*

3 *(A) as a group are positions within mul-*
4 *tiple agencies of the executive branch of the Gov-*
5 *ernment; and*

6 *(B) have significant responsibility for the*
7 *same substantive, functional, or regional subject*
8 *area related to national security or homeland se-*
9 *curity that requires integration of the positions*
10 *and activities in that area across multiple agen-*
11 *cies to ensure that the executive branch of the*
12 *Government operates as a single, cohesive enter-*
13 *prise to maximize mission success and minimize*
14 *cost.*

15 *(10) POLITICAL APPOINTEE.—The term “polit-*
16 *ical appointee” means an individual who—*

17 *(A) is employed in a position described*
18 *under sections 5312 through 5316 of title 5,*
19 *United States Code (relating to the Executive*
20 *Schedule);*

21 *(B) is a noncareer appointee in the Senior*
22 *Executive Service, as defined under section*
23 *3132(a)(7) of title 5, United States Code; or*

24 *(C) is employed in a position in the execu-*
25 *tive branch of the Government of a confidential*

1 *or policy-determining character under schedule C*
2 *of subpart C of part 213 of title 5 of the Code*
3 *of Federal Regulations.*

4 (11) *SENIOR POSITION.*—*The term “senior posi-*
5 *tion” means—*

6 (A) *a Senior Executive Service position, as*
7 *defined in section 3132(a)(2) of title 5, United*
8 *States Code;*

9 (B) *a position in the Senior Foreign Serv-*
10 *ice established under the Foreign Service Act of*
11 *1980 (22 U.S.C. 3901 et seq.);*

12 (C) *a position in the Federal Bureau of In-*
13 *vestigation and Drug Enforcement Administra-*
14 *tion Senior Executive Service established under*
15 *section 3151 of title 5, United States Code;*

16 (D) *a position filled by a limited term ap-*
17 *pointee or limited emergency appointee in the*
18 *Senior Executive Service, as defined under para-*
19 *graphs (5) and (6), respectively, of section*
20 *3132(a) of title 5, United States Code; and*

21 (E) *any other equivalent position identified*
22 *by the Committee.*

23 (c) *COMMITTEE ON NATIONAL SECURITY PER-*
24 *SONNEL.*—

1 (1) *ESTABLISHMENT.*—*There is established the*
2 *Committee on National Security Personnel within the*
3 *Executive Office of the President.*

4 (2) *MEMBERSHIP.*—*The members of the Com-*
5 *mittee shall be the Director of the Office of Manage-*
6 *ment and Budget, the Director of the Office of Per-*
7 *sonnel Management, and the Assistant to the Presi-*
8 *dent for National Security Affairs.*

9 (3) *CHAIRPERSON.*—*The Director of the Office of*
10 *Management and Budget shall be the Chairperson of*
11 *the Committee.*

12 (4) *FUNCTIONS.*—

13 (A) *IN GENERAL.*—*The Committee shall*
14 *perform the functions as provided under this*
15 *subtitle to implement this subtitle and shall vali-*
16 *date the actions taken by the heads of covered*
17 *agencies to implement the directives issued and*
18 *meet the standards established under subpara-*
19 *graph (B).*

20 (B) *DIRECTIVES AND STANDARDS.*—

21 (i) *IN GENERAL.*—*In consultation with*
22 *the Director of the Office of Personnel Man-*
23 *agement and the Assistant to the President*
24 *for National Security Affairs, the Director*
25 *of the Office of Management and Budget*

1 *shall issue directives and establish stand-*
2 *ards relating to the implementation of this*
3 *subtitle.*

4 *(ii) USE BY COVERED AGENCIES.—The*
5 *head of each covered agency shall carry out*
6 *the responsibilities under this subtitle in ac-*
7 *cordance with the directives issued and*
8 *standards established by the Director of the*
9 *Office of Management and Budget.*

10 (5) *SUPPORT AND IMPLEMENTATION.—*

11 *(A) BOARD.—There is established to assist*
12 *the Committee a board, the members of which*
13 *shall be appointed—*

14 *(i) in accordance with subparagraph*
15 *(B); and*

16 *(ii) from among individuals holding*
17 *an office or position in level III of the Exec-*
18 *utive Schedule.*

19 *(B) APPOINTMENTS.—Members of the board*
20 *shall be appointed as follows:*

21 *(i) One by the Secretary of State.*

22 *(ii) One by the Secretary of Defense.*

23 *(iii) One by the Secretary of Homeland*
24 *Security.*

25 *(iv) One by the Attorney General.*

1 (v) *One by the Secretary of the Treas-*
2 *ury.*

3 (vi) *One by the Secretary of Energy.*

4 (vii) *One by the Secretary of Health*
5 *and Human Services.*

6 (viii) *One by the Secretary of Com-*
7 *merce.*

8 (ix) *One by the head of any other*
9 *agency (or, if more than 1, by each of the*
10 *respective heads of any other agencies) de-*
11 *termined appropriate by the Committee.*

12 *As used in clause (ix), the term “agency” does*
13 *not include any element of the intelligence com-*
14 *munity.*

15 (C) *CHIEF HUMAN CAPITAL OFFICERS*
16 *COUNCIL.—The Chief Human Capital Officers*
17 *Council shall provide advice to the Committee re-*
18 *garding technical human capital issues.*

19 (D) *COVERED AGENCY OFFICIALS.—*

20 (i) *IN GENERAL.—The head of each*
21 *covered agency shall designate an officer*
22 *and office within that covered agency with*
23 *responsibility for the implementation of this*
24 *subtitle.*

1 (ii) *EXISTING OFFICES.*—If an officer
2 or office of a covered agency is designated
3 as the officer or office within the covered
4 agency with responsibility for the imple-
5 mentation of Executive Order 13434 for the
6 covered agency on the date of enactment of
7 this Act, the head of the covered agency
8 shall designate the officer or office as the of-
9 ficer or office within the covered agency
10 with responsibility for the implementation
11 of this subtitle.

12 (E) *STAFF.*—

13 (i) *IN GENERAL.*—Not more than 3
14 full-time employees (or the equivalent) may
15 be hired to assist the Committee in the im-
16 plementation of this subtitle. Each employee
17 so hired shall be selected from among indi-
18 viduals serving in the Office of Management
19 and Budget, the Office of Personnel Man-
20 agement, or any other agency.

21 (ii) *FUNDING.*—

22 (I) *AUTHORIZATION OF APPRO-*
23 *PRIATIONS.*—There are authorized to
24 be appropriated for each of fiscal years
25 2013 through 2017 to carry out clause

1 (i) *an amount equal to the amount ex-*
2 *pended for salaries and expenses of the*
3 *National Security Professional Devel-*
4 *opment Integration Office during fiscal*
5 *year 2012.*

6 (II) *OFFSET.—*

7 (aa) *IN GENERAL.—Except*
8 *as provided in subparagraph*
9 *(D)(ii), effective on the date of en-*
10 *actment of this Act, the National*
11 *Security Professional Develop-*
12 *ment Integration Office of the De-*
13 *partment of Defense is terminated*
14 *and, on and after the date of en-*
15 *actment of this Act, the Secretary*
16 *of Defense may not establish a*
17 *comparable office to implement*
18 *Executive Order 13434 or to de-*
19 *sign, administer, or report on the*
20 *creation of a national security*
21 *professional development system,*
22 *cadre of national security profes-*
23 *sionals, or any personnel rota-*
24 *tions, education, or training for*
25 *individuals involved in inter-*

1 *agency activities or who are na-*
2 *tional security professionals who*
3 *are not employed by the Depart-*
4 *ment of Defense. Nothing in this*
5 *item shall be construed to prohibit*
6 *the Secretary of Defense from es-*
7 *tablishing or designating an office*
8 *to administer interagency rota-*
9 *tions by, or the interagency ac-*
10 *tivities of, employees of the De-*
11 *partment of Defense.*

12 *(bb) TRANSFER OF FUNC-*
13 *TIONS.—Effective on the date of*
14 *enactment of this Act, there are*
15 *transferred to the Office of Man-*
16 *agement and Budget or the Office*
17 *of Personnel Management, as de-*
18 *termined appropriate by the Com-*
19 *mittee, the functions of the Na-*
20 *tional Security Professional De-*
21 *velopment Integration Office of*
22 *the Department of Defense.*

23 *(cc) FUNDS.—Effective on*
24 *the date of enactment of this Act,*
25 *all unobligated balances made*

1 available for the activities of the
2 National Security Professional
3 Development Integration Office of
4 the Department of Defense are re-
5 scinded.

6 (d) NATIONAL SECURITY INTERAGENCY COMMUNITIES
7 OF INTEREST.—

8 (1) IDENTIFICATION OF ICIS.—Subject to sub-
9 section (g), the Committee—

10 (A) shall identify ICIs on an ongoing basis
11 for purposes of carrying out this subtitle; and

12 (B) may alter or discontinue an ICI identi-
13 fied under subparagraph (A).

14 (2) IDENTIFICATION OF ICI POSITIONS.—The
15 head of each covered agency shall identify ICI posi-
16 tions within the covered agency.

17 (3) INTERAGENCY BODIES.—

18 (A) IDENTIFICATION.—

19 (i) IN GENERAL.—The Committee shall
20 identify—

21 (I) entities in the executive branch
22 of the Government that are primarily
23 involved in interagency activities relat-
24 ing to national security or homeland
25 security; and

1 (ii) components of agencies that
2 are primarily involved in interagency
3 activities relating to national security
4 or homeland security and have a mis-
5 sion distinct from the agency within
6 which the component is located.

7 (ii) CERTAIN BODIES.—

8 (I) IN GENERAL.—The Committee
9 shall identify the National Security
10 Council as an interagency body under
11 this subparagraph.

12 (ii) FBI ROTATIONS.—Joint Ter-
13 rorism Task Forces shall not be consid-
14 ered interagency bodies for purposes of
15 service by employees of the Federal Bu-
16 reau of Investigation.

17 (iii) DUTIES OF HEAD OF COVERED
18 AGENCY.—The Committee shall designate
19 the Federal officer who shall perform the
20 duties of the head of a covered agency relat-
21 ing to ICI positions within an interagency
22 body.

23 (B) POSITIONS IN INTERAGENCY BODIES.—
24 The officials designated under subparagraph
25 (A)(iii) shall identify—

1 (i) positions within their respective
2 interagency bodies that are ICI positions;
3 and

4 (ii) positions within their respective
5 interagency bodies—

6 (I) that are not a position de-
7 scribed under subsection (b)(10)(A) or
8 (C) or a position filled by an employee
9 described under subsection (b)(10)(B);
10 and

11 (II) for which service in the posi-
12 tion shall constitute interagency rota-
13 tional service.

14 (e) *INTERAGENCY COMMUNITY OF INTEREST ROTA-*
15 *TIONAL SERVICE.*—

16 (1) *EXCLUSION OF SENIOR POSITIONS.*—*For*
17 *purposes of this subsection, the term “ICI position”*
18 *does not include a senior position.*

19 (2) *ROTATIONS.*—

20 (A) *IN GENERAL.*—*The Committee shall*
21 *provide for employees serving in an ICI position*
22 *to be assigned on a rotational basis to another*
23 *ICI position that is—*

24 (i) *within another covered agency or*
25 *within an interagency body; and*

1 (ii) *within the same ICI.*

2 (B) *EXCEPTION.—An employee may be as-*
3 *signed to an ICI position in another covered*
4 *agency or in an interagency body that is not in*
5 *the ICI applicable to an ICI position in which*
6 *the employee serves or has served if—*

7 (i) *the employee has particular non-*
8 *governmental or other expertise or skills*
9 *that are relevant to the assigned ICI posi-*
10 *tion; and*

11 (ii) *the head of the covered agency em-*
12 *ploying the employee, the head of the cov-*
13 *ered agency to which the assignment is*
14 *made, and the Committee approve the as-*
15 *signment.*

16 (C) *NONREIMBURSABLE BASIS.—Service by*
17 *an employee in an ICI position in another cov-*
18 *ered agency or in an interagency body that is*
19 *not within the agency employing the employee*
20 *shall be performed without reimbursement.*

21 (D) *RETURN TO PRIOR POSITION.—Except*
22 *as otherwise provided by the Committee, an em-*
23 *ployee performing service in an ICI position in*
24 *another covered agency or interagency body or in*
25 *a position designated under subsection*

1 (d)(3)(B)(ii) shall be entitled to return, within a
2 reasonable period of time after the end of the pe-
3 riod of service, to the position held by the em-
4 ployee, or a corresponding or higher position (or,
5 in the case of an employee in the Foreign Serv-
6 ice, as defined in section 102(11) of the Foreign
7 Service Act of 1980 (22 U.S.C. 3902(11)), a po-
8 sition in the same or a higher personnel cat-
9 egory), in the covered agency employing the em-
10 ployee.

11 (3) *SELECTION OF ICI POSITIONS OPEN FOR RO-*
12 *TATIONAL SERVICE.—*

13 (A) *IN GENERAL.—*The head of each covered
14 agency shall determine which ICI positions in
15 the covered agency shall be available for service
16 by employees from another covered agency and
17 may modify a determination under this sub-
18 paragraph.

19 (B) *LIST.—*The Committee shall maintain
20 a single, integrated list of ICI positions and of
21 positions available for service by employees from
22 another covered agency under this subsection and
23 shall make the list available to Federal employees
24 on an ongoing basis in order to facilitate appli-
25 cations for the positions and long-term career

1 *planning by employees of the executive branch of*
2 *the Government, except to the extent that the*
3 *Committee determines that the identity of cer-*
4 *tain positions should not be distributed in order*
5 *to protect national security or homeland secu-*
6 *rity.*

7 (4) *MINIMUM PERIOD OF SERVICE.*—*With respect*
8 *to the period of service in an ICI position in another*
9 *covered agency or interagency body, the Committee—*

10 (A) *shall, notwithstanding any other provi-*
11 *sion of law, ensure that the period of service is*
12 *sufficient to gain an adequately detailed under-*
13 *standing and perspective of the covered agency or*
14 *interagency body at which the employee is as-*
15 *signed;*

16 (B) *may provide for different periods of*
17 *service, depending upon the nature of the posi-*
18 *tion, including whether the position is in an*
19 *area that is a combat zone for purposes of section*
20 *112 of the Internal Revenue Code of 1986; and*

21 (C) *shall require that an employee per-*
22 *forming service in an ICI position in another*
23 *covered agency or interagency body is informed*
24 *of the period of service for the position before be-*
25 *ginning such service.*

1 (5) *VOLUNTARY NATURE OF ROTATIONAL SERV-*
2 *ICE.*—

3 (A) *IN GENERAL.*—*Except as provided in*
4 *subparagraph (B), service in an ICI position in*
5 *another covered agency or interagency body shall*
6 *be voluntary on the part of the employee.*

7 (B) *AUTHORITY TO ASSIGN INVOLUN-*
8 *TARILY.*—*If the head of a covered agency has the*
9 *authority under another provision of law to as-*
10 *sign an employee involuntarily to a position and*
11 *the employee is serving in an ICI position, the*
12 *head of the covered agency may assign the em-*
13 *ployee involuntarily to serve in an ICI position*
14 *in another covered agency or interagency body.*

15 (6) *TRAINING AND EDUCATION OF PERSONNEL*
16 *PERFORMING INTERAGENCY ROTATIONAL SERVICE.*—
17 *Each employee performing interagency rotational*
18 *service shall participate in the training and edu-*
19 *cation, if any, that is regularly provided to new em-*
20 *ployees by the covered agency or interagency body in*
21 *which the employee is serving in order to learn how*
22 *the covered agency or interagency body functions.*

23 (7) *PREVENTION OF NEED FOR INCREASED PER-*
24 *SONNEL LEVELS.*—*The Committee shall ensure that*
25 *employees are rotated across covered agencies and*

1 *interagency bodies within an ICI in a manner that*
2 *ensures that, for the original ICI positions of all em-*
3 *ployees performing service in an ICI position in an-*
4 *other covered agency or interagency body—*

5 *(A) employees from another covered agency*
6 *or interagency body who are performing service*
7 *in an ICI position in another covered agency or*
8 *interagency body, or other available employees,*
9 *begin service in such original positions within a*
10 *reasonable period, at no additional cost to the*
11 *covered agency or the interagency body in which*
12 *such original positions are located; or*

13 *(B) other employees do not need to serve in*
14 *the positions in order to maintain the effective-*
15 *ness of or to prevent any costs being accrued by*
16 *the covered agency or interagency body in which*
17 *such original positions are located.*

18 *(8) OPEN AND FAIR COMPETITION.—Each cov-*
19 *ered agency or interagency body that has an ICI posi-*
20 *tion available for service by an employee from an-*
21 *other covered agency shall coordinate with the Office*
22 *of Personnel Management to ensure that employees of*
23 *covered agencies selected to perform interagency rota-*
24 *tional service shall be selected in a fully open and*
25 *competitive manner that is consistent with the merit*

1 *system principles set forth in paragraphs (1) and (2)*
2 *of section 2301(b) of title 5, United States Code, un-*
3 *less the ICI position is otherwise exempt under an-*
4 *other provision of law.*

5 (9) *PERSONNEL LAW MATTERS.—*

6 (A) *NATIONAL SECURITY EXCLUSION.—The*
7 *identification of a position as available for serv-*
8 *ice by an employee of another covered agency or*
9 *as being within an ICI shall not be a basis for*
10 *an order under section 7103(b) of title 5, United*
11 *States Code, excluding the covered agency, or a*
12 *subdivision thereof, in which the position is lo-*
13 *cated from the applicability of chapter 71 of such*
14 *title.*

15 (B) *ON ROTATION.—An employee per-*
16 *forming interagency rotational service shall have*
17 *all the rights that would be available to the em-*
18 *ployee if the employee were detailed or assigned*
19 *under a provision of law other than this subtitle*
20 *from the agency employing the employee to the*
21 *agency in which the ICI position in which the*
22 *employee is serving is located.*

23 (10) *CONSULTATION.—The Committee shall con-*
24 *sult with relevant associations, unions, and other*
25 *groups involved in collective bargaining or encour-*

1 aging public service, organizational reform of the
2 Government, or interagency activities (such as the Si-
3 mons Center for the Study of Interagency Cooperation
4 of the Command and General Staff College Founda-
5 tion) in formulating and implementing policies under
6 this subtitle.

7 (11) *OFFICERS OF THE ARMED FORCES.*—The
8 policies, procedures, and practices for the manage-
9 ment of officers of the Armed Forces may provide for
10 the assignment of officers of the Armed Forces to ICI
11 positions or positions designated under subsection
12 (d)(3)(B)(i).

13 (12) *PERFORMANCE APPRAISALS.*—The Com-
14 mittee shall—

15 (A) ensure that an employee receives per-
16 formance evaluations that are based primarily
17 on the contribution of the employee to the work
18 of the covered agency in which the employee is
19 performing service in an ICI position in another
20 covered agency or interagency body and the func-
21 tioning of the applicable ICI; and

22 (B) require that—

23 (i) officials at the covered agency em-
24 ploying the employee conduct the evalua-
25 tions based on input from the supervisors of

1 *the employee during service in an ICI posi-*
2 *tion in another covered agency or inter-*
3 *agency body; and*

4 *(ii) the evaluations shall be provided*
5 *the same weight in the receipt of promotions*
6 *and other rewards by the employee from the*
7 *covered agency employing the employee as*
8 *performance evaluations receive for other*
9 *employees of the covered agency.*

10 *(f) SELECTION OF SENIOR POSITIONS IN AN INTER-*
11 *AGENCY COMMUNITY OF INTEREST.—*

12 *(1) SELECTION OF INDIVIDUALS TO FILL SENIOR*
13 *POSITIONS WITHIN AN ICI.—In selecting individuals*
14 *to fill senior positions within an ICI, the head of a*
15 *covered agency shall ensure that a strong preference*
16 *is given to personnel who have performed interagency*
17 *rotational service.*

18 *(2) ESTABLISHMENT BY HEADS OF COVERED*
19 *AGENCIES OF MINIMUM THRESHOLDS.—*

20 *(A) IN GENERAL.—On October 1 of the 2nd*
21 *fiscal year after the fiscal year in which the*
22 *Committee identifies an ICI, and October 1 of*
23 *each fiscal year thereafter, the head of each cov-*
24 *ered agency within which 1 or more positions*
25 *within that ICI are located shall establish the*

1 *minimum number of that agency's senior posi-*
2 *tions that are within that ICI that shall be filled*
3 *by personnel who have performed interagency ro-*
4 *tational service.*

5 *(B) REPORTING REQUIREMENTS.—*

6 *(i) MINIMUM NUMBER OF POSITIONS.—*

7 *Not later than 30 days after the date on*
8 *which all heads of covered agencies have es-*
9 *tablished the minimum number required*
10 *under subparagraph (A) for a fiscal year,*
11 *the Committee shall submit to Congress a*
12 *consolidated list of the minimum numbers*
13 *of senior positions that shall be filled by*
14 *personnel who have performed interagency*
15 *rotational service.*

16 *(ii) FAILURE TO MEET MINIMUM NUM-*

17 *BER.—Not later than 30 days after the end*
18 *of any fiscal year in which a covered agen-*
19 *cy fails to meet the minimum number of*
20 *senior positions to be filled by individuals*
21 *who have performed interagency rotational*
22 *service established by the head of the covered*
23 *agency under subparagraph (A), the head of*
24 *the covered agency shall submit to the Com-*
25 *mittee and Congress a report identifying the*

1 *failure and indicating what actions the*
2 *head of the covered agency has taken or*
3 *plans to take in response to the failure.*

4 (3) *OTHER ROTATIONAL REQUIREMENTS.—*

5 (A) *CREDIT FOR SERVICE IN ANOTHER COM-*
6 *PONENT WITHIN AN AGENCY.—Service performed*
7 *during the first 3 fiscal years after the fiscal*
8 *year in which an ICI is identified by the Com-*
9 *mittee by an employee in a rotation to an ICI*
10 *position in another component of the covered*
11 *agency that employs the employee that is identi-*
12 *fied under subparagraph (B) shall constitute*
13 *interagency rotational service for purposes of*
14 *this section.*

15 (B) *IDENTIFICATION OF COMPONENTS.—*
16 *Subject to approval by the Committee, the head*
17 *of a covered agency may identify the components*
18 *of the covered agency that are sufficiently inde-*
19 *pendent in functionality for service in a rotation*
20 *in the component to qualify as service in another*
21 *component of the covered agency for purposes of*
22 *subparagraph (A).*

23 (g) *IMPLEMENTATION.—*

24 (1) *ICIS AND ICI POSITIONS.—*

1 (A) *IN GENERAL.*—*During each of the first*
2 *4 fiscal years after the fiscal year in which this*
3 *Act is enacted—*

4 (i) *there shall be 2 ICIs, which shall be*
5 *an ICI for emergency management and an*
6 *ICI for stabilization and reconstruction;*
7 *and*

8 (ii) *not less than 20 employees and not*
9 *more than 25 employees in the executive*
10 *branch of the Government shall perform*
11 *service in an ICI position in another cov-*
12 *ered agency or in an interagency body that*
13 *is not within the agency employing the em-*
14 *ployee under this subtitle.*

15 (B) *LOCATION.*—

16 (i) *IN GENERAL.*—*The Committee shall*
17 *designate a metropolitan area in which the*
18 *ICI for emergency management will be lo-*
19 *cated and a metropolitan area in which the*
20 *ICI for stabilization and reconstruction will*
21 *be located.*

22 (ii) *SERVICE.*—*During the first 4 fis-*
23 *cal years after the fiscal year in which this*
24 *Act is enacted, any service in an ICI posi-*
25 *tion in another covered agency or in an*

1 *interagency body that is not within the*
2 *agency employing the employee shall be per-*
3 *formed—*

4 *(I) by an employee who is located*
5 *in a metropolitan area for the ICI des-*
6 *ignated under clause (i) before begin-*
7 *ning service in the ICI position; and*

8 *(II) at a location in a metropoli-*
9 *tan area for the ICI designated under*
10 *clause (i).*

11 *(2) PRIORITY FOR DETAILS.—During the first 4*
12 *fiscal years after the fiscal year in which this Act is*
13 *enacted, a covered agency shall give priority in using*
14 *amounts available to the covered agency for details to*
15 *assigning employees on a rotational basis under this*
16 *subtitle.*

17 *(h) STRATEGY AND PERFORMANCE EVALUATION.—*

18 *(1) ISSUING OF STRATEGY.—*

19 *(A) IN GENERAL.—Not later than October 1*
20 *of the 3rd fiscal year after the fiscal year in*
21 *which this Act is enacted, and every 4 fiscal*
22 *years thereafter through the 11th fiscal year after*
23 *the fiscal year in which this Act is enacted, the*
24 *Committee shall issue a National Security*
25 *Human Capital Strategy to develop the national*

1 *security and homeland security personnel nec-*
2 *essary for accomplishing national security and*
3 *homeland security objectives that require integra-*
4 *tion of personnel and activities from multiple*
5 *agencies of the executive branch of the Govern-*
6 *ment.*

7 *(B) CONSULTATIONS WITH CONGRESS.—In*
8 *developing or making adjustments to the Na-*
9 *tional Security Human Capital Strategy issued*
10 *under subparagraph (A), the Committee—*

11 *(i) shall consult at least annually with*
12 *Congress, including majority and minority*
13 *views from all appropriate authorizing, ap-*
14 *propriations, and oversight committees; and*

15 *(ii) as the Committee determines ap-*
16 *propriate, shall solicit and consider the*
17 *views and suggestions of entities potentially*
18 *affected by or interested in the strategy.*

19 *(C) CONTENTS OF STRATEGY.—Each Na-*
20 *tional Security Human Capital Strategy issued*
21 *under subparagraph (A) shall—*

22 *(i) provide for the implementation of*
23 *this subtitle;*

24 *(ii) identify best practices from ICIs*
25 *already in operation;*

1 (iii) identify any additional ICIs to be
2 identified by the Committee;

3 (iv) include a schedule for the issuance
4 of directives and establishment of standards
5 relating to the requirements under this sub-
6 title by the Committee;

7 (v) include a description of how the
8 strategy incorporates views and suggestions
9 obtained through the consultations with
10 Congress required under subparagraph (B);

11 (vi) include an assessment of perform-
12 ance measures over a multi-year period,
13 such as—

14 (I) the percentage of ICI positions
15 available for service by employees from
16 another covered agency for which such
17 employees performed such service;

18 (II) the number of personnel par-
19 ticipating in interagency rotational
20 service in each covered agency and
21 interagency body;

22 (III) the length of interagency ro-
23 tational service under this subtitle;

1 (IV) reports by the heads of cov-
2 ered agencies submitted under sub-
3 section (f)(2)(B)(ii);

4 (V) the training and education of
5 personnel who perform interagency ro-
6 tational service, and the evaluation by
7 the Committee of the training and edu-
8 cation;

9 (VI) the positions (including
10 grade level) held by employees who per-
11 form interagency rotational service
12 during the period beginning on the
13 date on which the interagency rota-
14 tional service terminates and ending
15 on the date of the assessment; and

16 (VII) to the extent possible, the
17 evaluation of the Committee of the util-
18 ity of interagency rotational service in
19 improving interagency integration.

20 (2) *REPORTS.*—Not later than October 1 of the
21 2nd fiscal year after a fiscal year in which the Com-
22 mittee issues a National Security Human Capital
23 Strategy under paragraph (1), the Committee shall
24 assess the performance measures described in para-
25 graph (1)(C)(vi).

1 (3) *SUBMISSION TO CONGRESS.*—Not later than
2 30 days after the date on which the Committee issues
3 a National Security Human Capital Strategy under
4 paragraph (1) or assesses performance measures
5 under paragraph (2), the Committee shall submit the
6 strategy or assessment to Congress.

7 (i) *GAO STUDY OF INTERAGENCY ROTATIONAL SERV-*
8 *ICE.*—Not later than the end of the 2nd fiscal year after
9 the fiscal year in which this Act is enacted, the Comptroller
10 General of the United States shall submit to Congress a re-
11 port regarding—

12 (1) *the extent to which performing service in an*
13 *ICI position in another covered agency or an inter-*
14 *agency body under this subtitle enabled the employees*
15 *performing the service to gain an adequately detailed*
16 *understanding of and perspective on the covered agen-*
17 *cy or interagency body, including an assessment of*
18 *the effect of—*

19 (A) *the period of service; and*

20 (B) *the duties performed by the employees*
21 *during the service;*

22 (2) *the effectiveness of the Committee and the*
23 *staff of the Committee funded under subsection*
24 *(c)(5)(E)(ii) in overseeing and managing interagency*
25 *rotational service under this subtitle, including an*

1 *evaluation of any directives or standards issued by*
2 *the Committee;*

3 *(3) the participation of covered agencies in inter-*
4 *agency rotational service under this subtitle, includ-*
5 *ing whether each covered agency that performs a mis-*
6 *sion relating to an ICI in effect—*

7 *(A) identified positions within the covered*
8 *agency as ICI positions;*

9 *(B) had 1 or more employees from another*
10 *covered agency perform service in an ICI posi-*
11 *tion in the covered agency; or*

12 *(C) had 1 or more employees of the covered*
13 *agency perform service in an ICI position in an-*
14 *other covered agency;*

15 *(4) the positions (including grade level) held by*
16 *employees after completing interagency rotational*
17 *service under this subtitle, and the extent to which the*
18 *employees were rewarded for the service; and*

19 *(5) the extent to which or likelihood that inter-*
20 *agency rotational service under this subtitle has im-*
21 *proved or is expected to improve interagency integra-*
22 *tion.*

23 *(j) PROHIBITION OF PRINTED REPORTS.—Each strat-*
24 *egy, plan, report, or other submission required under this*
25 *subtitle—*

1 (1) shall be made available by the agency issuing
2 the strategy, plan, report, or other submission only in
3 electronic form; and

4 (2) shall not be made available by the agency in
5 printed form.

6 (k) *EXCLUSION.*—This subtitle shall not apply to any
7 element of the intelligence community.

8 **TITLE XII—MATTERS RELATING**
9 **TO FOREIGN NATIONS**
10 **Subtitle A—Assistance and**
11 **Training**

12 **SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PRO-**
13 **GRAM IN AFGHANISTAN.**

14 (a) *AUTHORITY FOR FISCAL YEAR 2013.*—Subsection
15 (a) of section 1201 of the National Defense Authorization
16 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
17 1619) is amended—

18 (1) in the heading, by striking “FISCAL YEAR
19 2012” and inserting “FISCAL YEAR 2013”; and

20 (2) by striking “fiscal year 2012” and inserting
21 “fiscal year 2013”.

22 (b) *QUARTERLY REPORTS.*—Subsection (b)(1) of such
23 section is amended by striking “fiscal year 2012” and in-
24 serting “fiscal year 2013”.

1 (c) *EXTENSION OF AUTHORITY TO ACCEPT CONTRIBU-*
2 *TIONS.*—Subsection (f) of such section is amended by strik-
3 *ing “in fiscal year 2012” and inserting “during any period*
4 *during which the authority of subsection (a) is in effect”.*

5 **SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO**
6 **PROGRAM TO BUILD THE CAPACITY OF FOR-**
7 **EIGN MILITARY FORCES.**

8 (a) *AUTHORIZED ELEMENTS.*—Section 1206(b)(1) of
9 *the National Defense Authorization Act for Fiscal Year*
10 *2006 (Public Law 109–163; 119 Stat. 3457), as amended*
11 *by the John Warner National Defense Authorization Act for*
12 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418),*
13 *is further amended by striking “equipment, supplies and*
14 *training” and inserting “equipment, supplies, training,*
15 *and small-scale military construction activities”.*

16 (b) *USE OF FUNDS FOR FISCAL YEAR 2013.*—Sub-
17 *section (c) of such section, as most recently amended by sec-*
18 *tion 1204(a) of the National Defense Authorization Act for*
19 *Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621), is*
20 *further amended by adding at the end the following:*

21 “(6) *USE OF FUNDS FOR FISCAL YEAR 2013.*—

22 “(A) *LIMITATION ON SMALL-SCALE MILI-*
23 *TARY CONSTRUCTION ACTIVITIES.*—Of amounts
24 *available under this subsection for the authority*
25 *in subsection (a) for fiscal year 2013—*

1 “(i) not more than \$750,000 may be
2 obligated or expended for small-scale mili-
3 tary construction activities (as described in
4 subsection (b)(1)) under a program author-
5 ized under subsection (a); and

6 “(ii) not more than \$25,000,000 may
7 be obligated or expended for small-scale
8 military construction activities (as de-
9 scribed in subsection (b)(1)) under all pro-
10 grams authorized under subsection (a).

11 “(B) AVAILABILITY OF FUNDS FOR PRO-
12 GRAMS DURING FISCAL YEAR 2014.—

13 “(i) IN GENERAL.—Subject to clause
14 (ii), not more than 20 percent of amounts
15 available under this subsection for the au-
16 thority in subsection (a) for fiscal year
17 2013 may be obligated and expended to con-
18 duct or support a program authorized
19 under subsection (a) during fiscal year
20 2014.

21 “(ii) NOTIFICATION.—Whenever the
22 Secretary of Defense decides, with the con-
23 currence of the Secretary of State, to con-
24 duct or support a program authorized
25 under subsection (a) during fiscal year

1 2014 using amounts described in clause (i),
2 the Secretary of Defense shall submit to the
3 congressional committees specified in para-
4 graph (3) of subsection (e) a notification in
5 writing of that decision in accordance with
6 such subsection by not later than September
7 30, 2013.”.

8 **SEC. 1203. THREE-YEAR EXTENSION OF AUTHORITY FOR**
9 **NON-RECIPROCAL EXCHANGES OF DEFENSE**
10 **PERSONNEL BETWEEN THE UNITED STATES**
11 **AND FOREIGN COUNTRIES.**

12 Section 1207(f) of the National Defense Authorization
13 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
14 2514; 10 U.S.C. 168 note) is amended by striking “Sep-
15 tember 30, 2012” and inserting “September 30, 2015”.

16 **Subtitle B—Matters Relating to**
17 **Iraq, Afghanistan, and Pakistan**

18 **SEC. 1211. ONE-YEAR EXTENSION OF AUTHORITY FOR REIM-**
19 **BURSEMENT OF CERTAIN COALITION NA-**
20 **TIONS FOR SUPPORT PROVIDED TO UNITED**
21 **STATES MILITARY OPERATIONS.**

22 (a) *EXTENSION.*—Subsection (a) of section 1233 of the
23 National Defense Authorization Act for Fiscal Year 2008
24 (Public Law 110–181; 122 Stat. 393), as most recently
25 amended by section 1213 of the National Defense Authoriza-

1 *tion Act for Fiscal Year 2012 (Public Law 112–81; 125*
2 *Stat. 1630), is further amended—*

3 *(1) by striking “fiscal year 2012” and inserting*
4 *“fiscal year 2013”; and*

5 *(2) by striking “Operation Iraqi Freedom or”.*

6 *(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection*
7 *(d)(1) of such section, as so amended, is further amended—*

8 *(1) by striking “fiscal year 2012” and inserting*
9 *“fiscal year 2013”;*

10 *(2) by striking “\$1,690,000,000” and inserting*
11 *“\$1,650,000,000”; and*

12 *(3) by adding at the end the following: “Of the*
13 *aggregate amount specified in the preceding sentence,*
14 *the total amount of reimbursements made under sub-*
15 *section (a) and support provided under subsection (b)*
16 *to Pakistan during fiscal year 2013 may not exceed*
17 *\$650,000,000.”.*

18 *(c) ADDITIONAL LIMITATION ON REIMBURSEMENT OF*
19 *THE GOVERNMENT OF PAKISTAN.—Such section, as so*
20 *amended, is further amended—*

21 *(1) by redesignating subsection (f) as subsection*
22 *(g); and*

23 *(2) by inserting after subsection (e) the following:*

24 *“(f) ADDITIONAL LIMITATION ON REIMBURSEMENT OF*
25 *THE GOVERNMENT OF PAKISTAN.—In addition to the other*

1 *requirements of this section, reimbursements authorized by*
2 *subsection (a) and the support authorized by subsection (b)*
3 *may be made to the Government of Pakistan for support*
4 *of United States military operations for fiscal year 2013*
5 *only if the Secretary of Defense submits to the congressional*
6 *defense committees the following:*

7 “(1) *A report that contains a description of—*

8 “(A) *a model for reimbursement, including*
9 *how claims are proposed and adjudicated;*

10 “(B) *new conditions or caveats that the*
11 *Government of Pakistan places on the use of its*
12 *supply routes; and*

13 “(C) *the estimated differences in costs asso-*
14 *ciated with transit through supply routes in*
15 *Pakistan for fiscal year 2011 as compared to fis-*
16 *cal year 2013.*

17 “(2) *A certification of the Secretary of Defense*
18 *that the Government of Pakistan is committed to—*

19 “(A) *supporting counterterrorism oper-*
20 *ations against Al Qaeda, its associated move-*
21 *ments, the Haqqani Network, and other domestic*
22 *and foreign terrorist organizations;*

23 “(B) *dismantling improvised explosive de-*
24 *vice (IED) networks and interdicting precursor*
25 *chemicals used in the manufacture of IEDs;*

1 “(C) preventing the proliferation of nuclear-
2 related material and expertise; and

3 “(D) issuing visas in a timely manner for
4 United States Government personnel supporting
5 counterterrorism efforts and assistance programs
6 in Pakistan.”.

7 **SEC. 1212. AUTHORITY TO SUPPORT OPERATIONS AND AC-**
8 **TIVITIES OF THE OFFICE OF SECURITY CO-**
9 **OPERATION IN IRAQ.**

10 (a) *TYPES OF SUPPORT.*—Subsection (b) of section
11 1215 of the National Defense Authorization Act for Fiscal
12 Year 2012 (Public Law 112–81; 125 Stat. 1631) is amend-
13 ed—

14 (1) by striking “The operations” and inserting
15 the following:

16 “(1) *IN GENERAL.*—The operations”; and

17 (2) by adding at the end the following:

18 “(2) *TRAIN AND ASSIST.*—The operations and
19 activities that may be carried out by the Office of Se-
20 curity Cooperation in Iraq using funds provided
21 under subsection (a) may, with the concurrence of the
22 Secretary of State, include training and assisting
23 Iraqi Ministry of Defense personnel.”.

24 (b) *LIMITATION ON AMOUNT.*—Subsection (c) of such
25 section is amended by inserting at the end before the period

1 *the following: “and in fiscal year 2013 may not exceed*
2 *\$508,000,000”.*

3 *(c) SOURCE OF FUNDS.—Subsection (d) of such section*
4 *is amended—*

5 *(1) by inserting “or fiscal year 2013” after “fis-*
6 *cal year 2012”; and*

7 *(2) by striking “that fiscal year” and inserting*
8 *“fiscal year 2012 or 2013, as the case may be,”.*

9 *(d) REPORT.—*

10 *(1) IN GENERAL.—Not later than 180 days after*
11 *the date of the enactment of this Act, the Secretary of*
12 *Defense, in consultation with the Secretary of State,*
13 *shall submit to the appropriate congressional commit-*
14 *tees a report on the Office of Security Cooperation in*
15 *Iraq.*

16 *(2) MATTERS TO BE INCLUDED.—The report*
17 *shall include the following:*

18 *(A) The plan to consolidate Office sites.*

19 *(B) The status of any pending requests for*
20 *additional United States military forces for the*
21 *Office.*

22 *(C) The legal status and legal protections*
23 *provided to Office personnel, the operational im-*
24 *pact of such status and protections, and the asso-*

1 *ciated constraints on the operational capacity of*
2 *such personnel by reason of their legal status.*

3 *(D) The operational and functional limita-*
4 *tions and authorities of Office personnel.*

5 *(E) A description of potential direct threats*
6 *to Office personnel and their capacity to provide*
7 *adequate force protection to thwart those threats.*

8 *(3) FORM.—The report shall be submitted in un-*
9 *classified form, but may contain a classified annex if*
10 *necessary.*

11 *(4) DEFINITION.—In this section, the term “ap-*
12 *propriate congressional committees” means—*

13 *(A) the congressional defense committees;*
14 *and*

15 *(B) the Committee on Foreign Relations of*
16 *the Senate and the Committee on Foreign Affairs*
17 *of the House of Representatives.*

18 **SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
19 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
20 **AFGHANISTAN.**

21 *Section 1216 of the Ike Skelton National Defense Au-*
22 *thorization Act for Fiscal Year 2011 (Public Law 111–383;*
23 *124 Stat. 4392), as amended by section 1216 of the National*
24 *Defense Authorization Act for Fiscal Year 2012 (Public*
25 *Law 112–81; 125 Stat. 1632), is further amended—*

1 (1) *in subsection (a)—*

2 (A) *by striking “\$50,000,000” and inserting*
3 *“\$35,000,000”; and*

4 (B) *by striking “in each of fiscal years 2011*
5 *and 2012” and inserting “for fiscal year 2013”;*
6 *and*

7 (2) *in subsection (e)—*

8 (A) *by striking “utilize funds” and insert-*
9 *ing “obligate funds”; and*

10 (B) *by striking “December 31, 2012” and*
11 *inserting “December 31, 2013”.*

12 **SEC. 1214. PROHIBITION ON USE OF PRIVATE SECURITY**
13 **CONTRACTORS AND MEMBERS OF THE AF-**
14 **GHAN PUBLIC PROTECTION FORCE TO PRO-**
15 **VIDE SECURITY FOR MEMBERS OF THE**
16 **ARMED FORCES AND MILITARY INSTALLA-**
17 **TIONS AND FACILITIES IN AFGHANISTAN.**

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

19 (1) *According to the Department of Defense, as*
20 *of February 1, 2012, there had been 42 insider attacks*
21 *on coalition forces since 2007 by the Afghan National*
22 *Army, Afghan National Police, or Afghan nationals*
23 *hired by private security contractors to guard United*
24 *States bases and facilities in Afghanistan.*

1 (2) *The Department of Defense data shows that*
2 *the trend of insider attacks is increasing.*

3 (3) *Members of the Armed Forces of the United*
4 *States continue to be garrisoned and housed in facili-*
5 *ties and installations in Afghanistan that are guard-*
6 *ed by private security contractors and not by United*
7 *States or coalition forces.*

8 (4) *President Karzai has prohibited the use of*
9 *private security contractors in Afghanistan and deter-*
10 *mined that beginning in March, 2012, the Afghan*
11 *Ministry of Interior will provide Afghan Public Pro-*
12 *tection Forces on a reimbursable basis to those desir-*
13 *ing to contract for additional security.*

14 (5) *The Afghan Ministry of Interior will have*
15 *the primary responsibility for screening and vetting*
16 *the Afghan nationals who will comprise the Afghan*
17 *Public Protection Force.*

18 (6) *The current force levels in Afghanistan are*
19 *necessary to accomplish the International Security*
20 *Assistance Force mission and force protection for*
21 *members of the Armed Forces garrisoned and housed*
22 *in Afghanistan should not come at the expense of mis-*
23 *sion success.*

24 (7) *The President of the United States has begun*
25 *to draw down United States military forces in Af-*

1 *ghanistan and has committed to continue this draw-*
2 *down through 2014.*

3 (8) *The redeployment phase of any military op-*
4 *eration brings increasing vulnerabilities to members*
5 *of the Armed Forces.*

6 (9) *It is the responsibility of the Commander in*
7 *Chief to provide for the security for members of the*
8 *Armed Forces deployed to Afghanistan and to miti-*
9 *gate internal threats to such forces to the greatest ex-*
10 *tent possible, while continuing to meet the objectives*
11 *of the International Security Assistance Force mis-*
12 *sion in Afghanistan, including the training and*
13 *equipping of the Afghan National Security Forces in*
14 *order that they may provide for their own security.*

15 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
16 *that—*

17 (1) *the best security and force protection for*
18 *members of the Armed Forces garrisoned and housed*
19 *in Afghanistan should be provided;*

20 (2) *better security and force protection for mem-*
21 *bers of the Armed Forces garrisoned and housed in*
22 *Afghanistan can be provided by United States mili-*
23 *tary personnel than private security contractors or*
24 *members of the Afghan Public Protection Force;*

1 (3) *the President should take action in light of*
2 *the increased risk to members of the Armed Forces*
3 *during this transitional period in Afghanistan and*
4 *the increasing number of insider attacks; and*

5 (4) *the United States remains committed to mis-*
6 *sion success in Afghanistan in light of the national*
7 *security interests in the region and the sacrifice and*
8 *commitment of the United States Armed Forces over*
9 *the last ten years.*

10 (c) *PROHIBITION.—Notwithstanding section 2465 of*
11 *title 10, United States Code, funds appropriated to the De-*
12 *partment of Defense may not be obligated or expended for*
13 *the purpose of—*

14 (1) *entering into a contract for the performance*
15 *of security-guard functions at a military installation*
16 *or facility in Afghanistan at which members of the*
17 *Armed Forces deployed to Afghanistan are garrisoned*
18 *or housed;*

19 (2) *otherwise employing private security contrac-*
20 *tors to provide security for members of the Armed*
21 *Forces deployed to Afghanistan; or*

22 (3) *employing the Afghan Public Protection*
23 *Force to provide security for such members or to per-*
24 *form such security-guard functions at such a military*
25 *installation or facility.*

1 (d) *REQUIREMENT.*—

2 (1) *IN GENERAL.*—*The President shall ensure*
3 *that as many appropriately trained members of the*
4 *Armed Forces of the United States as are necessary*
5 *are available to—*

6 (A) *perform security-guard functions at all*
7 *military installations and facilities in Afghani-*
8 *stan at which members of the Armed Forces de-*
9 *ployed to Afghanistan are garrisoned or housed;*

10 (B) *provide security for members of the*
11 *Armed Forces deployed to Afghanistan; and*

12 (C) *provide adequate counterintelligence*
13 *support for such members.*

14 (2) *RELATIONSHIP TO OTHER REQUIREMENTS*
15 *AND LIMITATIONS.*—*The members of the Armed Forces*
16 *required to be made available under paragraph (1)*
17 *shall be in addition to—*

18 (A) *the number of such members who are*
19 *deployed to Afghanistan to support the require-*
20 *ments of the North Atlantic Treaty Organization*
21 *mission in Afghanistan and the military cam-*
22 *paign plan of the Commander of the Inter-*
23 *national Security and Assistance Force; and*

24 (B) *any limitation on force levels that may*
25 *be in effect.*

1 (e) *WAIVER.*—*The President may waive the prohibi-*
2 *tion under subsection (c) and the requirement under sub-*
3 *section (d) if the President submits to Congress a certifi-*
4 *cation in writing that—*

5 (1) *the use of private security contractors or the*
6 *Afghan Public Protection Force can provide a level of*
7 *security and force protection for members of the*
8 *Armed Forces deployed to Afghanistan that is at least*
9 *equal to the security and force protection that can be*
10 *provided by members of the Armed Forces; and*

11 (2) *the Secretary of Defense has ensured that all*
12 *employees of private security contractors and mem-*
13 *bers of the Afghan Public Protection Force providing*
14 *security or force protection for members of the Armed*
15 *Forces deployed to Afghanistan are independently*
16 *screened and vetted by members of the Armed Forces*
17 *of the United States.*

18 (f) *REPORT.*—

19 (1) *IN GENERAL.*—*Not later than 30 days after*
20 *the end of each quarter of fiscal years 2013 and 2014,*
21 *the Secretary of Defense shall submit to the congress-*
22 *sional defense committees a report on the following:*

23 (A) *Data on attempted and successful at-*
24 *tacks by the Afghan National Security Forces,*
25 *the Afghan Public Protection Force, and private*

1 *security contractors on United States Armed*
2 *Forces and civilian personnel of the Department*
3 *of Defense.*

4 *(B) The number of members of the United*
5 *States Armed Forces and civilian personnel of*
6 *the Department of Defense wounded or killed due*
7 *to such attacks.*

8 *(C) A description of tactical or covert meth-*
9 *ods used in such attacks and a description of*
10 *motivations for such attacks.*

11 (2) *ADDITIONAL INFORMATION.—The first report*
12 *submitted following the date of the enactment of this*
13 *Act and the report submitted for the first quarter of*
14 *fiscal year 2014 shall also include the following:*

15 *(A) Actions the Department of Defense is*
16 *taking to monitor indicators and early warning*
17 *signs of infiltration or co-option of the Afghan*
18 *National Security Forces, the Afghan Public*
19 *Protection Force, and private security contrac-*
20 *tors.*

21 *(B) The methodology and systematic ap-*
22 *proach to resolving disputes between the Afghan*
23 *National Security Forces and United States*
24 *Armed Forces and civilian personnel of the De-*
25 *partment of Defense when such disputes arise.*

1 (g) *DEFINITION.*—*In this section, the term “members*
2 *of the Armed Forces deployed to Afghanistan” means mem-*
3 *bers of the Armed Forces deployed to Afghanistan in sup-*
4 *port of the International Security Assistance Force in Af-*
5 *ghanistan and members of the Armed Forces of the United*
6 *States deployed to Afghanistan in support of Operation En-*
7 *during Freedom.*

8 **SEC. 1215. REPORT ON UPDATES AND MODIFICATIONS TO**
9 **CAMPAIGN PLAN FOR AFGHANISTAN.**

10 (a) *REPORT REQUIRED.*—*Not later than 180 days*
11 *after the date on which any substantial update or modifica-*
12 *tion is made to the campaign plan for Afghanistan (includ-*
13 *ing the supporting and implementing documents for such*
14 *plan), the Comptroller General of the United States shall*
15 *submit to the congressional defense committees a report on*
16 *the updated or modified plan, including an assessment of*
17 *the updated or modified plan.*

18 (b) *EXCEPTION.*—*The requirement to submit a report*
19 *under subsection (a) on any substantial update or modifica-*
20 *tion to the campaign plan for Afghanistan shall not apply*
21 *if the Comptroller General—*

22 (1) *determines that a report submitted to Con-*
23 *gress by the Comptroller General before the date of the*
24 *enactment of this Act substantially meets the require-*
25 *ment to submit the report under subsection (a); and*

1 (2) *notifies the congressional defense committees*
2 *in writing of the determination under paragraph (1).*

3 (c) *TERMINATION.*—*The requirement to submit a re-*
4 *port under subsection (a) on any substantial update or*
5 *modification to the campaign plan for Afghanistan shall*
6 *terminate on September 30, 2014.*

7 (d) *REPEAL.*—*Section 1226 of the National Defense*
8 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
9 *84; 123 Stat. 2525) is repealed.*

10 **SEC. 1216. UNITED STATES MILITARY SUPPORT IN AFGHAN-**
11 **ISTAN.**

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

14 (1) *following Al Qaeda’s attacks on the United*
15 *States on September 11, 2001, United States and coa-*
16 *lition forces have achieved significant progress toward*
17 *security and stability in Afghanistan;*

18 (2) *as the United States completes transfer of the*
19 *lead for security to the Afghan National Security*
20 *Forces by the end of 2014, the United States should*
21 *ensure that the gains in security are maintained;*

22 (3) *the United States mission in Afghanistan*
23 *continues to be to disrupt, dismantle, and defeat al*
24 *Qaeda, as well as to prevent its return to either Af-*
25 *ghanistan or Pakistan;*

1 (4) *the specific objectives in Afghanistan are to*
2 *deny safe haven to Al Qaeda and to deny the Taliban*
3 *the ability to overthrow the Afghan Government;*

4 (5) *the Taliban, Haqqanis, and associated insur-*
5 *gents continue to enjoy safe havens in Pakistan, but*
6 *are unlikely to be capable of overthrowing the Afghan*
7 *Government unless the United States withdraws forces*
8 *precipitously from Afghanistan;*

9 (6) *the Haqqani Network provides unique capa-*
10 *bilities and capacity to the Afghan Taliban, and ad-*
11 *ditionally, serves as a combat multiplier to the Af-*
12 *ghan insurgency due to its geographic primacy over*
13 *the key terrain of the Paktika, Paktia, and Khost*
14 *provinces, as well as North and South Waziristan,*
15 *and willingness to introduce international weaponry*
16 *and technology into the battle space and serve as the*
17 *reception point and integrator of international for-*
18 *ign fighters into the Afghan insurgency;*

19 (7) *the Haqqani Network has been the most im-*
20 *portant Afghan-based protector of Al Qaeda;*

21 (8) *the unique capabilities and effects brought to*
22 *the battle space by the Haqqani Network necessitate*
23 *that the Government of Afghanistan should have supe-*
24 *rior operational capacity in order to maintain the se-*
25 *curity of Afghanistan over time;*

1 (9) *the United States military should not main-*
2 *tain an indefinite combat mission in Afghanistan*
3 *and should transition to a counter-terrorism and ad-*
4 *vice and assist mission at the earliest practicable*
5 *date, consistent with conditions on the ground;*

6 (10) *significant uncertainty exists within Af-*
7 *ghanistan regarding the level of future United States*
8 *military support; and*

9 (11) *in order to reduce this uncertainty, and to*
10 *promote further stability and security in Afghanistan,*
11 *the President should—*

12 (A) *fully consider the International Secu-*
13 *riety Assistance Force Commander’s assessment*
14 *regarding the need for the United States to*
15 *maintain a “significant combat presence through*
16 *2013”;*

17 (B) *maintain a force of at least 68,000*
18 *troops through December 31, 2014, unless fewer*
19 *forces can achieve United States objectives;*

20 (C) *maintain a credible troop presence after*
21 *December 31, 2014, sufficient to conduct counter-*
22 *terrorism and train and advise the Afghan Na-*
23 *tional Security Forces, consistent with the Stra-*
24 *tegic Partnership Agreement (signed on May 2,*
25 *2012); and*

1 (D) maintain sufficient funding for the Af-
2 ghan National Security Forces to accomplish the
3 objectives described in paragraphs (3), (4), and
4 (8).

5 (b) NOTIFICATION.—The President shall notify the
6 congressional defense committees of any decision to reduce
7 the number of United States Armed Forces deployed in Af-
8 ghanistan below the number of such Armed Forces deployed
9 in Afghanistan on—

10 (1) December 31, 2012,

11 (2) December 31, 2013, and

12 (3) December 31, 2014,

13 prior to any public announcement of any such decision to
14 reduce the number of United States Armed Forces deployed
15 in Afghanistan.

16 (c) MATTERS TO INCLUDE IN NOTIFICATION.—As part
17 of a notification required by subsection (b), the President
18 shall—

19 (1) provide an assessment of the relevant security
20 risk metrics associated with the marginal reduction
21 in force levels; and

22 (2) provide a by-unit assessment of the oper-
23 ational capability of the Afghan National Security
24 Forces to independently conduct the required oper-
25 ations to maintain security in Afghanistan.

1 **SEC. 1217. EXTENSION AND MODIFICATION OF PAKISTAN**
2 **COUNTERINSURGENCY FUND.**

3 (a) *IN GENERAL.*—Section 1224(h) of the National De-
4 fense Authorization Act for Fiscal Year 2010 (Public Law
5 111–84; 123 Stat. 2521), as most recently amended by sec-
6 tion 1220 of the National Defense Authorization Act for Fis-
7 cal Year 2012 (Public Law 112–81; 125 Stat. 1633), is fur-
8 ther amended by striking “September 30, 2012” both places
9 it appears and inserting “September 30, 2013”.

10 (b) *LIMITATION ON FUNDS SUBJECT TO REPORT AND*
11 *UPDATES.*—Section 1220(b) of the National Defense Au-
12 thorization Act for Fiscal Year 2012 (Public Law 112–81;
13 125 Stat. 1633) is amended—

14 (1) *in the heading of paragraph (1), by inserting*
15 *“FOR FISCAL YEAR 2012” after “FUNDS”;*

16 (2) *by redesignating paragraphs (2), (3), and (4)*
17 *as paragraphs (3), (4), and (5), respectively;*

18 (3) *by inserting after paragraph (1) the fol-*
19 *lowing:*

20 “(2) *LIMITATION ON FUNDS FOR FISCAL YEAR*
21 *2013; REPORT REQUIRED.*—Of the amounts appro-
22 priated or transferred to the Fund for fiscal year
23 2013, not more than 10 percent of such amounts may
24 be obligated or expended until such time as the Sec-
25 retary of Defense, with the concurrence of the Sec-
26 retary of State, submits to the appropriate congres-

1 sional committees an update of the report required
2 under paragraph (1).”;

3 (4) in paragraph (3) (as redesignated)—

4 (A) by inserting “after fiscal year 2013”
5 after “any fiscal year”;

6 (B) by striking “requested to be”; and

7 (C) by striking “at the same time that the
8 President’s budget is submitted pursuant to sec-
9 tion 1105(a) of title 31, United States Code” and
10 inserting “not later than 45 days before amounts
11 in the Fund are made available to the Secretary
12 of Defense”; and

13 (5) in paragraph (4) (as redesignated), by strik-
14 ing “the update required under paragraph (2)” and
15 inserting “the updates required under paragraphs (2)
16 and (3)”.

17 ***Subtitle C—Matters Relating to***
18 ***Iran***

19 **SEC. 1221. DECLARATION OF POLICY.**

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

21 (1) *Iran, which has long sought to foment insta-*
22 *bility and promote extremism in the Middle East, is*
23 *now seeking to exploit the dramatic political transi-*
24 *tion underway in the region to undermine govern-*
25 *ments traditionally aligned with the United States*

1 *and support extremist political movements in these*
2 *countries.*

3 *(2) At the same time, Iran may soon attain a*
4 *nuclear weapons capability, a development that*
5 *would threaten United States interests, destabilize the*
6 *region, encourage regional nuclear proliferation, fur-*
7 *ther empower and embolden Iran, the world's leading*
8 *state sponsor of terrorism, and provide it the tools to*
9 *threaten its neighbors, including Israel.*

10 *(3) With the assistance of Iran over the past sev-*
11 *eral years, Syria, Hezbollah, and Hamas have in-*
12 *creased their stockpiles of rockets, with more than*
13 *60,000 rockets now ready to be fired at Israel. Iran*
14 *continues to add to its arsenal of ballistic missiles*
15 *and cruise missiles, which threaten Iran's neighbors,*
16 *Israel, and United States Armed Forces in the region.*

17 *(4) Preventing Iran from acquiring a nuclear*
18 *weapon is among the most urgent national security*
19 *challenges facing the United States.*

20 *(5) Successive United States administrations*
21 *have stated that an Iran armed with a nuclear weap-*
22 *on is unacceptable.*

23 *(6) President Obama stated on January 24,*
24 *2012, "Let there be no doubt: America is determined*
25 *to prevent Iran from getting a nuclear weapon, and*

1 *I will take no options off the table to achieve that*
2 *goal.”.*

3 *(7) In order to prevent Iran from developing nu-*
4 *clear weapons, the United States, in cooperation with*
5 *its allies, must utilize all elements of national power*
6 *including diplomacy, robust economic sanctions, and*
7 *credible, visible preparations for a military option.*

8 *(8) Nevertheless, to date, diplomatic overtures,*
9 *sanctions, and other non-kinetic actions toward Iran*
10 *have not caused the Government of Iran to abandon*
11 *its nuclear weapons program.*

12 *(9) With the impact of additional sanctions un-*
13 *certain, additional pressure on the Government of*
14 *Iran could come from the credible threat of military*
15 *action against Iran’s nuclear program.*

16 *(b) DECLARATION OF POLICY.—It shall be the policy*
17 *of the United States to take all necessary measures, includ-*
18 *ing military action if required, to prevent Iran from threat-*
19 *ening the United States, its allies, or Iran’s neighbors with*
20 *a nuclear weapon.*

21 **SEC. 1222. UNITED STATES MILITARY PREPAREDNESS IN**
22 **THE MIDDLE EAST.**

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

1 (1) *military exercises conducted in the Persian*
2 *Gulf and Gulf of Oman emphasize the United States*
3 *resolve and the policy of the United States described*
4 *in section 1221(b) by enhancing the readiness of the*
5 *United States military and allied forces, as well as*
6 *signaling to the Government of Iran the commitment*
7 *of the United States to defend its vital national secu-*
8 *rity interests; and*

9 (2) *the President, as Commander in Chief,*
10 *should augment the presence of the United States*
11 *Fifth Fleet in the Middle East and to conduct mili-*
12 *tary deployments, exercises, or other visible, concrete*
13 *military readiness activities to underscore the policy*
14 *of the United States described in section 1221(b).*

15 (b) *PLAN.—*

16 (1) *IN GENERAL.—The Secretary of Defense shall*
17 *prepare a plan to augment the presence of the United*
18 *States Fifth Fleet in the Middle East and to conduct*
19 *military deployments, exercises, or other visible, con-*
20 *crete military readiness activities to underscore the*
21 *policy of the United States described in section*
22 *1221(b).*

23 (2) *MATTERS TO BE INCLUDED.—The plan re-*
24 *quired under paragraph (1) shall include, at a min-*
25 *imum, steps necessary for the Armed Forces to sup-*

1 *port the policy of the United States described in sec-*
2 *tion 1221(b), including—*

3 *(A) pre-positioning sufficient supplies of*
4 *aircraft, munitions, fuel, and other materials for*
5 *both air- and sea-based missions at key forward*
6 *locations in the Middle East and Indian Ocean;*

7 *(B) maintaining sufficient naval assets in*
8 *the region necessary to signal United States re-*
9 *solve and to bolster United States capabilities to*
10 *launch a sustained sea and air campaign*
11 *against a range of Iranian nuclear and military*
12 *targets, to protect seaborne shipping, and to*
13 *deny Iranian retaliation against United States*
14 *interests in the region;*

15 *(C) discussing the viability of deploying at*
16 *least two United States aircraft carriers, an ad-*
17 *ditional large deck amphibious ship, and a Mine*
18 *Countermeasures Squadron in the region on a*
19 *continual basis, in support of the actions de-*
20 *scribed in subparagraph (B); and*

21 *(D) conducting naval fleet exercises similar*
22 *to the United States Fifth Fleet's major exercise*
23 *in the region in March 2007 to demonstrate abil-*
24 *ity to keep the Strait of Hormuz open and to*

1 *counter the use of anti-ship missiles and swarm-*
2 *ing high-speed boats.*

3 (3) *SUBMISSION TO CONGRESS.*—*The plan re-*
4 *quired under paragraph (1) shall be submitted to the*
5 *congressional defense committees not later than 120*
6 *days after the date of enactment of this Act.*

7 **SEC. 1223. ANNUAL REPORT ON MILITARY POWER OF IRAN.**

8 (a) *IN GENERAL.*—*Section 1245 of the National De-*
9 *fense Authorization Act for Fiscal Year 2010 (Public Law*
10 *111–84; 123 Stat. 2542) is amended—*

11 (1) *by redesignating subsections (c) and (d) as*
12 *subsections (d) and (e), respectively; and*

13 (2) *by inserting after subsection (b) the fol-*
14 *lowing:*

15 “(c) *COMBATANT COMMANDER ASSESSMENT.*—*The re-*
16 *port required under subsection (a) shall include an annex,*
17 *in classified or unclassified form, that includes an identi-*
18 *fication and assessment of the Commander of the United*
19 *States Central Command on the following:*

20 “(1) *Any critical gaps in intelligence that limit*
21 *the ability of the Commander to counter threats ema-*
22 *nating from Iran.*

23 “(2) *Any gaps in the capabilities, capacity, and*
24 *authorities of the Commander to counter Iranian*

1 *threats to United States Armed Forces and United*
2 *States interests in the region.*

3 “(3) *Any gaps in the capabilities and capacity*
4 *of the Commander to take military action against*
5 *Iran to prevent Iran from developing a nuclear weap-*
6 *on.*

7 “(4) *Any other matters the Commander considers*
8 *to be relevant.*”.

9 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
10 *section (a) take effect on the date of the enactment of this*
11 *Act and apply with respect to each report required to be*
12 *submitted under section 1245 of the National Defense Au-*
13 *thorization Act for Fiscal Year 2010 on or after such date*
14 *of enactment.*

15 ***Subtitle D—Reports and Other***
16 ***Matters***

17 ***SEC. 1231. ANNUAL REPORT ON MILITARY AND SECURITY***
18 ***DEVELOPMENTS INVOLVING THE PEOPLE’S***
19 ***REPUBLIC OF CHINA.***

20 (a) *IN GENERAL.*—*Subsection (b) of section 1202 of*
21 *the National Defense Authorization Act for Fiscal Year*
22 *2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113*
23 *note), as most recently amended by section 1238 of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 2012 (Pub-*
25 *lic Law 112–81; 125 Stat. 1642), is further amended—*

1 (1) *by redesignating paragraphs (10), (11), and*
2 *(12) as paragraphs (12), (13), and (14), respectively;*
3 *and*

4 (2) *by inserting after paragraph (9) the fol-*
5 *lowing:*

6 “(10) *The strategy, goals, and capabilities of*
7 *Chinese space programs, including trends, global and*
8 *regional activities, the involvement of military and*
9 *civilian organizations, including state-owned enter-*
10 *prises, academic institutions, and commercial enti-*
11 *ties, and efforts to develop, acquire, or gain access to*
12 *advanced technologies that would enhance Chinese*
13 *military capabilities.*

14 “(11) *The strategy, goals, and capabilities of*
15 *Chinese cyber activities, including trends, global and*
16 *regional activities, the involvement of military and*
17 *civilian organizations, including state-owned enter-*
18 *prises, academic institutions, and commercial enti-*
19 *ties. Relevant analyses and forecasts shall consider—*

20 “(A) *Chinese cyber activities directed*
21 *against the Department of Defense;*

22 “(B) *potential harms that may affect De-*
23 *partment of Defense communications, computers,*
24 *networks, systems, or other military assets as a*
25 *result of a cyber attack; and*

1 “(C) any other developments regarding Chi-
2 nese cyber activities that the Secretary of Defense
3 determines are relevant to the national security
4 of the United States.”.

5 (b) *COMBATANT COMMANDER ASSESSMENT*.—Such
6 section is further amended—

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

9 (2) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) *COMBATANT COMMANDER ASSESSMENT*.—The re-
12 port required under subsection (a) shall include an annex,
13 in classified or unclassified form, that includes an identi-
14 fication and assessment of the Commander of the United
15 States Pacific Command on the following:

16 “(1) Any gaps in intelligence that limit the abil-
17 ity of the Commander to address challenges posed by
18 the People’s Republic of China.

19 “(2) Any gaps in the capabilities, capacity, and
20 authorities of the Commander to address challenges
21 posed by the People’s Republic of China to United
22 States Armed Forces and United States interests in
23 the region.

24 “(3) Any other matters the Commander considers
25 to be relevant.”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *sections (a) and (b) take effect on the date of the enactment*
3 *of this Act and apply with respect to each report required*
4 *to be submitted under section 1202 of the National Defense*
5 *Authorization Act for Fiscal Year 2000 on or after such*
6 *date of enactment.*

7 **SEC. 1232. REPORT ON MILITARY AND SECURITY DEVELOP-**
8 **MENTS INVOLVING THE DEMOCRATIC PEOP-**
9 **LE'S REPUBLIC OF KOREA.**

10 (a) *ADDITIONAL REPORT.*—*Subsection (a) of section*
11 *1236 of the National Defense Authorization Act for Fiscal*
12 *Year 2012 (Public Law 112–81; 125 Stat. 1641) is amended*
13 *by inserting after “November 1, 2012,” the following: “and*
14 *November 1, 2013,”.*

15 (b) *COMBATANT COMMANDER ASSESSMENT.*—*Such*
16 *section is further amended—*

17 (1) *by redesignating subsection (c) as subsection*
18 *(d); and*

19 (2) *by inserting after subsection (b) the fol-*
20 *lowing:*

21 “(c) *COMBATANT COMMANDER ASSESSMENT.*—*The re-*
22 *port required under subsection (a) shall include an annex,*
23 *in classified or unclassified form, that includes an identi-*
24 *fication and assessment of the Commander of the United*
25 *States Pacific Command on the following:*

1 “(1) Any gaps in intelligence that limit the abil-
2 ity of the Commander to counter threats emanating
3 from North Korea.

4 “(2) Any gaps in the capabilities, capacity, and
5 authorities of the Commander to counter North Ko-
6 rean threats to United States Armed Forces and
7 United States interests in the region.

8 “(3) Any other matters the Commander considers
9 to be relevant.”.

10 **SEC. 1233. REPORT ON HOST NATION SUPPORT FOR OVER-**
11 **SEAS UNITED STATES MILITARY INSTALLA-**
12 **TIONS AND UNITED STATES ARMED FORCES**
13 **DEPLOYED IN COUNTRY.**

14 (a) *REPORT REQUIRED.*—

15 (1) *IN GENERAL.*—Not later than March 1 of
16 each year from 2013 through 2015, the Secretary of
17 Defense, in consultation with the Secretary of State,
18 shall submit to the appropriate congressional commit-
19 tees a report on the direct, indirect, and burden-shar-
20 ing contributions made by host nations to support
21 United States Armed Forces deployed in country.

22 (2) *ELEMENTS.*—The report required by para-
23 graph (1) shall include at least the following:

24 (A) *The methodology and accounting proce-*
25 *dures used to measure and track direct, indirect,*

1 *and burden-sharing contributions made by host*
2 *nations.*

3 *(B) The stationing costs, paid by the host*
4 *nation, associated with United States Armed*
5 *Forces stationed outside the territory of the*
6 *United States in that nation.*

7 *(C) A description of direct, indirect, and*
8 *burden-sharing contributions by host nation, in-*
9 *cluding the following:*

10 *(i) Contributions accepted for the fol-*
11 *lowing costs:*

12 *(I) Compensation for local na-*
13 *tional employees of the Department of*
14 *Defense.*

15 *(II) Military construction projects*
16 *of the Department of Defense, includ-*
17 *ing design, procurement, construction*
18 *management costs, rents on privately-*
19 *owned land, facilities, labor, utilities*
20 *and vicinity improvements.*

21 *(III) Other costs such as loan*
22 *guarantees on public-private venture*
23 *housing and payment-in-kind for fa-*
24 *ilities returned to the host nation.*

1 (ii) Contributions accepted for any
2 other purpose.

3 (b) FORM.—The report required by subsection (a) shall
4 be submitted in unclassified form, but may include a classi-
5 fied annex if necessary.

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional commit-
9 tees” means—

10 (A) the congressional defense committees;

11 and

12 (B) the Committee on Foreign Relations of
13 the Senate and the Committee on Foreign Affairs
14 of the House of Representatives.

15 (2) HOST NATION.—The term “host nation”
16 means any country that hosts a permanent or tem-
17 porary United States military installation or a per-
18 manent or rotational deployment of United State
19 Armed Forces located outside of the borders of the
20 United States.

21 (3) CONTRIBUTIONS.—The term “contributions”
22 means cash and in-kind contributions made by a host
23 nation that replace expenditures that would otherwise
24 be made by the Secretary of Defense using funds ap-

1 *propriated or otherwise made available in defense ap-*
2 *propriations Acts.*

3 **SEC. 1234. NATO SPECIAL OPERATIONS HEADQUARTERS.**

4 *(a) IN GENERAL.—Section 1244(a) of the National De-*
5 *fense Authorization Act for Fiscal Year 2010 (Public Law*
6 *111–84; 123 Stat. 2541), as amended by section 1242 of*
7 *the Ike Skelton National Defense Authorization Act for Fis-*
8 *cal Year 2011 (Public Law 111–383; 124 Stat. 4405), is*
9 *further amended by striking “fiscal year 2011” and insert-*
10 *ing “fiscal year 2013”.*

11 *(b) LIMITATION.—Of the funds authorized to be appro-*
12 *priated by this Act or otherwise made available for fiscal*
13 *year 2013 for the NATO Special Operations Headquarters,*
14 *not more than 50 percent may be obligated or expended*
15 *until the date that is 30 days after the date on which the*
16 *Secretary of Defense finalizes and formalizes U.S. Special*
17 *Operations Command as the executive agent and lead com-*
18 *ponent for the NATO Special Operations Headquarters.*

19 **SEC. 1235. REPORTS ON EXPORTS OF MISSILE DEFENSE**
20 **TECHNOLOGY TO CERTAIN COUNTRIES.**

21 *(a) REPORTS.—Not later than 180 days after the date*
22 *of the enactment of this Act, and each year thereafter*
23 *through 2015, the Secretary of Defense shall submit to the*
24 *appropriate congressional committees a report on the fol-*
25 *lowing:*

1 (1) *A description of the types of assistance, in-*
2 *cluding assistance relating to missile defense, pro-*
3 *vided by the Department of Defense to foreign coun-*
4 *tries that export space, counter-space, and ballistic*
5 *missile equipment, material, and technologies that*
6 *could be used in other countries' space, counter-space,*
7 *and ballistic missile programs.*

8 (2) *A description of such exports to countries*
9 *with space, counter-space, and ballistic missile pro-*
10 *grams, including a description of specific technologies*
11 *that are exported to such countries.*

12 (b) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
13 *FINED.—In this section, the term “appropriate congres-*
14 *sional committees” means—*

15 (1) *the congressional defense committees; and*

16 (2) *the Committee of Foreign Relations of the*
17 *Senate and the Committee on Foreign Affairs of the*
18 *House of Representatives.*

19 **SEC. 1236. LIMITATION ON FUNDS TO PROVIDE THE RUS-**
20 **SIAN FEDERATION WITH ACCESS TO MISSILE**
21 **DEFENSE TECHNOLOGY.**

22 (a) *LIMITATION ON FUNDS FOR CLASSIFIED TECH-*
23 *NOLOGY AND DATA.—*

24 (1) *IN GENERAL.—None of the funds made avail-*
25 *able for fiscal years 2012 or 2013 for the Department*

1 of Defense may be used to provide the Russian Fed-
2 eration with access to information that is classified or
3 was classified as of January 2, 2012, regarding—

4 (A) missile defense technology of the United
5 States, including hit-to-kill technology; or

6 (B) data, including sensitive technical data,
7 warning, detection, tracking, targeting, telem-
8 etry, command and control, and battle manage-
9 ment data, that support the missile defense capa-
10 bilities of the United States.

11 (2) *APPLICABILITY.*—The limitation in para-
12 graph (1) shall apply with respect to the use of funds
13 on or after the date of the enactment of this Act.

14 (b) *LIMITATION ON FUNDS FOR OTHER TECHNOLOGY*
15 *AND DATA.*—

16 (1) *IN GENERAL.*—None of the funds made avail-
17 able for fiscal years 2012 or 2013 for the Department
18 of Defense may be used to provide the Russian Fed-
19 eration with access to missile defense technology or
20 technical data not described in subsection (a) un-
21 less—

22 (A) the President submits to the appro-
23 priate congressional committees—

24 (i) a report that contains a description
25 of—

1 (I) *the specific missile defense*
2 *technology or technical data to be pro-*
3 *vided to the Russian Federation, the*
4 *reasons for providing such technology*
5 *or data, and how the technology or*
6 *technical data is intended to be used;*

7 (II) *the measures necessary to*
8 *protect the technology or technical*
9 *data;*

10 (III) *the specific missile defense*
11 *technology or technical data of the*
12 *Russian Federation that the Russian*
13 *Federation is providing the United*
14 *States with access to; and*

15 (IV) *the status and substance of*
16 *discussions between the United States*
17 *and the Russian Federation on missile*
18 *defense matters; and*

19 (ii) *written certification by the Presi-*
20 *dent that providing the Russian Federation*
21 *with access to such missile defense tech-*
22 *nology or technical data—*

23 (I) *includes an agreement on pro-*
24 *hibiting access to such technology or*
25 *data by any other country or entity;*

1 (II) will not enable the develop-
2 ment of countermeasures to any missile
3 defense system of the United States or
4 otherwise undermine the effectiveness of
5 any such missile defense system; and

6 (III) will correspond to equitable
7 access by the United States to missile
8 defense technology or technical data of
9 the Russian Federation; and

10 (B) a period of 30 days has elapsed fol-
11 lowing the date on which the President submits
12 to the appropriate congressional committees the
13 report and written certification under subpara-
14 graph (A).

15 (2) *APPLICABILITY.*—The limitation in para-
16 graph (1) shall apply with respect to the use of funds
17 on or after the date of the enactment of this Act.

18 (c) *FORM.*—The report described in clause (i) of sub-
19 section (b)(1)(A) and the certification described in clause
20 (ii) of such subsection shall be submitted in unclassified
21 form, but may contain a classified annex, if necessary.

22 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
23 *FINED.*—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) *the Committee on Armed Services and the*
2 *Committee on Foreign Relations of the Senate; and*

3 (2) *the Committee on Armed Services and the*
4 *Committee on Foreign Affairs of the House of Rep-*
5 *resentatives.*

6 **SEC. 1237. INTERNATIONAL AGREEMENTS RELATING TO**
7 **MISSILE DEFENSE.**

8 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
9 *that an agreement regarding missile defense cooperation be-*
10 *tween the United States and the Russian Federation that*
11 *is negotiated with the Russian Federation through the*
12 *North Atlantic Treaty Organization (“NATO”) or a provi-*
13 *sion to amend the charter of the NATO–Russia Council,*
14 *should not be considered legally or politically binding un-*
15 *less the agreement is—*

16 (1) *specifically approved with the advice and*
17 *consent of the Senate pursuant to article II, section*
18 *2, clause 2 of the Constitution; or*

19 (2) *specifically authorized by an Act of Congress.*

20 (b) *MISSILE DEFENSE AGREEMENTS.—*

21 (1) *IN GENERAL.—Chapter 3 of title 10, United*
22 *States Code, is amended by adding at the end the fol-*
23 *lowing new section:*

1 **“§ 130f. International agreements relating to missile**
2 **defense**

3 “(a) *IN GENERAL.*—*In accordance with the under-*
4 *standing under subsection (b)(1)(B) of the Resolution of Ad-*
5 *vice and Consent to Ratification of the New START Treaty*
6 *of the Senate, any agreement with a country or inter-*
7 *national organization or amendment to the New START*
8 *Treaty (including an agreement made by the Bilateral Con-*
9 *sultative Commission established by the New START Trea-*
10 *ty) concerning the limitation of the missile defense capabili-*
11 *ties of the United States shall not be binding on the United*
12 *States, and shall not enter into force with respect to the*
13 *United States, unless after the date of the enactment of this*
14 *section, such agreement or amendment is—*

15 “(1) *specifically approved with the advice and*
16 *consent of the Senate pursuant to article II, section*
17 *2, clause 2 of the Constitution; or*

18 “(2) *specifically authorized by an Act of Con-*
19 *gress.*

20 “(b) *ANNUAL NOTIFICATION.*—*Not later than January*
21 *31 of each year, beginning in 2013, the President shall sub-*
22 *mit to the congressional defense committees and the Com-*
23 *mittee on Foreign Relations of the Senate and the Com-*
24 *mittee on Foreign Affairs of the House of Representatives*
25 *a notification of—*

1 “(1) *whether the Russian Federation has recog-*
2 *nized during the previous year the sovereign right of*
3 *the United States to pursue quantitative and quali-*
4 *tative improvements in missile defense capabilities;*
5 *and*

6 “(2) *whether during any treaty negotiations or*
7 *other Government-to-Government contacts between the*
8 *United States and the Russian Federation (including*
9 *under the auspices of the Bilateral Consultative Com-*
10 *mission established by the New START Treaty) dur-*
11 *ing the previous year a representative of the Russian*
12 *Federation suggested that a treaty or other inter-*
13 *national agreement include, with respect to the*
14 *United States—*

15 “(A) *restricting missile defense capabilities,*
16 *military capabilities in space, or conventional*
17 *prompt global strike capabilities; or*

18 “(B) *reducing the number of non-strategic*
19 *nuclear weapons deployed in Europe.*

20 “(c) *NEW START TREATY DEFINED.—In this section,*
21 *the term ‘New START Treaty’ means the Treaty between*
22 *the United States of America and the Russian Federation*
23 *on Measures for the Further Reduction and Limitation of*
24 *Strategic Offensive Arms, signed on April 8, 2010, and en-*
25 *tered into force on February 5, 2011.’.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
2 *tions at the beginning of such chapter is amended by*
3 *inserting after the item relating to section 130e the*
4 *following new item:*

 “130f. *International agreements relating to missile defense.*”.

5 (c) *DEFENSE TECHNOLOGY COOPERATION AGREE-*
6 *MENTS.*—

7 (1) *IN GENERAL.*—*Subchapter II of chapter 138*
8 *of title 10, United States Code, is amended by adding*
9 *at the end the following new section:*

10 “**§2350n. *Defense technology cooperation agreements***
11 ***between the United States and the Rus-***
12 ***sian Federation***

13 “(a) *IN GENERAL.*—*None of the funds made available*
14 *for fiscal year 2012 or any fiscal year thereafter for the*
15 *Department of Defense may be used to implement a defense*
16 *technology cooperation agreement entered into between the*
17 *United States and the Russian Federation until a period*
18 *of 60 days has elapsed following the date on which the*
19 *President transmits such agreement to the congressional de-*
20 *fense committees.*

21 “(b) *DEFENSE TECHNOLOGY COOPERATION AGREE-*
22 *MENT DEFINED.*—*In this section, the term ‘defense tech-*
23 *nology cooperation agreement’ means a cooperative agree-*
24 *ment related to research and development entered into*

1 *under section 2358 of this title or any other provision of*
2 *this title.”.*

3 (2) *CLERICAL AMENDMENT.—The table of sec-*
4 *tions at the beginning of such subchapter is amended*
5 *by inserting after the item relating to section 2350m*
6 *the following new item:*

“2350n. Defense technology cooperation agreement between the United States and
the Russian Federation.”.

7 (d) *LIMITATION ON MISSILE DEFENSE NEGOTIA-*
8 *TION.—*

9 (1) *IN GENERAL.—None of the funds made avail-*
10 *able for fiscal years 2012 or 2013 for the Department*
11 *of Defense may be used to implement an agreement*
12 *regarding missile defense entered into with the Rus-*
13 *sian Federation until the date that is 30 days after*
14 *the date on which the President transmits to the ap-*
15 *propriate congressional committees the draft agree-*
16 *ment discussed between the United States and the*
17 *Russian Federation at Deauville, France, in May*
18 *2011.*

19 (2) *APPLICABILITY.—The limitation in para-*
20 *graph (1) shall apply with respect to the use of funds*
21 *on or after the date of the enactment of this Act.*

22 (3) *APPROPRIATE CONGRESSIONAL COMMITTEES*
23 *DEFINED.—In this subsection, the term “appropriate*
24 *congressional committees” means—*

1 (A) *the Committee on Armed Services and*
2 *the Committee on Foreign Relations of the Sen-*
3 *ate; and*

4 (B) *the Committee on Armed Services and*
5 *the Committee on Foreign Affairs of the House*
6 *of Representatives.*

7 **TITLE XIII—COOPERATIVE**
8 **THREAT REDUCTION**

9 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
10 **DUCTION PROGRAMS AND FUNDS.**

11 (a) *SPECIFICATION OF COOPERATIVE THREAT REDUC-*
12 *TION PROGRAMS.—For purposes of section 301 and other*
13 *provisions of this Act, Cooperative Threat Reduction pro-*
14 *grams are the programs specified in section 1501 of the Na-*
15 *tional Defense Authorization Act for Fiscal Year 1997 (50*
16 *U.S.C. 2362 note).*

17 (b) *FISCAL YEAR 2013 COOPERATIVE THREAT REDUC-*
18 *TION FUNDS DEFINED.—As used in this title, the term “fis-*
19 *cal year 2013 Cooperative Threat Reduction funds” means*
20 *the funds appropriated pursuant to the authorization of ap-*
21 *propriations in section 301 and made available by the*
22 *funding table in section 4301 for Cooperative Threat Reduc-*
23 *tion programs.*

24 (c) *AVAILABILITY OF FUNDS.—Funds appropriated*
25 *pursuant to the authorization of appropriations in section*

1 301 and made available by the funding table in section
2 4301 for Cooperative Threat Reduction programs shall be
3 available for obligation for fiscal years 2013, 2014, and
4 2015.

5 **SEC. 1302. FUNDING ALLOCATIONS.**

6 (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the
7 \$519,111,000 authorized to be appropriated to the Depart-
8 ment of Defense for fiscal year 2013 in section 301 and
9 made available by the funding table in section 4301 for Co-
10 operative Threat Reduction programs, the following
11 amounts may be obligated for the purposes specified:

12 (1) For strategic offensive arms elimination,
13 \$68,271,000.

14 (2) For chemical weapons destruction,
15 \$14,630,000.

16 (3) For global nuclear security, \$99,789,000.

17 (4) For cooperative biological engagement,
18 \$276,399,000.

19 (5) For proliferation prevention, \$32,402,000.

20 (6) For threat reduction engagement, \$2,375,000.

21 (7) For activities designated as Other Assess-
22 ments/Administrative Costs, \$25,245,000.

23 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
24 *FUNDS FOR OTHER PURPOSES.*—No fiscal year 2013 Coop-
25 erative Threat Reduction funds may be obligated or ex-

1 *pending for a purpose other than a purpose listed in para-*
2 *graphs (1) through (7) of subsection (a) until 15 days after*
3 *the date that the Secretary of Defense submits to Congress*
4 *a report on the purpose for which the funds will be obligated*
5 *or expended and the amount of funds to be obligated or ex-*
6 *pended. Nothing in the preceding sentence shall be construed*
7 *as authorizing the obligation or expenditure of fiscal year*
8 *2013 Cooperative Threat Reduction funds for a purpose for*
9 *which the obligation or expenditure of such funds is specifi-*
10 *cally prohibited under this title or any other provision of*
11 *law.*

12 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
13 *AMOUNTS.—*

14 (1) *IN GENERAL.—Subject to paragraph (2), in*
15 *any case in which the Secretary of Defense determines*
16 *that it is necessary to do so in the national interest,*
17 *the Secretary may obligate amounts appropriated for*
18 *fiscal year 2013 for a purpose listed in paragraphs*
19 *(1) through (7) of subsection (a) in excess of the spe-*
20 *cific amount authorized for that purpose.*

21 (2) *NOTICE-AND-WAIT REQUIRED.—An obligation*
22 *of funds for a purpose stated in paragraphs (1)*
23 *through (7) of subsection (a) in excess of the specific*
24 *amount authorized for such purpose may be made*

1 *using the authority provided in paragraph (1) only*
2 *after—*

3 *(A) the Secretary submits to Congress noti-*
4 *fication of the intent to do so together with a*
5 *complete discussion of the justification for doing*
6 *so; and*

7 *(B) 15 days have elapsed following the date*
8 *of the notification.*

9 **TITLE XIV—OTHER**
10 **AUTHORIZATIONS**
11 ***Subtitle A—Military Programs***

12 **SEC. 1401. WORKING CAPITAL FUNDS.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 2013 for the use of the Armed Forces and other*
15 *activities and agencies of the Department of Defense for*
16 *providing capital for working capital and revolving funds,*
17 *as specified in the funding table in section 4501.*

18 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

19 *Funds are hereby authorized to be appropriated for the*
20 *fiscal year 2013 for the National Defense Sealift Fund, as*
21 *specified in the funding table in section 4501.*

22 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
23 **TION, DEFENSE.**

24 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
25 *hereby authorized to be appropriated for the Department*

1 of Defense for fiscal year 2013 for expenses, not otherwise
2 provided for, for Chemical Agents and Munitions Destruc-
3 tion, Defense, as specified in the funding table in section
4 4501.

5 (b) USE.—Amounts authorized to be appropriated
6 under subsection (a) are authorized for—

7 (1) the destruction of lethal chemical agents and
8 munitions in accordance with section 1412 of the De-
9 partment of Defense Authorization Act, 1986 (50
10 U.S.C. 1521); and

11 (2) the destruction of chemical warfare materiel
12 of the United States that is not covered by section
13 1412 of such Act.

14 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**
15 **TIVITIES, DEFENSE-WIDE.**

16 Funds are hereby authorized to be appropriated for the
17 Department of Defense for fiscal year 2013 for expenses, not
18 otherwise provided for, for Drug Interdiction and Counter-
19 Drug Activities, Defense-wide, as specified in the funding
20 table in section 4501.

21 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

22 Funds are hereby authorized to be appropriated for the
23 Department of Defense for fiscal year 2013 for expenses, not
24 otherwise provided for, for the Office of the Inspector Gen-

1 eral of the Department of Defense, as specified in the fund-
2 ing table in section 4501.

3 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2013 for the Defense Health Program, as specified*
6 *in the funding table in section 4501, for use of the Armed*
7 *Forces and other activities and agencies of the Department*
8 *of Defense in providing for the health of eligible bene-*
9 *ficiaries.*

10 **SEC. 1407. CEMETERIAL EXPENSES.**

11 *Funds are hereby authorized to be appropriated for the*
12 *Department of the Army for fiscal year 2013 for cemeterial*
13 *expenses, not otherwise provided for, as specified in the*
14 *funding table in section 4501.*

15 ***Subtitle B—National Defense***
16 ***Stockpile***

17 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
18 **STOCKPILE FUNDS.**

19 *(a) OBLIGATION OF STOCKPILE FUNDS.—During fis-*
20 *cal year 2013, the National Defense Stockpile Manager may*
21 *obligate up to \$44,899,227 of the funds in the National De-*
22 *fense Stockpile Transaction Fund established under sub-*
23 *section (a) of section 9 of the Strategic and Critical Mate-*
24 *rials Stock Piling Act (50 U.S.C. 98h) for the authorized*
25 *uses of such funds under subsection (b)(2) of such section,*

1 *including the disposal of hazardous materials that are envi-*
2 *ronmentally sensitive.*

3 **(b) ADDITIONAL OBLIGATIONS.**—*The National Defense*
4 *Stockpile Manager may obligate amounts in excess of the*
5 *amount specified in subsection (a) if the National Defense*
6 *Stockpile Manager notifies Congress that extraordinary or*
7 *emergency conditions necessitate the additional obligations.*
8 *The National Defense Stockpile Manager may make the ad-*
9 *ditional obligations described in the notification after the*
10 *end of the 45-day period beginning on the date on which*
11 *Congress receives the notification.*

12 **(c) LIMITATIONS.**—*The authorities provided by this*
13 *section shall be subject to such limitations as may be pro-*
14 *vided in appropriations Acts.*

15 **SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATE-**
16 **RIALS SUPPLY CHAINS.**

17 *Section 2(b) of the Strategic and Critical Materials*
18 *Stock Piling Act (50 U.S.C. 98a) is amended by inserting*
19 *“or a single point of failure” after “foreign sources”.*

20 **Subtitle C—Other Matters**

21 **SEC. 1421. REDUCTION OF UNOBLIGATED BALANCES WITH-**
22 **IN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.**

24 *Not later than 60 days after the date of the enactment*
25 *of this Act, the Secretary of Defense shall transfer*

1 \$26,000,000 from the unobligated balances of the Pentagon
2 Reservation Maintenance Revolving Fund established under
3 section 2674(e) of title 10, United States Code, to the Mis-
4 cellaneous Receipts Fund of the United States Treasury.

5 **SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
6 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
7 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
8 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
9 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

10 (a) *AUTHORITY FOR TRANSFER OF FUNDS.*—Of the
11 funds authorized to be appropriated for section 1406 and
12 available for the Defense Health Program for operation and
13 maintenance, \$139,204,000 may be transferred by the Sec-
14 retary of Defense to the Joint Department of Defense–De-
15 partment of Veterans Affairs Medical Facility Demonstra-
16 tion Fund established by subsection (a)(1) of section 1704
17 of the National Defense Authorization Act for Fiscal Year
18 2010 (Public Law 111-84; 123 Stat. 2571). For purposes
19 of subsection (a)(2) of such section 1704, any funds so
20 transferred shall be treated as amounts authorized and ap-
21 propriated specifically for the purpose of such a transfer.

22 (b) *USE OF TRANSFERRED FUNDS.*—For the purposes
23 of subsection (b) of such section 1704, facility operations
24 for which funds transferred under subsection (a) may be
25 used are operations of the Captain James A. Lovell Federal

1 *Health Care Center, consisting of the North Chicago Vet-*
2 *erans Affairs Medical Center, the Navy Ambulatory Care*
3 *Center, and supporting facilities designated as a combined*
4 *Federal medical facility under an operational agreement*
5 *covered by section 706 of the Duncan Hunter National De-*
6 *fense Authorization Act for Fiscal Year 2009 (Public Law*
7 *110–417; 122 Stat. 4500).*

8 **SEC. 1423. AUTHORIZATION OF APPROPRIATIONS FOR**
9 **ARMED FORCES RETIREMENT HOME.**

10 *There is hereby authorized to be appropriated for fiscal*
11 *year 2013 from the Armed Forces Retirement Home Trust*
12 *Fund the sum of \$67,590,000 for the operation of the Armed*
13 *Forces Retirement Home.*

14 **TITLE XV—AUTHORIZATION OF**
15 **ADDITIONAL APPROPRIA-**
16 **TIONS FOR OVERSEAS CON-**
17 **TINGENCY OPERATIONS**

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

20 **SEC. 1501. PURPOSE.**

21 *The purpose of this subtitle is to authorize appropria-*
22 *tions for the Department of Defense for fiscal year 2013*
23 *to provide additional funds for overseas contingency oper-*
24 *ations being carried out by the Armed Forces.*

1 **SEC. 1502. PROCUREMENT.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2013 for procurement accounts for the Army, the*
4 *Navy and the Marine Corps, the Air Force, and Defense-*
5 *wide activities, as specified in the funding table in section*
6 *4102.*

7 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
8 **TION.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 2013 for the use of the Department of Defense for*
11 *research, development, test, and evaluation, as specified in*
12 *the funding table in section 4202.*

13 **SEC. 1504. OPERATION AND MAINTENANCE.**

14 *Funds are hereby authorized to be appropriated for fis-*
15 *cal year 2013 for the use of the Armed Forces and other*
16 *activities and agencies of the Department of Defense for ex-*
17 *penses, not otherwise provided for, for operation and main-*
18 *tenance, as specified in the funding table in section 4302.*

19 **SEC. 1505. MILITARY PERSONNEL.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2013 for the use of the Armed Forces and other*
22 *activities and agencies of the Department of Defense for ex-*
23 *penses, not otherwise provided for, for military personnel,*
24 *as specified in the funding table in section 4402.*

1 **SEC. 1506. WORKING CAPITAL FUNDS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2013 for the use of the Armed Forces and other*
4 *activities and agencies of the Department of Defense for*
5 *providing capital for working capital and revolving funds,*
6 *as specified in the funding table in section 4502.*

7 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

8 *Funds are hereby authorized to be appropriated for the*
9 *Department of Defense for fiscal year 2013 for expenses, not*
10 *otherwise provided for, for the Defense Health Program, as*
11 *specified in the funding table in section 4502.*

12 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
13 **TIVITIES, DEFENSE-WIDE.**

14 *Funds are hereby authorized to be appropriated for the*
15 *Department of Defense for fiscal year 2013 for expenses, not*
16 *otherwise provided for, for Drug Interdiction and Counter-*
17 *Drug Activities, Defense-wide, as specified in the funding*
18 *table in section 4502.*

19 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

20 *Funds are hereby authorized to be appropriated for the*
21 *Department of Defense for fiscal year 2013 for expenses, not*
22 *otherwise provided for, for the Office of the Inspector Gen-*
23 *eral of the Department of Defense, as specified in the fund-*
24 *ing table in section 4502.*

1 **Subtitle B—Financial Matters**

2 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

3 *The amounts authorized to be appropriated by this*
4 *title are in addition to amounts otherwise authorized to be*
5 *appropriated by this Act.*

6 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

7 **(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

8 **(1) AUTHORITY.**—*Upon determination by the*
9 *Secretary of Defense that such action is necessary in*
10 *the national interest, the Secretary may transfer*
11 *amounts of authorizations made available to the De-*
12 *partment of Defense in this title for fiscal year 2013*
13 *between any such authorizations for that fiscal year*
14 *(or any subdivisions thereof). Amounts of authoriza-*
15 *tions so transferred shall be merged with and be*
16 *available for the same purposes as the authorization*
17 *to which transferred.*

18 **(2) LIMITATION.**—*The total amount of author-*
19 *izations that the Secretary may transfer under the*
20 *authority of this subsection may not exceed*
21 *\$3,000,000,000.*

22 **(b) TERMS AND CONDITIONS.**—*Transfers under this*
23 *section shall be subject to the same terms and conditions*
24 *as transfers under section 1001.*

1 (c) *ADDITIONAL AUTHORITY*.—*The transfer authority*
2 *provided by this section is in addition to the transfer au-*
3 *thority provided under section 1001.*

4 ***Subtitle C—Limitations and Other***
5 ***Matters***

6 ***SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT***
7 ***FUND.***

8 (a) *USE AND TRANSFER OF FUNDS*.—*Subsections (b)*
9 *and (c) of section 1514 of the John Warner National De-*
10 *fense Authorization Act for Fiscal Year 2007 (Public Law*
11 *109–364; 120 Stat. 2439), as in effect before the amend-*
12 *ments made by section 1503 of the Duncan Hunter Na-*
13 *tional Defense Authorization Act for Fiscal Year 2009 (Pub-*
14 *lic Law 110–417; 122 Stat. 4649), shall apply to the funds*
15 *made available to the Department of Defense for the Joint*
16 *Improvised Explosive Device Defeat Fund for fiscal year*
17 *2013. In providing prior notice to the congressional defense*
18 *committees of the obligation of funds from the Joint Impro-*
19 *vised Explosive Device Defeat Fund for such fiscal year,*
20 *as required by paragraph (4) of such subsection (c), the Sec-*
21 *retary of Defense shall include the market research or asso-*
22 *ciated analysis of alternatives conducted in the process of*
23 *taking action to initiate any project for which the total obli-*
24 *gation of funds from the Fund will exceed \$10,000,000.*

1 (b) *MONTHLY OBLIGATIONS AND EXPENDITURE RE-*
2 *PORTS.*—Not later than 15 days after the end of each month
3 of fiscal year 2013, the Secretary of Defense shall provide
4 to the congressional defense committees a report on the
5 *Joint Improvised Explosive Device Defeat Fund* explaining
6 monthly commitments, obligations, and expenditures by
7 line of action.

8 **SEC. 1532. ONE-YEAR EXTENSION OF PROJECT AUTHORITY**
9 **AND RELATED REQUIREMENTS OF TASK**
10 **FORCE FOR BUSINESS AND STABILITY OPER-**
11 **ATIONS IN AFGHANISTAN.**

12 (a) *EXTENSION.*—Subsection (a) of section 1535 of the
13 *Ike Skelton National Defense Authorization Act for Fiscal*
14 *Year 2011 (Public Law 111–383; 124 Stat. 4426)*, as
15 *amended by section 1534 of the National Defense Authoriza-*
16 *tion Act for Fiscal Year 2012 (Public Law 112–81; 125*
17 *Stat. 1658)*, is further amended—

18 (1) in paragraph (6), by striking “October 31,
19 2011, and October 31, 2012” and inserting “October
20 31, 2011, October 31, 2012, and October 31, 2013”;
21 and

22 (2) in paragraph (7), by striking “September 30,
23 2012” and inserting “September 30, 2013”.

24 (b) *SCOPE OF PROJECTS.*—Paragraph (3) of such sub-
25 *section, as so amended, is further amended—*

1 (1) by striking “private investment, mining sec-
2 tor development, industrial development, and other
3 projects” and inserting “mining and natural resource
4 industry development”; and

5 (2) by striking “focus on improving the commer-
6 cial viability of” and inserting “complement”.

7 (c) *FUNDING.*—Paragraph (4) of such subsection, as
8 so amended, is further amended—

9 (1) by striking “The Secretary” and inserting
10 the following:

11 “(A) *IN GENERAL.*—The Secretary”.

12 (2) by striking “The amount” and all that fol-
13 lows through “appropriate congressional committees.”
14 and inserting the following:

15 “(B) *LIMITATION.*—The amount of funds
16 used under authority of subparagraph (A)—

17 “(i) may not exceed \$150,000,000 for
18 fiscal year 2012, except that not more than
19 50 percent of such amount may be obligated
20 until the plan required by subsection (b) is
21 submitted to the appropriate congressional
22 committees; and

23 “(ii) may not exceed \$50,000,000 for
24 fiscal year 2013, except that no such funds
25 may be obligated until the Secretary notifies

1 *the appropriate congressional committees*
2 *that the activities of the Task Force for*
3 *Business and Stability Operations in Af-*
4 *ghanistan will be transitioned to the De-*
5 *partment of State by September 30, 2013.”;*
6 *and*

7 (3) *by striking “The funds” and inserting the*
8 *following:*

9 “(C) *AVAILABILITY.—The funds*”.

10 **SEC. 1533. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**
11 **GHANISTAN SECURITY FORCES FUND.**

12 (a) *CONTINUATION OF EXISTING LIMITATIONS ON*
13 *AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY*
14 *FORCES FUND.—Funds available to the Department of De-*
15 *fense for the Afghanistan Security Forces Fund for fiscal*
16 *year 2013 shall be subject to the conditions contained in*
17 *subsections (b) through (g) of section 1513 of the National*
18 *Defense Authorization Act for Fiscal Year 2008 (Public*
19 *Law 110–181; 122 Stat. 428), as amended by section*
20 *1531(b) of the Ike Skelton National Defense Authorization*
21 *Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.*
22 *4424).*

23 (b) *AFGHAN PUBLIC PROTECTION FORCE.—*

24 (1) *LIMITATION.—None of the funds available to*
25 *the Department of Defense for fiscal year 2013 for the*

1 *Afghanistan Security Forces Fund may be obligated*
2 *or expended for the Afghan Public Protection Force*
3 *(in this subsection referred to as the “APPF”) until*
4 *the Secretary of Defense certifies in writing to the*
5 *congressional defense committees the following:*

6 *(A) Each subcontract, task order, or deliv-*
7 *ery order entered into with the APPF under a*
8 *contract of the Department of Defense, or any*
9 *agreement between the United States and Af-*
10 *ghanistan for services of the APPF for the De-*
11 *partment of Defense, will include—*

12 *(i) standard format, content, and li-*
13 *ability clauses to ensure consistent levels of*
14 *security and dispute resolution mechanisms;*

15 *(ii) a requirement for members of the*
16 *APPF to adhere to the APPF Code of Con-*
17 *duct, including principles of conduct for*
18 *such personnel, minimum vetting require-*
19 *ments, and management and oversight com-*
20 *mitments;*

21 *(iii) authority for the prime contractor*
22 *or, in the case of an agreement, the United*
23 *States, to independently conduct biometric*
24 *screening;*

1 *(iv) authority for the prime contractor*
2 *or, in the case of an agreement, the United*
3 *States—*

4 *(I) to direct the APPF, at its own*
5 *expense, to remove or replace any per-*
6 *sonnel performing on a subcontract or*
7 *such agreement who fail to meet the*
8 *APPF Code of Conduct or terms of*
9 *such subcontract or agreement; and*

10 *(II) to terminate the subcontract*
11 *or such agreement, if the failure to*
12 *comply is a gross violation or is re-*
13 *peated; and*

14 *(v) authority for the Commander,*
15 *International Security Assistance Force (or*
16 *his designee)—*

17 *(I) to provide an arming author-*
18 *ization for APPF personnel authorized*
19 *to perform activities at a military in-*
20 *stallation or facility in Afghanistan at*
21 *which members of the Armed Forces*
22 *deployed to Afghanistan are garrisoned*
23 *or housed;*

24 *(II) to account for and keep ap-*
25 *propriate records of APPF personnel*

1 *authorized to perform activities at a*
2 *military installation or facility in Af-*
3 *ghanistan at which members of the*
4 *Armed Forces deployed to Afghanistan*
5 *are garrisoned or housed, including on*
6 *a database referred to as the Syn-*
7 *chronized Predeployment and Oper-*
8 *ational Tracker; and*

9 *(III) to consult with the Minister*
10 *of Interior of Afghanistan regarding*
11 *rules on the use of force for APPF per-*
12 *sonnel.*

13 *(B) The Minister of Interior of Afghanistan*
14 *is committed to ensuring that sufficient numbers*
15 *of APPF personnel are trained to match demand*
16 *and attrition.*

17 *(C) Sufficient clarity exists with regard to*
18 *command and control of APPF personnel and*
19 *the role of risk management consultants.*

20 *(D) The program established pursuant to*
21 *section 1225 of the National Defense Authoriza-*
22 *tion Act for Fiscal Year 2010 (Public Law 111-*
23 *84; 22 U.S.C. 2785 note) is sufficient to—*

24 *(i) account for the transfer of any con-*
25 *tractor-acquired, United States Govern-*

1 *ment-owned defense articles to the APPF;*
2 *and*

3 (ii) *conduct end-use monitoring, in-*
4 *cluding an inventory of the existence and*
5 *completeness of any such defense articles;*

6 (E) *Mechanisms are in place to ensure that*
7 *there is no additional cost to the United States*
8 *for—*

9 (i) *a weapon used in the performance*
10 *of APPF services under a subcontract of a*
11 *contract of the Department of Defense, or*
12 *through an agreement between the United*
13 *States and Afghanistan, if such a weapon is*
14 *a United States Government-owned weapon;*
15 *and*

16 (ii) *any assistance also provided*
17 *through the Afghan Security Forces Fund*
18 *for support to APPF.*

19 (F) *The Minister of Interior of Afghanistan*
20 *has established the elements required by subpara-*
21 *graphs (A) through (F) of section 862(a)(2) of*
22 *the National Defense Authorization Act for Fis-*
23 *cal Year 2008 (Public Law 110–181). For pur-*
24 *poses of the preceding sentence, the terms “per-*
25 *sonnel performing private security functions in*

1 *an area of combat operations or other significant*
2 *military operations”, “contractor”, and “con-*
3 *tractor personnel”, as used in section 862 of such*
4 *Act, mean members of the APPF.*

5 *(G) The Secretary is confident the security*
6 *provided to supply convoys, to Department of*
7 *Defense construction projects, and to Armed*
8 *Forces deployed to Afghanistan will not be de-*
9 *graded.*

10 (2) *ADDITIONAL LIMITATION.—None of the funds*
11 *available to the Department of Defense for fiscal year*
12 *2013 for the Afghanistan Security Forces Fund may*
13 *be obligated or expended for infrastructure improve-*
14 *ments at a APPF training center.*

15 (3) *QUARTERLY REPORTS.—*

16 (A) *ASSESSMENT REQUIRED.—Each fiscal*
17 *year quarter during fiscal years 2013 and 2014,*
18 *the Secretary of Defense shall conduct an assess-*
19 *ment of the APPF.*

20 (B) *REPORTS.—Thirty days following the*
21 *end of each quarter of fiscal years 2013 and*
22 *2014, the Secretary shall submit a report to the*
23 *congressional defense committees of each assess-*
24 *ment conducted under subparagraph (A).*

1 (C) *MATTERS COVERED.*—*Each such report*
2 *shall include—*

3 (i) *a detailed assessment of the ability*
4 *of the APPF to perform the essential tasks*
5 *identified by the assessment team;*

6 (ii) *an identification and evaluation of*
7 *measures of effectiveness,*

8 (iii) *a description of the size of the*
9 *APPF and an assessment of the sufficiency*
10 *of its recruiting and training; and*

11 (iv) *a discussion of the issues the Sec-*
12 *retary considers significant, and any rec-*
13 *ommendations to address those issues or*
14 *other recommendations to improve future*
15 *performance of the APPF, as the Secretary*
16 *considers appropriate.*

17 (D) *FIRST REPORT.*—*The first quarterly re-*
18 *port submitted after the date of the enactment of*
19 *this Act shall include an estimate of the cost to*
20 *the Department of Defense of the APPF, includ-*
21 *ing funds within the Afghan Security Forces*
22 *Fund and estimated contractual costs for fiscal*
23 *years 2013 and 2014.*

24 (E) *A report submitted following the end of*
25 *the second and fourth quarter of a fiscal year*

1 shall include a comparison of the cost to the De-
 2 partment of Defense (both direct and to contrac-
 3 tors of the Department of Defense) for the pre-
 4 ceding six months of—

5 (i) the use of the APPF; and

6 (ii) the historical use of private secu-
 7 rity contractors for a similar six-month pe-
 8 riod.

9 (4) *AGREEMENTS.*—The Secretary shall submit
 10 to the congressional defense committees a copy of each
 11 agreement signed by the United States and Afghani-
 12 stan for services of the APPF for the Department of
 13 Defense during the first six months following the date
 14 of the enactment of this Act.

15 **TITLE XVI—INDUSTRIAL BASE**
 16 **MATTERS**

17 **Subtitle A—Defense Industrial Base**
 18 **Matters**

19 **SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL**
 20 **READINESS BOARD.**

21 (a) *DISESTABLISHMENT OF BOARD.*—The Defense Ma-
 22 teriel Readiness Board established pursuant to section 871
 23 of the National Defense Authorization Act for Fiscal Year
 24 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby
 25 disestablished.

1 (b) *TERMINATION OF DEFENSE STRATEGIC READI-*
2 *NESS FUND.*—*The Defense Strategic Readiness Fund estab-*
3 *lished by section 872(d) of the National Defense Authoriza-*
4 *tion Act for Fiscal Year 2008 (Public Law 110-181; 10*
5 *U.S.C. 117 note) is hereby closed.*

6 (c) *REPEAL.*—*Subtitle G of title VIII of the National*
7 *Defense Authorization Act for Fiscal Year 2008 (Public*
8 *Law 110-181; 10 U.S.C. 117 note) is repealed.*

9 **SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOY-**
10 **COTTS.**

11 *Section 2505 of title 10, United States Code, is amend-*
12 *ed—*

13 (1) *by redesignating subsection (d) as subsection*
14 *(e); and*

15 (2) *by inserting after subsection (c) the following*
16 *new subsection (d):*

17 “(d) *ASSESSMENT OF EXTENT OF EFFECTS OF FOR-*
18 *EIGN BOYCOTTS.*—*Each assessment under subsection (a)*
19 *shall include a separate discussion and presentation regard-*
20 *ing the extent to which the national technology and indus-*
21 *trial base is affected by foreign boycotts. The discussion and*
22 *presentation regarding foreign boycotts shall—*

23 “(1) *identify sectors of the national technology*
24 *and industrial base being affected by foreign boycotts;*

1 “(2) assess the harm to the national technology
2 and industrial base as a result of such boycotts; and

3 “(3) identify actions necessary to minimize the
4 effects of foreign boycotts on the national technology
5 and industrial base.”.

6 **SEC. 1603. ADVANCING INNOVATION PILOT PROGRAM.**

7 (a) *PILOT PROGRAM.*—The Secretary of Defense, act-
8 ing through the Assistant Secretary of Defense for Research
9 and Engineering, may establish and implement a pilot pro-
10 gram, to be known as the “Advancing Innovation Pilot Pro-
11 gram”, in furtherance of the national security objectives in
12 section 2501(a) of title 10, United States Code.

13 (b) *PURPOSE.*—The purpose of the pilot program is
14 to accelerate development and fielding of research innova-
15 tions from qualifying institutions.

16 (c) *AVAILABILITY OF FUNDS.*—Of the funds authorized
17 and appropriated, or otherwise made available, for re-
18 search, development, test and evaluation, the Secretary may
19 allocate funding to qualifying institutions in accordance
20 with this subsection. Such funding shall be used to evaluate
21 the potential of fielding or commercialization of existing
22 discoveries, including—

23 (1) proof of concept research or prototype devel-
24 opment; and

1 (2) activities that contribute to determining a
2 project's path to fielding or commercialization of
3 dual-use technologies, including technical validations,
4 market research, determination of intellectual prop-
5 erty rights, and investigating military or commercial
6 opportunities.

7 (d) *IMPLEMENTATION.*—Prior to obligation or execu-
8 tion of funding under the pilot program, the Secretary shall
9 develop and issue guidance to implement the pilot program.
10 Such guidance shall, at a minimum—

11 (1) require that funding allocated under the pilot
12 program shall be done using a competitive, merit-
13 based process;

14 (2) ensure that qualifying institutions establish a
15 rigorous, diverse review board for program execution
16 that shall be comprised of experts in translational
17 and proof of concept research, including representa-
18 tives that provide expertise in transitioning tech-
19 nology, financing mechanisms, intellectual property
20 rights, and advancement of small business concerns;

21 (3) ensure that technology validation milestones
22 are established; and

23 (4) enable the Assistant Secretary to reallocate
24 funding with the pilot program from poor performing
25 projects to those with more potential.

1 (e) *LIMITATION.*—Funding made available under the
2 pilot program shall not be used for basic research, or to
3 fund the acquisition of research equipment or supplies not
4 directly related to fielding activities to meet military re-
5 quirements or commercialization of dual-use technologies.

6 (f) *REPORT.*—Not later than 90 days after the comple-
7 tion of the pilot program, the Secretary shall submit to the
8 congressional defense committees a report evaluating the ef-
9 fectiveness of the activities of the pilot program. The report
10 shall include—

11 (1) a detailed description of the execution of the
12 pilot program, including incentives and activities un-
13 dertaken by review board experts;

14 (2) an accounting of the funds used in the pilot
15 program;

16 (3) a detailed description of the institutional
17 and proposal selection process;

18 (4) a detailed compilation of results achieved by
19 the pilot program;

20 (5) an analysis of the program's effectiveness,
21 with data supporting the analysis; and

22 (6) recommendations for advancing innovation
23 and otherwise improving the transition of technology
24 to meet Department of Defense requirements.

25 (g) *DEFINITIONS.*—In this section:

1 (1) *QUALIFYING INSTITUTION.*—The term “quali-
2 fying institution” means any entity at which research
3 and development activities are conducted and that
4 has past performance in technology transition or com-
5 mercialization of third-party research, including—

6 (A) an institution of higher education or
7 other nonprofit entity; and

8 (B) a for-profit entity.

9 (2) *RESEARCHER.*—The term “researcher”
10 means a university or Federal laboratory that con-
11 ducts basic research.

12 (3) *INSTITUTION OF HIGHER EDUCATION.*—The
13 term “institution of higher education” has the mean-
14 ing given such term in section 101 of the Higher Edu-
15 cation Act of 1965.

16 (4) *DUAL-USE.*—The term “dual-use” has the
17 meaning provided in section 2500(2) of title 10,
18 United States Code.

19 (h) *TERMINATION.*—The pilot program conducted
20 under this section shall terminate on September 30, 2017.

21 **SEC. 1604. NATIONAL SECURITY STRATEGY FOR NATIONAL**
22 **TECHNOLOGY AND INDUSTRIAL BASE.**

23 (a) *REQUIREMENT FOR STRATEGY.*—

24 (1) *IN GENERAL.*—Section 2501 of title 10,
25 United States Code, is amended as follows:

1 (A) *The section heading is amended by*
2 *striking “**objectives concerning**” and in-*
3 *serting “**strategy for**”.*

4 (B) *Subsection (a) is amended—*

5 (i) *in the subsection heading, by strik-*
6 *ing “OBJECTIVES” and inserting “STRAT-*
7 *EGY”;*

8 (ii) *by striking “It is the policy of”*
9 *and all that follows through “objectives:”*
10 *and inserting the following: “The Secretary*
11 *of Defense shall develop a national security*
12 *strategy for the national technology and in-*
13 *dustrial base. Such strategy shall be based*
14 *on a prioritized assessment of risks and*
15 *challenges to the defense supply chain and*
16 *shall ensure that the national technology*
17 *and industrial base is capable of achieving*
18 *the following national security objectives:”;*
19 *and*

20 (iii) *by adding at the end the following*
21 *new paragraph:*

22 “(9) *Ensuring reliable sources of materials that*
23 *are critical to national security, such as specialty*
24 *metals, armor plate and rare earth elements.*

1 “(10) *Reducing, to the maximum extent prac-*
2 *ticable, the presence of counterfeit parts in the supply*
3 *chain and the risk associated with such parts.*”.

4 (2) *CLERICAL AMENDMENT.—The item relating*
5 *to section 2501 in the table of sections at the begin-*
6 *ning of subchapter II of chapter 148 of such title is*
7 *amended to read as follows:*

 “2501. *National security strategy for national technology and industrial base.*”.

8 (b) *AMENDMENT TO ANNUAL REPORT RELATING TO*
9 *DEFENSE INDUSTRIAL BASE.—Section 2504 of such title*
10 *is amended—*

11 (1) *by striking paragraph (2);*

12 (2) *by redesignating paragraph (3) as para-*
13 *graph (2); and*

14 (3) *by inserting after paragraph (2) (as so redес-*
15 *ignated) the following new paragraph (3):*

16 “(3) *Based on the assessments prepared pursuant*
17 *to section 2505 of this title—*

18 “(A) *a description of any mitigation strate-*
19 *gies necessary to address any gaps or*
20 *vulnerabilities in the national technology and*
21 *industrial base; and*

22 “(B) *any other steps necessary to foster and*
23 *safeguard the national technology and industrial*
24 *base.*”.

1 (c) *REQUIREMENT FOR CONSIDERATION OF STRATEGY*
2 *IN ACQUISITION PLANS.*—Section 2440 of such title is
3 amended by inserting after “base” the following: “, in ac-
4 cordance with the strategy required by section 2501 of this
5 title.”.

6 (d) *CONFORMING AMENDMENTS.*—Section 852 of the
7 *National Defense Authorization Act for Fiscal Year 2012*
8 *(Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504 note)*
9 *is amended—*

10 (1) *by striking subsection (c); and*

11 (2) *by redesignating subsection (d) as subsection*
12 *(c), and in that subsection by striking “subsection*
13 *(c).” in the first sentence and inserting “section 2501*
14 *of title 10, United States Code.”.*

15 ***Subtitle B—Department of Defense***
16 ***Activities Related to Small Busi-***
17 ***ness Matters***

18 ***SEC. 1611. PILOT PROGRAM TO ASSIST IN THE GROWTH***
19 ***AND DEVELOPMENT OF ADVANCED SMALL***
20 ***BUSINESS CONCERNS.***

21 (a) *ESTABLISHMENT OF PILOT PROGRAM.*—The Sec-
22 *retary of Defense shall establish a pilot program within the*
23 *Department of Defense to assist in the growth and develop-*
24 *ment of advanced small business concerns in accordance*
25 *with this section.*

1 **(b) REQUIREMENTS OF PILOT PROGRAM.—**

2 **(1) RESTRICTED COMPETITION FOR CERTAIN**
3 **CONTRACTS.—***Under the pilot program and except as*
4 *provided under paragraph (2)(B), competition for*
5 *contract awards may be restricted to advanced small*
6 *business concerns if—*

7 **(A)** *the anticipated award price of the con-*
8 *tract (including options) is reasonably expected*
9 *to exceed \$25,000,000;*

10 **(B)** *the Procurement Center Representative*
11 *of the Small Business Administration or the Di-*
12 *rector of Small Business Programs of the De-*
13 *partment of Defense determines that, if the con-*
14 *tract were not awarded under the pilot program,*
15 *the contract would likely be awarded to an entity*
16 *other than a small business concern;*

17 **(C)** *there is a reasonable expectation that at*
18 *least two advanced small business concerns will*
19 *submit offers with respect to the contract;*

20 **(D)** *such advanced small business concerns*
21 *agree to the requirements specified in section*
22 *15(o) of the Small Business Act (15 U.S.C.*
23 *644(o)) (relating to percentage of work under the*
24 *contract to be performed by the concern), except*
25 *that work performed by other advanced small*

1 *business concerns or by small business concerns*
2 *shall be considered as work performed by the*
3 *prime contractor for purposes of such require-*
4 *ments; and*

5 *(E) the contract award can be made at a*
6 *fair market price.*

7 (2) *ELIGIBILITY.—*

8 *(A) ADVANCED SMALL BUSINESS CON-*
9 *CERN.—An entity shall be considered an ad-*
10 *vanced small business concern and eligible for*
11 *participation in the pilot program if the enti-*
12 *ty—*

13 *(i) is independently owned and oper-*
14 *ated and is not dominant in its field of op-*
15 *eration; and*

16 *(ii) has fewer than—*

17 *(I) twice the number of employees*
18 *the Small Business Administration has*
19 *assigned as a size standard to the*
20 *North American Industrial Classifica-*
21 *tion Standard code in which the entity*
22 *is operating; or*

23 *(II) three times the average an-*
24 *nuual receipts the Small Business Ad-*
25 *ministration has assigned as a size*

1 *standard to the North American Indus-*
2 *trial Classification Standard code in*
3 *which the entity is operating.*

4 (B) *SMALL BUSINESS CONCERN.—Notwith-*
5 *standing paragraph (1), a small business con-*
6 *cern may submit an offer for any contract under*
7 *the pilot program.*

8 (3) *CONSIDERATION AND NOTICE TO PUBLIC.—*
9 *With respect to a contract opportunity determined to*
10 *meet the criteria specified in paragraph (1), a con-*
11 *tracting officer for the Department of Defense shall—*

12 (A) *consider awarding a contract under the*
13 *pilot program before using full and open com-*
14 *petition for such contract; and*

15 (B) *provide notice of the contract oppor-*
16 *tunity (including the eligibility requirements of*
17 *the contract opportunity) in accordance with the*
18 *Federal Acquisition Regulation and other appli-*
19 *cable guidelines.*

20 (4) *RELATIONSHIP TO SMALL BUSINESS ACT*
21 *PROGRAMS.—*

22 (A) *An advanced small business concern*
23 *shall not be eligible for any assistance provided*
24 *to small businesses by the Small Business Act*
25 *(15 U.S.C. 637 et seq.) or the Small Business In-*

1 *vestment Act of 1958 22 (15 U.S.C. 661 et seq.),*
2 *unless eligibility is expressly provided through*
3 *the pilot program established by this Act, and*
4 *contracts awarded pursuant to the pilot program*
5 *shall not be counted toward the achievement of*
6 *the small business prime or subcontracting goals*
7 *established by the Small Business Act (15 U.S.C.*
8 *644).*

9 *(B) An advanced small business concern*
10 *shall enter into a subcontracting plan in accord-*
11 *ance with section 8(d) of the Small Business Act*
12 *(15 U.S.C. 637(d)).*

13 *(C) Nothing in this section authorizes a*
14 *Procurement Center Representative or an em-*
15 *ployee of the Office of Small Business Programs*
16 *to provide assistance to advanced small business*
17 *concerns or to advocate for the restriction of com-*
18 *petition to advanced small business concerns.*

19 *(c) IMPLEMENTATION.—Not later than 180 days after*
20 *the date of the enactment of this Act, the Secretary of De-*
21 *fense, in consultation with the Administrator of the Small*
22 *Business Administration, shall develop and issue guidance*
23 *to implement the pilot program. The guidance shall—*

24 *(1) identify criteria under which the pilot pro-*
25 *gram is evaluated, including a methodology to collect*

1 *data during the course of the pilot program to facili-*
2 *tate an assessment at the conclusion of the pilot pro-*
3 *gram;*

4 (2) *permit a self-certification for eligibility for*
5 *participation in the pilot program;*

6 (3) *ensure that any self-certification requires the*
7 *concern involved to meet the requirements of the*
8 *Small Business Administration regarding ownership,*
9 *control, and affiliation (as set forth in section*
10 *121.103 of title 13 of the Code of Federal Regula-*
11 *tions);*

12 (4) *establish an appeals process to handle chal-*
13 *lenges to self-certifications of advanced small business*
14 *concerns, with the certification of eligibility residing*
15 *with the Small Business Administration's Office of*
16 *Hearings and Appeals;*

17 (5) *identify a method to reimburse the Small*
18 *Business Administration for additional costs to the*
19 *Administration relating to such self-certifications;*

20 (6) *establish a methodology for identifying and*
21 *tracking program participants, including reporting*
22 *on contracts awarded to program participants using*
23 *the Federal Procurement Data System; and*

24 (7) *ensure that the pilot program does not super-*
25 *sede goals or programs authorized by the Small Busi-*

1 *ness Act (15 U.S.C. 637 et seq.) or the Small Business*
2 *Investment Act of 1958 22 (15 U.S.C. 661 et seq.) or*
3 *count toward the achievement of the small business*
4 *prime or subcontracting goals established by the*
5 *Small Business Act (15 U.S.C. 644).*

6 *(d) REPORT TO CONGRESS.—Not later than one year*
7 *after the date of the enactment of this Act, and annually*
8 *thereafter for the duration of the pilot program, the Sec-*
9 *retary of Defense shall submit to the appropriate congres-*
10 *sional committees a report on the pilot program that in-*
11 *cludes each of the following:*

12 *(1) The number of contracts awarded in the*
13 *prior year under the pilot program.*

14 *(2) The value of the contracts awarded under the*
15 *pilot program and a description of the work carried*
16 *out under such contracts.*

17 *(3) The number of program participants under*
18 *the pilot program.*

19 *(4) An assessment of the success of the pilot pro-*
20 *gram based on the criteria described in subsection*
21 *(c)(1).*

22 *(5) Such recommendations as the Secretary con-*
23 *siders appropriate, including a recommendation re-*
24 *garding whether to extend the pilot program or termi-*
25 *nate it early.*

1 (e) *TERMINATION.*—*The pilot program shall terminate*
2 *on the date that is three years after the date on which the*
3 *guidance for the pilot program is issued pursuant to sub-*
4 *section (c).*

5 (f) *DEFINITIONS.*—*In this section:*

6 (1) *ADVANCED SMALL BUSINESS CONCERN.*—*The*
7 *term “advanced small business concern” means an*
8 *entity that meets the requirements specified in sub-*
9 *section (b)(2)(A).*

10 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
11 *TEES.*—*The term “appropriate congressional commit-*
12 *tees” means each of the following:*

13 (A) *The Committees on Armed Services and*
14 *on Small Business and Entrepreneurship of the*
15 *Senate.*

16 (B) *The Committees on Armed Services and*
17 *on Small Business of the House of Representa-*
18 *tives.*

19 (3) *OFFICE OF SMALL BUSINESS PROGRAMS.*—
20 *The term “Office of Small Business Programs” means*
21 *the Office of Small Business Programs described in*
22 *section 144(b) of title 10, United States Code.*

23 (4) *PILOT PROGRAM.*—*The term “pilot program”*
24 *means the program established by the Secretary of*
25 *Defense under subsection (a).*

1 (5) *PROCUREMENT CENTER REPRESENTATIVE*.—
2 The term “Procurement Center Representative” has
3 the meaning provided in section 15 of the Small
4 Business Act (15 U.S.C. 644).

5 (6) *SMALL BUSINESS CONCERN*.—The term
6 “small business concern” has the meaning provided
7 under section 3(a) of the Small Business Act (15
8 U.S.C. 632(a)).

9 **SEC. 1612. ROLE OF THE DIRECTORS OF SMALL BUSINESS**
10 **PROGRAMS IN REQUIREMENTS DEVELOP-**
11 **MENT AND ACQUISITION DECISION PROC-**
12 **ESSES OF THE DEPARTMENT OF DEFENSE.**

13 (a) *GUIDANCE REQUIRED*.—The Secretary of Defense
14 shall develop and issue guidance to ensure that the head
15 of each Office of Small Business Programs in the Depart-
16 ment of Defense is a participant in requirements develop-
17 ment and acquisition decision processes—

18 (1) of the Department, in the case of the Director
19 of Small Business Programs in the Department of
20 Defense; and

21 (2) of the military department concerned, in the
22 case of the Director of Small Business Programs in
23 the Department of the Army, in the Department of
24 the Navy, and in the Department of the Air Force.

1 (b) *MATTERS TO BE INCLUDED.*—*Such guidance shall,*
2 *at a minimum—*

3 (1) *require the Director of Small Business Pro-*
4 *grams in the Department of Defense—*

5 (A) *to serve as an advisor to the Defense Ac-*
6 *quisition Board; and*

7 (B) *to serve as an advisor to the Informa-*
8 *tion Technology Acquisition Board; and*

9 (2) *require coordination between the chiefs of the*
10 *Armed Forces and the service acquisition executives,*
11 *as appropriate (or their designees), and the Director*
12 *of Small Business Programs in each military depart-*
13 *ment during the process for approval of—*

14 (A) *a requirements document, as defined in*
15 *section 2547 of title 10, United States Code; and*

16 (B) *acquisition strategies or plans.*

17 **SEC. 1613. SMALL BUSINESS ADVOCATE FOR DEFENSE**
18 **AUDIT AGENCIES.**

19 (a) *SMALL BUSINESS ADVOCATE.*—*Subchapter II of*
20 *chapter 8 of title 10, United States Code, is amended by*
21 *adding at the end the following new section:*

22 **“§204. Small Business Advocate for defense audit**
23 **agencies**

24 “(a) *SMALL BUSINESS ADVOCATE.*—*The Secretary of*
25 *Defense shall designate within each defense audit agency*

1 *an official as the Small Business Advocate to have the du-*
2 *ties described in subsection (b) and such other responsibil-*
3 *ities as may be determined by the Secretary.*

4 “(b) *DUTIES.—The Small Business Advocate at a de-*
5 *fense audit agency shall—*

6 “(1) *advise the Director of the defense audit*
7 *agency on all issues related to small business con-*
8 *cerns;*

9 “(2) *serve as the defense audit agency’s primary*
10 *point of contact and source of information for small*
11 *business concerns; and*

12 “(3) *collect relevant data and monitor the de-*
13 *fense audit agency’s conduct of audits of small busi-*
14 *ness concerns, including—*

15 “(A) *monitoring the timeliness of audit*
16 *closeouts for small business concerns; and*

17 “(B) *monitoring the responsiveness of the*
18 *agency to issues or other matters raised by small*
19 *business concerns; and*

20 “(4) *develop and implement processes and proce-*
21 *dures to improve the performance of the defense audit*
22 *agency related to the timeliness of audits of small*
23 *business concerns and the responsiveness of the agency*
24 *to issues or other matters raised by small business*
25 *concerns.*

1 “(c) *DEFENSE AUDIT AGENCY DEFINED.*—*In this sec-*
 2 *tion, the term ‘defense audit agency’ means the Defense Con-*
 3 *tract Audit Agency and the Defense Contract Management*
 4 *Agency.*”.

5 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 6 *the beginning of chapter 8 of such title is amended by in-*
 7 *serting after the item relating to section 203 the following*
 8 *new item:*

 “204. *Small Business Advocate for defense audit agencies.*”.

9 **SEC. 1614. INDEPENDENT ASSESSMENT OF FEDERAL PRO-**
 10 **CUREMENT CONTRACTING PERFORMANCE OF**
 11 **THE DEPARTMENT OF DEFENSE.**

12 (a) *ASSESSMENT REQUIRED.*—*Not later than 60 days*
 13 *after the date of the enactment of this Act, the Secretary*
 14 *of Defense shall enter into a contract with a federally fund-*
 15 *ed research and development center to conduct an inde-*
 16 *pendent assessment of the Department’s procurement per-*
 17 *formance related to small business concerns.*

18 (b) *MATTERS COVERED.*—*The assessment under sub-*
 19 *section (a) shall, at a minimum, include—*

20 (1) *a description of the industrial composition of*
 21 *companies receiving subcontracts pursuant to the test*
 22 *program for the negotiation of comprehensive small*
 23 *business subcontracting plans pursuant to section 834*
 24 *of the National Defense Authorization Act for Fiscal*

1 *Years 1990 and 1991 (Public Law 101–189; 15*
2 *U.S.C. 637 note);*

3 *(2) a comparison of the industrial composition*
4 *of prime contractors participating in such test pro-*
5 *gram and the industrial composition of all prime*
6 *contractors of the Department of Defense;*

7 *(3) a determination of barriers to accurately*
8 *capturing data on small business prime contracting*
9 *and subcontracting, including an examination of the*
10 *reliability of the information technology systems of*
11 *the Department that are used to track such data;*

12 *(4) recommendations for improving the quality*
13 *and availability of data regarding small business*
14 *prime contracting and subcontracting performance;*

15 *(5) recommendations to improve and inform ne-*
16 *gotiations regarding small business contract goals for*
17 *the Department;*

18 *(6) an examination of the execution of small*
19 *business subcontracting plans, including an assess-*
20 *ment of the degree to which initial teaming agree-*
21 *ments are not maintained through the performance of*
22 *contracts;*

23 *(7) an examination of the extent to which the*
24 *Department adheres to current policies and guidelines*

1 *relating to small business prime contracting and sub-*
2 *contracting goals;*

3 *(8) recommendations for increasing opportuni-*
4 *ties for small business concerns owned and controlled*
5 *by service-disabled veterans (as defined by section*
6 *3(q) of the Small Business Act (15 U.S.C. 632(q)) to*
7 *do business with the Department of Defense;*

8 *(9) an examination of the extent to which the*
9 *Department bundles, consolidates, or otherwise groups*
10 *requirements into contracts that are unsuitable for*
11 *award to small businesses, and the effects that such*
12 *practices have on small business participation;*

13 *(10) recommendations for increasing small busi-*
14 *ness prime contracting and subcontracting opportuni-*
15 *ties with the Department; and*

16 *(11) recommendations for steps that can be taken*
17 *to prevent abuses and ensuring that small business*
18 *contracts are in fact going to small businesses.*

19 *(c) REPORT.—Not later than January 1, 2014, the*
20 *Secretary shall submit to the congressional defense commit-*
21 *tees a report on the independent assessment conducted*
22 *under this section.*

1 **SEC. 1615. ASSESSMENT OF SMALL BUSINESS PROGRAMS**
2 **TRANSITION.**

3 (a) *INDEPENDENT REVIEW AND ASSESSMENT.*—Not
4 later than 30 days after the date of the enactment of this
5 Act, the Secretary of Defense shall select an appropriate en-
6 tity outside the Department of Defense to conduct an inde-
7 pendent review and assessment of the transition of tech-
8 nologies developed by small business, such as those developed
9 under the Small Business Innovation Research Program,
10 into major weapon systems and major automated informa-
11 tion systems for the Department of Defense.

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

14 (1) *An analysis of a representative sample of*
15 *major weapon systems and major automated informa-*
16 *tion systems to determine the content of the systems*
17 *from small businesses, including components*
18 *transitioned from the Small Business Innovation Re-*
19 *search Program.*

20 (2) *An analysis of established or ad hoc processes*
21 *to allow program offices to monitor, evaluate, and*
22 *transition small business-developed technologies into*
23 *their program.*

24 (3) *Recommendations for developing a system-*
25 *atic and sustained process for monitoring, evaluating,*
26 *and transitioning small business-developed tech-*

1 *nologies for use by the entire defense acquisition sys-*
2 *tem of the Department of Defense, including data col-*
3 *lection and measures of effectiveness and performance.*

4 *(c) REPORT.—*

5 *(1) REPORT REQUIRED.—Not later than 120*
6 *days after the date of the enactment of this Act, the*
7 *entity conducting the review and assessment under*
8 *subsection (a) shall submit to the Secretary and the*
9 *congressional defense committees a report con-*
10 *taining—*

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

12 *and*

13 *(B) recommendations for improving the*
14 *process for managing the transition and integra-*
15 *tion of technologies developed by small business*
16 *(including under the Small Business Innovation*
17 *Research Program) into major weapons systems*
18 *and major automated information systems.*

19 *(2) ADDITIONAL EVALUATION REQUIRED.—Not*
20 *later than 30 days after the date on which the con-*
21 *gressional defense committees receive the report re-*
22 *quired by paragraph (1), the Secretary shall submit*
23 *to such committees an evaluation by the Secretary of*
24 *the results and recommendations contained in such*
25 *report.*

1 (d) *SBIR PROGRAM DEFINED.*—*In this section, the*
2 *term “Small Business Innovation Research Program” has*
3 *the meaning provided such term by section 2500(11) of title*
4 *10, United States Code.*

5 **SEC. 1616. ADDITIONAL RESPONSIBILITIES OF INSPECTOR**
6 **GENERAL OF THE DEPARTMENT OF DEFENSE.**

7 (a) *REQUIREMENT FOR PEER REVIEWS.*—*Section 8(c)*
8 *of the Inspector General Act of 1978 (5 U.S.C. App.) is*
9 *amended—*

10 (1) *by striking “and” at the end of paragraph*
11 *(8);*

12 (2) *by striking the period and inserting “; and”*
13 *at the end of paragraph (9); and*

14 (3) *by adding at the end the following new para-*
15 *graph:*

16 “(10) *conduct peer reviews of Department of De-*
17 *fense audit agencies in accordance with and in such*
18 *frequency as provided by Government auditing stand-*
19 *ards as established by the Comptroller General of the*
20 *United States.”.*

21 (b) *REQUIREMENT FOR ADDITIONAL INFORMATION IN*
22 *SEMIANNUAL REPORTS.*—*Section 8(f) of such Act is amend-*
23 *ed by striking paragraph (1) and inserting the following:*

24 “(1) *Each semiannual report prepared by the Inspec-*
25 *tor General of the Department of Defense under section 5(a)*

1 *shall be transmitted by the Secretary of Defense to the Com-*
2 *mittees on Armed Services and on Homeland Security and*
3 *Governmental Affairs of the Senate and the Committees on*
4 *Armed Services and on Oversight and Government Reform*
5 *of the House of Representatives and to other appropriate*
6 *committees or subcommittees of Congress. Each such report*
7 *shall include—*

8 “(A) *information concerning the numbers and*
9 *types of contract audits conducted by the Department*
10 *during the reporting period; and*

11 “(B) *information concerning any Department of*
12 *Defense audit agency that, during the reporting pe-*
13 *riod, has either failed an audit or is overdue for a*
14 *peer review required to be conducted in accordance*
15 *with subsection (c)(10).”.*

16 **SEC. 1617. RESTORATION OF 1 PERCENT FUNDING FOR AD-**
17 **MINISTRATIVE EXPENSES OF COMMER-**
18 **CIALIZATION READINESS PROGRAM OF DE-**
19 **PARTMENT OF DEFENSE.**

20 (a) *RESTORATION.*—*Section 9(y) of the Small Busi-*
21 *ness Act (15 U.S.C. 638(y)), as amended by section*
22 *5141(b)(1)(B) of the National Defense Authorization Act for*
23 *Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1853) is*
24 *amended—*

1 (1) *by redesignating paragraphs (4) and (5) as*
2 *paragraphs (5) and (6), respectively; and*

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

5 “(4) *FUNDING.—For payment of expenses in-*
6 *curring to administer the Commercialization Readi-*
7 *ness Program under this subsection, the Secretary of*
8 *Defense and each Secretary of a military department*
9 *is authorized to use not more than an amount equal*
10 *to 1 percent of the funds available to the Department*
11 *of Defense or the military department pursuant to the*
12 *Small Business Innovation Research Program. Such*
13 *funds shall not be used to make Phase III awards.”.*

14 (b) *TECHNICAL AMENDMENT.—Section 5141(b)(3)(B)*
15 *of the National Defense Authorization Act for Fiscal Year*
16 *2012 (Public Law 112–81; 125 Stat. 1854) is amended—*

17 (1) *by striking “subsection (y)—” and all that*
18 *follows through “the following:” and inserting “sub-*
19 *section (y), by amending paragraph (4) to read as*
20 *follows:”*

21 (c) *EFFECTIVE DATE.—The amendments made by this*
22 *section shall take effect as of January 1, 2012.*

1 ***Subtitle C—Matters Relating to***
2 ***Small Business Concerns***

3 ***PART I—PROCUREMENT CENTER***

4 ***REPRESENTATIVES***

5 ***SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.***

6 (a) *IN GENERAL.*—Section 15(l) of the Small Business
7 Act (15 U.S.C. 644(l)) is amended by striking the subsection
8 enumerator and inserting the following:

9 “(l) *PROCUREMENT CENTER REPRESENTATIVES.*—”.

10 (b) *ASSIGNMENT AND ROLE.*—Paragraph (1) of section
11 15(l) of such Act (15 U.S.C. 644(l)) is amended to read
12 as follows:

13 “(1) *ASSIGNMENT AND ROLE.*—The Adminis-
14 trator shall assign to each major procurement center
15 a procurement center representative with such assist-
16 ance as may be appropriate.”.

17 (c) *ACTIVITIES.*—Section 15(l)(2) of such Act (15
18 U.S.C. 644(l)(2)) is amended—

19 (1) in the matter preceding subparagraph (A) by
20 striking “(2) In addition to carrying out the respon-
21 sibilities assigned by the Administration, a breakout”
22 and inserting the following:

23 “(2) *ACTIVITIES.*—A”;

24 (2) by striking subparagraph (A) and inserting
25 the following:

1 “(A) attend any provisioning conference or
2 similar evaluation session during which a deter-
3 mination may be made with respect to the pro-
4 curement method to be used to satisfy a require-
5 ment, review any acquisition plan with respect
6 to a requirement, and make recommendations re-
7 garding procurement method determinations and
8 acquisition plans;”;

9 (3) in subparagraph (B)—

10 (A) by striking “(B) review, at any time,
11 restrictions on competition” and inserting the
12 following:

13 “(B) review, at any time, barriers to small
14 business participation in Federal contracting”;

15 (B) by striking “items” and inserting
16 “goods and services”; and

17 (C) by striking “limitations” and inserting
18 “barriers”;

19 (4) in subparagraph (C) by striking “(C) review
20 restrictions on competition” and inserting the fol-
21 lowing:

22 “(C) review barriers to small business par-
23 ticipation in Federal contracting”;

24 (5) by striking subparagraph (D) and inserting
25 the following:

1 “(D) review any bundled or consolidated so-
2 licitation or contract in accordance with this
3 Act;”;

4 (6) by striking subparagraph (E) and inserting
5 the following:

6 “(E) have electronic access to procurement
7 records, acquisition plans developed or in devel-
8 opment, and other data of the procurement cen-
9 ter commensurate with the level of such rep-
10 resentative’s approve security clearance classi-
11 fication;”; and

12 (7) by striking subparagraphs (F) and (G) and
13 inserting the following:

14 “(F) receive, from personnel responsible for
15 reviewing unsolicited proposals, copies of unso-
16 licited proposals from small business concerns
17 and any information on outcomes relating to
18 such proposals;

19 “(G) participate in any session or planning
20 process and review any documents with respect
21 to a decision to convert an activity performed by
22 a small business concern to an activity per-
23 formed by a Federal employee;

24 “(H) be an advocate for the maximum
25 practicable utilization of small business concerns

1 *in Federal contracting, including by advocating*
2 *against the bundling of contract requirements*
3 *when not justified; and*

4 *“(I) carry out any other responsibility as-*
5 *signed by the Administrator.”.*

6 *(d) APPEALS.—Section 15(l)(3) of such Act (15 U.S.C.*
7 *644(l)(3)) is amended by striking “(3) A breakout procure-*
8 *ment center representative” and inserting the following:*

9 *“(3) APPEALS.—A procurement center represent-*
10 *ative”.*

11 *(e) NOTIFICATION AND INCLUSION.—Paragraph (4) of*
12 *section 15(l) of such Act (15 U.S.C. 644(l)) is amended to*
13 *read as follows:*

14 *“(4) NOTIFICATION AND INCLUSION.—Agency*
15 *heads shall ensure that procurement center represent-*
16 *atives are included in applicable acquisition plan-*
17 *ning processes.”.*

18 *(f) POSITION REQUIREMENTS.—Section 15(l)(5) of*
19 *such Act (15 U.S.C. 644(l)(5)) is amended—*

20 *(1) by striking the paragraph enumerator and*
21 *inserting the following:*

22 *“(5) POSITION REQUIREMENTS.—”;*

23 *(2) by striking subparagraphs (A) and (B) and*
24 *inserting the following:*

1 “(A) *IN GENERAL.*—A procurement center
2 representative assigned under this subsection
3 shall—

4 “(i) be a full-time employee of the Ad-
5 ministration;

6 “(ii) be fully qualified, technically
7 trained, and familiar with the goods and
8 services procured by the major procurement
9 center to which that representative is as-
10 signed; and

11 “(iii) have a Level III Federal Acquisi-
12 tion Certification in Contracting (or any
13 successor certification) or the equivalent De-
14 partment of Defense certification, except
15 that any person serving in such a position
16 on the date of enactment of this clause may
17 continue to serve in that position for a pe-
18 riod of 5 years without the required certifi-
19 cation.”; and

20 (3) in subparagraph (C) by striking “(C) The
21 Administration shall establish personnel positions for
22 breakout procurement representatives and advisers as-
23 signed pursuant to” and inserting the following:

1 “(B) *COMPENSATION.*—*The Administrator*
2 *shall establish personnel positions for procure-*
3 *ment center representatives assigned under*”.

4 (g) *MAJOR PROCUREMENT CENTER DEFINED.*—*Sec-*
5 *tion 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amend-*
6 *ed—*

7 (1) *by striking “(6) For purposes” and inserting*
8 *the following:*

9 “(6) *MAJOR PROCUREMENT CENTER DEFINED.*—
10 *For purposes*”; and

11 (2) *by striking “other than commercial items*
12 *and which has the potential to incur significant sav-*
13 *ings as the result of the placement of a breakout pro-*
14 *curement center representative” and inserting “goods*
15 *or services, including goods or services that are com-*
16 *mercially available*”.

17 (h) *TRAINING.*—*Section 15(l)(7) of such Act (15 U.S.C.*
18 *644(l)(7)) is amended—*

19 (1) *by striking the paragraph enumerator and*
20 *inserting the following:*

21 “(7) *TRAINING.*—”;

22 (2) *by striking subparagraph (A) and inserting*
23 *the following:*

24 “(A) *AUTHORIZATION.*—*At such times as*
25 *the Administrator deems appropriate, a procure-*

1 *ment center representative shall provide training*
2 *for contracting officers, other appropriate per-*
3 *sonnel of the procurement center to which such*
4 *representative is assigned, and small businesses*
5 *groups seeking to do business with such procure-*
6 *ment center. Such training shall acquaint the*
7 *participants with the provisions of this sub-*
8 *section and shall instruct the participants in*
9 *methods designed to further the purposes of this*
10 *subsection.*

11 *“(B) LIMITATION.—A procurement center*
12 *representative may provide training under sub-*
13 *paragraph (A) only to the extent that the train-*
14 *ing does not interfere with the representative car-*
15 *rying out other activities under this subsection.”;*
16 *and*

17 *(3) in subparagraph (B)—*

18 *(A) by striking “(B) The breakout procure-*
19 *ment center representative” and inserting the fol-*
20 *lowing:*

21 *“(8) ANNUAL BRIEFING AND REPORT.—A pro-*
22 *curement center representative”; and*

23 *(B) by striking “sixty” and inserting “60”.*

1 **SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIRE-**
2 **MENTS TRAINING.**

3 (a) *ESTABLISHMENT.*—Not later than 1 year after the
4 date of enactment of this part, the Defense Acquisition Uni-
5 versity and the Federal Acquisition Institute shall each pro-
6 vide a course on contracting requirements under the Small
7 Business Act, including the requirements for small business
8 concerns owned and controlled by service-disabled veterans,
9 qualified HUBZone small business concerns, small business
10 concerns owned and controlled by socially and economically
11 disadvantaged individuals, and small business concerns
12 owned and controlled by women.

13 (b) *COURSE REQUIRED.*—To have a Federal Acquisi-
14 tion Certification in Contracting (or any successor certifi-
15 cation) or the equivalent Department of Defense certifi-
16 cation an individual shall be required to complete the course
17 established under subsection (a).

18 (c) *REQUIREMENT THAT BUSINESS OPPORTUNITY*
19 *SPECIALISTS BE CERTIFIED.*—Section 7(j)(10)(D)(i) of the
20 Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is amend-
21 ed by inserting after “to assist such Program Participant.”
22 the following: “The Business Opportunity Specialist shall
23 have a Level I Federal Acquisition Certification in Con-
24 tracting (or any successor certification) or the equivalent
25 Department of Defense certification, except that a Business
26 Opportunity Specialist serving at the time of the date of

1 *enactment of the Small Business Opportunity Act of 2012*
2 *may continue to serve as a Business Opportunity Specialist*
3 *for a period of 5 years beginning on that date of enactment*
4 *without such a certification.”.*

5 *(d) GAO REPORT.—Not later than 365 days after the*
6 *date of enactment of this part, the Comptroller General of*
7 *the United States shall conduct a study and submit a report*
8 *to the Committee on Small Business of the House of Rep-*
9 *resentatives and the Committee on Small Business and En-*
10 *trepreneurship of the Senate on the relationship between the*
11 *size and quality of the acquisition workforce and the Fed-*
12 *eral government’s ability to maximize the utilization of*
13 *small businesses in Federal procurement. The report shall*
14 *specifically address the following:*

15 *(1) The extent to which training on small busi-*
16 *ness contracting laws affects a contracting officer’s de-*
17 *termination to use one of the contracting authorities*
18 *provided in the Small Business Act.*

19 *(2) The relationship between a robust Federal ac-*
20 *quisition workforce and small business success in ob-*
21 *taining Federal contracting opportunities.*

22 *(3) The effect on economic growth if small busi-*
23 *nesses experienced a significant reduction in small*
24 *business procurement activities.*

1 (4) *The effect of the anticipated acceleration of*
2 *retirements by the acquisition workforce on small*
3 *business procurement opportunities.*

4 **SEC. 1623. ACQUISITION PLANNING.**

5 *Section 15(e)(1) of the Small Business Act (15 U.S.C.*
6 *644(e)(1)) is amended—*

7 (1) *by striking “the various agencies” and in-*
8 *serting “a Federal department or agency”; and*

9 (2) *by striking the period and inserting “and*
10 *each such Federal department or agency shall—*

11 *“(A) enumerate opportunities for the par-*
12 *ticipation of small business concerns during all*
13 *acquisition planning processes and in all acqui-*
14 *sition plans;*

15 *“(B) invite the participation of the appro-*
16 *priate Director of Small and Disadvantaged*
17 *Business Utilization in all acquisition planning*
18 *processes and provide that Director access to all*
19 *acquisition plans in development; and*

20 *“(C) invite the participation of the appro-*
21 *priate procurement center representative in all*
22 *acquisition planning processes and provide that*
23 *representative access to all acquisition plans in*
24 *development.”.*

1 **PART II —GOALS FOR PROCUREMENT CON-**
2 **TRACTS AWARDED TO SMALL BUSINESS CON-**
3 **CERNS**

4 **SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARD-**
5 **ED TO SMALL BUSINESS CONCERNS.**

6 *(a) IN GENERAL.—Section 15(g) of the Small Business*
7 *Act (15 U.S.C. 644(g)) is amended by striking the sub-*
8 *section enumerator and inserting the following:*

9 *“(g) GOALS FOR PROCUREMENT CONTRACTS AWARD-*
10 *ED TO SMALL BUSINESS CONCERNS.—”*.

11 *(b) GOVERNMENTWIDE GOALS.—Paragraph (1) of sec-*
12 *tion 15(g) of such Act (15 U.S.C. 644(g)) is amended to*
13 *read as follows:*

14 *“(1) GOVERNMENTWIDE GOALS.—The President*
15 *shall annually establish Governmentwide goals for*
16 *procurement contracts awarded to small business con-*
17 *cerns, small business concerns owned and controlled*
18 *by service-disabled veterans, qualified HUBZone*
19 *small business concerns, small business concerns*
20 *owned and controlled by socially and economically*
21 *disadvantaged individuals, and small business con-*
22 *cerns owned and controlled by women in accordance*
23 *with the following:*

24 *“(A) The Governmentwide goal for partici-*
25 *pation by small business concerns shall be estab-*
26 *lished at not less than 25 percent of the total*

1 *value of all prime contract awards for each fiscal*
2 *year and 40 percent of the total value of all sub-*
3 *contract awards for each fiscal year.*

4 “(B) *The Governmentwide goal for partici-*
5 *pation by small business concerns owned and*
6 *controlled by service-disabled veterans shall be es-*
7 *tablished at not less than 3 percent of the total*
8 *value of all prime contract and at not less than*
9 *3 percent of the total value of all subcontract*
10 *awards for each fiscal year.*

11 “(C) *The Governmentwide goal for partici-*
12 *pation by qualified HUBZone small business*
13 *concerns shall be established at not less than 3*
14 *percent of the total value of all prime contract*
15 *and at not less than 3 percent of the total value*
16 *of all subcontract awards for each fiscal year.*

17 “(D) *The Governmentwide goal for partici-*
18 *pation by small business concerns owned and*
19 *controlled by socially and economically dis-*
20 *advantaged individuals shall be established at*
21 *not less than 5 percent of the total value of all*
22 *prime contract and at not less than 5 percent of*
23 *the total value of all subcontract awards for each*
24 *fiscal year.*

1 “(E) *The Governmentwide goal for partici-*
2 *pation by small business concerns owned and*
3 *controlled by women shall be established at not*
4 *less than 5 percent of the total value of all prime*
5 *contract and at not less than 5 percent of the*
6 *total value of all subcontract awards for each fis-*
7 *cal year.”.*

8 (c) *AGENCY GOALS.—Paragraph (2) of section 15(g)*
9 *of such Act (15 U.S.C. 644(g)) is amended to read as fol-*
10 *lows:*

11 “(2) *AGENCY GOALS.—*

12 “(A) *ESTABLISHMENT.—The head of each*
13 *Federal agency shall annually establish, for the*
14 *agency that individual heads, goals for procure-*
15 *ment contracts awarded to small business con-*
16 *cerns, small business concerns owned and con-*
17 *trolled by service-disabled veterans, qualified*
18 *HUBZone small business concerns, small busi-*
19 *ness concerns owned and controlled by socially*
20 *and economically disadvantaged individuals,*
21 *and small business concerns owned and con-*
22 *trolled by women.*

23 “(B) *RELATIONSHIP TO GOVERNMENTWIDE*
24 *GOALS.—*

1 “(i) *SCOPE.*—*The goals established by*
2 *the head of a Federal agency under sub-*
3 *paragraph (A) shall be in the same format*
4 *as the goals established by the President*
5 *under paragraph (1) and shall address both*
6 *prime contract and subcontract awards.*

7 “(ii) *REQUIREMENT PERTAINING TO*
8 *AGENCY GOALS.*—*With respect to each goal*
9 *for a fiscal year established under subpara-*
10 *graph (A) for a category of small business*
11 *concern, the participation percentage appli-*
12 *cable to such goal may not be less than the*
13 *participation percentage applicable to the*
14 *Governmentwide goal for such fiscal year*
15 *established under paragraph (1) for such*
16 *category.*

17 “(C) *CONSULTATION REQUIRED.*—

18 “(i) *IN GENERAL.*—*In establishing*
19 *goals under subparagraph (A), the head of*
20 *each Federal agency shall consult with the*
21 *Administrator.*

22 “(ii) *DISAGREEMENTS.*—*Except as*
23 *provided by clause (iii), if the Adminis-*
24 *trator and the head of a Federal agency fail*
25 *to agree on a goal established under sub-*

1 *paragraph (A), the disagreement shall be*
2 *submitted to the Administrator for Federal*
3 *Procurement Policy for final determination.*

4 *“(iii) AGENCY GOALS OF THE DEPART-*
5 *MENT OF DEFENSE.—In the case of a goal*
6 *proposed by the Secretary of Defense that is*
7 *lower than a goal established during the*
8 *preceding fiscal year for the Department of*
9 *the Defense and for which the Adminis-*
10 *trator does not agree, the disagreement shall*
11 *be submitted to the Administrator for Fed-*
12 *eral Procurement Policy for final deter-*
13 *mination.*

14 *“(D) PLAN FOR ACHIEVING GOALS.—After*
15 *establishing goals under subparagraph (A) for a*
16 *fiscal year, the head of each Federal agency shall*
17 *develop a plan for achieving such goals, which*
18 *shall apportion responsibilities among the agen-*
19 *cy’s acquisition executives and officials.*

20 *“(E) EXPANDED PARTICIPATION.—In estab-*
21 *lishing goals under subparagraph (A), the head*
22 *of each Federal agency shall make a consistent*
23 *effort to annually expand participation by small*
24 *business concerns from each industry category in*
25 *procurement contracts of such agency, including*

1 *participation by small business concerns owned*
2 *and controlled by service-disabled veterans,*
3 *qualified HUBZone small business concerns,*
4 *small business concerns owned and controlled by*
5 *socially and economically disadvantaged indi-*
6 *viduals, and small business concerns owned and*
7 *controlled by women.*

8 “(F) *CONSIDERATION.*—*The head of each*
9 *Federal agency, in attempting to attain ex-*
10 *panded participation under subparagraph (E),*
11 *shall consider—*

12 “(i) *contracts awarded as the result of*
13 *unrestricted competition; and*

14 “(ii) *contracts awarded after competi-*
15 *tion restricted to eligible small business con-*
16 *cerns under this section and under the pro-*
17 *gram established under section 8(a).*

18 “(G) *COMMUNICATION REGARDING GOALS.*—

19 “(i) *IMPORTANCE OF ACHIEVING*
20 *GOALS.*—*Each procurement employee or*
21 *program manager described in clause (ii)*
22 *shall communicate to the subordinates of the*
23 *procurement employee or program manager*
24 *the importance of achieving goals estab-*
25 *lished under subparagraph (A).*

1 “(i) *PROCUREMENT EMPLOYEES OR*
2 *PROGRAM MANAGERS DESCRIBED.*—A pro-
3 *curement employee or program manager de-*
4 *scribed in this clause is a senior procure-*
5 *ment executive, senior program manager, or*
6 *Director of Small and Disadvantaged Busi-*
7 *ness Utilization of a Federal agency having*
8 *contracting authority.”.*

9 (d) *ENFORCEMENT; DETERMINATIONS OF THE TOTAL*
10 *VALUE OF CONTRACT AWARDS.*—Section 15(g) of the *Small*
11 *Business Act (15 U.S.C. 644(g))*, as amended by this part,
12 *is further amended by adding at the end the following:*

13 “(3) *ENFORCEMENT.*—If the Administrator does
14 not issue the report required in subsection (h)(2) on
15 or before the date that is 120 days after the end of
16 the prior fiscal year, the Administrator may not
17 carry out or establish any pilot program until the
18 date on which the Administrator issues the report.

19 “(4) *DETERMINATIONS OF THE TOTAL VALUE OF*
20 *CONTRACT AWARDS.*—For purposes of the goals estab-
21 lished under paragraphs (1) and (2), the total value
22 of contract awards for a fiscal year may not be deter-
23 mined in a manner that excludes the value of a con-
24 tract based on—

25 “(A) where the contract is awarded;

1 “(B) where the contract is performed;

2 “(C) whether the contract is mandated by
3 Federal law to be performed by an entity other
4 than a small business concern;

5 “(D) whether funding for the contract is
6 made available in an appropriations Act, if the
7 contract is subject to competitive procedures
8 under chapter 33 of title 41, United States Code;
9 or

10 “(E) whether the contract is subject to the
11 Federal Acquisition Regulation.”.

12 **SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT CON-**
13 **TRACTS AWARDED TO SMALL BUSINESS CON-**
14 **CERNS.**

15 Subsection (h) of section 15 of the Small Business Act
16 (15 U.S.C. 644) is amended to read as follows:

17 “(h) **REPORTING ON GOALS FOR PROCUREMENT CON-**
18 **TRACTS AWARDED TO SMALL BUSINESS CONCERNS.—**

19 “(1) **AGENCY REPORTS.—**At the conclusion of
20 each fiscal year, the head of each Federal agency shall
21 submit to the Administrator a report describing—

22 “(A) the extent of the participation by small
23 business concerns, small business concerns owned
24 and controlled by veterans (including service-dis-
25 abled veterans), qualified HUBZone small busi-

1 *ness concerns, small business concerns owned and*
2 *controlled by socially and economically dis-*
3 *advantaged individuals, and small business con-*
4 *cerns owned and controlled by women in the pro-*
5 *curement contracts of such agency during such*
6 *fiscal year;*

7 *“(B) whether the agency achieved the goals*
8 *established for the agency under subsection*
9 *(g)(2)(A) with respect to such fiscal year; and*

10 *“(C) any justifications for a failure to*
11 *achieve such goals.*

12 *“(2) REPORTS BY ADMINISTRATOR.—Not later*
13 *than 60 days after receiving a report from each Fed-*
14 *eral agency under paragraph (1) with respect to a fis-*
15 *cal year, the Administrator shall submit to the Presi-*
16 *dent and Congress, and to make available on a public*
17 *website, a report that includes—*

18 *“(A) a copy of each report submitted to the*
19 *Administrator under paragraph (1);*

20 *“(B) a determination of whether each goal*
21 *established by the President under subsection*
22 *(g)(1) for such fiscal year was achieved;*

23 *“(C) a determination of whether each goal*
24 *established by the head of a Federal agency*

1 *under subsection (g)(2)(A) for such fiscal year*
2 *was achieved;*

3 *“(D) the reasons for any failure to achieve*
4 *a goal established under paragraph (1) or (2)(A)*
5 *of subsection (g) for such fiscal year and a de-*
6 *scription of actions planned by the applicable*
7 *agency to address such failure, including the Ad-*
8 *ministrator’s comments and recommendations on*
9 *the proposed remediation plan;*

10 *“(E) for the Federal Government and each*
11 *Federal agency, an analysis of the number and*
12 *dollar amount of prime contracts awarded dur-*
13 *ing such fiscal year to—*

14 *“(i) small business concerns—*

15 *“(I) in the aggregate;*

16 *“(II) through sole source con-*
17 *tracts;*

18 *“(III) through competitions re-*
19 *stricted to small business concerns; and*

20 *“(IV) through unrestricted com-*
21 *petition;*

22 *“(ii) small business concerns owned*
23 *and controlled by service-disabled vet-*
24 *erans—*

25 *“(I) in the aggregate;*

1 “(II) through sole source con-
2 tracts;

3 “(III) through competitions re-
4 stricted to small business concerns;

5 “(IV) through competitions re-
6 stricted to small business concerns
7 owned and controlled by service-dis-
8 abled veterans; and

9 “(V) through unrestricted com-
10 petition;

11 “(iii) qualified HUBZone small busi-
12 ness concerns—

13 “(I) in the aggregate;

14 “(II) through sole source con-
15 tracts;

16 “(III) through competitions re-
17 stricted to small business concerns;

18 “(IV) through competitions re-
19 stricted to qualified HUBZone small
20 business concerns;

21 “(V) through unrestricted com-
22 petition where a price evaluation pref-
23 erence was used; and

1 “(VI) through unrestricted com-
2 petition where a price evaluation pref-
3 erence was not used;

4 “(iv) small business concerns owned
5 and controlled by socially and economically
6 disadvantaged individuals—

7 “(I) in the aggregate;

8 “(II) through sole source con-
9 tracts;

10 “(III) through competitions re-
11 stricted to small business concerns;

12 “(IV) through competitions re-
13 stricted to small business concerns
14 owned and controlled by socially and
15 economically disadvantaged individ-
16 uals;

17 “(V) through unrestricted com-
18 petition; and

19 “(VI) by reason of that concern’s
20 certification as a small business owned
21 and controlled by socially and eco-
22 nomically disadvantaged individuals;

23 “(v) small business concerns owned by
24 an Indian tribe other than an Alaska Na-
25 tive Corporation—

1 “(I) in the aggregate;

2 “(II) through sole source con-
3 tracts;

4 “(III) through competitions re-
5 stricted to small business concerns;

6 “(IV) through competitions re-
7 stricted to small business concerns
8 owned and controlled by socially and
9 economically disadvantaged individ-
10 uals; and

11 “(V) through unrestricted com-
12 petition; and

13 “(vi) small business concerns owned by
14 Native Hawaiian Organization—

15 “(I) in the aggregate;

16 “(II) through sole source con-
17 tracts;

18 “(III) through competitions re-
19 stricted to small business concerns;

20 “(IV) through competitions re-
21 stricted to small business concerns
22 owned and controlled by socially and
23 economically disadvantaged individ-
24 uals; and

1 “(V) through unrestricted com-
2 petition; and

3 “(vii) small business concerns owned
4 by an Alaska Native Corporation—

5 “(I) in the aggregate;

6 “(II) through sole source con-
7 tracts;

8 “(III) through competitions re-
9 stricted to small business concerns;

10 “(IV) through competitions re-
11 stricted to small business concerns
12 owned and controlled by socially and
13 economically disadvantaged individ-
14 uals; and

15 “(V) through unrestricted com-
16 petition; and

17 “(viii) small business concerns owned
18 and controlled by women—

19 “(I) in the aggregate;

20 “(II) through competitions re-
21 stricted to small business concerns;

22 “(III) through competitions re-
23 stricted using the authority under sec-
24 tion 8(m)(2);

1 “(IV) through competitions re-
2 stricted using the authority under sec-
3 tion 8(m)(2) and in which the waiver
4 authority under section 8(m)(3) was
5 used; and

6 “(V) through unrestricted com-
7 petition; and

8 “(F) for the Federal Government and each
9 Federal agency, the number, dollar amount, and
10 distribution with respect to the North American
11 Industry Classification System of subcontracts
12 awarded during such fiscal year to small busi-
13 ness concerns, small business concerns owned and
14 controlled by service-disabled veterans, qualified
15 HUBZone small business concerns, small busi-
16 ness concerns owned and controlled by socially
17 and economically disadvantaged individuals,
18 and small business concerns owned and con-
19 trolled by women.”.

20 **SEC. 1633. SENIOR EXECUTIVES.**

21 (a) *TRAINING.*—Programs established for the develop-
22 ment of senior executives under section 3396(a) of title 5,
23 United States Code, shall include training with respect to
24 Federal procurement requirements, including contracting

1 *requirements under the Small Business Act (15 U.S.C. 631*
2 *et seq.).*

3 **(b) EVALUATION OF EXECUTIVES.**—*The head of an*
4 *agency shall ensure that evaluations of members of the sen-*
5 *ior executive service, as defined under section 3396(a) of*
6 *title 5, United States Code, responsible for acquisition, other*
7 *senior officials responsible for acquisition, and other mem-*
8 *bers of the senior executive service, as appropriate, include*
9 *consideration of the agency’s success in achieving small*
10 *business contracting goals and percentages. Such evalua-*
11 *tions shall, as a minimum, consider the extent to which the*
12 *executive—*

13 (1) *promotes a climate or environment that is*
14 *responsive to small business concerns;*

15 (2) *communicates the importance of achieving*
16 *the agency’s small business contracting goals; and*

17 (3) *encourages small business awareness, out-*
18 *reach, and support.*

19 **(c) DEFINITIONS.**—*In this section the term “respon-*
20 *sible for acquisition”, with respect to a member of the senior*
21 *executive service or other senior official, means such a mem-*
22 *ber or official who acquires services or supplies, directs*
23 *agency organizations to acquire services or supplies, over-*
24 *sees acquisition officials, including program managers, con-*
25 *tracting officers, and other acquisition workforce personnel*

1 *responsible for formulating and approving acquisition*
2 *strategies and plans.*

3 **PART III —MENTOR-PROTEGE PROGRAM**

4 **SEC. 1641. MENTOR-PROTEGE PROGRAMS.**

5 *The Small Business Act (15 U.S.C. 631 et seq.) is*
6 *amended—*

7 (1) *by redesignating section 45 as section 46;*
8 *and*

9 (2) *by inserting after section 44 the following:*

10 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

11 **“(a) ADMINISTRATION PROGRAM.—**

12 **“(1) AUTHORITY.—***The Administrator is author-*
13 *ized to establish a mentor-protege program for all*
14 *small business concerns.*

15 **“(2) MODEL FOR PROGRAM.—***The mentor-protege*
16 *program established under paragraph (1) shall be*
17 *identical to the mentor-protege program of the Ad-*
18 *ministration for small business concerns that partici-*
19 *rate in the program under section 8(a) of this Act (as*
20 *in effect on the date of enactment of the National De-*
21 *fense Authorization Act for Fiscal Year 2013), except*
22 *that the Administrator may modify the program to*
23 *the extent necessary given the types of small business*
24 *concerns included as proteges.*

25 **“(b) PROGRAMS OF OTHER AGENCIES.—**

1 “(1) *APPROVAL REQUIRED.*—*Except as provided*
2 *in paragraph (4), a Federal department or agency*
3 *may not carry out a mentor-protege program for*
4 *small business concerns unless—*

5 “(A) *the head of the department or agency*
6 *submits a plan to the Administrator for the pro-*
7 *gram; and*

8 “(B) *the Administrator approves such plan.*

9 “(2) *BASIS FOR APPROVAL.*—*The Administrator*
10 *shall approve or disapprove a plan submitted under*
11 *paragraph (1) based on whether the program pro-*
12 *posed—*

13 “(A) *will assist proteges to compete for Fed-*
14 *eral prime contracts and subcontracts; and*

15 “(B) *complies with the regulations issued*
16 *under paragraph (3).*

17 “(3) *REGULATIONS.*—*Not later than 270 days*
18 *after the date of enactment of the National Defense*
19 *Authorization Act for Fiscal Year 2013, the Adminis-*
20 *trator shall issue, subject to notice and comment, reg-*
21 *ulations with respect to mentor-protege programs,*
22 *which shall ensure that such programs improve the*
23 *ability of proteges to compete for Federal prime con-*
24 *tracts and subcontracts and which shall address, at a*
25 *minimum, the following:*

1 “(A) *Eligibility criteria for program par-*
2 *ticipants, including any restrictions on the num-*
3 *ber of mentor-protege relationships permitted for*
4 *each participant.*

5 “(B) *The types of developmental assistance*
6 *to be provided by mentors, including how the as-*
7 *sistance provided shall improve the competitive*
8 *viability of the proteges.*

9 “(C) *Whether any developmental assistance*
10 *provided by a mentor may affect the status of a*
11 *program participant as a small business concern*
12 *due to affiliation.*

13 “(D) *The length of mentor-protege relation-*
14 *ships.*

15 “(E) *The effect of mentor-protege relation-*
16 *ships on contracting.*

17 “(F) *Benefits that may accrue to a mentor*
18 *as a result of program participation.*

19 “(G) *Reporting requirements during pro-*
20 *gram participation.*

21 “(H) *Postparticipation reporting require-*
22 *ments.*

23 “(I) *The need for a mentor-protege pair, if*
24 *accepted to participate as a pair in a mentor-*
25 *protege program of any Federal department or*

1 agency, to be accepted to participate as a pair
2 in all Federal mentor-protege programs.

3 “(J) Actions to be taken to ensure benefits
4 for proteges and to protect proteges against ac-
5 tions by the mentor that—

6 “(i) may adversely affect the proteges
7 status as a small business; or

8 “(ii) provide disproportionate eco-
9 nomic benefits to the mentor relative to
10 those provided the protege.

11 “(4) LIMITATION ON APPLICABILITY.—Paragraph
12 (1) does not apply to the following:

13 “(A) Any mentor-protege program of the
14 Department of Defense.

15 “(B) Any mentoring assistance provided
16 under a Small Business Innovation Research
17 Program or a Small Business Technology Trans-
18 fer Program.

19 “(C) Until the date that is 1 year after the
20 date on which the Administrator issues regula-
21 tions under paragraph (3), any Federal depart-
22 ment or agency operating a mentor-protege pro-
23 gram in effect on the date of enactment of the
24 National Defense Authorization Act for Fiscal
25 Year 2013.

1 “(c) *REPORTING.*—

2 “(1) *IN GENERAL.*—Not later than 2 years after
3 the date of enactment of the National Defense Author-
4 ization Act for Fiscal Year 2013, and annually there-
5 after, the Administrator shall submit to the Com-
6 mittee on Small Business of the House of Representa-
7 tives and the Committee on Small Business and En-
8 trepreneurship of the Senate a report that—

9 “(A) identifies each Federal mentor-protege
10 program;

11 “(B) specifies the number of participants in
12 each such program, including the number of par-
13 ticipants that are—

14 “(i) small business concerns;

15 “(ii) small business concerns owned
16 and controlled by service-disabled veterans;

17 “(iii) qualified HUBZone small busi-
18 ness concerns;

19 “(iv) small business concerns owned
20 and controlled by socially and economically
21 disadvantaged individuals; or

22 “(v) small business concerns owned
23 and controlled by women;

24 “(C) describes the type of assistance pro-
25 vided to proteges under each such program;

1 “(D) describes the benefits provided to men-
2 tors under each such program; and

3 “(E) describes the progress of proteges under
4 each such program with respect to competing for
5 Federal prime contracts and subcontracts.

6 “(2) *PROVISION OF INFORMATION.*—The head of
7 each Federal department or agency carrying out a
8 mentor-protege program shall provide to the Adminis-
9 trator, on an annual basis, the information necessary
10 for the Administrator to submit a report required
11 under paragraph (1).

12 “(d) *DEFINITIONS.*—In this section, the following defi-
13 nitions apply:

14 “(1) *MENTOR.*—The term ‘mentor’ means a for-
15 profit business concern, of any size, that—

16 “(A) has the ability to assist and commits
17 to assisting a protege to compete for Federal
18 prime contracts and subcontracts; and

19 “(B) satisfies any other requirements im-
20 posed by the Administrator.

21 “(2) *MENTOR-PROTEGE PROGRAM.*—The term
22 ‘mentor-protege program’ means a program that
23 pairs a mentor with a protege for the purpose of as-
24 sisting the protege to compete for Federal prime con-
25 tracts and subcontracts.

1 “(3) *PROTEGE*.—The term ‘protege’ means a
2 *small business concern that—*

3 “(A) *is eligible to enter into Federal prime*
4 *contracts and subcontracts; and*

5 “(B) *satisfies any other requirements im-*
6 *posed by the Administrator.*

7 “(e) *CURRENT MENTOR PROTEGE AGREEMENTS*.—
8 *Mentors and proteges with approved agreement in a pro-*
9 *gram operating pursuant to subsection (b)(4)(C) shall be*
10 *permitted to continue their relationship according to the*
11 *terms specified in their agreement until the expiration date*
12 *specified in the agreement.*

13 “(f) *SUBMISSION OF AGENCY PLANS*.—*Agencies oper-*
14 *ating mentor protege programs pursuant to subsection*
15 *(b)(4)(C) must submit the plans specified in subsection*
16 *(b)(1)(A) to the Administrator within 6 months of the pro-*
17 *mulgation of rules required by subsection (b)(3). The Ad-*
18 *ministrator shall provide initial comments on each plan*
19 *within 60 days of receipt, and final approval or denial of*
20 *each plan with 180 days of receipt.”.*

21 **SEC. 1642. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
22 **PORT.**

23 *Not later than the date that is 2 years after the agen-*
24 *cies operating subject to section 45(b)(4)(C) of the Small*
25 *Business Act have their plans approved or denied by the*

1 *Administrator, the Comptroller General of the United*
2 *States shall conduct a study to—*

3 (1) *update the study required by section 1345 of*
4 *the Small Business Jobs Act of 2010 (Pub. Law 111-*
5 *240);*

6 (2) *examine whether potential affiliation issues*
7 *between mentors and proteges under the prior pro-*
8 *grams have been resolved by enactment of this Act;*
9 *and*

10 (3) *examine whether the regulations issued pur-*
11 *suant to section 45(b)(3)(I) of the Small Business Act*
12 *have increased opportunities for mentor-protege pairs,*
13 *and if they have decreased the paperwork required for*
14 *such pairs participating in programs at multiple*
15 *agencies.*

16 ***PART IV—TRANSPARENCY IN SUBCONTRACTING***

17 ***Subpart A—Limitations on Subcontracting***

18 ***SEC. 1651. LIMITATIONS ON SUBCONTRACTING.***

19 *The Small Business Act (15 U.S.C. 631 et seq.) is*
20 *amended—*

21 (1) *by redesignating section 45 as section 47;*

22 *and*

23 (2) *by inserting after section 44 the following:*

1 **“SEC. 45. LIMITATIONS ON SUBCONTRACTING.**

2 “(a) *IN GENERAL.*—*If awarded a contract under sec-*
3 *tion 8(a), 8(m), 15(a), 31, or 36, a covered small business*
4 *concern—*

5 “(1) *in the case of a contract for services, may*
6 *not expend on subcontractors more than 50 percent of*
7 *the amount paid to the concern under the contract;*

8 “(2) *in the case of a contract for supplies (other*
9 *than from a regular dealer in such supplies), may not*
10 *expend on subcontractors more than 50 percent of the*
11 *amount, less the cost of materials, paid to the concern*
12 *under the contract;*

13 “(3) *in the case of a contract described in more*
14 *than 1 of paragraphs (1) through (2)—*

15 “(A) *shall determine for which category of*
16 *services or supplies, described in 1 of paragraphs*
17 *(1) through (4), the greatest percentage of the*
18 *contract amount is awarded;*

19 “(B) *shall determine the amount awarded*
20 *under the contract for that category of services or*
21 *supplies; and*

22 “(C) *may not expend on subcontractors,*
23 *with respect to the amount determined under*
24 *subparagraph (B), more than—*

25 “(i) *50 percent of that amount, if the*
26 *category of services or supplies applicable*

1 under subparagraph (A) is described in
2 paragraph (1); and

3 “(ii) 50 percent of that amount, if the
4 category of services or supplies applicable
5 under subparagraph (A) is described in
6 paragraph (2); and

7 “(4) in the case of a contract for supplies from
8 a regular dealer in such supplies, shall supply the
9 product of a domestic small business manufacturer or
10 processor, unless a waiver of such requirement is
11 granted—

12 “(A) by the Administrator, after reviewing
13 a determination by the applicable contracting of-
14 ficer that no small business manufacturer or
15 processor can reasonably be expected to offer a
16 product meeting the specifications (including pe-
17 riod for performance) required by the contract;
18 or

19 “(B) by the Administrator for a product (or
20 class of products), after determining that no
21 small business manufacturer or processor is
22 available to participate in the Federal procure-
23 ment market.

24 “(b) *SIMILARLY SITUATED ENTITIES.*—Contract
25 amounts expended by a covered small business concern on

1 *a subcontractor that is a similarly situated entity shall not*
2 *be considered subcontracted for purposes of determining*
3 *whether the covered small business concern has violated a*
4 *requirement established under subsection (a) or (d).*

5 *“(c) MODIFICATIONS OF PERCENTAGES.—*

6 *“(1) IN GENERAL.—The Administrator may*
7 *change, by rule (after providing notice and an oppor-*
8 *tunity for public comment), a percentage specified in*
9 *paragraphs (1) through (4) of subsection (a) if the*
10 *Administrator determines that such change is nec-*
11 *essary to reflect conventional industry practices*
12 *among business concerns that are below the numerical*
13 *size standard for businesses in that industry category.*

14 *“(2) UNIFORMITY.—A change to a percentage*
15 *under paragraph (1) shall apply to all covered small*
16 *business concerns.*

17 *“(d) OTHER CONTRACTS.—*

18 *“(1) IN GENERAL.—With respect to a category of*
19 *contracts to which a requirement under subsection (a)*
20 *does not apply, the Administrator is authorized to es-*
21 *tablish, by rule (after providing notice and an oppor-*
22 *tunity for public comment), a requirement that a cov-*
23 *ered small business concern may not expend on sub-*
24 *contractors more than a specified percentage of the*

1 *amount paid to the concern under a contract in that*
2 *category.*

3 “(2) *UNIFORMITY.*—*A requirement established*
4 *under paragraph (1) shall apply to all covered small*
5 *business concerns.*

6 “(3) *CONSTRUCTION PROJECTS.*—*The Adminis-*
7 *trator shall establish, through public rulemaking, re-*
8 *quirements similar to those specified in paragraph*
9 *(1) to be applicable to contracts for general and spe-*
10 *cialty construction and to contracts for any other in-*
11 *dustry category not otherwise subject to the require-*
12 *ments of such paragraph. The percentage applicable*
13 *to any such requirement shall be determined in ac-*
14 *cordance with paragraph (2).*

15 “(e) *DEFINITIONS.*—*In this section, the following defi-*
16 *initions apply:*

17 “(1) *COVERED SMALL BUSINESS CONCERN.*—*The*
18 *term ‘covered small business concern’ means a busi-*
19 *ness concern that—*

20 “(A) *with respect to a contract awarded*
21 *under section 8(a), is a small business concern*
22 *eligible to receive contracts under that section;*

23 “(B) *with respect to a contract awarded*
24 *under section 8(m)—*

1 “(i) is a small business concern owned
2 and controlled by women (as defined in that
3 section); or

4 “(ii) is a small business concern owned
5 and controlled by women (as defined in that
6 section) that is not less than 51 percent
7 owned by 1 or more women who are eco-
8 nomically disadvantaged (and such owner-
9 ship is determined without regard to any
10 community property law);

11 “(C) with respect to a contract awarded
12 under section 15(a), is a small business concern;

13 “(D) with respect to a contract awarded
14 under section 31, is a qualified HUBZone small
15 business concern; or

16 “(E) with respect to a contract awarded
17 under section 36, is a small business concern
18 owned and controlled by service-disabled vet-
19 erans.

20 “(2) *SIMILARLY SITUATED ENTITY*.—The term
21 ‘similarly situated entity’ means a subcontractor
22 that—

23 “(A) if a subcontractor for a small business
24 concern, is a small business concern;

1 “(B) if a subcontractor for a small business
2 concern eligible to receive contracts under section
3 8(a), is such a concern;

4 “(C) if a subcontractor for a small business
5 concern owned and controlled by women (as de-
6 fined in section 8(m)), is such a concern;

7 “(D) if a subcontractor for a small business
8 concern owned and controlled by women (as de-
9 fined in section 8(m)) that is not less than 51
10 percent owned by 1 or more women who are eco-
11 nomically disadvantaged (and such ownership is
12 determined without regard to any community
13 property law), is such a concern;

14 “(E) if a subcontractor for a qualified
15 HUBZone small business concern, is such a con-
16 cern; or

17 “(F) if a subcontractor for a small business
18 concern owned and controlled by service-disabled
19 veterans, is such a concern.”.

20 **SEC. 1652. PENALTIES.**

21 Section 16 of the Small Business Act (15 U.S.C. 645)
22 is amended by adding at the end the following:

23 “(g) *SUBCONTRACTING LIMITATIONS.*—

24 “(1) *IN GENERAL.*—Whoever violates a require-
25 ment established under section 45 shall be subject to

1 *the penalties prescribed in subsection (d), except that,*
2 *for an entity that exceeded a limitation on subcon-*
3 *tracting under such section, the fine described in sub-*
4 *section (d)(2)(A) shall be treated as the greater of—*

5 *“(A) \$500,000; or*

6 *“(B) the dollar amount expended, in excess*
7 *of permitted levels, by the entity on subcontrac-*
8 *tors.*

9 *“(2) MONITORING.—Not later than 1 year after*
10 *the date of enactment of this subsection, the Adminis-*
11 *trator shall take such actions as are necessary to en-*
12 *sure that an existing Federal subcontracting reporting*
13 *system is modified to notify the Administrator, the*
14 *appropriate Director of the Office of Small and Dis-*
15 *advantaged Business Utilization, and the appropriate*
16 *contracting officer if a requirement established under*
17 *section 45 is violated.”.*

18 **SEC. 1653. CONFORMING AMENDMENTS.**

19 *(a) HUBZONES.—Section 3(p)(5) of the Small Busi-*
20 *ness Act (15 U.S.C. 632(p)(5)) is amended—*

21 *(1) in subparagraph (A)(i) by striking subclause*
22 *(III) and inserting the following:*

23 *“(III) with respect to any sub-*
24 *contract entered into by the small busi-*
25 *ness concern pursuant to a contract*

1 *awarded to the small business concern*
2 *under section 31, the small business*
3 *concern will ensure that the require-*
4 *ments of section 45 are satisfied; and”;*

5 *(2) by striking subparagraphs (B) and (C); and*

6 *(3) by redesignating subparagraph (D) as sub-*
7 *paragraph (B).*

8 *(b) ENTITIES ELIGIBLE FOR CONTRACTS UNDER SEC-*
9 *TION 8(a).—Section 8(a) of such Act (15 U.S.C. 637(a))*
10 *is amended by striking paragraph (14) and inserting the*
11 *following:*

12 *“(14) LIMITATIONS ON SUBCONTRACTING.—A*
13 *concern may not be awarded a contract under this*
14 *subsection as a small business concern unless the con-*
15 *cern agrees to satisfy the requirements of section 45.”.*

16 *(c) SMALL BUSINESS CONCERNS.—Section 15 of such*
17 *Act (15 U.S.C. 644) is amended by striking subsection (o)*
18 *and inserting the following:*

19 *“(o) LIMITATIONS ON SUBCONTRACTING.—A concern*
20 *may not be awarded a contract under subsection (a) as a*
21 *small business concern unless the concern agrees to satisfy*
22 *the requirements of section 45.”.*

23 **SEC. 1654. REGULATIONS.**

24 *Not later than 180 days after the date of enactment*
25 *of this Act, the Administrator of the Small Business Admin-*

1 *istration shall issue guidance with respect to compliance*
2 *with the changes made to the Small Business Act by the*
3 *amendments in this part, with opportunities for notice and*
4 *comment.*

5 ***Subpart B—Subcontracting Plans***

6 ***SEC. 1655. SUBCONTRACTING PLANS.***

7 *(a) SUBCONTRACTING REPORTING REQUIREMENTS.—*

8 *(1) IN GENERAL.—Section 8(d)(6) of the Small*
9 *Business Act (15 U.S.C. 637(d)(6)) is amended—*

10 *(A) by striking “(6) Each subcontracting*
11 *plan” and inserting the following:*

12 *“(6) SUBCONTRACTING PLAN REQUIREMENTS.—*
13 *Each subcontracting plan”;*

14 *(B) by amending subparagraph (E) to read*
15 *as follows:*

16 *“(E) assurances that the offeror or bidder*
17 *will—*

18 *“(i) submit—*

19 *“(I) not later than 180 days after*
20 *the date on which performance under*
21 *the applicable contract begins, and*
22 *every 180 days thereafter until con-*
23 *tract performance ends, a report that*
24 *describes all subcontracting activities*

1 *under the contract during the pre-*
2 *ceding 180-day period;*

3 “(II) *not later than 1 year after*
4 *the date on which performance under*
5 *the applicable contract begins, and an-*
6 *nually thereafter until contract per-*
7 *formance ends, a report that describes*
8 *all subcontracting activities under the*
9 *contract that have occurred before the*
10 *date on which the report is submitted;*
11 *and*

12 “(III) *not later than 30 days after*
13 *the date on which performance under*
14 *the applicable contract ends, a report*
15 *that describes all subcontracting activi-*
16 *ties under the contract; and*

17 “(ii) *cooperate with any study or sur-*
18 *vey required by the applicable Federal agen-*
19 *cy or the Administration to determine the*
20 *extent of compliance by the offeror or bidder*
21 *with the subcontracting plan;”;* and

22 (C) *by moving the margins for subpara-*
23 *graphs (A), (B), (C), (D), and (F) 2 ems to the*
24 *right (so that the align with subparagraph (E),*

1 *as amended by subparagraph (B) of this para-*
2 *graph).*

3 (2) *REPORTING SYSTEM MODIFICATION.*—

4 (A) *IN GENERAL.*—*Not later than 1 year*
5 *after the date of enactment of this part, the Ad-*
6 *ministrator of the Small Business Administra-*
7 *tion shall take such actions as are necessary to*
8 *ensure that the Federal subcontracting reporting*
9 *system to which covered reports are submitted is*
10 *modified to notify the Administrator, the appro-*
11 *priate contracting officer, and the appropriate*
12 *Director of Small and Disadvantaged Business*
13 *Utilization if an entity fails to submit a re-*
14 *quired covered report. If the Administrator does*
15 *not modify the subcontracting reporting system*
16 *on or before the date that is 1 year after the date*
17 *of enactment of this part, the Administrator may*
18 *not carry out or establish any pilot program*
19 *until the date the Administrator modifies the re-*
20 *porting system.*

21 (B) *COVERED REPORT DEFINED.*—*In this*
22 *paragraph, the term “covered report” means a*
23 *report submitted in accordance with assurances*
24 *provided under section 8(d)(6)(E) of the Small*
25 *Business Act (15 U.S.C. 637(d)(6)(E)).*

1 **(b) FAILURE TO SUBMIT SUBCONTRACTING REPORTS**
2 *AS BREACH OF CONTRACT.*—Section 8(d)(8) of such Act (15
3 U.S.C. 637(d)(8)) is amended—

4 (1) by striking “(8) The failure” and inserting
5 *the following:*

6 “(8) *MATERIAL BREACH.*—The failure”;

7 (2) in subparagraph (A) by striking “subsection,
8 *or*” and inserting “subsection,”;

9 (3) in subparagraph (B) by striking “sub-
10 *contract,*” and inserting “subcontract, *or*”;

11 (4) by inserting after subparagraph (B) the fol-
12 *lowing:*

13 “(C) assurances provided under paragraph
14 (6)(E),”;

15 (5) by moving the margins of subparagraphs
16 (A), (B), and the matter following subparagraph (B)
17 2 ems to the right.

18 **(c) AUTHORITY OF SMALL BUSINESS ADMINISTRA-**
19 *TION.*—Section 8(d)(10) of such Act (15 U.S.C. 637(d)(10))
20 *is amended—*

21 (1) by striking “(10) In the case of” and insert-
22 *ing the following:*

23 “(10) *AUTHORITY OF ADMINISTRATION.*—In the
24 *case of*”;

1 (2) *in subparagraph (B) by striking “, which*
2 *shall be advisory in nature,”;*

3 (3) *in subparagraph (C) by striking “, either on*
4 *a contract-by-contract basis, or in the case contrac-*
5 *tors” and inserting “as a supplement to evaluations*
6 *performed by the contracting agency, either on a con-*
7 *tract-by-contract basis or, in the case of contractors”;*
8 *and*

9 (4) *by moving the margins of subparagraphs (A)*
10 *through (C) 2 ems to the right.*

11 (d) *APPEALS.—Section 8(d) of such Act (15 U.S.C.*
12 *637(d)) is amended by adding at the end the following:*

13 “(13) *REVIEW AND ACCEPTANCE OF SUBCON-*
14 *TRACTING PLANS.—*

15 “(A) *IN GENERAL.—Except as provided in*
16 *subparagraph (E), if a procurement center rep-*
17 *resentative or commercial market representative*
18 *determines that a subcontracting plan required*
19 *under paragraph (4) or (5) fails to provide the*
20 *maximum practicable opportunity for covered*
21 *small business concerns to participate in the per-*
22 *formance of the contract to which the plan ap-*
23 *plies, such representative may delay acceptance*
24 *of the plan in accordance with subparagraph*
25 *(B).*

1 “(B) *PROCESS.*—

2 “(i) *IN GENERAL.*—*Except as provided*
3 *in clause (ii), a procurement center rep-*
4 *resentative or commercial market represent-*
5 *ative who makes the determination under*
6 *subparagraph (A) with respect to a subcon-*
7 *tracting plan may delay acceptance of the*
8 *plan for a 30-day period by providing writ-*
9 *ten notice of such determination to head of*
10 *the procuring activity of the contracting*
11 *agency. Such notice shall include rec-*
12 *ommendations for altering the plan to pro-*
13 *vide the maximum practicable opportunity*
14 *described in that subparagraph.*

15 “(ii) *EXCEPTION.*—*In the case of the*
16 *Department of Defense, a procurement cen-*
17 *ter representative or commercial market*
18 *representative who makes the determination*
19 *under subparagraph (A) with respect to a*
20 *subcontracting plan may delay acceptance*
21 *of the plan for a 15-day period by pro-*
22 *viding written notice of such determination*
23 *to appropriate personnel of the Department*
24 *of Defense. Such notice shall include rec-*
25 *ommendations for altering the plan to pro-*

1 *vide the maximum practicable opportunity*
2 *described in that subparagraph. The author-*
3 *ity of a procurement center representative*
4 *or commercial market representative to*
5 *delay acceptance of a subcontracting plan*
6 *as provided in subparagraph (A), does not*
7 *include the authority to delay the award or*
8 *performance of the contract concerned.*

9 “(C) *DISAGREEMENTS.—If a procurement*
10 *center representative or commercial market rep-*
11 *resentative delays the acceptance of a subcon-*
12 *tracting plan under subparagraph (B) and does*
13 *not reach agreement with head of the procuring*
14 *activity of the contracting agency to alter the*
15 *plan to provide the maximum practicable oppor-*
16 *tunity described in subparagraph (A) not later*
17 *than 30 days from the date written notice was*
18 *provided, the disagreement shall be submitted to*
19 *the head of the contracting agency by the Admin-*
20 *istrator for a final determination.*

21 “(D) *COVERED SMALL BUSINESS CONCERNS*
22 *DEFINED.—In this paragraph, the term ‘covered*
23 *small business concerns’ means small business*
24 *concerns, qualified HUBZone small business*
25 *concerns, small business concerns owned and*

1 *controlled by veterans, small business concerns*
2 *owned and controlled by service-disabled vet-*
3 *erans, small business concerns owned and con-*
4 *trolled by socially and economically disadvan-*
5 *taged individuals, and small business concerns*
6 *owned and controlled by women.*

7 “(E) *EXCEPTION.*—*The procurement center*
8 *representative or commercial market representa-*
9 *tive may not delay the acceptance of a subcon-*
10 *tracting plan if the appropriate personnel of the*
11 *contracting agency certify that the agency’s need*
12 *for the property or services is of such an unusual*
13 *and compelling urgency that the United States*
14 *would be seriously injured unless the agency is*
15 *permitted to accept the subcontracting plan.”.*

16 **SEC. 1656. NOTICES OF SUBCONTRACTING OPPORTUNITIES.**

17 *Section 8(k)(1) of the Small Business Act (15 U.S.C.*
18 *637(k)(1)) is amended by striking “in the Commerce Busi-*
19 *ness Daily” and inserting “on the appropriate Federal Web*
20 *site (as determined by the Administrator)”.*

21 **SEC. 1657. REGULATIONS.**

22 *Not later than 180 days after the date of enactment*
23 *of this Act, the Administrator of the Small Business Admin-*
24 *istration shall issue guidance with respect to the changes*

1 *made to the Small Business Act, with opportunity for notice*
2 *and comment.*

3 ***Subpart C—Publication of Certain Documents***

4 ***SEC. 1658. PUBLICATION OF CERTAIN DOCUMENTS.***

5 *The Small Business Act (15 U.S.C. 631 et seq.), as*
6 *amended by this part, is further amended by inserting after*
7 *section 45 the following:*

8 ***“SEC. 46. PUBLICATION OF CERTAIN DOCUMENTS.***

9 *“A Federal agency, other than the Department of De-*
10 *fense, may only convert a function that is being performed*
11 *by a small business concern to performance by a Federal*
12 *employee if the agency has made publicly available the pro-*
13 *cedures and methodologies of the agency with respect to de-*
14 *cisions to convert a function being performed by a small*
15 *business concern to performance by a Federal employee, in-*
16 *cluding procedures and methodologies for determining*
17 *which contracts will be studied for potential conversion;*
18 *procedures and methodologies by which a contract is evalu-*
19 *ated as inherently governmental or as a critical agency*
20 *function; and procedures and methodologies for estimating*
21 *and comparing costs.”.*

1 **PART V —SMALL BUSINESS CONCERN SIZE**

2 **STANDARDS**

3 **SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.**

4 *Section 3 of the Small Business Act (15 U.S.C. 632)*

5 *is amended—*

6 (1) *by striking “SEC. 3.” and inserting the fol-*

7 *lowing:*

8 **“SEC. 3. DEFINITIONS.”; and**

9 (2) *in subsection (a)—*

10 (A) *by striking the subsection enumerator*

11 *and inserting the following:*

12 **“(a) SMALL BUSINESS CONCERNS.—”;**

13 (B) *in paragraph (1) by striking “(1) For*

14 *the purposes” and inserting the following:*

15 **“(1) IN GENERAL.—For the purposes”;**

16 (C) *in paragraph (3) by striking “(3) When*

17 *establishing” and inserting the following:*

18 **“(3) VARIATION BY INDUSTRY AND CONSIDER-**
19 **ATION OF OTHER FACTORS.—When establishing”;**

20 (D) *by moving paragraph (5), including*

21 *each subparagraph and clause therein, 2 ems to*

22 *the right; and*

23 (E) *by adding at the end the following:*

24 **“(6) PROPOSED RULE MAKING.—In conducting**
25 *rulemaking to revise, modify or establish size stand-*
26 *ards pursuant to this section, the Administrator shall*

1 *consider, and address, and make publicly available as*
2 *part of the notice of proposed rule making and notice*
3 *of final rule each of the following:*

4 *“(A) a detailed description of the industry*
5 *for which the new size standard is proposed;*

6 *“(B) an analysis of the competitive environ-*
7 *ment for that industry;*

8 *“(C) the approach the Administrator used*
9 *to develop the proposed standard including the*
10 *source of all data used to develop the proposed*
11 *rulemaking; and*

12 *“(D) the anticipated effect of the proposed*
13 *rulemaking on the industry, including the num-*
14 *ber of concerns not currently considered small*
15 *that would be considered small under the pro-*
16 *posed rulemaking and the number of concerns*
17 *currently considered small that would be deemed*
18 *other than small under the proposed rulemaking.*

19 *“(7) COMMON SIZE STANDARDS.—In carrying*
20 *out this subsection, the Administrator may establish*
21 *or approve a single size standard for a grouping of*
22 *four digit North American Industrial Classification*
23 *codes only if the Administrator makes publicly avail-*
24 *able, not later than the date on which such size stand-*
25 *ard is established or approved, a justification dem-*

1 *onstrating that such size standard is appropriate for*
2 *each individual industry classification included in*
3 *the grouping.*

4 “(8) *NUMBER OF SIZE STANDARDS.*—*The Ad-*
5 *ministrator shall not limit the number of size stand-*
6 *ards it creates pursuant to paragraph (2), and shall*
7 *assign the appropriate size standard to each North*
8 *American Industrial Classification System Code”.*

9 ***PART VI —CONTRACT BUNDLING***

10 ***SEC. 1671. CONSOLIDATION OF PROVISIONS RELATING TO***
11 ***CONTRACT BUNDLING.***

12 *Section 44 of the Small Business Act (15 U.S.C. 657q)*
13 *is amended to read as follows:*

14 ***“SEC. 44. CONTRACT BUNDLING.***

15 *“(a) DEFINITIONS.—In this Act:*

16 *“(1) BUNDLED CONTRACT.—The term ‘bundled*
17 *contract’—*

18 *“(A) means a contract that is entered into*
19 *to meet procurement requirements that are com-*
20 *bined in a bundling of contract requirements,*
21 *without regard to whether a study of the effects*
22 *of the solicitation on Federal officers or employ-*
23 *ees has been made; and*

24 *“(B) does not include—*

1 “(i) a contract with an aggregate dol-
2 lar value below the dollar threshold; or

3 “(ii) a single award contract for the
4 acquisition of a weapons system acquired
5 through a major defense acquisition.

6 “(2) *BUNDLING METHODOLOGY.*—The term ‘*bun-*
7 *dling methodology*’ means—

8 “(A) a solicitation to obtain offers for a sin-
9 gle contract or a multiple award contract;

10 “(B) a solicitation of offers for the issuance
11 of a task or a delivery order under an existing
12 single or multiple award contract; or

13 “(C) the creation of any new procurement
14 requirements that permits a combination of con-
15 tract requirements, including any combination
16 of contract requirements or order requirements.

17 “(3) *BUNDLING OF CONTRACT REQUIREMENTS.*—
18 The term ‘*bundling of contract requirements*’, with re-
19 spect to the contract requirements of a Federal agen-
20 cy—

21 “(A) means the use of any bundling meth-
22 odology to satisfy 2 or more procurement re-
23 quirements for new or existing goods or services
24 provided to or performed for the Federal agency,
25 including any construction services, that is likely

1 to be unsuitable for award to a small-business
2 concern due to—

3 “(i) the diversity, size, or specialized
4 nature of the elements of the performance
5 specified;

6 “(ii) the aggregate dollar value of the
7 anticipated award;

8 “(iii) the geographical dispersion of the
9 contract performance sites; or

10 “(iv) any combination of the factors
11 described in clauses (i), (ii), and (iii); and

12 “(B) does not include the use of a bundling
13 methodology for an anticipated award with an
14 aggregate dollar value below the dollar threshold.

15 “(4) CHIEF ACQUISITION OFFICER.—The term
16 ‘Chief Acquisition Officer’ means the employee of a
17 Federal agency designated as the Chief Acquisition
18 Officer for the Federal agency under section 1702(a)
19 of title 41, United States Code.

20 “(5) CONTRACT.—The term ‘contract’ includes,
21 for purposes of this section, any task order made pur-
22 suant to an indefinite quantity, indefinite delivery
23 contract.

1 “(6) *CONTRACT BUNDLING.*—*The term ‘contract*
2 *bundling’ means the process by which a bundled con-*
3 *tract is created.*

4 “(7) *DOLLAR THRESHOLD.*—*The term ‘dollar*
5 *threshold’ means—*

6 “(A) *in the case of a contract for construc-*
7 *tion, \$5,000,000; and*

8 “(B) *in any other case, \$2,000,000.*

9 “(8) *MAJOR DEFENSE ACQUISITION PROGRAM.*—
10 *The term ‘major defense acquisition program’ has the*
11 *meaning given in section 2430(a) of title 10, United*
12 *States Code.*

13 “(9) *PREVIOUSLY BUNDLED CONTRACT.*—*The*
14 *term ‘previously bundled contract’ means a contract*
15 *that is the successor to a contract that required a*
16 *bundling analysis, contract for which any of the suc-*
17 *cessor contract were designated as a consolidated con-*
18 *tract or bundled contract in the Federal procurement*
19 *database, or a contract for which the Administrator*
20 *designated the prior contract as a bundled contract.*

21 “(10) *PROCUREMENT ACTIVITY.*—*The term ‘pro-*
22 *curement activity’ means the Federal agency or office*
23 *thereof acquiring goods or services.*

24 “(11) *PROCUREMENT REQUIREMENT.*—*The term*
25 *‘procurement requirement’ means a determination by*

1 *an agency that the acquisition of a specified good or*
2 *service is needed to satisfy the mission of the agency.*

3 *“(12) SENIOR PROCUREMENT EXECUTIVE.—The*
4 *term ‘senior procurement executive’ means an official*
5 *designated under section 1702(c) of title 41, United*
6 *States Code, as the senior procurement executive for*
7 *a Federal agency.*

8 *“(13) TRADE ASSOCIATION.—The term ‘trade as-*
9 *sociation’ means any entity that is described in para-*
10 *graph (3), (6), (12), or (19) of section 501(c) of the*
11 *Internal Revenue Code of 1986 and which is exempt*
12 *from tax under section 501(a) of such Code.*

13 *“(b) POLICY.—The head of each Federal agency shall*
14 *ensure that the decisions made by the Federal agency re-*
15 *garding contract bundling are made with a view to pro-*
16 *viding small business concerns with the maximum prac-*
17 *ticable opportunities to participate as prime contractors*
18 *and subcontractors in the procurements of the Federal agen-*
19 *cy.*

20 *“(c) CONTRACT BUNDLING.—*

21 *“(1) PROPOSED PROCUREMENTS.—Paragraphs*
22 *(2) through (4) shall apply to a proposed procurement*
23 *if the proposed procurement—*

24 *“(A) one or more small business concerns*
25 *would suffer economic harm or disruption of its*

1 *business operations, including the potential loss*
2 *of an existing contract, as a direct or indirect re-*
3 *sult of the contract bundling;*

4 “(B) includes, in its statement of work,
5 *goods or services—*

6 “(i)(I) currently being performed by a
7 *small business; and*

8 “(II) if the proposed procurement is in
9 *a quantity or estimated dollar value the*
10 *magnitude of which renders small business*
11 *prime contract participation unlikely; or*

12 “(ii)(I) that are of a type that the Ad-
13 *ministrator through market research can*
14 *demonstrate that two or more small busi-*
15 *nesses are capable of performing; and*

16 “(II) if the statement of work proposes
17 *combining the goods or services identified in*
18 *subclause (I) with other requirements for*
19 *goods or services into the solicitation of of-*
20 *fers;*

21 “(C) is for construction and—

22 “(i) seeks to package or combine dis-
23 *crete construction projects; or*

1 “(ii) the value of the goods or services
2 subject to the contract exceeds the dollar
3 threshold; or

4 “(D) is determined by the Administrator to
5 have a solicitation that involves an unnecessary
6 or unjustified bundling of contract requirements.

7 “(2) *RESPONSIBILITY OF THE PROCUREMENT AC-*
8 *TIVITY.—At least 45 days prior to the issuance of a*
9 *solicitation, the Procurement Activity shall notify*
10 *and provide a copy of the proposed procurement to*
11 *the procurement center representative assigned to the*
12 *Procurement Activity. The 45-day notification process*
13 *under this paragraph shall occur concurrently with*
14 *other processing steps required prior to issuance of the*
15 *solicitation. The notice shall include a statement as to*
16 *why the agency has determined that contract bun-*
17 *dling is necessary and justified and shall also describe*
18 *why the proposed acquisition cannot be offered so as*
19 *to make small business participation likely. Such*
20 *statement shall address—*

21 “(A) why the proposed acquisition cannot
22 be further divided into reasonably small lots or
23 discrete tasks in order to permit offers by small
24 business concerns;

1 “(B) if applicable, a list of the incumbent
2 contractors disaggregated by and including
3 names, addresses, and whether or not the con-
4 tractor is a small business concern;

5 “(C) a description of the industries that
6 might be interested in bidding on the contract re-
7 quirements;

8 “(D) an assessment of the impact on small
9 businesses that had bid on previous procurement
10 requirements that are included in the bundling
11 of contract requirements;

12 “(E) delineating the number of existing
13 small business concerns whose contracts will
14 cease if the contract bundling proceeds;

15 “(F) if delivery schedule was a factor in the
16 decision to bundle, an explanation as to why a
17 schedule could not be developed that would en-
18 courage small business participation; and

19 “(G) in the case of a construction contract,
20 why construction cannot be procured as separate
21 discrete projects.

22 “(3) PUBLICATION OF NOTICE STATEMENT.—
23 Concurrently, the statement required in paragraph
24 (2) shall be published in the Federal contracting op-
25 portunities database.

1 “(4) *RECOMPETITION OF A PREVIOUSLY BUN-*
2 *DLED CONTRACT.—If the proposed procurement is a*
3 *previously bundled contract, that is to be recompeted*
4 *as a bundled contract, the Administrator shall deter-*
5 *mine, with the assistance of the agency proposing the*
6 *procurement—*

7 “(A) *the amount of savings and benefits (in*
8 *accordance with subsection (d)) achieved under*
9 *the bundling of contract requirements;*

10 “(B) *whether such savings and benefits will*
11 *continue to be realized if the contract remains*
12 *bundled, and whether such savings and benefits*
13 *would be greater if the procurement requirements*
14 *were divided into separate solicitations suitable*
15 *for award to small business concerns;*

16 “(C) *the dollar value of subcontracts award-*
17 *ed to small business concerns under the bundled*
18 *contract, disaggregated by North American In-*
19 *dustrial Classification System Code;*

20 “(D) *the percentage of subcontract dollars*
21 *awarded to small businesses under the bundled*
22 *contract, disaggregated by North American In-*
23 *dustrial Classification System Code; and*

24 “(E) *the dollar amount and percentage of*
25 *prime contract dollars awarded to small busi-*

1 *nesses in the primary North American Indus-*
2 *trial Classification System Code for that bundled*
3 *contract during each of the two fiscal years pre-*
4 *ceding the award of the bundled contract and*
5 *during each fiscal year of the performance of the*
6 *bundled contract.*

7 *“(5) FAILURE TO PROVIDE NOTICE.—*

8 *“(A) NO NOTIFICATION RECEIVED.—If no*
9 *notification of the proposed procurement or ac-*
10 *companying statement is received, but the Ad-*
11 *ministrator determines that the proposed pro-*
12 *curement is a proposed procurement described in*
13 *paragraph (1), then the Administrator shall re-*
14 *quire that such a statement of work be completed*
15 *by the Procurement Activity and sent to the pro-*
16 *curement center representative and postpone the*
17 *solicitation process for at least 10 days but not*
18 *more than 45 days to allow the Administrator to*
19 *review the statement and make recommendations*
20 *as described in this section before the procure-*
21 *ment process is continued.*

22 *“(B) NO WORK CONTINUED.—If the Admin-*
23 *istrator requires a Procurement Activity to pro-*
24 *vide a statement of work pursuant to subpara-*
25 *graph (A), the Procurement Activity shall not be*

1 *permitted to continue with the procurement until*
2 *such time as the Procurement Activity complies*
3 *with the requirements of subparagraph (A).*

4 “(6) *RESPONSIBILITY OF THE PROCUREMENT*
5 *CENTER REPRESENTATIVE.—Within 15 days after re-*
6 *ceipt of the proposed procurement and accompanying*
7 *statement, if the procurement center representative be-*
8 *lieves that the procurement as proposed will render*
9 *small business prime contract participation unlikely,*
10 *the representative shall recommend to the Procure-*
11 *ment Activity alternative procurement methods which*
12 *would increase small business prime contracting op-*
13 *portunities.*

14 “(7) *DISAGREEMENT BETWEEN THE ADMINIS-*
15 *TRATOR AND THE PROCUREMENT ACTIVITY.—*

16 “(A) *IN GENERAL.—If the Administrator*
17 *determines that a small business concern would*
18 *be adversely affected, directly or indirectly, by*
19 *the proposed procurement, or if a small business*
20 *concern or a trade association of which that*
21 *small business concern is a member so requests,*
22 *the Administrator may take action under this*
23 *paragraph to further the interests of small busi-*
24 *nesses.*

1 “(B) *APPEAL TO AGENCY HEAD.*—*The pro-*
2 *posed procurement shall be submitted for deter-*
3 *mination to the head of the contracting agency*
4 *by the Administrator.*

5 “(C) *APPEAL BY AFFECTED SMALL BUSI-*
6 *NESS CONCERN TO GAO.*—*For purposes of sub-*
7 *chapter V of chapter 35 of title 31, United States*
8 *Code, if a protest is submitted to the Comptroller*
9 *General under that subchapter alleging a viola-*
10 *tion of this section of the Small Business Act, a*
11 *trade association representing small business*
12 *concerns shall be considered an interested party.*

13 “(d) *MARKET RESEARCH.*—

14 “(1) *IN GENERAL.*—*Before proceeding with an*
15 *acquisition strategy that could lead to bundled con-*
16 *tracts, the head of an agency shall conduct market re-*
17 *search to determine whether bundling of the require-*
18 *ments is necessary and justified.*

19 “(2) *FACTORS.*—*For purposes of subsection*
20 *(c)(1), a bundled contract is necessary and justified*
21 *if the bundling of contract requirements will result in*
22 *substantial measurable benefits in excess of those bene-*
23 *fits resulting from a procurement of the contract re-*
24 *quirements that does not involve contract bundling.*

1 “(3) *BENEFITS.*—*For the purposes of bundling of*
2 *contract requirements, benefits described in para-*
3 *graph (2) may include the following:*

4 “(A) *Cost savings.*

5 “(B) *Quality improvements.*

6 “(C) *Reduction in acquisition cycle times.*

7 “(D) *Better terms and conditions.*

8 “(E) *Any other benefits.*

9 “(4) *REDUCTION OF COSTS NOT DETERMINA-*
10 *TIVE.*—*For purposes of this subsection:*

11 “(A) *Cost savings shall not include any re-*
12 *duction in the use of military interdepartmental*
13 *purchase requests or any similar transfer funds*
14 *among Federal agencies for the use of a contract*
15 *issued by another Federal agency.*

16 “(B) *The reduction of administrative or*
17 *personnel costs alone shall not be a justification*
18 *for bundling of contract requirements unless the*
19 *cost savings are expected to be substantial in re-*
20 *lation to the dollar value of the procurement re-*
21 *quirements to be bundled.*

22 “(5) *LIMITATION ON ACQUISITION STRATEGY.*—
23 *The head of a Federal agency may not carry out an*
24 *acquisition strategy that includes bundled contracts*
25 *valued in excess of the dollar threshold, unless the sen-*

1 ior procurement executive or, if applicable, Chief Ac-
2 quisition Officer, for the Federal agency, certifies to
3 the head of the Federal agency that steps will be taken
4 to include small business concerns in the acquisition
5 strategy prior to the implementation of such acquisi-
6 tion strategy.

7 “(e) *STRATEGY SPECIFICATIONS.*—If the head of a con-
8 tracting agency determines that an acquisition plan or pro-
9 posed procurement strategy will result in a bundled con-
10 tract, the proposed acquisition plan or procurement strat-
11 egy shall—

12 “(1) identify specifically the benefits anticipated
13 to be derived from the bundling of contract require-
14 ments;

15 “(2) set forth an assessment of the specific im-
16 pediments to participation by small business concerns
17 as prime contractors that result from the contract
18 bundling and specify actions designed to maximize
19 small business participation as subcontractors (in-
20 cluding suppliers) at various tiers under the contract
21 or contracts that are awarded to meet the require-
22 ments; and

23 “(3) include a specific determination that the
24 anticipated measurable benefits of the proposed bun-
25 dled contract justify its use.

1 “(f) *CONTRACT TEAMING.*—*In the case of a solicitation*
2 *of offers for a bundled contract that is issued by the head*
3 *of an agency, a small-business concern may submit an offer*
4 *that provides for use of a particular team of subcontractors*
5 *for the performance of the contract. The head of the agency*
6 *shall evaluate the offer in the same manner as other offers,*
7 *with due consideration to the capabilities of all of the pro-*
8 *posed subcontractors. If a small business concern teams*
9 *under this paragraph, it shall not affect its status as a*
10 *small business concern for any other purpose.*

11 “(g) *DATABASE, ANALYSIS, AND ANNUAL REPORT RE-*
12 *GARDING CONTRACT BUNDLING.*—

13 “(1) *DATABASE.*—*Not later than 180 days after*
14 *the date of the enactment of this subsection, the Ad-*
15 *ministrator shall develop and shall thereafter main-*
16 *tain a database containing data and information re-*
17 *garding—*

18 “(A) *each bundled contract awarded by a*
19 *Federal agency; and*

20 “(B) *each small business concern that has*
21 *been displaced as a prime contractor as a result*
22 *of the award of such a contract.*

23 “(2) *ANALYSIS.*—*For each bundled contract that*
24 *is to be recompeted, the Administrator shall deter-*
25 *mine—*

1 “(A) *the amount of savings and benefits re-*
2 *alized, in comparison with the savings and bene-*
3 *fits anticipated by the analysis required under*
4 *subsection (d) prior to the contract award; and*

5 “(B) *whether such savings and benefits will*
6 *continue to be realized if the contract remains*
7 *bundled, and whether such savings and benefits*
8 *would be greater if the procurement requirements*
9 *were divided into separate solicitations suitable*
10 *for award to small business concerns.*

11 “(3) *ANNUAL REPORT ON CONTRACT BUN-*
12 *DLING.—*

13 “(A) *IN GENERAL.—Not later than 1 year*
14 *after the date of the enactment of this paragraph,*
15 *and annually in March thereafter, the Adminis-*
16 *trator shall transmit a report on contract bun-*
17 *dling to the Committee on Small Business of the*
18 *House of Representatives and the Committee on*
19 *Small Business and Entrepreneurship of the*
20 *Senate.*

21 “(B) *CONTENTS.—Each report transmitted*
22 *under subparagraph (A) shall include—*

23 “(i) *data on the number, arranged by*
24 *industrial classification, of small business*
25 *concerns displaced as prime contractors as*

1 *a result of the award of bundled contracts*
2 *by Federal agencies; and*

3 “(ii) *a description of the activities*
4 *with respect to previously bundled contracts*
5 *of each Federal agency during the preceding*
6 *year, including—*

7 “(I) *data on the number and total*
8 *dollar amount of all contract require-*
9 *ments that were bundled; and*

10 “(II) *with respect to each bundled*
11 *contract, data or information on—*

12 “(aa) *the justification for the*
13 *bundling of contract requirements;*

14 “(bb) *the cost savings real-*
15 *ized by bundling the contract re-*
16 *quirements over the life of the con-*
17 *tract;*

18 “(cc) *the extent to which*
19 *maintaining the bundled status of*
20 *contract requirements is projected*
21 *to result in continued cost sav-*
22 *ings;*

23 “(dd) *the extent to which the*
24 *bundling of contract requirements*
25 *complied with the contracting*

1 *agency’s small business subcon-*
2 *tracting plan, including the total*
3 *dollar value awarded to small*
4 *business concerns as subcontract-*
5 *ors and the total dollar value*
6 *previously awarded to small busi-*
7 *ness concerns as prime contrac-*
8 *tors; and*

9 *“(ee) the impact of the bun-*
10 *dling of contract requirements on*
11 *small business concerns unable to*
12 *compete as prime contractors for*
13 *the consolidated requirements and*
14 *on the industries of such small*
15 *business concerns, including a de-*
16 *scription of any changes to the*
17 *proportion of any such industry*
18 *that is composed of small business*
19 *concerns.*

20 *“(h) BUNDLING ACCOUNTABILITY MEASURES.—*

21 *“(1) TEAMING REQUIREMENTS.—Each Federal*
22 *agency shall include in each solicitation for any mul-*
23 *tiple award contract above the dollar threshold a pro-*
24 *vision soliciting bids from any responsible source, in-*

1 *cluding responsible small business concerns and teams*
2 *or joint ventures of small business concerns.*

3 “(2) *POLICIES ON REDUCTION OF CONTRACT*
4 *BUNDLING.—*

5 “(A) *IN GENERAL.—Not later than 270*
6 *days after the date of enactment of this subpara-*
7 *graph, the Federal Acquisition Regulatory Coun-*
8 *cil, established under section 1302(a) of title 41,*
9 *United States Code, shall amend the Federal Ac-*
10 *quisition Regulation issued under section 1303 of*
11 *such title to—*

12 “(i) *establish a Government-wide pol-*
13 *icy regarding contract bundling, including*
14 *regarding the solicitation of teaming and*
15 *joint ventures; and*

16 “(ii) *require that the policy established*
17 *under clause (i) be published on the website*
18 *of each Federal agency.*

19 “(B) *RATIONALE FOR CONTRACT BUN-*
20 *DLING.—Not later than 30 days after the date on*
21 *which the head of a Federal agency submits the*
22 *report required under section 15(h), the head of*
23 *the Federal agency shall publish on the website*
24 *of the Federal agency a list and rationale for*
25 *any bundled contract for which the Federal agen-*

1 *cy solicited bids or that was awarded by the Fed-*
2 *eral agency.”.*

3 **SEC. 1672. REPEAL OF REDUNDANT PROVISIONS.**

4 *(a) CERTAIN PROVISIONS REGARDING CONTRACT BUN-*
5 *DLING REPEALED.—*

6 *(1) Section 15(a) of the Small Business Act (15*
7 *U.S.C. 644(a)), is amended by striking “If a proposed*
8 *procurement includes” and all that follows through*
9 *“the matter shall be submitted for determination to*
10 *the Secretary or the head of the appropriate depart-*
11 *ment or agency by the Administrator.”.*

12 *(2) All references in law to such sentences as they*
13 *were in effect on the date that is one day prior to the*
14 *effective date of this Act shall be deemed to be ref-*
15 *erences to section 44(d), as added by this part.*

16 *(b) CERTAIN PROVISIONS REGARDING MARKET RE-*
17 *SEARCH REPEALED.—*

18 *(1) Paragraphs (2) through (4) of section 15(e)*
19 *of the Small Business Act (15 U.S.C. 644(e)) are re-*
20 *pealed.*

21 *(2) All references in law to such paragraphs, as*
22 *in effect on the date that is one day prior to the effec-*
23 *tive date of this Act, shall be deemed to be references*
24 *to subsections (d) through (f), respectively, of section*

1 44 of the Small Business Act, as added by this sec-
2 tion.

3 (c) *CERTAIN PROVISIONS REGARDING CONTRACT BUN-*
4 *DLING DATABASE REPEALED.—*

5 (1) Paragraph (1) of section 15(p) of the Small
6 Business Act (15 U.S.C. 644(p)) is repealed.

7 (2) Paragraphs (2) through (4) of section 15(p)
8 of the Small Business Act (15 U.S.C. 644(p)) are re-
9 pealed. All references in law to such paragraphs, as
10 in effect on the date that is one day prior to the effec-
11 tive date of this Act, shall be deemed to be references
12 to paragraphs (1) through (3), respectively, of section
13 44(h) of the Small Business Act, as added by this
14 part.

15 (d) *CERTAIN PROVISIONS REGARDING BUNDLING AC-*
16 *COUNTABILITY MEASURES REPEALED.—*

17 (1) Paragraphs (1) and (2) of section 15(q) of
18 the Small Business Act (15 U.S.C. 644(q)) are re-
19 pealed.

20 (2) All references in law to such paragraphs, as
21 in effect on the date that is one day prior to the effec-
22 tive date of this Act, shall be deemed to be references
23 to paragraphs (1) and (2), respectively, of section
24 44(i) of the Small Business Act, as added by this
25 part.

1 (e) *CERTAIN PROVISIONS REGARDING.*—Subsection (o)
2 of section 3 of the Small Business Act (15 U.S.C.) is re-
3 pealed.

4 **SEC. 1673. TECHNICAL AMENDMENTS.**

5 Section 15 of the Small Business Act (15 U.S.C. 644)
6 is amended—

7 (1) in the heading of subsection (p), to read as
8 follows: “ACCESS TO DATA.—”; and

9 (2) in the heading of subsection (q), to read as
10 follows: “REPORTS RELATED TO PROCUREMENT CEN-
11 TER REPRESENTATIVES.—”.

12 **PART VII —INCREASED PENALTIES FOR FRAUD**

13 **SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE**
14 **EFFORTS.**

15 (a) *SMALL BUSINESS FRAUD.*—Section 16(d) of the
16 Small Business Act (15 U.S.C. 645(d)) is amended by in-
17 serting after paragraph (2) the following:

18 “(3) *LIMITATION ON LIABILITY.*—This subsection
19 shall not apply to any conduct in violation of sub-
20 section (a) if the defendant acted in reliance on a
21 written advisory opinion from a licensed attorney
22 who is not an employee of the defendant.”.

23 (b) *REGULATIONS.*—Not later than 270 days after the
24 date of enactment of this part, the Administrator of the
25 Small Business Administration shall issue rules defining

1 *what constitutes an adequate advisory opinion for purposes*
2 *of section 16(d)(3) of the Small Business Act.*

3 (c) *SMALL BUSINESS COMPLIANCE GUIDE.*—Not later
4 *than 270 days after the date of enactment of this part, the*
5 *Administrator of the Small Business Administration shall*
6 *issue (pursuant to section 212 of the Small Business Regu-*
7 *latory Enforcement Fairness Act of 1996) a compliance*
8 *guide to assist business concerns in accurately determining*
9 *their status as a small business concern.*

10 **SEC. 1682. OFFICE OF HEARINGS AND APPEALS.**

11 (a) *CHIEF HEARING OFFICER.*—Section 4(b)(1) of the
12 *Small Business Act is amended by adding at the end the*
13 *following: “One shall be designated at the time of his or*
14 *her appointment as the Chief Hearing Officer, who shall*
15 *head and administer the Office of Hearings and Appeals*
16 *within the Administration.”.*

17 (b) *OFFICE OF HEARINGS AND APPEALS ESTAB-*
18 *LISHED IN ADMINISTRATION.*—Section 5 of the *Small Busi-*
19 *ness Act (15 U.S.C. 634) is amended by adding at the end*
20 *the following:*

21 “(i) *OFFICE OF HEARINGS AND APPEALS.*—

22 “(1) *IN GENERAL.*—*There is established in the*
23 *Administration an Office of Hearings and Appeals—*

24 “(A) *to impartially decide such matters,*
25 *where Congress designates that a hearing on the*

1 *record is required or which the Administrator*
2 *designates by regulation or otherwise; and*

3 “(B) *which shall contain the Administra-*
4 *tion’s Freedom of Information/Privacy Acts Of-*
5 *fice.*

6 “(2) *CHIEF HEARING OFFICER.—The Chief*
7 *Hearing Officer shall be a career member of the Sen-*
8 *ior Executive Service and an attorney duly licensed*
9 *by any State, commonwealth, territory, or the Dis-*
10 *trict of Columbia.*

11 “(A) *DUTIES.—The Chief Hearing Officer*
12 *shall—*

13 “(i) *serve as the Chief Administrative*
14 *Law Judge; and*

15 “(ii) *be responsible for the operation*
16 *and management of the Office of Hearings*
17 *and Appeals, pursuant to the rules of prac-*
18 *tice established by the Administrator.*

19 “(B) *ALTERNATIVE DISPUTE RESOLU-*
20 *TION.—The Chief Hearing Officer may also as-*
21 *sign a matter for mediation or other means of*
22 *alternative dispute resolution.*

23 “(3) *ADMINISTRATIVE LAW JUDGES.—*

24 “(A) *IN GENERAL.—An administrative law*
25 *judge shall be an attorney duly licensed by any*

1 *State, commonwealth, territory, or the District of*
2 *Columbia.*

3 “(B) *CONDITIONS OF EMPLOYMENT.—(i) An*
4 *administrative law judge shall serve in the ex-*
5 *cepted service as an employee of the Administra-*
6 *tion under section 2103 of title 5, United States*
7 *Code, and under the supervision of the Chief*
8 *Hearing Officer.*

9 “(i) *Administrative law judge positions*
10 *shall be classified at Senior Level, as such term*
11 *is defined in section 5376 of title 5, United*
12 *States Code.*

13 “(iii) *Compensation for administrative law*
14 *judge positions shall be set in accordance with*
15 *the pay rates of section 5376 of title 5, United*
16 *States Code.*

17 “(C) *TREATMENT OF CURRENT PER-*
18 *SONNEL.—An individual serving as a Judge in*
19 *the Office of Hearings and Appeals (as that posi-*
20 *tion and office are designated in section 134.101*
21 *of title 13, Code of Federal Regulations (as in ef-*
22 *fect on January 1, 2012)) on the effective date*
23 *of this subsection shall be considered as qualified*
24 *to be and redesignated as administrative law*
25 *judges.*

1 “(D) *POWERS.*—An administrative law
2 judge shall have the authority to conduct hear-
3 ings in accordance with sections 554, 556, and
4 557 of title 5, United States Code.”.

5 **SEC. 1683. REQUIREMENT FRAUDULENT BUSINESSES BE**
6 **SUSPENDED OR DEBARRED.**

7 (a) *IN GENERAL.*—Section 16(d)(2)(C) of the Small
8 Business Act (15 U.S.C. 645(d)(2)(C)) is amended by strik-
9 ing “on the basis that such misrepresentation indicates a
10 lack of business integrity that seriously and directly affects
11 the present responsibility to perform any contract awarded
12 by the Federal Government or a subcontract under such a
13 contract”.

14 (b) *REVISION TO FAR.*—Not later than 270 days after
15 the date of enactment of this part, the Federal Acquisition
16 Regulation shall be revised to implement the amendment
17 made by this section.

18 (c) *DEVELOPMENT AND PROMULGATION OF GUID-*
19 *ANCE.*—Not later than 270 days after the date of enactment
20 of this part, the Administrator of the Small Business Ad-
21 ministration shall develop and promulgate guidance imple-
22 menting this section.

23 (d) *PUBLICATION OF PROCEDURES REGARDING SUS-*
24 *PENSION AND DEBARMENT.*—Not later than 270 days after
25 the date of enactment of this part, the Administrator shall

1 *publish on the Administration's Web site the standard oper-*
2 *ating procedures for suspension and debarment in effect,*
3 *and the name and contact information for the individual*
4 *designated by the Administrator as the senior individual*
5 *responsible for suspension and debarment proceedings.*

6 **SEC. 1684. ANNUAL REPORT ON SUSPENSIONS AND**
7 **DEBARMENTS PROPOSED BY SMALL BUSI-**
8 **NESS ADMINISTRATION.**

9 (a) *REPORT REQUIREMENT.*—*The Administrator of*
10 *the Small Business Administration shall submit each year*
11 *to the Committee on Small Business and Entrepreneurship*
12 *of the Senate, and the Committee on Small Business of the*
13 *House of Representatives a report on the suspension and*
14 *debarment actions taken by the Administrator during the*
15 *year preceding the year of submission of the report.*

16 (b) *MATTERS COVERED.*—*The report required by sub-*
17 *section (a) shall include the following information for the*
18 *year covered by the report:*

19 (1) *NUMBER.*—*The number of contractors pro-*
20 *posed for suspension or debarment.*

21 (2) *SOURCE.*—*The office within a Federal agen-*
22 *cy that originated each proposal for suspension or de-*
23 *barment.*

24 (3) *REASONS.*—*The reason for each proposal for*
25 *suspension or debarment.*

1 (4) *RESULTS.*—The result of each proposal for
2 suspension or debarment, and the reason for such re-
3 sult.

4 (5) *REFERRALS.*—The number of suspensions or
5 debarments referred to the Inspector General of the
6 Small Business Administration or another agency, or
7 to the Attorney General (for purposes of this para-
8 graph, the Administrator may redact identifying in-
9 formation on names of companies or other informa-
10 tion in order to protect the integrity of any ongoing
11 criminal or civil investigation).

12 **PART VIII —OFFICES OF SMALL AND**
13 **DISADVANTAGED BUSINESS UNITS**

14 **SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSI-**
15 **NESS UTILIZATION.**

16 (a) *APPOINTMENT AND POSITION OF DIRECTOR.*—Sec-
17 tion 15(k)(2) of the Small Business Act (15 U.S.C.
18 644(k)(2)) is amended by striking “such agency,” and in-
19 serting “such agency to a position that is a Senior Execu-
20 tive Service position (as such term is defined under section
21 3132(a) of title 5, United States Code), except that, for any
22 agency in which the positions of Chief Acquisition Officer
23 and senior procurement executive (as such terms are defined
24 under section 44(a) of this Act) are not Senior Executive
25 Service positions, the Director of Small and Disadvantaged

1 *Business Utilization may be appointed to a position com-*
2 *pensated at not less than the minimum rate of basic pay*
3 *payable for grade GS–15 of the General Schedule under sec-*
4 *tion 5332 of such title (including comparability payments*
5 *under section 5304 of such title);”.*

6 (b) *PERFORMANCE APPRAISALS.—Section 15(k)(3) of*
7 *such Act (15 U.S.C. 644(k)(3)) is amended—*

8 (1) *by striking “be responsible only to, and re-*
9 *port directly to, the head” and inserting “shall be re-*
10 *sponsible only to (including with respect to perform-*
11 *ance appraisals), and report directly and exclusively*
12 *to, the head”; and*

13 (2) *by striking “be responsible only to, and re-*
14 *port directly to, such Secretary” and inserting “be re-*
15 *sponsible only to (including with respect to perform-*
16 *ance appraisals), and report directly and exclusively*
17 *to, such Secretary”.*

18 (c) *SMALL BUSINESS TECHNICAL ADVISERS.—Section*
19 *15(k)(8)(B) of such Act (15 U.S.C. 644(k)(8)(B)) is amend-*
20 *ed—*

21 (1) *by striking “and 15 of this Act,” and insert-*
22 *ing “, 15, and 44 of this Act;”; and*

23 (2) *by inserting after “of this Act” the following:*
24 *“(giving priority in assigning to small business that*
25 *are in metropolitan statistical areas for which the un-*

1 *employment rate is higher than the national average*
2 *unemployment rate for the United States)”*.

3 *(d) ADDITIONAL REQUIREMENTS.—Section 15(k) of*
4 *such Act (15 U.S.C. 644(k)) is amended by inserting after*
5 *paragraph (10) the following:*

6 *“(11) shall review and advise such agency on*
7 *any decision to convert an activity performed by a*
8 *small business concern to an activity performed by a*
9 *Federal employee;*

10 *“(12) shall provide to the Chief Acquisition Offi-*
11 *cer and senior procurement executive of such agency*
12 *advice and comments on acquisition strategies, mar-*
13 *ket research, and justifications related to section 44 of*
14 *this Act;*

15 *“(13) may provide training to small business*
16 *concerns and contract specialists, except that such*
17 *training may only be provided to the extent that the*
18 *training does not interfere with the Director carrying*
19 *out other responsibilities under this subsection;*

20 *“(14) shall receive unsolicited proposals and,*
21 *when appropriate, forward such proposals to per-*
22 *sonnel of the activity responsible for reviewing such*
23 *proposals*

24 *“(15) shall carry out exclusively the duties enu-*
25 *merated in this Act, and shall, while the Director, not*

1 *hold any other title, position, or responsibility, except*
2 *as necessary to carry out responsibilities under this*
3 *subsection; and*

4 “(16) shall submit, each fiscal year, to the Com-
5 *mittee on Small Business of the House of Representa-*
6 *tives and the Committee on Small Business and En-*
7 *trepreneurship of the Senate a report describing—*

8 “(A) the training provided by the Director
9 *under paragraph (13) in the most recently com-*
10 *pleted fiscal year;*

11 “(B) the percentage of the budget of the Di-
12 *rector used for such training in the most recently*
13 *completed fiscal year; and*

14 “(C) the percentage of the budget of the Di-
15 *rector used for travel in the most recently com-*
16 *pleted fiscal year.”.*

17 *(e) REQUIREMENT OF CONTRACTING EXPERIENCE FOR*
18 *OSDBU DIRECTOR.—Section 15(k) of the Small Business*
19 *Act (15 U.S.C. 644(k)), as amended by this part, is further*
20 *amended, in the matter preceding paragraph (1), by strik-*
21 *ing “who shall” and insert the following: “, with experience*
22 *servicing in any combination of the following roles: federal*
23 *contracting officer, small business technical advisor, con-*
24 *tracts administrator for federal government contracts, at-*
25 *torney specializing in federal procurement law, small busi-*

1 *ness liaison officer, officer or employee who managed federal*
2 *government contracts for a small business, or individual*
3 *whose primary responsibilities were for the functions and*
4 *duties of section 8, 15 or 44 of this Act. Such officer or*
5 *employee”.*

6 (f) *TECHNICAL AMENDMENTS.—Section 15(k) of such*
7 *Act (15 U.S.C. 644(k)), as amended, is further amended—*

8 (1) *in paragraph (1)—*

9 (A) *by striking “be known” and inserting*
10 *“shall be known”; and*

11 (B) *by striking “such agency,” and insert-*
12 *ing “such agency;”;*

13 (2) *in paragraph (2) by striking “be appointed*
14 *by” and inserting “shall be appointed by”;*

15 (3) *in paragraph (3)—*

16 (A) *by striking “director” and inserting*
17 *“Director”; and*

18 (B) *by striking “Secretary’s designee,” and*
19 *inserting “Secretary’s designee;”;*

20 (4) *in paragraph (4)—*

21 (A) *by striking “be responsible” and insert-*
22 *ing “shall be responsible”; and*

23 (B) *by striking “such agency,” and insert-*
24 *ing “such agency;”;*

1 (5) in paragraph (5) by striking “identify pro-
2 posed” and inserting “shall identify proposed”;

3 (6) in paragraph (6) by striking “assist small”
4 and inserting “shall assist small”;

5 (7) in paragraph (7)—

6 (A) by striking “have supervisory” and in-
7 serting “shall have supervisory”; and

8 (B) by striking “this Act,” and inserting
9 “this Act;”;

10 (8) in paragraph (8)—

11 (A) by striking “assign a” and inserting
12 “shall assign a”; and

13 (B) in subparagraph (A), by striking “the
14 activity, and” and inserting “the activity; and”;

15 (9) in paragraph (9)—

16 (A) by striking “cooperate, and” and insert-
17 ing “shall cooperate, and”; and

18 (B) by striking “subsection, and” and in-
19 serting “subsection;”;

20 (10) in paragraph (10)—

21 (A) by striking “make recommendations”
22 and inserting “shall make recommendations”;

23 (B) by striking “subsection (a), or section”
24 and inserting “subsection (a), section”;

1 (C) by striking “Act or section 2323” and
2 inserting “Act, or section 2323”;

3 (D) by striking “Code. Such recommenda-
4 tions shall” and inserting “Code, which shall”;
5 and

6 (E) by striking “contract file.” and insert-
7 ing “contract file;”.

8 **SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY**
9 **COUNCIL.**

10 (a) *DUTIES.*—Section 7104(b) of the Federal Acquisi-
11 tion Streamlining Act of 1994 (15 U.S.C. 644 note) is
12 amended—

13 (1) in paragraph (1) by striking “and” at the
14 end;

15 (2) in paragraph (2) by striking “authorities.”
16 and inserting “authorities;”; and

17 (3) by adding at the end the following:

18 “(3) to conduct reviews of each Office of Small
19 and Disadvantaged Business Utilization established
20 under section 15(k) of the Small Business Act (15
21 U.S.C. 644(k)) to determine the compliance of each
22 Office with requirements under such section;

23 “(4) to identify best practices for maximizing
24 small business utilization in Federal contracting that

1 *may be implemented by Federal agencies having pro-*
2 *curement powers; and*

3 *“(5) to submit, annually, to the Committee on*
4 *Small Business of the House of Representatives and*
5 *the Committee on Small Business and Entrepreneur-*
6 *ship of the Senate a report describing—*

7 *“(A) the comments submitted under para-*
8 *graph (2) during the 1-year period ending on the*
9 *date on which the report is submitted, including*
10 *any outcomes related to the comments;*

11 *“(B) the results of reviews conducted under*
12 *paragraph (3) during such 1-year period; and*

13 *“(C) best practices identified under para-*
14 *graph (4) during such 1-year period.”.*

15 *(b) MEMBERSHIP.—Section 7104(c)(3) of such Act (15*
16 *U.S.C. 644 note) is amended by striking “(established under*
17 *section 15(k) of the Small Business Act (15 U.S.C. 644(k))”.*

18 *(c) CHAIRMAN.—Section 7104(d) of such Act (15*
19 *U.S.C. 644 note) is amended by inserting after “Small*
20 *Business Administration” the following: “(or the designee*
21 *of the Administrator)”.*

PART IX—OTHER MATTERS**SEC. 1695. SURETY BONDS.**

(a) *MAXIMUM BOND AMOUNT.*—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking “\$2,000,000” and inserting “\$6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code,”; and

(3) by adding at the end the following:

“(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.”.

(b) *DENIAL OF LIABILITY.*—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

“(e) *REIMBURSEMENT OF SURETY; CONDITIONS.*— Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be

1 *relieved of liability (in whole or in part within the discre-*
2 *tion of the Administration) if—*

3 “(1) *the surety obtained such guarantee or agree-*
4 *ment, or applied for such reimbursement, by fraud or*
5 *material misrepresentation,*

6 “(2) *the total contract amount at the time of exe-*
7 *cution of the bond or bonds exceeds \$6,500,000,*

8 “(3) *the surety has breached a material term or*
9 *condition of such guarantee agreement, or*

10 “(4) *the surety has substantially violated the reg-*
11 *ulations promulgated by the Administration pursuant*
12 *to subsection (d).”;* and

13 (2) *by adding at the end the following:*

14 “(j) *For bonds made or executed with the prior ap-*
15 *proval of the Administration, the Administration shall not*
16 *deny liability to a surety based upon material information*
17 *that was provided as part of the guaranty application.”.*

18 (c) *SIZE STANDARDS.—Section 410 of the Small Busi-*
19 *ness Investment Act of 1958 (15 U.S.C. 694a) is amended*
20 *by adding at the end the following:*

21 “(9) *Notwithstanding any other provision of law or*
22 *any rule, regulation, or order of the Administration, for*
23 *purpose of sections 410, 411, and 412 the term ‘small busi-*
24 *ness concern’ means a business concern that meets the size*
25 *standard for the primary industry in which such business*

1 concern, and the affiliates of such business concern, is en-
 2 gaged, as determined by the Administrator in accordance
 3 with the North American Industry Classification System.”.

4 **DIVISION B—MILITARY CON-**
 5 **STRUCTION AUTHORIZA-**
 6 **TIONS**

7 **SEC. 2001. SHORT TITLE.**

8 *This division may be cited as the “Military Construc-*
 9 *tion Authorization Act for Fiscal Year 2013”.*

10 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
 11 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 12 **LAW.**

13 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
 14 *YEARS.—Except as provided in subsection (b), all author-*
 15 *izations contained in titles XXI through XXVII and title*
 16 *XXIX for military construction projects, land acquisition,*
 17 *family housing projects and facilities, and contributions to*
 18 *the North Atlantic Treaty Organization Security Invest-*
 19 *ment Program (and authorizations of appropriations there-*
 20 *for) shall expire on the later of—*

21 *(1) October 1, 2015; or*

22 *(2) the date of the enactment of an Act author-*
 23 *izing funds for military construction for fiscal year*
 24 *2016.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to au-
2 thorizations for military construction projects, land acqui-
3 sition, family housing projects and facilities, and contribu-
4 tions to the North Atlantic Treaty Organization Security
5 Investment Program (and authorizations of appropriations
6 therefor), for which appropriated funds have been obligated
7 before the later of—

8 (1) October 1, 2015; or

9 (2) the date of the enactment of an Act author-
10 izing funds for fiscal year 2016 for military construc-
11 tion projects, land acquisition, family housing
12 projects and facilities, or contributions to the North
13 Atlantic Treaty Organization Security Investment
14 Program.

15 **SEC. 2003. EFFECTIVE DATE.**

16 Titles XXI through XXVII and title XXIX shall take
17 effect on the later of—

18 (1) October 1, 2012; or

19 (2) the date of the enactment of this Act.

20 **TITLE XXI—ARMY MILITARY**
21 **CONSTRUCTION**

22 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
23 **ACQUISITION PROJECTS.**

24 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
25 propriated pursuant to the authorization of appropriations

1 *in section 2103 and available for military construction*
 2 *projects inside the United States as specified in the funding*
 3 *table in section 4601, the Secretary of the Army may ac-*
 4 *quire real property and carry out military construction*
 5 *projects for the installations or locations inside the United*
 6 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or Location	Amount
<i>Alaska</i>	<i>Fort Wainwright</i>	\$10,400,000
	<i>Joint Base Elmendorf-Richardson</i>	\$7,900,000
<i>California</i>	<i>Concord</i>	\$8,900,000
<i>Colorado</i>	<i>Fort Carson</i>	\$52,000,000
<i>District of Columbia</i>	<i>Fort McNair</i>	\$7,200,000
<i>Georgia</i>	<i>Fort Benning</i>	\$16,000,000
	<i>Fort Gordon</i>	\$23,300,000
	<i>Fort Stewart</i>	\$49,650,000
<i>Hawaii</i>	<i>Pohakuloa Training Area</i>	\$29,000,000
	<i>Schofield Barracks</i>	\$96,000,000
	<i>Wheeler Army Air Field</i>	\$85,000,000
<i>Kansas</i>	<i>Fort Riley</i>	\$12,200,000
<i>Kentucky</i>	<i>Fort Campbell</i>	\$81,800,000
	<i>Fort Knox</i>	\$6,000,000
<i>Missouri</i>	<i>Fort Leonard Wood</i>	\$123,000,000
<i>New Jersey</i>	<i>Joint Base McGuire-Dix-Lakehurst</i>	\$47,000,000
	<i>Picatinny Arsenal</i>	\$10,200,000
<i>New York</i>	<i>Fort Drum</i>	\$95,000,000
	<i>U.S. Military Academy</i>	\$192,000,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$98,000,000
<i>Oklahoma</i>	<i>Fort Sill</i>	\$4,900,000
<i>South Carolina</i>	<i>Fort Jackson</i>	\$24,000,000
<i>Texas</i>	<i>Corpus Christi</i>	\$37,200,000
	<i>Fort Bliss</i>	\$7,200,000
	<i>Fort Hood</i>	\$51,200,000
	<i>Joint Base San Antonio</i>	\$21,000,000
	<i>Arlington</i>	\$84,000,000
<i>Virginia</i>	<i>Fort Belvoir</i>	\$94,000,000
	<i>Fort Lee</i>	\$81,000,000
	<i>Joint Base Lewis-McChord</i>	\$164,000,000
<i>Washington</i>	<i>Yakima</i>	\$5,100,000

7 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2103 and available for military construc-
 10 tion projects outside the United States as specified in the
 11 funding table in section 4601, the Secretary of the Army

1 *may acquire real property and carry out military construc-*
 2 *tion projects for the installations or locations outside the*
 3 *United States, and in the amounts, set forth in the following*
 4 *table:*

Army: Outside the United States

Country	Installation or Location	Amount
<i>Italy</i>	<i>Camp Ederle</i>	\$36,000,000
	<i>Vicenza</i>	\$32,000,000
<i>Japan</i>	<i>Okinawa</i>	\$78,000,000
	<i>Sagami</i>	\$18,000,000
<i>Korea</i>	<i>Camp Humphreys</i>	\$45,000,000
<i>Kwajalein Atoll</i>	<i>Kwajalein Atoll</i>	\$62,000,000

5 **SEC. 2102. FAMILY HOUSING.**

6 *Using amounts appropriated pursuant to the author-*
 7 *ization of appropriations in section 2103 and available for*
 8 *military family housing functions as specified in the fund-*
 9 *ing table in section 4601 the Secretary of the Army may*
 10 *carry out architectural and engineering services and con-*
 11 *struction design activities with respect to the construction*
 12 *or improvement of family housing units in an amount not*
 13 *to exceed \$4,641,000.*

14 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 *Funds are hereby authorized to be appropriated for fis-*
 16 *cal years beginning after September 30, 2012, for military*
 17 *construction, land acquisition, and military family housing*
 18 *functions of the Department of the Army as specified in*
 19 *the funding table in section 4601.*

1 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2010 PROJECT.**

3 *In the case of the authorization contained in the table*
 4 *in section 2101(a) of the Military Construction Authoriza-*
 5 *tion Act for Fiscal Year 2010 (division B of Public Law*
 6 *111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for con-*
 7 *struction of a Road and Access Control Point at the instal-*
 8 *lation, the Secretary of the Army may construct a standard*
 9 *design Access Control Point consistent with the Army’s con-*
 10 *struction guidelines for Access Control Points.*

11 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 12 **FISCAL YEAR 2009 PROJECTS.**

13 *(a) EXTENSION.—Notwithstanding section 2002 of the*
 14 *Military Construction Authorization Act for Fiscal Year*
 15 *2009 (division B of Public Law 110–417; 122 Stat. 4658),*
 16 *authorizations set forth in the table in subsection (b), as*
 17 *provided in section 2101 of that Act (122 Stat. 4659), shall*
 18 *remain in effect until October 1, 2013, or the date of the*
 19 *enactment of an Act authorizing funds for military con-*
 20 *struction for fiscal year 2014, whichever is later.*

21 *(b) TABLE.—The table referred to in subsection (a) is*
 22 *as follows:*

Army: Extension of 2009 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Alabama</i>	<i>Anniston Army Depot.</i>	<i>Lake Yard Interchange</i>	<i>\$1,400,000</i>
<i>New Jersey</i>	<i>Picatinny Arsenal ..</i>	<i>Ballistic Evaluation Facility Phase I</i>	<i>\$9,900,000</i>

1 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2010 (division B of Public Law 111–84; 123 Stat. 2627),*
 6 *authorizations set forth in the table in subsection (b), as*
 7 *provided in section 2101 of that Act (123 Stat. 2628), shall*
 8 *remain in effect until October 1, 2013, or the date of the*
 9 *enactment 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) is
 12 *as follows:*

Army: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
<i>Louisiana</i>	<i>Fort Polk</i>	<i>Land Purchases and Con-</i> <i>demnation</i>	<i>\$17,000,000</i>
<i>New Jersey</i>	<i>Picatinny Arse-</i> <i>nal</i>	<i>Ballistic Evaluation Facil-</i> <i>ity Phase 2</i>	<i>\$10,200,000</i>
<i>Virginia</i>	<i>Fort Belvoir</i>	<i>Road and Access Control</i> <i>Point</i>	<i>\$9,500,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>Fort Lewis-McChord AFB</i> <i>Joint Access</i>	<i>\$9,000,000</i>
<i>Kuwait</i>	<i>Kuwait</i>	<i>APS Warehouses</i>	<i>\$82,000,000</i>

13 **SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR**
 14 **EXPENDITURE OF FUNDS FOR TOUR NORMAL-**
 15 **IZATION.**

16 *Section 2111 of the Military Construction Authoriza-*
 17 *tion Act for Fiscal Year 2012 (division B of Public Law*
 18 *112–81; 125 Stat. 1665) is amended in the matter pre-*
 19 *ceding paragraph (1) by inserting after “under this Act”*

1 the following: “or an Act authorizing funds for military
2 construction for fiscal year 2013”.

3 **TITLE XXII—NAVY MILITARY**
4 **CONSTRUCTION**

5 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
8 propriated pursuant to the authorization of appropriations
9 in section 2204(a) and available for military construction
10 projects inside the United States as specified in the funding
11 table in section 4601, the Secretary of the Navy may ac-
12 quire real property and carry out military construction
13 projects for the installations or locations inside the United
14 States, and in the amounts, set forth in the following table:

Navy: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Yuma</i>	\$29,285,000
<i>California</i>	<i>Camp Pendleton</i>	\$88,110,000
	<i>Coronado</i>	\$78,541,000
	<i>Miramar</i>	\$27,897,000
	<i>Point Mugu</i>	\$12,790,000
	<i>San Diego</i>	\$71,188,000
	<i>Seal Beach</i>	\$30,594,000
	<i>Twentynine Palms</i>	\$47,270,000
<i>Florida</i>	<i>Jacksonville</i>	\$21,980,000
<i>Hawaii</i>	<i>Kaneohe Bay</i>	\$97,310,000
<i>Mississippi</i>	<i>Meridian</i>	\$10,926,000
<i>New Jersey</i>	<i>Earle</i>	\$33,498,000
<i>North Carolina</i>	<i>Camp Lejeune</i>	\$69,890,000
	<i>Cherry Point Marine Corps Air Station</i>	\$45,891,000
	<i>New River</i>	\$8,525,000
<i>South Carolina</i>	<i>Beaufort</i>	\$81,780,000
	<i>Parris Island</i>	\$10,135,000
<i>Virginia</i>	<i>Dahlgren</i>	\$28,228,000
	<i>Oceana Naval Air Station</i>	\$39,086,000
	<i>Portsmouth</i>	\$32,706,000
	<i>Quantico</i>	\$58,714,000
	<i>Yorktown</i>	\$48,823,000
<i>Washington</i>	<i>Whidbey Island</i>	\$6,272,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204(a) and available for military con-
 4 struction projects outside the United States as specified in
 5 the funding table in section 4601, the Secretary of the Navy
 6 may acquire real property and carry out military construc-
 7 tion projects for the installation or location outside the
 8 United States, and in the amounts, set forth in the following
 9 table:

Navy: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Diego Garcia</i>	<i>Diego Garcia</i>	\$1,691,000
<i>Greece</i>	<i>Souda Bay</i>	\$25,123,000
<i>Japan</i>	<i>Iwakuni</i>	\$13,138,000
.....	<i>Okinawa</i>	\$8,206,000
<i>Romania</i>	<i>Deveselu</i>	\$45,205,000
<i>Spain</i>	<i>Rota</i>	\$17,215,000
<i>Worldwide (Unspec- ified)</i>	<i>Unspecified Worldwide Locations</i>	\$34,048,000

10 ***SEC. 2202. FAMILY HOUSING.***

11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2204(a) and available
 13 for military family housing functions as specified in the
 14 funding table in section 4601, the Secretary of the Navy
 15 may carry out architectural and engineering services and
 16 construction design activities with respect to the construc-
 17 tion or improvement of family housing units in an amount
 18 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 Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2204(a) and available*
6 *for military family housing functions, the Secretary of the*
7 *Navy may improve existing military family housing units*
8 *in an amount not to exceed \$97,655,000.*

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
11 *hereby authorized to be appropriated for fiscal years begin-*
12 *ning after September 30, 2012, for military construction,*
13 *land acquisition, and military family housing functions of*
14 *the Department of the Navy, as specified in the funding*
15 *table in section 4601.*

16 *(b) LIMITATION.—The Secretary of the Navy shall not*
17 *enter into an award for a military construction project in*
18 *Romania until after the date on which the Secretary sub-*
19 *mits a NATO prefinancing request for consideration of the*
20 *military construction project.*

21 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2012 PROJECT.**

23 *In the case of the authorization contained in the table*
24 *in section 2201(a) of the Military Construction Authoriza-*
25 *tion Act for Fiscal Year 2012 (division B of Public Law*
26 *112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington,*

1 for construction of *Explosives Handling Wharf No. 2* at that
 2 location, the Secretary of the Navy may acquire fee or lesser
 3 real property interests to accomplish required environ-
 4 mental mitigation for the project using appropriations au-
 5 thorized for the project.

6 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 7 **FISCAL YEAR 2009 PROJECTS.**

8 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 9 *Military Construction Authorization Act for Fiscal Year*
 10 *2009* (division B of Public Law 110–417; 122 Stat. 4658),
 11 the authorization set forth in the table in subsection (b),
 12 as provided in section 2201 of that Act (122 Stat 4670)
 13 and extended by section 2206 of the *Military Construction*
 14 *Authorization Act for Fiscal Year 2012* (division B of Pub-
 15 *lic Law 112–81; 125 Stat. 1668*), shall remain in effect
 16 until October 1, 2013, or the date of an Act authorizing
 17 funds for military construction for fiscal year 2014, which-
 18 ever is later.

19 (b) *TABLE.*—The table referred to in subsection (a) is
 20 as follows:

Navy: Extension of 2009 Project Authorizations

State	Installation or Lo- cation	Project	Amount
California	Marine Corps Base, Camp Pendelton.	Operations Access Points, Red Beach	\$11,970,000
	Marine Corps Air Station, Miramar.	Emergency Response Station	\$6,530,000
District of Co- lumbia.	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 the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2010 (division B of Public Law 111–84; 123 Stat. 2627),*
 6 *the authorization set forth in the table in subsection (b),*
 7 *as provided in section 2201 of that Act (123 Stat. 2632),*
 8 *shall remain in effect until October 1, 2013, or the date*
 9 *of an Act authorizing funds for military construction for*
 10 *fiscal year 2014, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 *as follows:*

Navy: Extension of 2010 Project Authorization

<i>State/Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Bridgeport</i>	<i>Mountain Warfare Training, Com-</i> <i>missary</i>	<i>\$6,830,000</i>
<i>Maine</i>	<i>Portsmouth Naval Shipyard.</i>	<i>Gate 2 Security Im-</i> <i>provements</i>	<i>\$7,090,000</i>
<i>Djibouti</i>	<i>Camp Lemonier</i>	<i>Security Fencing</i>	<i>\$8,109,000</i>
		<i>Ammo Supply Point ...</i>	<i>\$21,689,000</i>
		<i>Interior Paved Roads ...</i>	<i>\$7,275,000</i>

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 ap-
 18 *propriated pursuant to the authorization of appropriations*
 19 *in section 2304 and available for military construction*
 20 *projects inside the United States as specified in the funding*

1 table in section 4601, the Secretary of the Air Force may
 2 acquire real property and carry out military construction
 3 projects for the installations or locations inside the United
 4 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$30,178,000
<i>Florida</i>	<i>Tyndall Air Force Base</i>	\$14,750,000
<i>Georgia</i>	<i>Fort Stewart</i>	\$7,250,000
	<i>Moody Air Force Base</i>	\$8,500,000
<i>New Mexico</i>	<i>Holloman Air Force Base</i>	\$25,000,000
<i>North Dakota</i>	<i>Minot Air Force Base</i>	\$4,600,000
<i>Texas</i>	<i>Joint Base San Antonio</i>	\$18,000,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$13,530,000

5 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2304 and available for military construc-
 8 tion projects outside the United States as specified in the
 9 funding table in section 4601, the Secretary of the Air Force
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations or locations outside the
 12 United States, and in the amounts, set forth in the following
 13 table:

Air Force: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Greenland</i>	<i>Thule Air Base</i>	\$63,500,000
<i>Guam</i>	<i>Andersen Air Force Base</i>	\$128,000,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$9,400,000
<i>Worldwide, Unspecified</i>	<i>Unspecified Worldwide Locations</i>	\$34,657,000

14 **SEC. 2302. FAMILY HOUSING.**

15 Using amounts appropriated pursuant to the author-
 16 ization of appropriations in section 2304 and available for

1 *military family housing functions as specified in the fund-*
2 *ing table in section 4601, the Secretary of the Air Force*
3 *may carry out architectural and engineering services and*
4 *construction design activities with respect to the construc-*
5 *tion or improvement of family housing units in an amount*
6 *not to exceed \$4,253,000.*

7 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
8 **UNITS.**

9 *Subject to section 2825 of title 10, United States Code,*
10 *and using amounts appropriated pursuant to the author-*
11 *ization of appropriations in section 2304 and available for*
12 *military family housing functions as specified in the fund-*
13 *ing table in section 4601, the Secretary of the Air Force*
14 *may improve existing military family housing units in an*
15 *amount not to exceed \$79,571,000.*

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 *Funds are hereby authorized to be appropriated for fis-*
19 *cal years beginning after September 30, 2012, for military*
20 *construction, land acquisition, and military family housing*
21 *functions of the Department of the Air Force, as specified*
22 *in the funding table in section 4601.*

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2010 (division B of Public Law 111–84; 123 Stat. 2627),*
 6 *authorizations set forth in the table in subsection (b), as*
 7 *provided in section 2301 of that Act (123 Stat. 2636), shall*
 8 *remain in effect until October 1, 2013, or the date of an*
 9 *Act authorizing funds for military construction for fiscal*
 10 *year 2014, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 *as follows:*

Air Force: Extension of 2010 Project Authorization

<i>Location</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	<i>Land Acquisition North & South Boundary</i>	<i>\$5,500,000</i>
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	<i>Weapons Storage Area (WSA), Phase 2</i>	<i>\$10,600,000</i>

13 **TITLE XXIV—DEFENSE AGEN-**
 14 **CIES MILITARY CONSTRU-**
 15 **CTION**

16 **Subtitle A—Defense Agency**
 17 **Authorizations**

18 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 19 **TION AND LAND ACQUISITION PROJECTS.**

20 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 21 *propriated pursuant to the authorization of appropriations*

1 *in section 2403(a) and available for military construction*
 2 *projects inside the United States as specified in the funding*
 3 *table in section 4601, the Secretary of Defense may acquire*
 4 *real property and carry out military construction projects*
 5 *for the installations or locations inside the United States,*
 6 *and in the amounts, set forth in the following table:*

Defense Agencies: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Yuma</i>	<i>\$1,300,000</i>
<i>California</i>	<i>Coronado</i>	<i>\$55,259,000</i>
	<i>DEF Fuel Support Point-San Diego</i>	<i>\$91,563,000</i>
	<i>Edwards Air Force Base</i>	<i>\$27,500,000</i>
	<i>Twentymine Palms</i>	<i>\$27,400,000</i>
<i>Colorado</i>	<i>Buckley Air Force Base</i>	<i>\$30,000,000</i>
	<i>Fort Carson</i>	<i>\$56,673,000</i>
	<i>Pikes Peak</i>	<i>\$3,600,000</i>
<i>CONUS Classified</i>	<i>Classified Location</i>	<i>\$59,577,000</i>
<i>Delaware</i>	<i>Dover Air Force Base</i>	<i>\$2,000,000</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>\$41,965,000</i>
	<i>Hurlburt Field</i>	<i>\$16,000,000</i>
	<i>MacDill Air Force Base</i>	<i>\$34,409,000</i>
<i>Hawaii</i>	<i>Joint Base Pearl Harbor-Hickam</i> ...	<i>\$24,289,000</i>
<i>Illinois</i>	<i>Great Lakes</i>	<i>\$28,700,000</i>
	<i>Scott Air Force Base</i>	<i>\$86,711,000</i>
<i>Indiana</i>	<i>Grisson Army Reserve Base</i>	<i>\$26,800,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$71,639,000</i>
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	<i>\$11,700,000</i>
<i>Maryland</i>	<i>Annapolis</i>	<i>\$66,500,000</i>
	<i>Bethesda Naval Hospital</i>	<i>\$69,200,000</i>
	<i>Fort Meade</i>	<i>\$128,600,000</i>
<i>Missouri</i>	<i>Fort Leonard Wood</i>	<i>\$18,100,000</i>
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	<i>\$93,085,000</i>
<i>New York</i>	<i>Fort Drum</i>	<i>\$43,200,000</i>
<i>North Carolina</i>	<i>Camp Lejeune</i>	<i>\$80,064,000</i>
	<i>Fort Bragg</i>	<i>\$100,422,000</i>
	<i>Seymour Johnson Air Force Base</i> ...	<i>\$55,450,000</i>
<i>Pennsylvania</i>	<i>DEF Distribution Depot New Cum-</i> <i>berland</i>	<i>\$17,400,000</i>
<i>South Carolina</i>	<i>Shaw Air Force Base</i>	<i>\$57,200,000</i>
<i>Texas</i>	<i>Red River Army Depot</i>	<i>\$16,715,000</i>
<i>Virginia</i>	<i>Dam Neck</i>	<i>\$11,000,000</i>
	<i>Joint Expeditionary Base Little</i> <i>Creek - Story</i>	<i>\$11,132,000</i>
	<i>Norfolk</i>	<i>\$8,500,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$50,520,000</i>

7 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 8 appropriated pursuant to the authorization of appropri-
 9 tions in section 2403(a) and available for military con-

1 *struction projects outside the United States as specified in*
 2 *the funding table in section 4601, the Secretary of Defense*
 3 *may acquire real property and carry out military construc-*
 4 *tion projects for the installations or locations outside the*
 5 *United States, and in the amounts, set forth in the following*
 6 *table:*

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
<i>Belgium</i>	<i>Brussels</i>	<i>\$26,969,000</i>
<i>Germany</i>	<i>Stuttgart-Patch Barracks</i>	<i>\$2,413,000</i>
	<i>Vogelweh</i>	<i>\$61,415,000</i>
	<i>Weisbaden</i>	<i>\$52,178,000</i>
<i>Guam</i>	<i>Andersen Air Force Base</i>	<i>\$67,500,000</i>
<i>Guantanamo Bay, Cuba</i>	<i>Guantanamo Bay</i>	<i>\$40,200,000</i>
<i>Japan</i>	<i>Camp Zama</i>	<i>\$13,273,000</i>
	<i>Kadena Air Base</i>	<i>\$143,545,000</i>
	<i>Sasebo</i>	<i>\$35,733,000</i>
	<i>Zukeran</i>	<i>\$79,036,000</i>
<i>Korea</i>	<i>Kunsan Air Base</i>	<i>\$13,000,000</i>
	<i>Osan Air Base</i>	<i>\$77,292,000</i>
<i>Romania</i>	<i>Deveselu</i>	<i>\$157,900,000</i>
<i>United Kingdom</i>	<i>Menwith Hill Station</i>	<i>\$50,283,000</i>
	<i>Royal Air Force Feltwell</i>	<i>\$30,811,000</i>
	<i>Royal Air Force Mildenhall</i>	<i>\$6,490,000</i>

7 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
 8 **PROJECTS.**

9 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 10 propriated pursuant to the authorization of appropriations
 11 in section 2403(a) and available for energy conservation
 12 projects inside the United States as specified in the funding
 13 table in section 4601, the Secretary of Defense may carry
 14 out energy conservation projects under chapter 173 of title
 15 10, United States Code, for the installations or locations
 16 inside the United States, and in the amounts, set forth in
 17 the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
<i>Alaska</i>	<i>Clear</i>	\$15,337,000
<i>California</i>	<i>Fort Hunter Liggett</i>	\$9,600,000
	<i>Parks RFTA</i>	\$9,256,000
<i>Colorado</i>	<i>Aerospace Data Facility</i>	\$3,310,000
	<i>Fort Carson</i>	\$4,000,000
<i>Hawaii</i>	<i>Joint Base Pearl Harbor Hickam</i> ..	\$6,610,000
<i>Missouri</i>	<i>Whiteman</i>	\$6,000,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$2,700,000
	<i>MCB Camp Lejeune</i>	\$5,701,000
<i>New Jersey</i>	<i>Sea Girt</i>	\$3,000,000
<i>Pennsylvania</i>	<i>NSA Mechanicsburg</i>	\$19,926,000
	<i>Susquehanna</i>	\$2,550,000
	<i>Tobyhanna Army Depot</i>	\$3,950,000
<i>Tennessee</i>	<i>Arnold</i>	\$3,606,000
<i>Texas</i>	<i>Fort Bliss</i>	\$5,700,000
	<i>Fort Bliss</i>	\$2,600,000
	<i>Laughlin</i>	\$4,800,000
<i>Virginia</i>	<i>MCB Quantico</i>	\$7,943,000
	<i>Pentagon Reservation</i>	\$2,360,000
	<i>Pentagon Reservation</i>	\$2,120,000
<i>Various Locations</i>	<i>Various Locations</i>	\$12,886,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403 and available for energy conservation
4 projects outside the United States as specified in the fund-
5 ing table in section 4601, the Secretary of Defense may
6 carry out energy conservation projects under chapter 173
7 of title 10, United States Code, for the installations or loca-
8 tions outside the United States, and in the amounts, set
9 forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
<i>Italy</i>	<i>Naval Air Station Sigonella</i>	\$6,121,000
<i>Spain</i>	<i>Naval Station Rota</i>	\$2,671,000
<i>Various Locations</i>	<i>Various Locations</i>	\$7,253,000

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
2 **AGENCIES.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
4 hereby authorized to be appropriated for fiscal years begin-
5 ning after September 30, 2012, for military construction,
6 land acquisition, and military family housing functions of
7 the Department of Defense (other than the military depart-
8 ments), as specified in the funding table in section 4601.

9 (b) *LIMITATION.*—The Secretary of Defense shall not
10 enter into an award for a military construction project in
11 Romania until after the date on which the Secretary sub-
12 mits a NATO prefinancing request for consideration of the
13 military construction project.

14 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

16 (a) *MARYLAND.*—The table in section 2401(a) of the
17 Military Construction Authorization Act for Fiscal Year
18 2012 (division B of Public Law 112–81; 125 Stat. 1672),
19 is amended in the item relating to Fort Meade, Maryland,
20 by striking “\$29,640,000” in the amount column and in-
21 serting “\$792,200,000”.

22 (b) *GERMANY.*—The table in section 2401(b) of the
23 Military Construction Authorization Act for Fiscal Year
24 2012 (division B of Public Law 112–81; 125 Stat. 1673),
25 is amended in the item relating to Rhine Ordnance Bar-

1 racks, Germany, by striking “\$750,000,000” in the amount
 2 column and inserting “\$850,000,000”.

3 **SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN**
 4 **FISCAL YEAR 2010 PROJECT.**

5 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 6 Military Construction Authorization Act for Fiscal Year
 7 2010 (division B of Public Law 111–84; 123 Stat. 2627),
 8 the authorization set forth in the table in subsection (b),
 9 as provided in section 2401(a) of that Act (123 Stat. 2640),
 10 shall remain in effect until October 1, 2013, or the date
 11 of the enactment of an Act authorizing funds for military
 12 construction for fiscal year 2014, whichever is later:

13 (b) *TABLE.*—The table referred to in subsection (a) is
 14 as follows:

Extension of 2010 Project Authorization

<i>State/Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
Virginia	Pentagon Reservation	Pentagon electrical upgrade	\$19,272,000

15 **Subtitle B—Chemical**
 16 **Demilitarization Authorizations**

17 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
 18 **ICAL DEMILITARIZATION CONSTRUCTION,**
 19 **DEFENSE-WIDE.**

20 Funds are hereby authorized to be appropriated for fis-
 21 cal years beginning after September 30, 2012, for military

1 *construction and land acquisition for chemical demili-*
2 *tarization as specified in the funding table in section 4601.*

3 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **CERTAIN FISCAL YEAR 1997 PROJECT.**

5 (a) *MODIFICATIONS.*—*The table in section 2401(a) of*
6 *the Military Construction Authorization Act for Fiscal Year*
7 *1997 (division B of Public Law 104–201; 110 Stat. 2775),*
8 *as amended by section 2406 of the Military Construction*
9 *Authorization Act for Fiscal Year 2000 (division B of Pub-*
10 *lic Law 106–65; 113 Stat. 839), section 2407 of the Military*
11 *Construction Authorization Act for Fiscal Year 2003 (divi-*
12 *sion B of Public Law 107–314; 116 Stat. 2699), and section*
13 *2413 of the Military Construction Authorization Act for*
14 *Fiscal Year 2009 (division B of Public Law 110–417; 122*
15 *Stat. 4697), is further amended—*

16 (1) *under the agency heading relating to Chem-*
17 *ical Demilitarization Program, in the item relating*
18 *to Pueblo Army Depot, Colorado, by striking*
19 *“\$484,000,000” in the amount column and inserting*
20 *“\$520,000,000”; and*

21 (2) *by striking the amount identified as the total*
22 *in the amount column and inserting “\$866,454,000”.*

23 (b) *CONFORMING AMENDMENT.*—*Section 2406(b)(2) of*
24 *the Military Construction Authorization Act for Fiscal Year*

1 1997 (110 Stat. 2779), as so amended, is further amended
2 by striking “\$484,000,000” and inserting “\$520,000,000”.

3 **TITLE XXV—NORTH ATLANTIC**
4 **TREATY ORGANIZATION SE-**
5 **CURITY INVESTMENT PRO-**
6 **GRAM**

7 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
8 **ACQUISITION PROJECTS.**

9 *The Secretary of Defense may make contributions for*
10 *the North Atlantic Treaty Organization Security Invest-*
11 *ment Program as provided in section 2806 of title 10,*
12 *United States Code, in an amount not to exceed the sum*
13 *of the amount authorized to be appropriated for this pur-*
14 *pose in section 2502 and the amount collected from the*
15 *North Atlantic Treaty Organization as a result of construc-*
16 *tion previously financed by the United States.*

17 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

18 *Funds are hereby authorized to be appropriated for fis-*
19 *cal years beginning after September 30, 2012, for contribu-*
20 *tions by the Secretary of Defense under section 2806 of title*
21 *10, United States Code, for the share of the United States*
22 *of the cost of projects for the North Atlantic Treaty Organi-*
23 *zation Security Investment Program authorized by section*
24 *2501 as specified in the funding table in section 4601.*

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 ap-
 10 *propriated pursuant to the authorization of appropriations*
 11 *in section 2606 and available for the National Guard and*
 12 *Reserve as specified in the funding table in section 4601,*
 13 *the Secretary of the Army may acquire real property and*
 14 *carry out military construction projects for the Army Na-*
 15 *tional Guard locations inside the United States, and in the*
 16 *amounts, set forth in the following table:*

Army National Guard: Inside the United States

State	Location	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
	Terra Haute	\$9,000,000
Iowa	Camp Dodge	\$3,000,000
Kansas	Topeka	\$9,500,000
Kentucky	Frankfort	\$32,000,000
Massachusetts	Camp Edwards	\$27,200,000
Michigan	Camp Grayling	\$17,000,000
Minnesota	Camp Ripley	\$17,000,000
	St. Paul	\$17,000,000
Missouri	Fort Leonard Wood	\$18,000,000
	Kansas City	\$1,900,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
	<i>Monett</i>	\$820,000
	<i>Perryville</i>	\$700,000
<i>Montana</i>	<i>Miles City</i>	\$11,000,000
<i>New Jersey</i>	<i>Sea Girt</i>	\$34,000,000
<i>New York</i>	<i>Stonville</i>	\$24,000,000
<i>Ohio</i>	<i>Chillicothe</i>	\$3,100,000
	<i>Delaware</i>	\$12,000,000
<i>Oklahoma</i>	<i>Camp Gruber</i>	\$25,000,000
<i>Utah</i>	<i>Camp Williams</i>	\$36,000,000
<i>Vermont</i>	<i>North Hyde Park</i>	\$4,397,000
<i>Washington</i>	<i>Fort Lewis</i>	\$35,000,000
<i>West Virginia</i>	<i>Logan</i>	\$14,200,000
<i>Wisconsin</i>	<i>Wausau</i>	\$10,000,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606 and available for the National Guard
4 and Reserve as specified in the funding table in section
5 4601, the Secretary of the Army may acquire real property
6 and carry out military construction projects for the Army
7 National Guard locations outside the United States, and
8 in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
<i>Guam</i>	<i>Barrigada</i>	\$8,500,000
<i>Puerto Rico</i>	<i>Camp Santiago</i>	\$3,800,000
	<i>Ceiba</i>	\$2,200,000
	<i>Guaynabo</i>	\$15,000,000
	<i>Gurabo</i>	\$14,700,000

9 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
10 **AND LAND ACQUISITION PROJECTS.**

11 Using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2606 and available for
13 the National Guard and Reserve as specified in the funding
14 table in section 4601, the Secretary of the Army may ac-

1 *quire real property and carry out military construction*
 2 *projects for the Army Reserve locations inside the United*
 3 *States, and in the amounts, set forth in the following table:*

Army Reserve

Country	Location	Amount
<i>California</i>	<i>Fort Hunter Liggett</i>	<i>\$78,300,000</i>
	<i>Tustin</i>	<i>\$27,000,000</i>
<i>Illinois</i>	<i>Fort Sheridan</i>	<i>\$28,000,000</i>
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	<i>\$21,000,000</i>
	<i>Baltimore</i>	<i>\$10,000,000</i>
<i>Massachusetts</i>	<i>Devens Reserve Forces Training Area ...</i>	<i>\$8,500,000</i>
<i>Nevada</i>	<i>Las Vegas</i>	<i>\$21,000,000</i>
<i>New Jersey</i>	<i>Joint Base McGuire-Dix-Lakehurst</i>	<i>\$7,400,000</i>
<i>Pennsylvania</i>	<i>Conneant Lake</i>	<i>\$4,800,000</i>
<i>Washington</i>	<i>Joint Base Lewis-McChord</i>	<i>\$40,000,000</i>
<i>Wisconsin</i>	<i>Fort McCoy</i>	<i>\$47,800,000</i>

4 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 5 **CORPS RESERVE CONSTRUCTION AND LAND**
 6 **ACQUISITION PROJECTS.**

7 *Using amounts appropriated pursuant to the author-*
 8 *ization of appropriations in section 2606 and available for*
 9 *the National Guard and Reserve as specified in the funding*
 10 *table in section 4601, the Secretary of the Navy may ac-*
 11 *quire real property and carry out military construction*
 12 *projects for the Navy Reserve and Marine Corps Reserve*
 13 *locations inside the United States, and in the amounts, set*
 14 *forth in the following table:*

Navy Reserve and Marine Corps Reserve

State	Location	Amount
<i>Arizona</i>	<i>Yuma</i>	<i>\$5,379,000</i>
<i>Iowa</i>	<i>Fort Des Moines</i>	<i>\$19,162,000</i>
<i>Louisiana</i>	<i>New Orleans</i>	<i>\$7,187,000</i>
<i>New York</i>	<i>Brooklyn</i>	<i>\$4,430,000</i>
<i>Texas</i>	<i>Fort Worth</i>	<i>\$11,256,000</i>

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**
 2

3 *Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:*

Air National Guard

State	Location	Amount
<i>California</i>	<i>Fresno Yosemite International Airport Air National Guard</i>	<i>\$11,000,000</i>
<i>Hawaii</i>	<i>Joint Base Pearl Harbor-Hickam</i>	<i>\$6,500,000</i>
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	<i>\$8,500,000</i>
<i>Tennessee</i>	<i>McGee-Tyson Airport</i>	<i>\$18,000,000</i>
<i>Wyoming</i>	<i>Cheyenne Municipal Airport</i>	<i>\$6,486,000</i>

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**
 12

13 *Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:*

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	\$16,900,000
New York	Niagara Falls International Airport	\$6,100,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal years beginning after September 30, 2012, for the costs*
5 *of acquisition, architectural and engineering services, and*
6 *construction of facilities for the Guard and Reserve Forces,*
7 *and for contributions therefor, under chapter 1803 of title*
8 *10, United States Code (including the cost of acquisition*
9 *of land for those facilities), as specified in the funding table*
10 *in section 4601.*

11 **Subtitle B—Other Matters**

12 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 2010 PROJECTS.**

14 (a) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
15 *GUARD READINESS CENTER PROJECT, NORTH LAS VEGAS,*
16 *NEVADA.—In the case of the authorization contained in the*
17 *table in section 2601 of the Military Construction Author-*
18 *ization Act for Fiscal Year 2010 (division B of Public Law*
19 *111–84; 123 Stat. 2648) for North Las Vegas, Nevada, for*
20 *construction of a Readiness Center, the Secretary of the*
21 *Army may construct up to 68,593 square feet of readiness*
22 *center, 10,000 square feet of unheated equipment storage*

1 area, and 25,000 square feet of unheated vehicle storage,
2 consistent with the Army's construction guidelines for read-
3 iness centers.

4 (b) *AUTHORITY TO CARRY OUT ARMY RESERVE CEN-*
5 *TER PROJECT, MIRAMAR, CALIFORNIA.*—In the case of the
6 authorization contained in the table in section 2602 of the
7 Military Construction Authorization Act for Fiscal Year
8 2010 (division B of Public Law 111–84; 123 Stat. 2649)
9 for Camp Pendleton, California, for construction of an
10 Army Reserve Center, the Secretary of the Army may in-
11 stead construct an Army Reserve Center in the vicinity of
12 the Marine Corps Air Station, Miramar, California.

13 (c) *AUTHORITY TO CARRY OUT ARMY RESERVE CEN-*
14 *TER PROJECT, BRIDGEPORT, CONNECTICUT.*—In the case
15 of the authorization contained in the table in section 2602
16 of the Military Construction Authorization Act for Fiscal
17 Year 2010 (division B of Public Law 111–84; 123 Stat.
18 2649) for Bridgeport, Connecticut, for construction of an
19 Army Reserve Center/Land, the Secretary of the Army may
20 instead construct an Army Reserve Center and acquire land
21 in the vicinity of Bridgeport, Connecticut.

22 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
23 **CERTAIN FISCAL YEAR 2011 PROJECTS.**

24 (a) *AUTHORITY TO CARRY OUT ARMY RESERVE CEN-*
25 *TER PROJECT, FORT STORY, VIRGINIA.*—In the case of the

1 *authorization contained in the table in section 2602 of the*
2 *Military Construction Authorization Act for Fiscal Year*
3 *2011 (division B of Public Law 111–383; 124 Stat. 4453)*
4 *for Fort Story, Virginia, for construction of an Army Re-*
5 *serve Center, the Secretary of the Army may instead con-*
6 *struct an Army Reserve Center in the vicinity of Fort*
7 *Story, Virginia.*

8 (b) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
9 *GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the case*
10 *of the authorization contained in the table in section 2601*
11 *of the Military Construction Authorization Act for Fiscal*
12 *Year 2011 (division B of Public Law 111–383; 124 Stat.*
13 *4451) for Fort Chaffee, Arkansas, for construction of a Live*
14 *Fire Shoot House, the Secretary of the Army may construct*
15 *up to 5,869 square feet of Live Fire Shoot House.*

16 (c) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
17 *GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.—In the*
18 *case of the authorization contained in the table in section*
19 *2601 of the Military Construction Authorization Act for*
20 *Fiscal Year 2011 (division B of Public Law 111–383; 124*
21 *Stat. 4451) for Windsor Locks, Connecticut, for construc-*
22 *tion of a Readiness Center, the Secretary of the Army may*
23 *construct up to 119,510 square feet of a Readiness Center.*

24 (d) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
25 *GUARD PROJECT, KALAELOA, HAWAII.—In the case of the*

1 *authorization contained in the table in section 2601 of the*
2 *Military Construction Authorization Act for Fiscal Year*
3 *2011 (division B of Public Law 111–383; 124 Stat. 4451)*
4 *for Kalealoa, Hawaii, for construction of a Combined Sup-*
5 *port Maintenance Shop, the Secretary of the Army may*
6 *construct up to 137,548 square feet of a Combined Support*
7 *Maintenance Shop.*

8 (e) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
9 *GUARD PROJECT, WICHITA, KANSAS.—In the case of the*
10 *authorization contained in the table in section 2601 of the*
11 *Military Construction Authorization Act for Fiscal Year*
12 *2011 (division B of Public Law 111–383; 124 Stat. 4451)*
13 *for Wichita, Kansas, for construction of a Field Mainte-*
14 *nance Shop, the Secretary of the Army may construct up*
15 *to 62,102 square feet of Field Maintenance Shop.*

16 (f) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
17 *GUARD PROJECT, MINDEN, LOUISIANA.—In the case of the*
18 *authorization contained in the table in section 2601 of the*
19 *Military Construction Authorization Act for Fiscal Year*
20 *2011 (division B of Public Law 111–383; 124 Stat. 4451)*
21 *for Minden, Louisiana, for construction of a Readiness Cen-*
22 *ter, the Secretary of the Army may construct up to 90,944*
23 *square feet of a Readiness Center.*

24 (g) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
25 *GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the case*

1 *of the authorization contained in the table in section 2601*
2 *of the Military Construction Authorization Act for Fiscal*
3 *Year 2011 (division B of Public Law 111–383; 124 Stat.*
4 *4451) for Saint Inigoes, Maryland, for construction of a*
5 *Tactical Unmanned Aircraft System Facility, the Secretary*
6 *of the Army may construct up to 10,298 square feet of a*
7 *Tactical Unmanned Aircraft System Facility.*

8 (h) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
9 *GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In*
10 *the case of the authorization contained in the table in sec-*
11 *tion 2601 of the Military Construction Authorization Act*
12 *for Fiscal Year 2011 (division B of Public Law 111–383;*
13 *124 Stat. 4451) for Camp Grafton, North Dakota, for con-*
14 *struction of a Readiness Center, the Secretary of the Army*
15 *may construct up to 68,671 square feet of a Readiness Cen-*
16 *ter.*

17 (i) *AUTHORITY TO CARRY OUT ARMY NATIONAL*
18 *GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the*
19 *case of the authorization contained in the table in section*
20 *2601 of the Military Construction Authorization Act for*
21 *Fiscal Year 2011 (division B of Public Law 111–383; 124*
22 *Stat. 4451) for Watertown, South Dakota, for construction*
23 *of a Readiness Center, the Secretary of the Army may con-*
24 *struct up to 97,865 square feet of a Readiness Center.*

1 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2009 PROJECT.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2009 (division B of Public Law 110–417; 122 Stat. 4658),*
 6 *the authorization set forth in the table in subsection (b),*
 7 *as provided in section 2604 of that Act (122 Stat. 4706),*
 8 *shall remain in effect until October 1, 2013, or the date*
 9 *of the enactment of an Act authorizing funds for military*
 10 *construction for fiscal year 2014, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 *as follows:*

Air National Guard: Extension of 2009 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Mississippi</i>	<i>Gulfport-Biloxi Airport.</i>	<i>Relocate Munitions Complex</i>	<i>\$3,400,000</i>

13 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
 14 **FISCAL YEAR 2010 PROJECTS.**

15 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 16 *Military Construction Authorization Act for Fiscal Year*
 17 *2010 (division B of Public Law 111–84; 123 Stat. 2627),*
 18 *the authorizations set forth in the tables in subsection (b),*
 19 *as provided in sections 2602 and 2604 of that Act (123*
 20 *Stat. 2649, 2651), shall remain in effect until October 1,*
 21 *2013, or the date of the enactment of an Act authorizing*

1 *funds for military construction for fiscal year 2014, which-*
 2 *ever is later.*

3 (b) *TABLE.—The tables referred to in subsection (a)*
 4 *are as follows:*

Army Reserve: Extension of 2010 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Camp Pendleton ..</i>	<i>Army Reserve Center</i>	<i>\$19,500,000</i>
<i>Connecticut</i>	<i>Bridgeport</i>	<i>Army Reserve Center/Land</i>	<i>\$18,500,000</i>

Air National Guard: Extension of 2010 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Mississippi</i>	<i>Gulfport-Biloxi Airport</i>	<i>Relocate Base Entrance</i>	<i>\$6,500,000</i>

5 ***TITLE XXVII—BASE REALIGN-***
 6 ***MENT AND CLOSURE ACTIVI-***
 7 ***TIES***

8 ***Subtitle A—Authorization of***
 9 ***Appropriations***

10 ***SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE***
 11 ***REALIGNMENT AND CLOSURE ACTIVITIES***
 12 ***FUNDED THROUGH DEPARTMENT OF DE-***
 13 ***FENSE BASE CLOSURE ACCOUNT 1990.***

14 *Funds are hereby authorized to be appropriated for fis-*
 15 *cal years beginning after September 30, 2012, for base re-*
 16 *alignment and closure activities, including real property*
 17 *acquisition and military construction projects, as author-*
 18 *ized by the Defense Base Closure and Realignment Act of*
 19 *1990 (part A of title XXIX of Public Law 101–510; 10*

1 *U.S.C. 2687 note) and funded through the Department of*
2 *Defense Base Closure Account 1990 established by section*
3 *2906 of such Act as specified in the funding table in section*
4 *4601.*

5 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
6 **REALIGNMENT AND CLOSURE ACTIVITIES**
7 **FUNDED THROUGH DEPARTMENT OF DE-**
8 **FENSE BASE CLOSURE ACCOUNT 2005.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal years beginning after September 30, 2012, for base re-*
11 *alignment and closure activities, including real property*
12 *acquisition and military construction projects, as author-*
13 *ized by the Defense Base Closure and Realignment Act of*
14 *1990 (part A of title XXIX of Public Law 101–510; 10*
15 *U.S.C. 2687 note) and funded through the Department of*
16 *Defense Base Closure Account 2005 established by section*
17 *2906A of such Act as specified in the funding table in sec-*
18 *tion 4601.*

19 ***Subtitle B—Other Matters***

20 **SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE**
21 **BASE CLOSURE ACCOUNTS AND AUTHORIZED**
22 **USES OF BASE CLOSURE ACCOUNT FUNDS.**

23 *(a) ESTABLISHMENT OF SINGLE DEPARTMENT OF DE-*
24 *FENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—The*
25 *Defense Base Closure and Realignment Act of 1990 (part*

1 *A of title XXIX of Public Law 101–510; 10 U.S.C. 2687*
2 *note) is amended by striking sections 2906 and 2906A and*
3 *inserting the following new section 2906:*

4 **“SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
5 **COUNT.**

6 *“(a) ESTABLISHMENT.—There is hereby established on*
7 *the books of the Treasury an account to be known as the*
8 *‘Department of Defense Base Closure Account’ which shall*
9 *be administered by the Secretary as a single account.*

10 *“(b) CREDITS TO ACCOUNT.—There shall be credited*
11 *to the Account the following:*

12 *“(1) Funds authorized for and appropriated to*
13 *the Account.*

14 *“(2) Funds transferred to the Account pursuant*
15 *to section ____ (b) of the National Defense Authoriza-*
16 *tion Act for Fiscal Year 2013.*

17 *“(3) Funds that the Secretary may, subject to*
18 *approval in an appropriation Act, transfer to the Ac-*
19 *count from funds appropriated to the Department of*
20 *Defense for any purpose, except that funds may be*
21 *transferred under the authority of this paragraph*
22 *only after the date on which the Secretary transmits*
23 *written notice of, and justification for, such transfer*
24 *to the congressional defense committees.*

1 “(4) *Proceeds received from the lease, transfer, or*
2 *disposal of any property at a military installation*
3 *closed or realigned under this part or the 1988 BRAC*
4 *law.*

5 “(c) *USE OF ACCOUNT.—*

6 “(1) *AUTHORIZED PURPOSES.—The Secretary*
7 *may use the funds in the Account only for the fol-*
8 *lowing purposes:*

9 “(A) *To carry out the Defense Environ-*
10 *mental Restoration Program under section 2701*
11 *of title 10, United States Code, and other envi-*
12 *ronmental restoration and mitigation activities*
13 *at military installations closed or realigned*
14 *under this part or the 1988 BRAC law.*

15 “(B) *To cover property management, dis-*
16 *posal, and caretaker costs incurred at military*
17 *installations closed or realigned under this part*
18 *or the 1988 BRAC law.*

19 “(C) *To cover costs associated with super-*
20 *vision, inspection, overhead, engineering, and de-*
21 *sign of military construction projects undertaken*
22 *under this part or the 1988 BRAC law before*
23 *September 30, 2013, and subsequent claims, if*
24 *any, related to such activities.*

1 “(D) *To record, adjust, and liquidate obligations properly chargeable to the following accounts:*

2
3
4 “(i) *The Department of Defense Base Closure Account 2005 established by section 2906A of this part, as in effect on September 30, 2013.*

5
6
7
8 “(ii) *The Department of Defense Base Closure Account 1990 established by this section, as in effect on September 30, 2013.*

9
10
11 “(iii) *The Department of Defense Base Closure Account established by section 207 of the 1988 BRAC law, as in effect on September 30, 2013.*

12
13
14
15 “(2) *SOLE SOURCE OF FUNDS.—The Account shall be the sole source of Federal funds for the activities specified in paragraph (1) at a military installation closed or realigned under this part or the 1988 BRAC law.*

16
17
18
19
20 “(3) *PROHIBITION ON USE OF ACCOUNT FOR NEW MILITARY CONSTRUCTION.—Except as provided in paragraph (1), funds in the Account may not be used, directly or by transfer to another appropriations account, to carry out a military construction project, including a minor military construction project,*

1 *under section 2905(a) or any other provision of law*
2 *at a military installation closed or realigned under*
3 *this part or the 1988 BRAC law.*

4 “(d) *DISPOSAL OR TRANSFER OF COMMISSARY*
5 *STORES AND PROPERTY PURCHASED WITH NON-*
6 *APPROPRIATED FUNDS.—*

7 “(1) *DEPOSIT OF PROCEEDS IN RESERVE AC-*
8 *COUNT.—If any real property or facility acquired,*
9 *constructed, or improved (in whole or in part) with*
10 *commissary store funds or nonappropriated funds is*
11 *transferred or disposed of in connection with the clo-*
12 *sure or realignment of a military installation under*
13 *this part, a portion of the proceeds of the transfer or*
14 *other disposal of property on that installation shall be*
15 *deposited in the reserve account established under sec-*
16 *tion 204(b)(7)(C) of the 1988 BRAC law.*

17 “(2) *The amount so deposited under paragraph*
18 *(1) shall be equal to the depreciated value of the in-*
19 *vestment made with such funds in the acquisition,*
20 *construction, or improvement of that particular real*
21 *property or facility. The depreciated value of the in-*
22 *vestment shall be computed in accordance with regu-*
23 *lations prescribed by the Secretary of Defense.*

24 “(3) *USE OF RESERVE FUNDS.—Subject to the*
25 *limitation contained in section 204(b)(7)(C)(iii) of*

1 *the 1988 BRAC law, amounts in the reserve account*
2 *are hereby made available to the Secretary, without*
3 *appropriation and until expended, for the purpose of*
4 *acquiring, constructing, and improving—*

5 *“(A) commissary stores; and*

6 *“(B) real property and facilities for non-*
7 *appropriated fund instrumentalities.*

8 *“(e) ANNUAL REPORTS.—*

9 *“(1) ANNUAL ACCOUNTING.—No later than 60*
10 *days after the end of each fiscal year in which the*
11 *Secretary carries out activities under this part, the*
12 *Secretary shall transmit a report to the congressional*
13 *defense committees containing an accounting of—*

14 *“(A) the amount and nature of credits to,*
15 *and expenditures from, the Account during such*
16 *fiscal year; and*

17 *“(B) the amount and nature of anticipated*
18 *deposits to be made into, and the anticipated ex-*
19 *penditures to be made from, the Account during*
20 *the first fiscal year commencing after the sub-*
21 *mission of the report.*

22 *“(2) SPECIFIC ELEMENTS OF REPORT.—The re-*
23 *port for a fiscal year shall include the following:*

24 *“(A) The obligations and expenditures from*
25 *the Account during the fiscal year, identified by*

1 *subaccount and installation, for each military*
2 *department and Defense Agency.*

3 “(B) *The fiscal year in which appropria-*
4 *tions or transfers for such expenditures were*
5 *made and the fiscal year in which funds were ob-*
6 *ligated for such expenditures.*

7 “(C) *An estimate of the net revenues to be*
8 *received from property disposals under this part*
9 *or the 1988 BRAC law to be completed during*
10 *the first fiscal year commencing after the sub-*
11 *mission of the report.*

12 “(f) *CLOSURE OF ACCOUNT; TREATMENT OF REMAIN-*
13 *ING FUNDS.—*

14 “(1) *CLOSURE.—The Account shall be closed at*
15 *the time and in the manner provided for appropria-*
16 *tion accounts under section 1555 of title 31, United*
17 *States Code, except that unobligated funds which re-*
18 *main in the Account upon closure shall be held by the*
19 *Secretary of the Treasury until transferred by law*
20 *after the congressional defense committees receive the*
21 *final report transmitted under paragraph (2).*

22 “(2) *FINAL REPORT.—No later than 60 days*
23 *after the closure of the Account under paragraph (1),*
24 *the Secretary shall transmit to the congressional de-*

1 *fense committees a report containing an accounting*
2 *of—*

3 *“(A) all the funds credited to and expended*
4 *from the Account or otherwise expended under*
5 *this part or the 1988 BRAC law; and*

6 *“(B) any funds remaining in the Account.*

7 *“(g) DEFINITIONS.—In this section:*

8 *“(1) The term ‘commissary store funds’ means*
9 *funds received from the adjustment of, or surcharge*
10 *on, selling prices at commissary stores fixed under*
11 *section 2685 of title 10, United States Code.*

12 *“(2) The term ‘nonappropriated funds’ means*
13 *funds received from a nonappropriated fund instru-*
14 *mentality.*

15 *“(3) The term ‘nonappropriated fund instrumen-*
16 *tality’ means an instrumentality of the United States*
17 *under the jurisdiction of the Armed Forces (including*
18 *the Army and Air Force Exchange Service, the Navy*
19 *Resale and Services Support Office, and the Marine*
20 *Corps exchanges) which is conducted for the comfort,*
21 *pleasure, contentment, or physical or mental improve-*
22 *ment of members of the Armed Forces.*

23 *“(4) The term ‘1988 BRAC law’ means title II*
24 *of the Defense Authorization Amendments and Base*

1 *Closure and Realignment Act (Public Law 100–526;*
2 *10 U.S.C. 2687 note).”.*

3 **(b) CLOSURE OF EXISTING CURRENT ACCOUNTS;**
4 **TRANSFER OF FUNDS.—**

5 (1) *CLOSURE.—Subject to paragraph (2), the*
6 *Secretary of the Treasury shall close, pursuant to sec-*
7 *tion 1555 of title 31, United States Code, the fol-*
8 *lowing accounts on the books of the Treasury:*

9 (A) *The Department of Defense Base Clo-*
10 *sure Account 2005 established by section 2906A*
11 *of the Defense Base Closure and Realignment Act*
12 *of 1990 (part A of title XXIX of Public Law*
13 *101–510; 10 U.S.C. 2687 note), as in effect on*
14 *the effective date of this section.*

15 (B) *The Department of Defense Base Clo-*
16 *sure Account 1990 established by section 2906 of*
17 *the Defense Base Closure and Realignment Act of*
18 *1990 (part A of title XXIX of Public Law 101–*
19 *510; 10 U.S.C. 2687 note), as in effect on the ef-*
20 *fective date of this section.*

21 (C) *The Department of Defense Base Clo-*
22 *sure Account established by section 207 of the*
23 *Defense Authorization Amendments and Base*
24 *Closure and Realignment Act (Public Law 100–*

1 526; 10 U.S.C. 2687 note), as in effect on the ef-
2 fective date of this section.

3 (2) *TRANSFER OF FUNDS.*—All amounts remain-
4 ing in the three accounts specified in paragraph (1)
5 as of the effective date of this section, shall be trans-
6 ferred, effective on that date, to the Department of De-
7 fense Base Closure Account established by section
8 2906 of the Defense Base Closure and Realignment
9 Act of 1990, as added by subsection (a).

10 (3) *CROSS REFERENCES.*—Except as provided in
11 this subsection or the context requires otherwise, any
12 reference in a law, regulation, document, paper, or
13 other record of the United States to an account speci-
14 fied in paragraph (1) shall be deemed to be a ref-
15 erence to the Department of Defense Base Closure Ac-
16 count established by section 2906 of the Defense Base
17 Closure and Realignment Act of 1990, as added by
18 subsection (a).

19 (c) *CONFORMING AMENDMENTS.*—

20 (1) *REPEAL OF FORMER ACCOUNT.*—Section 207
21 of the Defense Authorization Amendments and Base
22 Closure and Realignment Act (Public Law 100–526;
23 10 U.S.C. 2687 note) is repealed.

24 (2) *DEFINITION.*—

1 (A) 1990 LAW.—Section 2910(1) of the De-
2 *defense Base Closure and Realignment Act of 1990*
3 *(part A of title XXIX of Public Law 101–510; 10*
4 *U.S.C. 2687 note) is amended by striking “1990*
5 *established by section 2906(a)(1)” and inserting*
6 *“established by section 2906(a)”.*

7 (B) 1988 LAW.—*The Defense Authorization*
8 *Amendments and Base Closure and Realignment*
9 *Act (Public Law 100–526; 10 U.S.C. 2687 note)*
10 *is amended—*

11 (i) *in section 204(b)(7)(A), by striking*
12 *“established by section 207(a)(1)”;* and

13 (ii) *in section 209(1), by striking “es-*
14 *tablished by section 207(a)(1)” and insert-*
15 *ing “established by section 2906(a) of the*
16 *Defense Base Closure and Realignment Act*
17 *of 1990 (part A of title XXIX of Public Law*
18 *101–510; 10 U.S.C. 2687 note)”.*

19 (3) ENVIRONMENTAL RESTORATION.—*Chapter*
20 *160 of title 10, United States Code, is amended—*

21 (A) *in section 2701(d)(2), by striking “De-*
22 *partment of Defense Base Closure Account 1990*
23 *or the Department of Defense Base Closure Ac-*
24 *count 2005 established under sections 2906 and*
25 *2906A” and inserting “Department of Defense*

1 *Base Closure Account established by section*
2 *2906”;*

3 *(B) in section 2703(h)—*

4 *(i) by striking “the applicable Depart-*
5 *ment of Defense base closure account” and*
6 *inserting “the Department of Defense Base*
7 *Closure Account established under section*
8 *2906 of the Defense Base Closure and Re-*
9 *alignment Act of 1990 (part A of title XXIX*
10 *of Public Law 101–510; 10 U.S.C. 2687*
11 *note)”;* and

12 *(ii) by striking “the applicable base*
13 *closure account” and inserting “such base*
14 *closure account”;* and

15 *(C) in section 2905(g)(2), by striking “Clo-*
16 *sure Account 1990” and inserting “Closure Ac-*
17 *count”.*

18 (4) *DEPARTMENT OF DEFENSE HOUSING*
19 *FUNDS.—Section 2883 of such title is amended—*

20 *(A) in subsection (c)—*

21 *(i) by striking subparagraph (G) of*
22 *paragraph (1); and*

23 *(ii) by striking subparagraph (G) of*
24 *paragraph (2); and*

25 *(B) in subsection (f)—*

1 (i) in the first sentence, by striking “or
2 (G)” both places it appears; and

3 (ii) by striking the second sentence.

4 (d) *EFFECTIVE DATE.*—*This section and the amend-*
5 *ments made by this section shall take effect on the later of—*

6 (1) *October 1, 2013; and*

7 (2) *the date of the enactment of an Act author-*
8 *izing funds for military construction for fiscal year*
9 *2014.*

10 **SEC. 2712. AIR ARMAMENT CENTER, EGLIN AIR FORCE**
11 **BASE.**

12 *The Secretary of the Air Force shall retain an Air Ar-*
13 *mament Center at Eglin Air Force Base, Florida, in name*
14 *and function, with the same integrated mission elements,*
15 *responsibilities, and capabilities as existed upon the com-*
16 *pletion of implementation of the recommendations of the*
17 *2005 Base Closure and Realignment Commission regarding*
18 *such military installation contained in the report trans-*
19 *mitted by the President to Congress in accordance with sec-*
20 *tion 2914(e) of the Defense Base Closure and Realignment*
21 *Act of 1990 (part A of title XXIX of Public Law 101–510;*
22 *10 U.S.C. 2687 note), until such time as such integrated*
23 *mission elements, responsibilities, and capabilities are*
24 *modified pursuant to section 2687 of title 10, United States*

1 *Code, or a subsequent law providing for the closure or re-*
 2 *alignment of military installations in the United States.*

3 **SEC. 2713. PROHIBITION ON CONDUCTING ADDITIONAL**
 4 **BASE REALIGNMENT AND CLOSURE (BRAC)**
 5 **ROUND.**

6 *Nothing in this Act shall be construed to authorize an*
 7 *additional Base Realignment and Closure (BRAC) round,*
 8 *and none of the funds appropriated pursuant to the author-*
 9 *ization of appropriations contained in this Act may be used*
 10 *to propose, plan for, or execute an additional BRAC round.*

11 **TITLE XXVIII—MILITARY CON-**
 12 **STRUCTION GENERAL PROVI-**
 13 **SIONS**

14 **Subtitle A—Military Construction**
 15 **Program and Military Family**
 16 **Housing Changes**

17 **SEC. 2801. PREPARATION OF MILITARY INSTALLATION MAS-**
 18 **TER PLANS.**

19 *(a) MILITARY INSTALLATION MASTER PLANS.—Sub-*
 20 *chapter III of chapter 169 of title 10, United States Code,*
 21 *is amended by inserting after section 2863 the following*
 22 *new section:*

23 **“§ 2864. Military installation master plans**

24 *“(a) PLANS REQUIRED.—At a time interval prescribed*
 25 *by the Secretary concerned (but not less frequently than*

1 *once every 10 years), the commander of each military in-*
2 *stallation under the jurisdiction of the Secretary shall en-*
3 *sure an installation master plan is developed to address en-*
4 *vironmental planning, sustainable design and development,*
5 *sustainable range planning, real property master planning,*
6 *and transportation planning.*

7 “(b) *TRANSPORTATION COMPONENT.—*

8 “(1) *COOPERATION WITH METROPOLITAN PLAN-*
9 *NING ORGANIZATIONS.—The transportation compo-*
10 *nent of an installation master plan shall be developed*
11 *and updated in cooperation with the metropolitan*
12 *planning organization designated for the metropoli-*
13 *tan planning area in which the military installation*
14 *is located.*

15 “(2) *DEFINITIONS.—In this subsection, the terms*
16 *‘metropolitan planning area’ and ‘metropolitan plan-*
17 *ning organization’ have the meanings given those*
18 *terms in section 134(b) of title 23 and section 5303(b)*
19 *of title 49.*

20 “(3) *TRANSIT SERVICES.—The installation mas-*
21 *ter plan for a military installation shall also address*
22 *operating costs for transit service and travel demand*
23 *measures on the installation.”.*

1 **SEC. 2802. SUSTAINMENT OVERSIGHT AND ACCOUNT-**
2 **ABILITY FOR MILITARY HOUSING PRIVATIZA-**
3 **TION PROJECTS AND RELATED ANNUAL RE-**
4 **PORTING REQUIREMENTS.**

5 (a) *SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY*
6 *FOR PRIVATIZATION PROJECTS.*—

7 (1) *OVERSIGHT AND ACCOUNTABILITY MEAS-*
8 *URES.*—*Subchapter IV of chapter 169 of title 10,*
9 *United States Code, is amended by inserting after sec-*
10 *tion 2885 the following new section:*

11 **“§2885a. Oversight and accountability for privatiza-**
12 **tion projects: sustainment**

13 *“(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.*—
14 *Each Secretary concerned shall prescribe regulations to ef-*
15 *fectively oversee and manage a military housing privatiza-*
16 *tion project carried out under this subchapter during the*
17 *sustainment phase of the project following completion of the*
18 *construction or renovation of the housing units. The regula-*
19 *tions shall include the following requirements for each pri-*
20 *vatization project:*

21 *“(1) The financial health and performance of the*
22 *military housing privatization project, including the*
23 *debt-coverage ratio of the project and occupancy rates*
24 *for the constructed or renovated housing units.*

25 *“(2) A resident satisfaction assessment of the*
26 *privatization project.*

1 “(3) *An assessment of the backlog of maintenance*
2 *and repair.*”

3 “(b) *REQUIRED QUALIFICATIONS.—The Secretary con-*
4 *cerned or designated representative shall ensure that the*
5 *project owner, developer, or general contractor that is se-*
6 *lected for each military housing privatization initiative*
7 *project has sustainment experience commensurate with that*
8 *required to maintain the project.*”.

9 (2) *CONFORMING AMENDMENT.—Section 2885(a)*
10 *of such title is amended in the matter preceding para-*
11 *graph (1) by inserting before the period at the end of*
12 *the first sentence the following: “during the course of*
13 *the construction or renovation of the housing units”.*

14 (3) *CLERICAL AMENDMENTS.—*

15 (A) *SECTION HEADING.—The heading of*
16 *section 2885 of such title is amended to read as*
17 *follows:*

18 “**§2885. Oversight and accountability for privatiza-**
19 **tion projects: construction**”.

20 (B) *TABLE OF SECTIONS.—The table of sec-*
21 *tions at the beginning of subchapter IV of chap-*
22 *ter 169 of such title is amended by striking the*
23 *item relating to section 2885 and inserting the*
24 *following new items:*

“2885. *Oversight and accountability for privatization projects: construction.*”

“2885a. *Oversight and accountability for privatization projects: sustainment.*”.

1 (b) *ANNUAL REPORTING REQUIREMENTS.*—Section
2 2884(b) of such title is amended—

3 (1) *by striking paragraphs (2), (3), (4), and (7);*

4 (2) *by redesignating paragraphs (5), (6), and (8)*
5 *as paragraphs (2), (3), and (4), respectively; and*

6 (3) *by adding at the end the following new para-*
7 *graphs:*

8 “(5) *A trend analysis of the backlog of mainte-*
9 *nance and repair for each privatization project, in-*
10 *cluding the total cost of the operation, maintenance,*
11 *and repair costs associated with each project.*

12 “(6) *If the debt associated with a privatization*
13 *project exceeds net operating income or the occupancy*
14 *rates for the constructed or renovated housing units*
15 *are below 75 percent for any sustained period of more*
16 *than one year, a report regarding the plan to miti-*
17 *gate the financial risk of the project.”.*

18 **SEC. 2803. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
19 **OPERATION AND MAINTENANCE FUNDS FOR**
20 **CONSTRUCTION PROJECTS OUTSIDE THE**
21 **UNITED STATES.**

22 Subsection (h) of section 2808 of the Military Con-
23 struction Authorization Act for Fiscal Year 2004 (division
24 B of Public Law 108–136; 117 Stat. 1723), as most recently
25 amended by section 2804(a)(2) of the Military Construction

1 *Authorization Act for Fiscal Year 2012 (division B of Pub-*
2 *lic Law 112–81; 125 Stat. 1685), is amended—*

3 *(1) in paragraph (1), by striking “September 30,*
4 *2012” and inserting “September 30, 2013”; and*

5 *(2) in paragraph (2), by striking “fiscal year*
6 *2013” and inserting “fiscal year 2014”.*

7 **SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR FA-**
8 **CILITY CONSTRUCTION PROJECTS AS MILI-**
9 **TARY CONSTRUCTION PROJECTS.**

10 *(a) FINDINGS.—Congress finds the following:*

11 *(1) According to a memorandum of agreement*
12 *between the Secretary of Defense and the Secretary of*
13 *Energy dated May 2010 and a subsequent addendum*
14 *to such memorandum, the Secretary of Defense plans*
15 *to transfer \$8,300,000,000 of the budgetary authority*
16 *of the Department of Defense to the Administrator for*
17 *Nuclear Security of the National Nuclear Security*
18 *Administration between fiscal years 2011 and 2016 to*
19 *fund activities of the Administration that the Sec-*
20 *retary determines to be high priorities.*

21 *(2) Such funding has directly supported defense*
22 *activities at the National Nuclear Security Adminis-*
23 *tration, including design and construction activities*
24 *for the Chemistry and Metallurgy Research Building*
25 *Replacement project and the Uranium Processing Fa-*

1 *cility project specified in paragraphs (2) and (3) of*
2 *subsection (b).*

3 *(b) COVERED FACILITIES.—This section applies to the*
4 *following construction projects of the National Nuclear Se-*
5 *curity Administration:*

6 *(1) Any project to build a nuclear facility, initi-*
7 *ated on or after October 1, 2013, that is estimated to*
8 *cost in excess of \$1,000,000,000 and is intended to be*
9 *primarily utilized to support the nuclear weapons ac-*
10 *tivities of the National Nuclear Security Administra-*
11 *tion.*

12 *(2) The Chemistry and Metallurgy Research*
13 *Building Replacement project, Los Alamos, New Mex-*
14 *ico.*

15 *(3) The Uranium Processing Facility project,*
16 *Oak Ridge, Tennessee.*

17 *(c) TREATMENT AS MILITARY CONSTRUCTION*
18 *PROJECTS.—In the case of the construction projects of the*
19 *National Nuclear Security Administration specified in sub-*
20 *section (b), the projects are deemed to be military construc-*
21 *tion projects to be carried out with respect to a military*
22 *installation and therefore subject to the following:*

23 *(1) The advance-project authorization require-*
24 *ment of section 2802(a) of title 10, United States*
25 *Code, and other requirements of chapter 169 of such*

1 *title related to military construction projects carried*
 2 *out by the Secretary of Defense with respect to the De-*
 3 *fense Agencies.*

4 (2) *Annual Acts authorizing military construc-*
 5 *tion projects (and authorizing the appropriation of*
 6 *funds therefor) for a fiscal year.*

7 (d) *MILITARY CONSTRUCTION AUTHORIZATION FOR*
 8 *CERTAIN DEFENSE NUCLEAR FACILITY PROJECTS.—The*
 9 *Secretary of Defense may acquire real property and carry*
 10 *out military construction projects for the installations or*
 11 *locations, and in the amounts, set forth in the following*
 12 *table:*

Defense Nuclear Facility Projects

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>New Mexico</i>	<i>Los Alamos</i>	<i>\$3,500,000,000</i>
<i>Tennessee</i>	<i>Oak Ridge</i>	<i>\$4,200,000,000</i>

13 (e) *REGULATION, REQUIREMENTS, AND COORDINA-*
 14 *TION.—For each project specified in subsection (b)—*

15 (1) *the Administrator for Nuclear Security of the*
 16 *National Nuclear Security Administration and the*
 17 *Secretary of Energy shall retain authority to regulate*
 18 *design and construction activities pursuant to the*
 19 *Atomic Energy Act and other applicable laws;*

20 (2) *the Secretary of Defense shall coordinate with*
 21 *the Administrator for Nuclear Security regarding re-*
 22 *quirements for the facility; and*

1 (3) *the Administrator for Nuclear Security shall*
2 *make available to the Secretary of Defense the exper-*
3 *tise of the National Nuclear Security Administration*
4 *to support design and construction activities.*

5 (f) *TRANSFER OF FACILITIES.*—*Upon completion of*
6 *construction of a project specified in subsection (b), the Sec-*
7 *retary of Defense shall negotiate with the Administrator for*
8 *Nuclear Security of the National Nuclear Security Admin-*
9 *istration to transfer the constructed facility to the authority*
10 *of the Administrator for operations.*

11 (g) *SENSE OF CONGRESS.*—*It is the sense of Congress*
12 *that during fiscal year 2014 and thereafter, the budgetary*
13 *authority provided by the Secretary of Defense to the Ad-*
14 *ministrator for Nuclear Security of the National Nuclear*
15 *Security Administration under the memorandum described*
16 *in subsection (a)(1) should be reduced by the amount needed*
17 *to fund the design and construction of the projects specified*
18 *in paragraphs (2) and (3) of subsection (b).*

19 (h) *INFORMATION TRANSFER AND LEGAL EFFECT OF*
20 *TRANSFER.*—*Not later than September 30, 2013, the Ad-*
21 *ministrator for Nuclear Security of the National Nuclear*
22 *Security Administration shall transfer to the Secretary of*
23 *Defense all information in the possession of the Adminis-*
24 *trator related to architectural and engineering services and*
25 *construction design for the construction projects specified*

1 *in subsection (b). All environmental impact statements and*
2 *legal rulings in effect before that date related to the projects*
3 *shall be considered valid upon transfer of responsibility for*
4 *the projects to the Secretary of Defense under subsection (c).*

5 (i) *EFFECTIVE DATE.*—*This section shall apply to the*
6 *construction projects specified in subsection (b) effective for*
7 *fiscal year 2014 and fiscal years thereafter.*

8 **SEC. 2805. EXECUTION OF CHEMISTRY AND METALLURGY**
9 **RESEARCH BUILDING REPLACEMENT NU-**
10 **CLEAR FACILITY AND LIMITATION ON ALTER-**
11 **NATIVE PLUTONIUM STRATEGY.**

12 (a) *POLICY.*—*It is the policy of the United States to*
13 *create and sustain the capability to produce plutonium pits*
14 *for nuclear weapons, and to ensure sufficient plutonium pit*
15 *production capacity, to respond to technical challenges in*
16 *the existing nuclear weapons stockpile or geopolitical devel-*
17 *opments.*

18 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
19 *that—*

20 (1) *successful and timely construction of the*
21 *Chemistry and Metallurgy Research Building Re-*
22 *placement nuclear facility in Los Alamos, New Mex-*
23 *ico, is critical to achieving the policy expressed in*
24 *subsection (a) and that such facility should achieve*
25 *full operational capability by fiscal year 2024;*

1 (2) *prior-year funds for the Chemistry and Met-*
2 *allurgy Research Building Replacement nuclear facil-*
3 *ity, up to \$160,000,000 being available, should be ap-*
4 *plied to continue design and construction of this facil-*
5 *ity in fiscal year 2013; and*

6 (3) *during fiscal year 2014 and thereafter, the*
7 *budgetary authority provided by the Secretary of De-*
8 *fense to the Administrator for Nuclear Security of the*
9 *National Nuclear Security Administration under the*
10 *memorandum of agreement between the Secretary of*
11 *Defense and the Secretary of Energy dated May 2010*
12 *should be reduced by the amount needed to fund the*
13 *design and construction of the Chemistry and Metal-*
14 *lurgy Research Building Replacement nuclear facility*
15 *under the military construction authorities provided*
16 *in section 2804.*

17 (c) *FUTURE BUDGET REQUESTS.—The Secretary of*
18 *Defense, in coordination with the Administrator for Nu-*
19 *clear Security of the National Nuclear Security Adminis-*
20 *tration, shall request such funds in fiscal year 2014 and*
21 *subsequent fiscal years under the military construction au-*
22 *thorities of section 2804 to ensure the Chemistry and Metal-*
23 *lurgy Research Building Replacement nuclear facility*
24 *achieves full operational capability by fiscal year 2024.*

1 (d) *LIMITATION ON ALTERNATIVE PLUTONIUM STRAT-*
2 *EGY.—No funds authorized to be appropriated by this Act*
3 *or any other Act may be obligated or expended on any ac-*
4 *tivities associated with a plutonium strategy for the Na-*
5 *tional Nuclear Security Administration that does not in-*
6 *clude achieving full operational capability of the Chemistry*
7 *and Metallurgy Research Building Replacement nuclear fa-*
8 *cility by fiscal year 2024.*

9 ***Subtitle B—Real Property and***
10 ***Facilities Administration***

11 ***SEC. 2811. AUTHORITY OF MILITARY MUSEUMS TO ACCEPT***
12 ***GIFTS AND SERVICES AND TO ENTER INTO***
13 ***LEASES AND COOPERATIVE AGREEMENTS.***

14 (a) *MUSEUM SUPPORT AUTHORITY.—Chapter 155 of*
15 *title 10, United States Code, is amended by inserting after*
16 *section 2608 the following new section:*

17 ***“§2609. Military museum programs: acceptance of***
18 ***gifts and other support***

19 “*(a) ACCEPTANCE OF SERVICES.—Notwithstanding*
20 *section 1342 of title 31, the Secretary concerned may accept*
21 *services from a nonprofit entity to support a military mu-*
22 *seum program under the jurisdiction of the Secretary.*

23 “*(b) LIMITATION ON USE OF GIFT FUNDS.—A gift*
24 *made for the purpose of assisting in the development, oper-*
25 *ation, maintenance, or management of, or for the acquisi-*

1 *tion of collections for, a military museum program and de-*
2 *posited into one of the general gift funds specified in section*
3 *2601(c) of this title shall be available only for the military*
4 *museum program and the purpose for which the gift was*
5 *made.*

6 “(c) *SOLICITATION OF GIFTS.*—*Under regulations pre-*
7 *scribed under this section, the Secretary concerned may so-*
8 *licit from any person or public or private entity, for the*
9 *use and benefit of a military museum program, a gift of*
10 *books, manuscripts, works of art, historical artifacts, draw-*
11 *ings, plans, models, condemned or obsolete combat materiel,*
12 *or other personal property.*

13 “(d) *LEASING AUTHORITY.*—(1) *In accordance with*
14 *section 2667 of this title, the Secretary concerned may lease*
15 *real and personal property of a military museum program*
16 *to a nonprofit entity for purposes related to the military*
17 *museum program.*

18 “(2) *A lease under this subsection may not include any*
19 *part of the collection of a military museum program.*

20 “(e) *COOPERATIVE AGREEMENTS.*—*The Secretary con-*
21 *cerned may enter into a cooperative agreement with a non-*
22 *profit entity for purposes related to support of a military*
23 *museum program.*

1 “(f) *EMPLOYEE STATUS.*—For purposes of this section,
2 *employees or personnel of a nonprofit entity may not be*
3 *considered to be employees of the United States.*

4 “(g) *REGULATIONS.*—(1) *The Secretary of Defense*
5 *shall prescribe regulations to implement this section. The*
6 *regulations shall apply uniformly throughout the Depart-*
7 *ment of Defense.*

8 “(2) *The regulations shall provide that solicitation of*
9 *a gift, acceptance of a gift (including a gift of services),*
10 *or use of a gift under this section may not occur if the na-*
11 *ture or circumstances of the solicitation, acceptance, or use*
12 *would compromise the integrity or the appearance of integ-*
13 *egrity of any program of the Department of Defense or any*
14 *individual involved in such program.*

15 “(h) *DEFINITIONS.*—In this section:

16 “(1) *The term ‘military museum program’ may*
17 *include an individual museum.*

18 “(2) *The term ‘nonprofit entity’ means an ex-*
19 *empt organization under section 501(c)(3) of the In-*
20 *ternal Revenue Code of 1986 whose primary purpose*
21 *is supporting a military museum program.*

22 “(3) *The term ‘Secretary concerned’ includes the*
23 *Secretary of Defense with respect to matters con-*
24 *cerning the Defense Agencies.’’.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by inserting after*
 3 *the item relating to section 2608 the following new item:*

“2609. *Military museum programs: acceptance of gifts and other support.*”.

4 **SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DE-**
 5 **PARTMENT OF DEFENSE MAY CONDUCT EX-**
 6 **CHANGES OF REAL PROPERTY AT CERTAIN**
 7 **MILITARY INSTALLATIONS.**

8 Section 2869(a)(1) of title 10, United States Code, is
 9 amended—

10 (1) by striking “any eligible entity” and insert-
 11 ing “any person”;

12 (2) by striking “the entity” and inserting “the
 13 person”; and

14 (3) by striking “their control” and inserting “the
 15 person’s control”.

16 **SEC. 2813. INDEMNIFICATION OF TRANSFEREES OF PROP-**
 17 **ERTY AT ANY CLOSED MILITARY INSTALLA-**
 18 **TION.**

19 Section 330 of the National Defense Authorization Act
 20 for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687
 21 note) is amended—

22 (1) in subsection (a)(1), by striking “pursuant to
 23 a base closure law” and inserting “after October 24,
 24 1988, the date of the enactment of the Defense Author-
 25 ization Amendments and Base Closure and Realign-

1 *ment Act (Public Law 100–526; 10 U.S.C. 2687*
2 *note)”; and*

3 *(2) in subsection (f), by striking paragraph (3).*

4 **SEC. 2814. IDENTIFICATION REQUIREMENT FOR ENTRY ON**
5 **MILITARY INSTALLATIONS.**

6 *(a) IDENTIFICATION REQUIREMENT FOR MILITARY IN-*
7 *STALLATIONS.—*

8 *(1) MINIMUM IDENTIFICATION REQUIRED.—*

9 *(A) IN GENERAL.—Beginning on the day*
10 *that is 120 days after the date of the enactment*
11 *of this Act, the Secretary concerned may not per-*
12 *mit a person who is 18 years old or older to*
13 *enter a military installation in the United*
14 *States unless such person presents, as determined*
15 *by an authentication procedure that meets the*
16 *minimum procedural requirements identified by*
17 *the Secretary of Defense in paragraph (4), at a*
18 *minimum—*

19 *(i) a valid Federal or State govern-*
20 *ment issued photo identification card;*

21 *(ii) a valid Common Access Card; or*

22 *(iii) a valid uniformed services identi-*
23 *fication card.*

24 *(B) EXCEPTION FOR CERTAIN FOREIGN*
25 *PASSPORTS.—The Secretary concerned may per-*

1 *mit a person to enter a military installation in*
2 *the United States if such person presents a valid*
3 *foreign passport, as determined by an authen-*
4 *tication procedure that meets the minimum pro-*
5 *cedural requirements identified by the Secretary*
6 *of Defense in paragraph (4), if—*

7 *(i) such person is visiting such mili-*
8 *tary installation on official business be-*
9 *tween the Armed Forces and the armed*
10 *forces of a foreign country; or*

11 *(ii) such person is visiting a member*
12 *of the uniformed services or a civilian em-*
13 *ployee of the Department of Defense on such*
14 *military installation.*

15 *(2) EXPIRED OR FRAUDULENT IDENTIFICA-*
16 *TION.—The Secretary concerned shall confiscate any*
17 *form of identification that the Secretary determines,*
18 *using an authentication procedure that meets the*
19 *minimum procedural requirements identified by the*
20 *Secretary of Defense in paragraph (4), to be expired*
21 *or fraudulent.*

22 *(3) COORDINATION AMONG MILITARY INSTALLA-*
23 *TIONS OF A STATE.—The Secretary concerned shall*
24 *keep a list and shall inform the personnel at any*

1 *other military installation in the State of such mili-*
2 *tary installation of the name of any person—*

3 *(A) who attempts to help a person required*
4 *to present a valid form of identification under*
5 *paragraph (1) to enter a military installation in*
6 *the United States without such required identi-*
7 *fication; or*

8 *(B) who attempts to enter a military instal-*
9 *lation military installation in the United States*
10 *with a form of identification that the Secretary*
11 *concerned determines to be expired or fraudulent*
12 *under paragraph (2).*

13 *(4) PROCEDURAL REQUIREMENTS FOR IDENTI-*
14 *FICATION VERIFICATION.—Not later than 90 days*
15 *after the date of the enactment of this Act, the Sec-*
16 *retary of Defense shall identify the minimum proce-*
17 *dural requirements for the Secretary concerned to au-*
18 *thenticate the forms of identification in paragraph*
19 *(1) for a person entering a military installation in*
20 *the United States. In identifying such requirements,*
21 *the Secretary of Defense shall identify minimum pro-*
22 *cedural requirements to ensure that individuals who*
23 *need to enter a military installation in the United*
24 *States to perform work under a contract awarded by*

1 *the Department of Defense present a valid form of*
2 *identification under paragraph (1).*

3 *(b) DEFINITIONS.—*

4 *(1) COMMON ACCESS CARD.—In this section, the*
5 *term “Common Access Card” means the standard*
6 *identification card issued by the Secretary of Defense*
7 *to active-duty military personnel, Selected Reserve*
8 *personnel, Department of Defense civilian employees,*
9 *and certain persons awarded contracts by the Sec-*
10 *retary of Defense.*

11 *(2) SECRETARY CONCERNED.—In this section,*
12 *the term “Secretary concerned” has the meaning*
13 *given the term in section 101(a) of title 10, United*
14 *States Code.*

15 *(3) UNIFORMED SERVICES IDENTIFICATION*
16 *CARD.—In this section, the term “uniformed services*
17 *identification card” means the identification card*
18 *issued by the Secretary of Defense to spouses and*
19 *other eligible dependents of members of the uniformed*
20 *services and other eligible persons, as determined by*
21 *the Secretary of Defense.*

1 **SEC. 2815. PLAN TO PROTECT CRITICAL DEPARTMENT OF**
2 **DEFENSE CRITICAL ASSETS FROM ELECTRO-**
3 **MAGNETIC PULSE WEAPONS.**

4 (a) *PLAN REQUIRED.*—Not later than September 1,
5 2013, the Secretary of the Defense shall submit to the con-
6 gressional defense committees a plan to protect defense crit-
7 ical assets under the jurisdiction of the Department of De-
8 fense, and critical equipment at military installations, from
9 the adverse effects of electromagnetic pulse and high-pow-
10 ered microwave weapons.

11 (b) *PREPARATION AND ELEMENTS OF PLAN.*—In pre-
12 paring the plan required by subsection (a), the Secretary
13 of Defense shall utilize the guidance and recommendations
14 of the Commission to Assess the Threat to the United States
15 from Electromagnetic Pulse Attack established by section
16 1401 of the Floyd D. Spence National Defense Authoriza-
17 tion Act for Fiscal Year 2001 (as enacted into law by Public
18 Law 106–398; 114. Stat. 1654A–345). The plan shall in-
19 clude the following elements:

20 (1) *An assessment of overall military installa-*
21 *tion protection from electromagnetic pulse and high-*
22 *powered microwave weapons.*

23 (2) *A listing of defense critical assets.*

24 (3) *An assessment of the adequacy of each defense*
25 *critical asset, to include the backup power capabilities*
26 *of the defense critical asset, to withstand attack cur-*

1 *rently and a description and a cost estimate for each*
2 *project to improve, repair, renovate, or modernize de-*
3 *fense critical assets for which any deficiency is identi-*
4 *fied in the assessment.*

5 *(4) A list of projects, costs, and timelines through*
6 *the future-years defense program to meet the require-*
7 *ments to overcome deficiencies identified under para-*
8 *graph (3) for all defense critical assets.*

9 *(5) A list of civilian critical infrastructures*
10 *upon which a defense critical asset depends (elec-*
11 *tricity, water, telecommunications, etc) that, if ren-*
12 *dered inoperable by electromagnetic pulse or high-*
13 *powered microwave weapons, would compromise the*
14 *function of a defense critical asset.*

15 *(c) FORM OF SUBMISSION.—The plan required by sub-*
16 *section (a) shall be submitted in unclassified form, but may*
17 *include a classified annex.*

18 *(d) DEFENSE CRITICAL ASSET.—In this section, the*
19 *term “defense critical asset” means an asset of such extraor-*
20 *dinary importance to operations in peace, crisis, and war*
21 *that its incapacitation or destruction would have a very*
22 *serious debilitating effect on the ability of the Department*
23 *of Defense to fulfill its missions.*

1 **Subtitle C—Energy Security**

2 **SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CON-**
3 **TRACTS FOR THE PROVISION AND OPER-**
4 **ATION OF ENERGY PRODUCTION FACILITIES**
5 **AUTHORIZED TO BE LOCATED ON REAL PROP-**
6 **ERTY UNDER THE JURISDICTION OF A MILI-**
7 **TARY DEPARTMENT.**

8 *Section 2662(a)(1) of title 10, United States Code, is*
9 *amended by adding at the end the following new subpara-*
10 *graph:*

11 *“(H) Any transaction or contract action for the*
12 *provision and operation of energy production facili-*
13 *ties on real property under the jurisdiction of the Sec-*
14 *retary of a military department, as authorized by sec-*
15 *tion 2922a(a)(2) of this title, if the term of the trans-*
16 *action or contract exceeds 20 years.”.*

17 **SEC. 2822. CONTINUATION OF LIMITATION ON USE OF**
18 **FUNDS FOR LEADERSHIP IN ENERGY AND EN-**
19 **VIRONMENTAL DESIGN (LEED) GOLD OR**
20 **PLATINUM CERTIFICATION AND EXPANSION**
21 **TO INCLUDE IMPLEMENTATION OF ASHRAE**
22 **BUILDING STANDARD 189.1.**

23 *Section 2830(b) of the Military Construction Author-*
24 *ization Act for Fiscal Year 2012 (division B of Public Law*
25 *112–81; 125 Stat. 1695) is amended—*

1 (1) *in the subsection heading, by inserting after*
 2 “*AND ASHRAE IMPLEMENTATION*” *after “CERTIFI-*
 3 *CATION*”; *and*

4 (2) *in paragraph (1)—*

5 (A) *by striking “authorized to be”;*

6 (B) *by striking “by this Act”;*

7 (C) *by inserting “or 2013” after “fiscal*
 8 *year 2012”;* *and*

9 (D) *by inserting before the period at the end*
 10 *the following: “and implementing ASHRAE*
 11 *building standard 189.1”.*

12 **SEC. 2823. AVAILABILITY AND USE OF DEPARTMENT OF DE-**
 13 **FENSE ENERGY COST SAVINGS TO PROMOTE**
 14 **ENERGY SECURITY.**

15 Section 2912(b)(1) of title 10, United States Code, is
 16 *amended by inserting after “additional energy conserva-*
 17 *tion” the following: “and energy security”.*

18 ***Subtitle D—Provisions Related to***
 19 ***Guam Realignment***

20 **SEC. 2831. USE OF OPERATION AND MAINTENANCE FUND-**
 21 **ING TO SUPPORT COMMUNITY ADJUSTMENTS**
 22 **RELATED TO REALIGNMENT OF MILITARY IN-**
 23 **STALLATIONS AND RELOCATION OF MILI-**
 24 **TARY PERSONNEL ON GUAM.**

25 (a) *TEMPORARY ASSISTANCE AUTHORIZED.—*

1 (1) *ASSISTANCE TO GOVERNMENT OF GUAM.*—
2 *Using funds made available under subsection (c), the*
3 *Secretary of Defense may assist the Government of*
4 *Guam in meeting the costs of providing increased*
5 *municipal services and facilities required as a result*
6 *of the realignment of military installations and the*
7 *relocation of military personnel on Guam (in this sec-*
8 *tion referred to as the “Guam realignment”)* if the
9 *Secretary determines that an unfair and excessive fi-*
10 *nancial burden will be incurred by the Government of*
11 *Guam to provide the services and facilities in the ab-*
12 *sence of the Department of Defense assistance.*

13 (2) *MITIGATION OF IDENTIFIED IMPACTS.*—*The*
14 *Secretary of Defense may take such actions as the*
15 *Secretary considers to be appropriate to mitigate the*
16 *significant impacts identified in the Record of Deci-*
17 *sion of the “Guam and CNMI Military Relocation*
18 *Environmental Impact Statement” by providing in-*
19 *creased municipal services and facilities to activities*
20 *that directly support the Guam realignment.*

21 (b) *METHODS OF PROVIDING ASSISTANCE.*—

22 (1) *USE OF EXISTING PROGRAMS.*—*The Sec-*
23 *retary of Defense shall carry out subsection (a)*
24 *through existing Federal programs supporting the*
25 *Government of Guam and the Guam realignment,*

1 *whether or not the programs are administered by the*
2 *Department of Defense or another Federal agency.*

3 (2) *COST SHARE ASSISTANCE.*—*The Secretary*
4 *may assist the Government of Guam to any cost-shar-*
5 *ing obligation imposed on the Government of Guam*
6 *under any Federal program utilized by the Secretary*
7 *under paragraph (1).*

8 (c) *SOURCE OF FUNDS.*—

9 (1) *TRANSFER AUTHORITY.*—*To the extent nec-*
10 *essary to carry out subsection (a), the Secretary may*
11 *transfer appropriated funds available to the Depart-*
12 *ment of Defense or a military department for oper-*
13 *ation and maintenance to a different account of the*
14 *Department of Defense or another Federal agency in*
15 *order to make funds available to the Government of*
16 *Guam under a Federal program utilized by the Sec-*
17 *retary under subsection (b)(1). Amounts so trans-*
18 *ferred shall be merged with the appropriation to*
19 *which transferred and shall be available only for the*
20 *purpose of assisting the Government of Guam as de-*
21 *scribed in subsection (a).*

22 (2) *ADDITIONAL AUTHORITY.*—*The transfer au-*
23 *thority provided by paragraph (1) is in addition to*
24 *the transfer authority provided by section 1001.*

1 (d) *PROGRESS REPORTS REQUIRED.*—The Secretary
2 of Defense shall submit to the Committees on Armed Serv-
3 ices of the Senate and the House of Representatives semi-
4 annual reports indicating the total amount expended under
5 the authority of this section during the preceding six-month
6 period, the specific projects for which assistance was pro-
7 vided during such period, and the total amount provided
8 for each project during such period.

9 (e) *TERMINATION.*—The authority to provide assist-
10 ance under this section expires September 30, 2020.
11 Amounts obligated on or before that date may be expended
12 after that date.

13 **SEC. 2832. CERTIFICATION OF MILITARY READINESS NEED**
14 **FOR FIRING RANGE ON GUAM AS CONDITION**
15 **ON ESTABLISHMENT OF RANGE.**

16 A firing range on Guam may not be established (in-
17 cluding any construction or lease of lands related to such
18 establishment) until the Secretary of Defense certifies to the
19 congressional defense committees that there is a national
20 security need for the firing range related to readiness of
21 the Armed Forces assigned to the United States Pacific
22 Command.

1 **SEC. 2833. REPEAL OF CONDITIONS ON USE OF FUNDS FOR**
2 **GUAM REALIGNMENT.**

3 *Section 2207(a) of the Military Construction Author-*
4 *ization Act for Fiscal Year 2012 (division B of Public Law*
5 *112–81; 125 Stat. 1668) is amended—*

6 *(1) in paragraph (2), by inserting “and” after*
7 *the semicolon;*

8 *(2) by striking paragraphs (3) and (4); and*

9 *(3) by redesignating paragraph (5) as para-*
10 *graph (3).*

11 ***Subtitle E—Land Conveyances***

12 **SEC. 2841. MODIFICATION TO AUTHORIZED LAND CONVEY-**
13 **ANCE AND EXCHANGE, JOINT BASE ELMEN-**
14 **DORF RICHARDSON, ALASKA.**

15 *(a) CHANGE IN OFFICER AUTHORIZED TO CARRY OUT*
16 *CONVEYANCES.—Subsection (a) of section 2851 of the Mili-*
17 *tary Construction Authorization Act for Fiscal Year 2012*
18 *(division B of Public Law 112–81; 125 Stat. 1697) is*
19 *amended—*

20 *(1) in paragraph (1), by striking “The Secretary*
21 *of the Air Force may, in consultation with the Sec-*
22 *retary of the Interior” and inserting “The Secretary*
23 *of the Interior may, in consultation with the Sec-*
24 *retary of the Air Force”;* and

25 *(2) in paragraph (2)—*

1 (A) by striking “The Secretary of the Air
2 Force may, in consultation with the Secretary of
3 the Interior, upon terms mutually agreeable to
4 the Secretary of the Air Force” and inserting
5 “The Secretary of the Interior may, in consulta-
6 tion with the Secretary of the Air Force, upon
7 terms mutually agreeable to the Secretary of the
8 Interior”; and

9 (B) by striking “in consultation with the
10 Secretary of the Interior” the second place it ap-
11 pears and inserting “in consultation with the
12 Secretary of the Air Force”.

13 (b) CONFORMING AMENDMENTS.—Such section is fur-
14 ther amended—

15 (1) in subsection (a)(3), by inserting “of the In-
16 terior” after “Secretary”;

17 (2) in subsection (c)—

18 (A) in paragraph (1)—

19 (i) by striking “The Secretary of the
20 Air Force” and inserting “The Secretary of
21 the Interior”;

22 (ii) by striking “the Secretary” the
23 first place it appears and inserting “the
24 Secretary of the Interior and the Secretary
25 of the Air Force”; and

1 of any facility on such real property or otherwise within
2 the boundaries of the metropolitan San Diego, California,
3 area.”.

4 **SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RE-**
5 **SERVE CENTER, WARREN, OHIO.**

6 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
7 Army may convey, without consideration, to the Village of
8 Lordstown, Ohio (in this section referred to as the “Vil-
9 lage”), all right, title, and interest of the United States in
10 and to a parcel of real property, including any improve-
11 ments thereon, consisting of approximately 6.95 acres and
12 containing the John Kunkel Army Reserve Center located
13 at 4967 Tod Avenue in Warren, Ohio, for the purpose of
14 permitting the Village to use the parcel for public purposes.

15 (b) *INTERIM LEASE.*—Until such time as the real
16 property described in subsection (a) is conveyed to the Vil-
17 lage, the Secretary may lease the property to the Village.

18 (c) *PAYMENT OF COSTS OF CONVEYANCE.*—

19 (1) *PAYMENT REQUIRED.*—The Secretary shall
20 require the Village to cover costs (except costs for envi-
21 ronmental remediation of the property) to be incurred
22 by the Secretary, or to reimburse the Secretary for
23 such costs incurred by the Secretary, to carry out the
24 conveyance under subsection (a), including survey
25 costs, costs for environmental documentation, and any

1 *other administrative costs related to the conveyance.*
2 *If amounts are collected from the Village in advance*
3 *of the Secretary incurring the actual costs, and the*
4 *amount collected exceeds the costs actually incurred*
5 *by the Secretary to carry out the conveyance, the Sec-*
6 *retary shall refund the excess amount to the Village.*

7 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
8 *Amounts received as reimbursement under paragraph*
9 *(1) shall be credited to the fund or account that was*
10 *used to cover those costs incurred by the Secretary in*
11 *carrying out the conveyance. Amounts so credited*
12 *shall be merged with amounts in such fund or ac-*
13 *count, and shall be available for the same purposes,*
14 *and subject to the same conditions and limitations, as*
15 *amounts in such fund or account.*

16 (d) *CONDITIONS OF CONVEYANCE.—The conveyance of*
17 *the real property under subsection (a) shall be subject to*
18 *the following conditions:*

19 (1) *That the Village not use any Federal funds*
20 *to cover any portion of the conveyance costs required*
21 *by subsection (c) to be paid by the Village or to cover*
22 *the costs for the design or construction of any facility*
23 *on the property.*

1 (2) *That the Village begin using the property for*
 2 *public purposes before the end of the five-year period*
 3 *beginning on the date of conveyance.*

4 (e) *DESCRIPTION OF PROPERTY.—The exact acreage*
 5 *and legal description of the property to be conveyed under*
 6 *subsection (a) shall be determined by a survey satisfactory*
 7 *to the Secretary.*

8 (f) *ADDITIONAL TERMS.—The Secretary may require*
 9 *such additional terms and conditions in connection with*
 10 *the conveyance as the Secretary considers appropriate to*
 11 *protect the interests of the United States.*

12 **SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT**
 13 **BLISS, TEXAS.**

14 (a) *CONVEYANCE AUTHORIZED.—*

15 (1) *CONVEYANCE AUTHORITY.—The Secretary of*
 16 *the Army may convey, without consideration, to the*
 17 *Parks and Wildlife Department of the State of Texas*
 18 *(in this section referred to as the “Department”) all*
 19 *right, title, and interest of the United States in and*
 20 *to a parcel of real property, including any improve-*
 21 *ments thereon, consisting of approximately 7,081*
 22 *acres at Fort Bliss, Texas, for the purpose of permit-*
 23 *ting the Department to establish and operate a park*
 24 *as an element of the Franklin Mountains State Park.*

1 (2) *PIECEMEAL CONVEYANCES.*—*In anticipation*
2 *of the conveyance of the entire parcel of real property*
3 *described in paragraph (1), the Secretary may sub-*
4 *divide the parcel and convey to the Department por-*
5 *tions of the real property as the Secretary determines*
6 *that the condition of the real property is compatible*
7 *with the Department’s intended use of the property.*

8 (b) *REVERSIONARY INTEREST.*—*If the Secretary deter-*
9 *mines at any time that the real property conveyed under*
10 *subsection (a) is not being used in accordance with the pur-*
11 *pose of the conveyance, all right, title, and interest in and*
12 *to such real property, including any improvements thereto,*
13 *shall, at the option of the Secretary, revert to and become*
14 *the property of the United States, and the United States*
15 *shall have the right of immediate entry onto such real prop-*
16 *erty. A determination by the Secretary under this sub-*
17 *section shall be made on the record after an opportunity*
18 *for a hearing.*

19 (c) *PAYMENT OF COSTS OF CONVEYANCES.*—

20 (1) *PAYMENT REQUIRED.*—*The Secretary shall*
21 *require the Department to cover costs to be incurred*
22 *by the Secretary, or to reimburse the Secretary for*
23 *costs incurred by the Secretary, to carry out the land*
24 *conveyance under this section, including survey costs,*
25 *costs related to environmental documentation, and*

1 *other administrative costs related to the conveyance.*
2 *If amounts are collected from the Department in ad-*
3 *vance of the Secretary incurring the actual costs, and*
4 *the amount collected exceeds the costs actually in-*
5 *curring by the Secretary to carry out the land ex-*
6 *change, the Secretary shall refund the excess amount*
7 *to Department. This paragraph does not apply to*
8 *costs associated with the environmental remediation*
9 *of the property to be conveyed.*

10 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
11 *Amounts received as reimbursements under para-*
12 *graph (1) shall be credited to the fund or account that*
13 *was used to cover the costs incurred by the Secretary*
14 *in carrying out the land exchange. Amounts so cred-*
15 *ited shall be merged with amounts in such fund or ac-*
16 *count and shall be available for the same purposes,*
17 *and subject to the same conditions and limitations, as*
18 *amounts in such fund or account.*

19 (c) *DESCRIPTION OF PROPERTY.—The exact acreage*
20 *and legal descriptions of the parcels of real property to be*
21 *conveyed under subsection (a) shall be determined by a sur-*
22 *vey satisfactory to the Secretary.*

23 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyances under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT**
4 **HOOD, TEXAS.**

5 *Section 2848(a) of the Military Construction Author-*
6 *ization Act for Fiscal Year 2005 (division B of Public Law*
7 *108–375; 118 Stat. 2140) is amended by striking “for the*
8 *sole purpose” and all that follows through “Central Texas.”*
9 *and inserting the following: “for the purpose of permitting*
10 *the University System to use the property—*

11 *“(1) for the establishment of a State-supported*
12 *university, separate from other universities of the*
13 *University System, designated as Texas A&M Univer-*
14 *sity, Central Texas; and*

15 *“(2) for such other educational and related pur-*
16 *poses as the University System considers to be appro-*
17 *priate and the Secretary of the Army determines to*
18 *be compatible with military activities in the vicinity*
19 *of the property.”.*

20 **SEC. 2846. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
21 **FORT LEE MILITARY RESERVATION AND PE-**
22 **TERSBURG NATIONAL BATTLEFIELD, VIR-**
23 **GINIA.**

24 *(a) TRANSFER OF ADMINISTRATIVE JURISDICTION*
25 *FROM SECRETARY OF THE ARMY.—The Secretary of the*

1 *Army shall transfer to the Secretary of the Interior, without*
2 *reimbursement, administrative jurisdiction over a parcel of*
3 *land at Fort Lee Military Reservation consisting of ap-*
4 *proximately 1.171 acres and depicted as “Area to be trans-*
5 *ferred to Petersburg National Battlefield” on the map titled*
6 *“Petersburg National Battlefield Proposed Transfer of Ad-*
7 *ministrative Jurisdiction”, numbered 325/80,801A, and*
8 *dated May 2011. The Secretary of the Interior shall include*
9 *the land transferred under this subsection within the bound-*
10 *ary of Petersburg National Battlefield and administer the*
11 *land as part of the park in accordance with laws and regu-*
12 *lations applicable to the park.*

13 *(b) TRANSFER OF ADMINISTRATIVE JURISDICTION TO*
14 *SECRETARY OF THE ARMY.—The Secretary of the Interior*
15 *shall transfer to the Secretary of the Army, without reim-*
16 *bursement, administrative jurisdiction over a parcel of land*
17 *consisting of approximately 1.170 acres and depicted as*
18 *“Area to be transferred to Fort Lee Military Reservation”*
19 *on the map referred to in subsection (a).*

20 *(c) AVAILABILITY OF MAP.—The map referred to in*
21 *subsection (a) shall be available for public inspection in the*
22 *appropriate offices of the National Park Service.*

Subtitle F—Other Matters

SEC. 2861. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF MILITARY MEMORIALS.

(a) *AUTHORITY.*—Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

“§2115. Inclusion of religious symbols as part of military memorials

“(a) *INCLUSION OF RELIGIOUS SYMBOLS AUTHORIZED.*—To recognize the religious background of members of the United States Armed Forces, religious symbols may be included as part of—

“(1) a military memorial that is established or acquired by the United States Government; or

“(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

“(b) *MILITARY MEMORIAL DEFINED.*—In this section, the term ‘military memorial’ means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title.”.

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

“2115. *Inclusion of religious symbols as part of military memorials.*”.

4 **SEC. 2862. REDESIGNATION OF THE CENTER FOR HEMI-**
 5 **SPHERIC DEFENSE STUDIES AS THE WILLIAM**
 6 **J. PERRY CENTER FOR HEMISPHERIC DE-**
 7 **FENSE STUDIES.**

8 (a) *REDESIGNATION.*—*The Department of Defense re-*
 9 *gional center for security studies known as the Center for*
 10 *Hemispheric Defense Studies is hereby renamed the “Wil-*
 11 *liam J. Perry Center for Hemispheric Defense Studies”.*

12 (b) *CONFORMING AMENDMENTS.*—(1) *Section 184 of*
 13 *title 10, United States Code, is amended—*

14 (A) *in subsection (b)(2)(C), by striking “The*
 15 *Center for Hemispheric Defense Studies” and insert-*
 16 *ing “The William J. Perry Center for Hemispheric*
 17 *Defense Studies”; and*

18 (B) *in subsection (f)(5), by striking “the Center*
 19 *for Hemispheric Defense Studies” and inserting “the*
 20 *William J. Perry Center for Hemispheric Defense*
 21 *Studies”.*

22 (2) *Section 2611(a)(2)(C) of such title is amended by*
 23 *striking “The Center for Hemispheric Defense Studies.” and*
 24 *inserting “The William J. Perry Center for Hemispheric*
 25 *Defense Studies.”.*

1 (c) *REFERENCES.*—Any reference to the Department
2 of Defense Center for Hemispheric Defense Studies in any
3 law, regulation, map, document, record, or other paper of
4 the United States shall be deemed to be a reference to the
5 William J. Perry Center for Hemispheric Defense Studies.

6 **SEC. 2863. SENSE OF CONGRESS REGARDING ESTABLISH-**
7 **MENT OF MILITARY DIVERS MEMORIAL AT**
8 **WASHINGTON NAVY YARD.**

9 *It is the sense of Congress that the Secretary of the*
10 *Navy should provide an appropriate site at the former Navy*
11 *Dive School at the Washington Navy Yard for a memorial,*
12 *to be paid for with private funds, to honor the members*
13 *of the Armed Forces who have served as divers and whose*
14 *service in defense of the United States has been carried out*
15 *beneath the waters of the world, so long as the Secretary*
16 *of the Navy has exclusive authority to approve the design*
17 *and site of the memorial.*

18 **SEC. 2864. GOLD STAR MOTHERS NATIONAL MONUMENT,**
19 **ARLINGTON NATIONAL CEMETERY.**

20 (a) *ESTABLISHMENT.*—The Secretary of the Army
21 shall permit the Gold Star Mothers National Monument
22 Foundation (a nonprofit corporation established under the
23 laws of the District of Columbia) to establish an appro-
24 priate monument in Arlington National Cemetery or on
25 Federal land in its environs under the jurisdiction of the

1 *Department of the Army to commemorate the sacrifices*
2 *made by mothers, and made by their sons and daughters*
3 *who as members of the Armed Forces make the ultimate*
4 *sacrifice, in defense of the United States. The monument*
5 *shall be known as the “Gold Star Mothers National Monu-*
6 *ment”.*

7 (b) *PAYMENT OF EXPENSES.—The Gold Star Mothers*
8 *National Monument Foundation shall be solely responsible*
9 *for acceptance of contributions for, and payment of the ex-*
10 *penses of, the establishment of the monument, and no Fed-*
11 *eral funds may be used to pay such expenses.*

12 **SEC. 2865. NAMING OF TRAINING AND SUPPORT COMPLEX,**
13 **FORT BRAGG, NORTH CAROLINA.**

14 (a) *NAMING.—The complex located on Fort Bragg,*
15 *North Carolina, currently referred to as “Patriot Point”,*
16 *shall be known and designated as the “Colonel Robert How-*
17 *ard Training and Support Complex”.*

18 (b) *REFERENCES.—Any reference in a law, map, regu-*
19 *lation, document, paper, or other record of the United*
20 *States to the complex referred to in subsection (a) shall be*
21 *deemed to be a reference to the “Colonel Robert Howard*
22 *Training and Support Complex”.*

1 **SEC. 2866. NAMING OF ELECTROCHEMISTRY ENGINEERING**
2 **FACILITY, NAVAL SUPPORT ACTIVITY CRANE,**
3 **CRANE, INDIANA.**

4 (a) *NAMING.*—*The electrochemistry engineering facil-*
5 *ity on Naval Support Activity Crane, Crane, Indiana, shall*
6 *be known and designated as the “John Hostettler Electro-*
7 *chemistry Engineering Facility”.*

8 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
9 *lation, document, paper, or other record of the United*
10 *States to the facility referred to in subsection (a) shall be*
11 *deemed to be a reference to the “John Hostettler Electro-*
12 *chemistry Engineering Facility”.*

13 **SEC. 2867. RETENTION OF CORE FUNCTIONS OF THE ELEC-**
14 **TRONIC SYSTEMS CENTER AT HANSCOM AIR**
15 **FORCE BASE, MASSACHUSETTS.**

16 *The Secretary of the Air Force shall retain the core*
17 *functions of the Electronic Systems Center at Hanscom Air*
18 *Force Base, Massachusetts, with the same integrated mis-*
19 *sion elements, responsibilities, and capabilities as existed*
20 *as of November 1, 2011, until such time as such integrated*
21 *mission elements, responsibilities, and capabilities are*
22 *modified pursuant to section 2687 of title 10, United States*
23 *Code, or a subsequent law providing for the closure or re-*
24 *alignment of military installations in the United States.*

1 **SEC. 2868. RETENTION OF CORE FUNCTIONS OF THE AIR**
 2 **FORCE MATERIEL COMMAND, WRIGHT-PAT-**
 3 **TERSON AIR FORCE BASE, OHIO.**

4 *The Secretary of the Air Force shall retain the core*
 5 *functions of the Air Force Materiel Command that exist at*
 6 *Wright-Patterson Air Force Base, Ohio, as of November 1,*
 7 *2011, until such time as such core functions are modified*
 8 *pursuant to section 2687 of title 10, United States Code,*
 9 *or a subsequent law providing for the closure or realignment*
 10 *of military installations in the United States.*

11 **TITLE XXIX—OVERSEAS CONTIN-**
 12 **GENY OPERATIONS MILI-**
 13 **TARY CONSTRUCTION**

14 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 15 **ACQUISITION PROJECTS.**

16 *(a) OUTSIDE THE UNITED STATES.—The Secretary of*
 17 *the Navy may acquire real property and carry out military*
 18 *construction projects for the installations or locations out-*
 19 *side the United States, and in the amounts, set forth in*
 20 *the following table:*

Navy: Outside the United States

Country	Installation or Location	Amount
<i>SW Asia</i>	<i>SW Asia</i>	<i>\$51,348,000</i>
<i>Djibouti</i>	<i>Camp Lemonier</i>	<i>\$99,420,000</i>

21 *(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 22 *hereby authorized to be appropriated for fiscal years begin-*
 23 *ning after September 30, 2012, for military construction*

1 *projects outside the United States authorized by subsection*
2 *(a) as specified in the funding table in section 4602.*

3 ***DIVISION C—DEPARTMENT OF***
4 ***ENERGY NATIONAL SECURITY***
5 ***AUTHORIZATIONS AND***
6 ***OTHER AUTHORIZATIONS***

7 ***TITLE XXXI—DEPARTMENT OF***
8 ***ENERGY NATIONAL SECURITY***
9 ***PROGRAMS***

10 ***Subtitle A—National Security***
11 ***Programs Authorizations***

12 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
13 ***TION.***

14 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
15 *hereby authorized to be appropriated to the Department of*
16 *Energy for fiscal year 2013 for the activities of the National*
17 *Nuclear Security Administration in carrying out programs*
18 *as specified in the funding table in section 4701.*

19 *(b) AUTHORIZATION OF NEW PLANT PROJECTS.—*
20 *From funds referred to in subsection (a) that are available*
21 *for carrying out plant projects, the Secretary of Energy*
22 *may carry out new plant projects for the National Nuclear*
23 *Security Administration as follows:*

24 *Project 13-D-301, Electrical Infrastructure*
25 *Upgrades, Lawrence Livermore National Lab-*

1 *oratory, Livermore, California, and Los Alamos*
2 *National Laboratory, Los Alamos, New Mexico,*
3 *\$23,000,000.*

4 *Project 13-D-905, Remote-Handled Low-*
5 *Level Waste Disposal Project, Idaho National*
6 *Laboratory, \$8,890,000.*

7 *Project 13-D-904, Kesselring Site Radio-*
8 *logical Work and Storage Building, Kesselring*
9 *Site, West Milton, New York, \$2,000,000.*

10 *Project 13-D-903, Kesselring Site Prototype*
11 *Staff Building, Kesselring Site, West Milton,*
12 *New York, \$14,000,000.*

13 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

14 *Funds are hereby authorized to be appropriated to the*
15 *Department of Energy for fiscal year 2013 for defense envi-*
16 *ronmental cleanup activities in carrying out programs as*
17 *specified in the funding table in section 4701.*

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 *Funds are hereby authorized to be appropriated to the*
20 *Department of Energy for fiscal year 2013 for other defense*
21 *activities in carrying out programs as specified in the fund-*
22 *ing table in section 4701.*

23 **SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

24 *Funds are hereby authorized to be appropriated to the*
25 *Department of Energy for fiscal year 2013 for energy secu-*

1 rity and assurance programs necessary for national secu-
2 rity as specified in the funding table in section 4701.

3 **Subtitle B—Program Authoriza-**
4 **tions, Restrictions, and Limita-**
5 **tions**

6 **SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
7 **FICE OF THE ADMINISTRATOR.**

8 (a) *CAP ON FULL-TIME EQUIVALENT POSITIONS.—*

9 (1) *IN GENERAL.—The National Nuclear Secu-*
10 *rity Administration Act (50 U.S.C. 2401 et seq.) is*
11 *amended by inserting after section 3241 the following*
12 *new section:*

13 **“SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
14 **FICE OF THE ADMINISTRATOR.**

15 “(a) *FULL-TIME EQUIVALENT PERSONNEL LEVELS.—*

16 (1) *Beginning 180 days after the date of the enactment of*
17 *this section, the total number of employees of the Office of*
18 *the Administrator of the Administration may not exceed*
19 *1,730.*

20 “(2) *Beginning October 1, 2014, the total number of*
21 *employees of the Office of the Administrator may not exceed*
22 *1,630.*

23 “(b) *COUNTING RULE.—(1) A determination of the*
24 *number of employees in the Office of the Administrator*

1 *under subsection (a) shall be expressed on a full-time equiv-*
2 *alent basis.*

3 “(2) *Except as provided by paragraph (3), in deter-*
4 *mining the total number of employees in the Office of the*
5 *Administrator under subsection (a), the Administrator*
6 *shall count each employee of the Office without regard to*
7 *whether the employee is located at the headquarters of the*
8 *Administration, a site office of the Administration, a serv-*
9 *ice or support center of the Administration, or any other*
10 *location.*

11 “(3) *The following employees may not be counted for*
12 *purposes of determining the total number of employees in*
13 *the Office of the Administrator under subsection (a):*

14 “(A) *Employees of the Office of Naval Reactors.*

15 “(B) *Employees of the Office of Secure Transpor-*
16 *tation.*

17 “(C) *Members of the Armed Forces detailed to*
18 *the Administration.*

19 “(c) *VOLUNTARY EARLY RETIREMENT.—In accordance*
20 *with section 3523 of title 5, United States Code, the Admin-*
21 *istrator may offer voluntary separation or retirement in-*
22 *centives to meet the total number of employees authorized*
23 *under subsection (a).*

24 “(d) *WORK PLACEMENT PROGRAM.—The Adminis-*
25 *trator shall establish a work placement program to assist*

1 *employees of the Administration who are separated from*
2 *service pursuant to this section find new employment.”.*

3 (2) *CLERICAL AMENDMENT.—The table of con-*
4 *tents at the beginning of the National Nuclear Secu-*
5 *rity Administration Act is amended by inserting*
6 *after the item relating to section 3241 the following*
7 *new item:*

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

8 (b) *INCREASE IN EXCEPTED POSITIONS.—Section*
9 *3241 of the National Nuclear Security Administration Act*
10 *(50 U.S.C. 2441) is amended by striking “300” and insert-*
11 *ing “450”.*

12 (c) *REPORTS.—*

13 (1) *REPORT.—Not later than 180 days after the*
14 *date of the enactment of this Act, the Administrator*
15 *for Nuclear Security shall submit to the congressional*
16 *defense committees a report—*

17 (A) *describing the criteria and processes*
18 *used to implement the personnel levels required*
19 *by section 3241A of the National Nuclear Secu-*
20 *rity Administration Act, as added by subsection*
21 *(a);*

22 (B) *detailing the realized and expected cost*
23 *savings within the Office of the Administrator*
24 *and the nuclear security enterprise resulting*
25 *from such personnel reductions and the transi-*

1 *tion to performance-based governance, manage-*
2 *ment, and oversight pursuant to section 3265 of*
3 *such Act, as added by section 3113;*

4 *(C) describing any impacts such personnel*
5 *reductions have had or will have on the ability*
6 *of the Administration to perform the mission of*
7 *the Administration safely, securely, effectively,*
8 *and efficiently;*

9 *(D) assessing various levels of further per-*
10 *sonnel reductions, including reductions of 10*
11 *percent, 15 percent, and 50 percent, on the abil-*
12 *ity of the Administration to perform the mission*
13 *of the Administration safely, securely, effectively,*
14 *and efficiently;*

15 *(E) recommending any further efficiencies*
16 *and personnel reductions that should be made as*
17 *a result of such transition pursuant to such sec-*
18 *tion 3265, including an implementation plan*
19 *and schedule for achieving such efficiencies and*
20 *reductions; and*

21 *(F) assessing the salary and wage structure*
22 *of the Office of the Administrator and the man-*
23 *agement and operating contractors of the nuclear*
24 *security enterprise, as well as the status and ef-*

1 *fectiveness of contractor assurance systems across*
2 *the nuclear security enterprise.*

3 (2) *ASSESSMENT.*—*Not later than 180 days after*
4 *the date on which the report under paragraph (1) is*
5 *submitted, the Comptroller General of the United*
6 *States shall submit to the congressional defense com-*
7 *mittees an assessment of such report.*

8 **SEC. 3112. BUDGET JUSTIFICATION MATERIALS.**

9 *Section 3251(b) of the National Nuclear Security Ad-*
10 *ministration Act (50 U.S.C. 2451) is amended—*

11 (1) *by striking “In the” and inserting “(1) In*
12 *the”;* and

13 (2) *by adding at the end the following new para-*
14 *graph:*

15 “(2) *In the budget justification materials submitted to*
16 *Congress in support of each such budget, the Administrator*
17 *shall include an assessment of how the budget maintains*
18 *the core nuclear weapons skills of the Administration, in-*
19 *cluding nuclear weapons design, engineering, production,*
20 *testing, and prediction of stockpile aging.”.*

21 **SEC. 3113. CONTRACTOR GOVERNANCE, OVERSIGHT, AND**

22 **ACCOUNTABILITY.**

23 (a) *OVERSIGHT OF CONTRACTORS.*—

24 (1) *IN GENERAL.*—*The National Nuclear Secu-*
25 *urity Administration Act (50 U.S.C. 2401 et seq.) is*

1 *amended by adding after section 3264 the following*
2 *new section:*

3 **“SEC. 3265. CONTRACTOR GOVERNANCE, OVERSIGHT, AND**
4 **ACCOUNTABILITY.**

5 “(a) *PERFORMANCE-BASED CONTRACTOR GOVERN-*
6 *ANCE, MANAGEMENT, AND OVERSIGHT.—(1) The Adminis-*
7 *trator shall establish a system of governance, management,*
8 *and oversight of covered contractors.*

9 “(2) *The system established under paragraph (1)*
10 *shall—*

11 “(A) *include clear, consistent, and auditable per-*
12 *formance-based standards relating to the mission ef-*
13 *fectiveness and operations of a covered contractor;*

14 “(B) *ensure that the governance, management,*
15 *and oversight of the mission effectiveness and oper-*
16 *ations of a covered contractor is conducted pursuant*
17 *to national and international standards and best*
18 *practices;*

19 “(C) *recognize the respective roles of—*

20 “(i) *the Federal Government in determining*
21 *the performance-based standards with respect to*
22 *high-level mission and operations performance*
23 *objectives; and*

24 “(ii) *a covered contractor, particularly a*
25 *contractor that is a federally funded research*

1 *and development corporation, in determining*
2 *how to accomplish such objectives;*

3 “(D) *conduct oversight based on outcomes and*
4 *performance-based standards rather than detailed,*
5 *transaction-based oversight; and*

6 “(E) *include appropriate measures to ensure*
7 *that the Administrator has accurate and consistent*
8 *data and information to manage and make decisions*
9 *with respect to the nuclear security enterprise.*

10 “(3)(A) *The Administrator may exempt individual*
11 *areas of governance, management, and oversight from the*
12 *requirements of the system established under paragraph (1)*
13 *and continue to conduct transaction-based oversight if the*
14 *Administrator determines that such exemption is necessary*
15 *to ensure the national security or the safety, security, or*
16 *performance of the Administration.*

17 “(B) *If the Administrator makes an exemption under*
18 *subparagraph (A), the Administrator shall annually submit*
19 *to the congressional defense committees a certification for*
20 *each such exemption, including a description of why such*
21 *exemption is needed.*

22 “(C) *During the three-year period beginning on the*
23 *date of the enactment of this section, the Administrator may*
24 *temporarily exempt individual facilities or contractors*
25 *from the system established under paragraph (1) and con-*

1 *tinue to conduct transaction-based oversight if the Adminis-*
2 *trator determines that such exemption is needed to ensure*
3 *that robust contractor assurance, accountability, and per-*
4 *formance-based oversight mechanisms are in place for such*
5 *facility or contractor.*

6 “(D) *If the Administrator makes an exemption under*
7 *subparagraph (C), the Administrator shall annually submit*
8 *to the congressional defense committees a written justifica-*
9 *tion for such exemption and a plan and schedule to transi-*
10 *tion the exempted facility or contractor to the system estab-*
11 *lished under paragraph (1).*

12 “(b) *CONTRACTOR ACCOUNTABILITY.—The Adminis-*
13 *trator shall—*

14 “(1) *ensure that each management and operating*
15 *contract includes robust mechanisms to ensure the ac-*
16 *countability of a covered contractor; and*

17 “(2) *exercise such mechanisms as the Adminis-*
18 *trator determines appropriate to ensure the perform-*
19 *ance of the covered contractor.*

20 “(c) *DEFINITIONS.—In this section:*

21 “(1) *The term ‘covered contractor’ means a con-*
22 *tractor who enters into a management and operating*
23 *contract.*

24 “(2) *The term ‘management and operating con-*
25 *tract’ means a contract entered into by the Adminis-*

1 *trator and a contractor to manage and operate a*
2 *Government-owned, contractor-operated facility.*

3 “(3) *The term ‘performance-based standards’,*
4 *with respect to a covered contract, means that the*
5 *contract includes the use of performance work state-*
6 *ments that set forth contract requirements in clear,*
7 *specific, and objective terms with measurable out-*
8 *comes.’”.*

9 (2) *CLERICAL AMENDMENT.—The table of con-*
10 *tents at the beginning of the National Nuclear Secu-*
11 *rity Administration Act is amended by inserting*
12 *after the item relating to section 3264 the following*
13 *new item:*

“Sec. 3265. Contractor governance, oversight, and accountability.”.

14 (b) *REPORTS.—Not later than January 15, 2013, and*
15 *each year thereafter through 2016, the Administrator shall*
16 *submit to the congressional defense committees a report that*
17 *includes—*

18 (1) *a description of each instance during the pre-*
19 *vious calendar year in which the Administrator, or*
20 *any other head of an agency of the Federal Govern-*
21 *ment, used a procedure, standard, or process for gov-*
22 *ernance, management, and oversight of a covered con-*
23 *tract (as defined in section 3265(d)(1) of the National*
24 *Nuclear Security Administration Act, as added by*
25 *subsection (a)(1)) that is not a procedure, standard,*

1 or process that conforms to national or international
2 standards or industry best practices;

3 (2) an explanation of why such procedure, stand-
4 ard, or process was used during such year and any
5 steps that will be taken by the Administrator or other
6 head of an agency, as the case may be, in future years
7 to instead use a procedure, standard, or process that
8 conforms to national or international standards or
9 industry best practices; and

10 (3) a description of any oversight activities by
11 any agency of the Federal Government that occurred
12 during the previous calendar year that the Adminis-
13 trator considers duplicative or unnecessary.

14 **SEC. 3114. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
15 **TION COUNCIL.**

16 (a) *NNSA COUNCIL.*—Section 4102 of the Atomic En-
17 ergy Defense Act (50 U.S.C. 2512) is amended to read as
18 follows:

19 **“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SE-**
20 **CURITY ENTERPRISE.**

21 “(a) *IN GENERAL.*—The Administrator shall establish
22 a management structure for the nuclear security enterprise
23 in accordance with the National Nuclear Security Adminis-
24 tration Act (50 U.S.C. 2401 et seq.).

1 “(b) NATIONAL NUCLEAR SECURITY ADMINISTRATION
2 COUNCIL.—(1) *The Administrator shall establish a council*
3 *to be known as the ‘National Nuclear Security Administra-*
4 *tion Council’. The Council may advise the Administrator*
5 *on scientific and technical issues relating to policy matters,*
6 *operational concerns, strategic planning, and the develop-*
7 *ment of priorities relating to the mission and operations*
8 *of the Administration and the nuclear security enterprise.*

9 “(2) *The Council shall be composed of the directors of*
10 *the national security laboratories and the nuclear weapons*
11 *production facilities.*

12 “(3) *The Council may provide the Administrator or*
13 *the Secretary of Energy recommendations for improving*
14 *the—*

15 “(A) *governance, management, effectiveness, and*
16 *efficiency of the Administration; and*

17 “(B) *any other matter in accordance with para-*
18 *graph (1).*

19 “(4) *Not later than 60 days after the date on which*
20 *any recommendation under paragraph (3) is received, the*
21 *Administrator or the Secretary, as the case may be, shall*
22 *respond to the Council with respect to whether such rec-*
23 *ommendation will be implemented and the reasoning for*
24 *implementing or not implementing such recommendation.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents at*
 2 *the beginning of the Atomic Energy Defense Act is amended*
 3 *by striking the item relating to section 4102 and inserting*
 4 *the following new item:*

 “*Sec. 4102. Management structure for nuclear security enterprise.*”.

5 **SEC. 3115. SAFETY, HEALTH, AND SECURITY OF THE NA-**
 6 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
 7 **TION.**

8 (a) *SECURITY OF ASSETS AND INFORMATION.*—

9 (1) *IN GENERAL.*—*Section 3231 of the National*
 10 *Nuclear Security Administration Act (50 U.S.C.*
 11 *2421) is amended to read as follows:*

12 **“SEC. 3231. PROTECTION OF SPECIAL NUCLEAR MATERIAL**
 13 **AND NATIONAL SECURITY INFORMATION.**

14 “(a) *POLICIES AND PROCEDURES REQUIRED.*—*The*
 15 *Administrator shall establish policies and procedures to en-*
 16 *sure the protection of—*

17 “(1) *special nuclear material and other sensitive*
 18 *physical assets of the Administration; and*

19 “(2) *classified information in the possession of*
 20 *the Administration.*

21 “(b) *PROMPT REPORTING.*—*The Administrator shall*
 22 *establish procedures to ensure prompt reporting to the Ad-*
 23 *ministrator of any significant problem, abuse, violation of*
 24 *law or Executive order, or deficiency relating to the—*

1 “(1) protection of the special nuclear material
2 and other sensitive physical assets of the Administra-
3 tion; and

4 “(2) management of classified information by
5 personnel of the Administration.”.

6 (2) *CLERICAL AMENDMENT.*—*The table of con-*
7 *tents at the beginning of the National Nuclear Secu-*
8 *rity Administration Act is amended by striking the*
9 *item relating to section 3231 and inserting the fol-*
10 *lowing new item:*

 “*Sec. 3231. Protection of special nuclear material and national security informa-*
 tion.”.

11 (b) *HEALTH AND SAFETY.*—

12 (1) *IN GENERAL.*—*Section 3261 of the National*
13 *Nuclear Security Administration Act (50 U.S.C.*
14 *2461) is amended—*

15 (A) *in subsection (a), by striking “The Ad-*
16 *ministrator” and inserting “In accordance with*
17 *subsections (c) and (d), the Administrator”;*

18 (B) *by striking subsection (c);*

19 (C) *by adding at the end the following new*
20 *subsection:*

21 “(c) *NON-NUCLEAR HEALTH AND SAFETY.*—(1) *In*
22 *carrying out this section with respect to non-nuclear oper-*
23 *ations, the Administrator shall ensure that the Administra-*
24 *tion complies with all applicable occupational safety and*

1 *health standards promulgated under the Occupational Safe-*
2 *ty and Health Act of 1970 (29 U.S.C. 655) that are admin-*
3 *istered by the Secretary of Labor.*

4 “(2) *With respect to complying with the occupational*
5 *safety and health standards under paragraph (1), and con-*
6 *ducting oversight of such occupational safety and health*
7 *standards, the Administrator shall ensure that such com-*
8 *plying and oversight by the Administration is conducted—*

9 “(A) *in accordance with best industry and Gov-*
10 *ernment practices for meeting such standards; and*

11 “(B) *in accordance with the performance-based*
12 *system of governance, management, and oversight es-*
13 *tablished under section 3265, notwithstanding the ex-*
14 *emption authority under subsection (a)(3) of such sec-*
15 *tion.*

16 “(3) *Except as provided by paragraph (4), the Admin-*
17 *istrator may not establish or prescribe any order, rule, or*
18 *regulation regarding occupational safety and health unless*
19 *such order, rule, or regulation is pursuant to an occupa-*
20 *tional safety and health standard described in paragraph*
21 *(1).*

22 “(4)(A) *In carrying out paragraph (3)—*

23 “(i) *the Administrator may waive the require-*
24 *ment under such paragraph for any type of high haz-*

1 *ard operations if the Administrator determines that*
2 *such waiver is necessary to ensure safety; and*

3 *“(i) the Administrator shall waive such require-*
4 *ments for operations involving beryllium.*

5 *“(B) The Administrator shall submit an annual cer-*
6 *tification to the congressional defense committees regarding*
7 *why any such waivers made under subparagraph (A) are*
8 *required to ensure safety.”; and*

9 *(D) by adding after subsection (c), as added*
10 *by subparagraph (C), the following new sub-*
11 *section:*

12 *“(d) NUCLEAR HEALTH AND SAFETY.—(1) In car-*
13 *rying out this section with respect to nuclear operations,*
14 *the Administrator shall prescribe appropriate policies and*
15 *regulations to ensure that risks to the health and safety of*
16 *the employees of the Administration, contractors of the Ad-*
17 *ministration, and the general public from such nuclear op-*
18 *erations are as low as reasonably practicable and that ade-*
19 *quate protection is provided.*

20 *“(2) With respect to prescribing and complying with*
21 *the policies and regulations under paragraph (1), and con-*
22 *ducting oversight of such policies and regulations by the*
23 *Administration, the Administrator shall ensure that such*
24 *prescribing, complying, and oversight is conducted in ac-*
25 *cordance with the performance-based system of governance,*

1 *management, and oversight established under section 3265,*
2 *notwithstanding the exemption authority under subsection*
3 *(a)(3) of such section.”.*

4 (2) *NUCLEAR HEALTH AND SAFETY EFFECTIVE*
5 *DATE.—The amendment made by paragraph (1)(D)*
6 *shall take effect October 1, 2013.*

7 (c) *REPORT ON AUTHORITY FOR NUCLEAR SAFETY.—*
8 *Not later than March 1, 2013, the Administrator shall sub-*
9 *mit to the congressional defense committees a report that*
10 *includes—*

11 (1) *an implementation plan describing the ac-*
12 *tions needed to fully transition the policy, regulatory,*
13 *and oversight authority for the nuclear safety of the*
14 *nuclear security enterprise from the Department of*
15 *Energy to the Administration; and*

16 (2) *a description of the costs and benefits of such*
17 *a transition.*

18 **SEC. 3116. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**
19 **WEAPONS.**

20 (a) *PROTOTYPES.—The Atomic Energy Defense Act*
21 *(50 U.S.C. 2501 et seq.) is amended by inserting after sec-*
22 *tion 4508 the following new section:*

1 **“SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**
2 **WEAPONS FOR INTELLIGENCE PURPOSES.**

3 *“(a) PROTOTYPES.—The Administrator shall develop*
4 *and carry out a plan for the national security laboratories*
5 *and nuclear weapons production plants to design and build*
6 *prototypes of nuclear weapons to further intelligence esti-*
7 *mates with respect to foreign nuclear weapons activities.*

8 *“(b) PROHIBITION ON PRODUCTION OF NUCLEAR*
9 *YIELDS.—In carrying out subsection (a), the Administrator*
10 *may not conduct any experiments that produce a nuclear*
11 *yield.”.*

12 *(b) CLERICAL AMENDMENT.—The table of contents at*
13 *the beginning of the Atomic Energy Defense Act is amended*
14 *by inserting after the item relating to section 4508 the fol-*
15 *lowing new item:*

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence pur-
poses.”.

16 **SEC. 3117. IMPROVEMENT AND STREAMLINING OF THE MIS-**
17 **SIONS AND OPERATIONS OF THE DEPART-**
18 **MENT OF ENERGY AND NATIONAL NUCLEAR**
19 **SECURITY ADMINISTRATION.**

20 *(a) IN GENERAL.—Not later than 90 days after the*
21 *date of the enactment of this Act, the Secretary of Energy*
22 *and the Administrator for Nuclear Security, in coordina-*
23 *tion with the Secretary of Defense and other officials, as*
24 *the Secretary of Energy and the Administrator consider ap-*

1 *appropriate, shall revise the Department of Energy Acquisi-*
2 *tion Regulation and other regulations, rules, directives, or-*
3 *ders, and policies that apply to the administration, execu-*
4 *tion, and oversight of the missions and operations of the*
5 *Department of Energy and the National Nuclear Security*
6 *Administration to improve and streamline such adminis-*
7 *tration, execution, and oversight.*

8 (b) *IMPROVEMENT AND STREAMLINING.*—*In carrying*
9 *out subsection (a), the Secretary of Energy and the Admin-*
10 *istrator for Nuclear Security shall—*

11 (1) *streamline business processes and structures*
12 *to reduce unnecessary, burdensome, or duplicative ap-*
13 *provals;*

14 (2) *delegate approval for work for others agree-*
15 *ments and cooperative research and development*
16 *agreements (except those that the Secretary or Admin-*
17 *istrator determine are high value or unique) to the*
18 *management and operating contractors of a Govern-*
19 *ment-owned, contractor-operated facility of the De-*
20 *partment or Administration and hold such contrac-*
21 *tors accountable for maintaining appropriate port-*
22 *folios with respect to such agreements;*

23 (3) *establish processes for ensuring routine or*
24 *low-risk procurement and subcontracting decisions*
25 *are made at the discretion of the management and*

1 *operating contractors while ensuring that the Sec-*
2 *retary or Administrator apply appropriate oversight;*

3 *(4) assess procurement thresholds as of the date*
4 *of the enactment of this Act and take steps as appro-*
5 *priate to adjust such thresholds;*

6 *(5) eliminate duplicative or low-value reports*
7 *and data calls and ensure consistency in management*
8 *and cost accounting data; and*

9 *(6) otherwise streamline, clarify, and eliminate*
10 *redundancy in the regulations, rules, directives, or-*
11 *ders, and policies described by subsection (a).*

12 *(c) BRIEFING.—*

13 *(1) IN GENERAL.—Not later than 120 days after*
14 *the date of the enactment of this Act, the Secretary*
15 *and the Administrator shall provide to the appro-*
16 *priate congressional committees a briefing on the reg-*
17 *ulations, rules, directives, orders, and policies im-*
18 *proved and streamlined pursuant to subsection (a).*

19 *(2) APPROPRIATE COMMITTEES DEFINED.—In*
20 *this subsection, the term “appropriate congressional*
21 *committees” means—*

22 *(A) the congressional defense committees;*
23 *and*

24 *(B) the Committee on Energy and Natural*
25 *Resources of the Senate and the Committee on*

1 *Energy and Commerce of the House of Rep-*
2 *resentatives.*

3 **SEC. 3118. COST-BENEFIT ANALYSES FOR COMPETITION OF**
4 **MANAGEMENT AND OPERATING CONTRACTS.**

5 *(a) LIMITATION.—The Administrator for Nuclear Se-*
6 *curity may not release a final request for proposal for com-*
7 *petition of any contract to manage and operate a facility*
8 *of the National Nuclear Security Administration until the*
9 *date on which the Administrator submits to the congres-*
10 *sional defense committees a report described in subsection*
11 *(b).*

12 *(b) REPORT DESCRIBED.—A report described in this*
13 *subsection is a report on a request for proposal for competi-*
14 *tion described in subsection (a) that includes—*

15 *(1) the expected cost savings resulting from the*
16 *competition over the life of the contract;*

17 *(2) the costs of the competition, including imme-*
18 *diate costs of conducting the competition and any in-*
19 *creased costs over the life of the contract;*

20 *(3) a description of—*

21 *(A) any disruption or delay in mission ac-*
22 *tivities or deliverables resulting from the com-*
23 *petition; and*

24 *(B) any benefits of the proposed competition*
25 *to mission performance or operations;*

1 (4) *how the competition complies with the Fed-*
2 *eral Acquisition Regulation regarding federally fund-*
3 *ed research and development centers, if applicable;*
4 *and*

5 (5) *any other matters the Administrator con-*
6 *siders appropriate.*

7 (c) *GAO REVIEW.*—*Not later than 90 days after each*
8 *report is submitted to the congressional defense committees*
9 *under subsection (a) or (d)(2), the Comptroller General of*
10 *the United States shall submit to such committees a review*
11 *of such report.*

12 (d) *APPLICABILITY.*—

13 (1) *IN GENERAL.*—*The limitation in subsection*
14 *(a) shall apply with respect to a request for proposal*
15 *described by such subsection that is released by the*
16 *Administrator for Nuclear Security during fiscal*
17 *years 2012 through 2017.*

18 (2) *FISCAL YEAR 2012 RFPS.*—*For each request*
19 *for proposal described by subsection (a) that is re-*
20 *leased by the Administrator during fiscal year 2012*
21 *before the date of the enactment of this Act, the Ad-*
22 *ministrator shall submit to the congressional defense*
23 *committees a report described in subsection (b) by not*
24 *later than 90 days after the date of such enactment.*

1 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR IN-**
2 **ERTIAL CONFINEMENT FUSION IGNITION**
3 **AND HIGH YIELD CAMPAIGN.**

4 (a) *LIMITATION.*—*Except as provided in subsection*
5 *(b), of the funds authorized to be appropriated by this Act*
6 *or otherwise made available for fiscal year 2013 for fusion*
7 *ignition under the Inertial Confinement Fusion Ignition*
8 *and High Yield Campaign, not more than 50 percent may*
9 *be obligated or expended until the date on which—*

10 (1) *the Administrator for Nuclear Security cer-*
11 *tifies to the congressional defense committees that fu-*
12 *sion ignition has been achieved at the National Igni-*
13 *tion Facility at Lawrence Livermore National Lab-*
14 *oratory; or*

15 (2) *the Administrator submits to such commit-*
16 *tees a detailed report on fusion ignition, including—*

17 (A) *a thorough description of the remaining*
18 *technical challenges and gaps in understanding*
19 *with respect to such ignition;*

20 (B) *a plan and schedule for reevaluating*
21 *the ignition program and incorporating experi-*
22 *mental data into computer models;*

23 (C) *the best judgment of the Administrator*
24 *with respect to whether ignition can be achieved*
25 *at the National Ignition Facility, as designed on*
26 *the date of the report; and*

1 (D) if funding being spent on ignition re-
2 search as of the date of the report were applied
3 to life extension programs—

4 (i) a description of such programs that
5 could be accelerated or otherwise improved;
6 and

7 (ii) how such funding changes would
8 affect the stockpile stewardship program.

9 (b) *EXCEPTION.*—The limitation in subsection (a)
10 shall not apply to the Z machine at Sandia National Lab-
11 oratories or the Omega laser system at the University of
12 Rochester.

13 **SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR**
14 **GLOBAL SECURITY THROUGH SCIENCE PART-**
15 **NERSHIPS PROGRAM.**

16 (a) *LIMITATION.*—Of the funds authorized to be appro-
17 priated by this Act or otherwise made available for fiscal
18 year 2013 for the National Nuclear Security Administra-
19 tion, not more than \$8,000,000 may be obligated or ex-
20 pended for the Global Security through Science Partner-
21 ships Program, formerly known as the Global Initiatives
22 for Proliferation Prevention Program, until the date on
23 which the Secretary of Energy submits to the appropriate
24 congressional committees the report under subsection (b).

1 (b) *REPORT.*—*The Secretary of Energy shall submit*
2 *to the appropriate congressional committees a report with*
3 *a plan to complete the Global Security through Science*
4 *Partnerships Program by the end of calendar year 2015.*

5 (c) *FORM.*—*The report under subsection (b) may be*
6 *submitted in unclassified form and may include a classified*
7 *annex.*

8 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
9 *FINED.*—*In this section, the term “appropriate congres-*
10 *sional committees” means—*

11 (1) *the Committee on Armed Services and the*
12 *Committee on Foreign Affairs of the House of Rep-*
13 *resentatives; and*

14 (2) *the Committee on Armed Services and the*
15 *Committee on Foreign Relations of the Senate.*

16 **SEC. 3121. LIMITATION ON AVAILABILITY OF FUNDS FOR**
17 **CENTER OF EXCELLENCE ON NUCLEAR SECU-**
18 **RITY.**

19 (a) *LIMITATION.*—*Of the funds authorized to be appro-*
20 *priated by this Act or otherwise made available for fiscal*
21 *year 2013 for the National Nuclear Security Administra-*
22 *tion, not more than \$7,000,000 may be obligated or ex-*
23 *pended for the United States-China Center of Excellence on*
24 *Nuclear Security until the date on which the Secretary of*

1 *Energy submits to the appropriate congressional commit-*
2 *tees the report under subsection (b)(2).*

3 *(b) NUCLEAR SECURITY.—*

4 *(1) REVIEW.—The Secretary of Energy, in co-*
5 *ordination with the Secretary of Defense, shall con-*
6 *duct a review of the existing and planned non-pro-*
7 *liferation activities with the People’s Republic of*
8 *China as of the date of the enactment of this Act to*
9 *determine if the engagement is directly or indirectly*
10 *supporting the proliferation of nuclear weapons devel-*
11 *opment and technology to other nations.*

12 *(2) REPORT.—Not later than 90 days after the*
13 *date of the enactment of this Act, the Secretary of En-*
14 *ergy shall submit to the appropriate congressional*
15 *committees a report certifying that the activities re-*
16 *viewed under paragraph (1) are not contributing to*
17 *the proliferation of nuclear weapons development and*
18 *technology to other nations.*

19 *(c) FORM.—The report under subsection (b)(2) may be*
20 *submitted in unclassified form and may include a classified*
21 *annex.*

22 *(d) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
23 *FINED.—In this section, the term “appropriate congres-*
24 *sional committees” means—*

1 (1) *the Committee on Armed Services and the*
2 *Committee on Foreign Affairs of the House of Rep-*
3 *resentatives; and*

4 (2) *the Committee on Armed Services and the*
5 *Committee on Foreign Relations of the Senate.*

6 **SEC. 3122. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-**
7 **POSITION OF WEAPONS-USABLE PLUTONIUM**
8 **AT SAVANNAH RIVER SITE, AIKEN, SOUTH**
9 **CAROLINA.**

10 *Section 4306 of the Atomic Energy Defense Act (50*
11 *U.S.C. 2566) is amended—*

12 (1) *in subsection (a)(3)—*

13 (A) *in subparagraph (C), by striking*
14 *“2012” and inserting “2014”; and*

15 (B) *in subparagraph (D), by striking*
16 *“2017” and inserting “2019”;*

17 (2) *in subsection (b)—*

18 (A) *in paragraph (1), by striking “by Jan-*
19 *uary 1, 2012”;*

20 (B) *in paragraph (4), by striking “2012”*
21 *each place it appears and inserting “2014”; and*

22 (C) *in paragraph (5), by striking “2012”*
23 *and inserting “2014”;*

24 (3) *in subsection (c)—*

1 (A) in the matter preceding paragraph (1),
2 by striking “2012” and inserting “2014”;

3 (B) in paragraph (1), by striking “2014”
4 and inserting “2016”; and

5 (C) in paragraph (2), by striking “2020”
6 each place it appears and inserting “2022”;

7 (4) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “2014” and inserting
10 “2016”; and

11 (ii) by striking “2019” and inserting
12 “2021”; and

13 (B) in paragraph (2)(A), by striking
14 “2020” each place it appears and inserting
15 “2022”; and

16 (5) in subsection (e), by striking “2023” and in-
17 serting “2025”.

18 ***Subtitle C—Improvements to***
19 ***National Security Energy Laws***

20 ***SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DE-***
21 ***FENSE ACT.***

22 (a) *DEFINITIONS.—*

23 (1) *IN GENERAL.—*Section 4002 of the Atomic
24 Energy Defense Act (50 U.S.C. 2501) is amended to
25 read as follows:

1 **“SEC. 4002. DEFINITIONS.**

2 *“In this division:*

3 *“(1) The term ‘Administration’ means the Na-*
4 *tional Nuclear Security Administration.*

5 *“(2) The term ‘Administrator’ means the Admin-*
6 *istrator for Nuclear Security.*

7 *“(3) The term ‘classified information’ means any*
8 *information that has been determined pursuant to*
9 *Executive Order No. 12333 of December 4, 1981 (50*
10 *U.S.C. 401 note), Executive Order No. 12958 of April*
11 *17, 1995 (50 U.S.C. 435 note), or successor orders, to*
12 *require protection against unauthorized disclosure*
13 *and that is so designated.*

14 *“(4) The term ‘congressional defense committees’*
15 *means—*

16 *“(A) the Committee on Armed Services and*
17 *the Committee on Appropriations of the Senate;*
18 *and*

19 *“(B) the Committee on Armed Services and*
20 *the Committee on Appropriations of the House of*
21 *Representatives.*

22 *“(5) The term ‘nuclear security enterprise’*
23 *means the physical facilities, technology, and human*
24 *capital of the national security laboratories and the*
25 *nuclear weapons production facilities.*

1 “(6) *The term ‘national security laboratory’*
2 *means any of the following:*

3 “(A) *Los Alamos National Laboratory, Los*
4 *Alamos, New Mexico.*

5 “(B) *Sandia National Laboratories, Albu-*
6 *querque, New Mexico, and Livermore, California.*

7 “(C) *Lawrence Livermore National Labora-*
8 *tory, Livermore, California.*

9 “(7) *The term ‘nuclear weapons production facil-*
10 *ity’ means any of the following:*

11 “(A) *The Kansas City Plant, Kansas City,*
12 *Missouri.*

13 “(B) *The Pantex Plant, Amarillo, Texas.*

14 “(C) *The Y-12 National Security Complex,*
15 *Oak Ridge, Tennessee.*

16 “(D) *The Savannah River Site, Aiken,*
17 *South Carolina.*

18 “(E) *The Nevada National Security Site,*
19 *Nevada.*

20 “(F) *Any facility of the Department of En-*
21 *ergy that the Secretary of Energy, in consulta-*
22 *tion with the Administrator and the Congress,*
23 *determines to be consistent with the mission of*
24 *the Administration.*

1 “(8) *The term ‘Restricted Data’ has the meaning*
2 *given such term in section 11 y. of the Atomic Energy*
3 *Act of 1954 (42 U.S.C. 2014(y)).”.*

4 (2) *CLERICAL AMENDMENT.—The table of con-*
5 *tents at the beginning of the Atomic Energy Defense*
6 *Act is amended by striking the item relating to sec-*
7 *tion 4002 and inserting the following new item:*

“Sec. 4002. Definitions.”.

8 (b) *STOCKPILE STEWARDSHIP.—Section*
9 *4201(b)(5)(E) of the Atomic Energy Defense Act (50 U.S.C.*
10 *2521(b)(5)(E)) is amended by striking “(as defined in sec-*
11 *tion 3281 of the National Nuclear Security Administration*
12 *Act (50 U.S.C. 2471))”.*

13 (c) *ANNUAL ASSESSMENTS.—Section 4205 of the*
14 *Atomic Energy Defense Act (50 U.S.C. 2525) is amended*
15 *by striking subsection (i).*

16 (d) *TESTING OF NUCLEAR WEAPONS.—*

17 (1) *IN GENERAL.—Section 4210 of the Atomic*
18 *Energy Defense Act (50 U.S.C. 2530) is amended to*
19 *read as follows:*

20 **“SEC. 4210. TESTING OF NUCLEAR WEAPONS.**

21 “(a) *UNDERGROUND TESTING.—No underground test*
22 *of nuclear weapons may be conducted by the United States*
23 *after September 30, 1996, unless a foreign state conducts*
24 *a nuclear test after this date, at which time the prohibition*
25 *on United States nuclear testing is lifted.*

1 “(b) *ATMOSPHERIC TESTING*.—None of the funds ap-
2 propriated pursuant to the National Defense Authorization
3 Act for Fiscal Year 1994 or any other Act for any fiscal
4 year may be available to maintain the capability of the
5 United States to conduct atmospheric testing of a nuclear
6 weapon.”.

7 (2) *CLERICAL AMENDMENT*.—The table of con-
8 tents at the beginning of the Atomic Energy Defense
9 Act is amended by striking the items relating to sec-
10 tions 4210 and 4211 and inserting the following new
11 item:

“Sec. 4210. Testing of nuclear weapons.”.

12 (3) *CONFORMING AMENDMENT*.—Section 4211 of
13 the Atomic Energy Defense Act (50 U.S.C. 2531) is
14 repealed.

15 (e) *MANUFACTURING INFRASTRUCTURE*.—Section
16 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532)
17 is amended by striking subsections (d) and (e).

18 (f) *CRITICAL DIFFICULTIES REPORT*.—

19 (1) *IN GENERAL*.—Section 4213 of the Atomic
20 Energy Defense Act (50 U.S.C. 2533) is amended—

21 (A) in the heading, by striking “**NUCLEAR**
22 **WEAPONS LABORATORIES AND NUCLEAR**
23 **WEAPONS PRODUCTION PLANTS**” and in-
24 serting “**NATIONAL SECURITY LABORA-**

1 **TORIES AND NUCLEAR WEAPONS PRODUC-**
 2 **TION FACILITIES”;**

3 *(B) in subsection (a), by striking “Assistant*
 4 *Secretary of Energy for Defense Programs” and*
 5 *inserting “Administrator”;*

6 *(C) by striking “Assistant Secretary” each*
 7 *place it appears and inserting “Administrator”;*

8 *(D) by striking “nuclear weapons labora-*
 9 *tory” each place it appears and inserting “na-*
 10 *tional security laboratory”;*

11 *(E) by striking “production plant” each*
 12 *place it appears and inserting “production facil-*
 13 *ity”;* and

14 *(F) by striking subsection (e).*

15 (2) *CLERICAL AMENDMENT.—The table of con-*
 16 *tents at the beginning of the Atomic Energy Defense*
 17 *Act is amended by striking the item relating to sec-*
 18 *tion 4213 and inserting the following new item:*

*“Sec. 4213. Reports on critical difficulties at national security laboratories and
 nuclear weapons production facilities.”.*

19 (g) *PLAN FOR TRANSFORMATION.—*

20 (1) *IN GENERAL.—Section 4214 of the Atomic*
 21 *Energy Defense Act (50 U.S.C. 2534) is amended—*

22 *(A) by striking subsections (b) and (d); and*

23 *(B) by redesignating subsection (c) as sub-*
 24 *section (b).*

1 (2) *CLERICAL AMENDMENT.*—*The table of con-*
2 *tents at the beginning of the Atomic Energy Defense*
3 *Act is amended by inserting after the item relating to*
4 *section 4213 the following new item:*

 “*Sec. 4214. Plan for transformation of national nuclear security administration
 nuclear weapons complex.*”.

5 *(h) TRITIUM PRODUCTION PROGRAM.*—*Section 4231 of*
6 *the Atomic Energy Defense Act (50 U.S.C. 2541) is amend-*
7 *ed to read as follows:*

8 “**SEC. 4231. TRITIUM PRODUCTION PROGRAM.**

9 “*(a) ESTABLISHMENT OF PROGRAM.*—*The Secretary*
10 *shall establish a tritium production program that is capable*
11 *of meeting the tritium requirements of the United States*
12 *for nuclear weapons. In carrying out the tritium produc-*
13 *tion program, the Secretary shall assess alternative means*
14 *for tritium production, including production through—*

15 “*(1) types of new and existing reactors, includ-*
16 *ing multipurpose reactors (such as advanced light*
17 *water reactors and gas turbine gas-cooled reactors)*
18 *capable of meeting both the tritium production re-*
19 *quirements and the plutonium disposition require-*
20 *ments of the United States for nuclear weapons;*

21 “*(2) an accelerator; and*

22 “*(3) multipurpose reactor projects carried out by*
23 *the private sector and the Government.*

1 “(b) *LOCATION OF TRITIUM PRODUCTION FACILITY.*—
2 *The Secretary shall locate any new tritium production fa-*
3 *cility of the Department of Energy at the Savannah River*
4 *Site, South Carolina.*”.

5 (i) *TRITIUM RECYCLING FACILITIES.*—Section 4234 of
6 *the Atomic Energy Defense Act (50 U.S.C. 2544) is amend-*
7 *ed—*

8 (1) *by striking “(a) IN GENERAL.—The Sec-*
9 *retary of Energy” and inserting “The Secretary”;*
10 *and*

11 (2) *by striking subsection (b).*

12 (j) *RESTRICTED DATA.*—Section 4501 of the *Atomic*
13 *Energy Defense Act (50 U.S.C. 2651(a)) is amended by*
14 *striking subsection (c).*

15 (k) *FOREIGN VISITORS.*—Section 4502 of the *Atomic*
16 *Energy Defense Act (50 U.S.C. 2652) is amended—*

17 (1) *by striking “national laboratory” each place*
18 *it appears and inserting “national security labora-*
19 *tory”;* *and*

20 (2) *in subsection (g), by striking paragraphs (3)*
21 *and (4).*

22 (l) *BACKGROUND INVESTIGATIONS.*—Section 4503 of
23 *the Atomic Energy Defense Act (50 U.S.C. 2653) is amend-*
24 *ed—*

25 (1) *by striking “(a) IN GENERAL.—”;*

1 (2) *by striking subsections (b) and (c); and*

2 (3) *by striking “national laboratory” and insert-*
3 *ing “national security laboratory”.*

4 (m) *SECURITY FUNCTIONS REPORT.—Section 4506 of*
5 *the Atomic Energy Defense Act (50 U.S.C. 2657) is amend-*
6 *ed—*

7 (1) *by striking “(a) IN GENERAL.—”; and*

8 (2) *by striking subsection (b).*

9 (n) *COUNTERINTELLIGENCE REPORT.—Section 4507*
10 *of the Atomic Energy Defense Act (50 U.S.C. 2658) is*
11 *amended—*

12 (1) *by striking “national laboratories” each*
13 *place it appears and inserting “national security lab-*
14 *oratories”; and*

15 (2) *by striking subsection (c).*

16 (o) *COMPUTER SECURITY REPORT.—Section 4508 of*
17 *the Atomic Energy Defense Act (50 U.S.C. 2659)—*

18 (1) *in subsection (a), by striking “national lab-*
19 *oratories” and inserting “national security labora-*
20 *tories”; and*

21 (2) *by striking subsections (e) and (f).*

22 (p) *DOCUMENT REVIEW.—Section 4521 of the Atomic*
23 *Energy Defense Act (50 U.S.C. 2671) is amended by strik-*
24 *ing subsection (c).*

25 (q) *REPORTS ON LOCAL IMPACT ASSISTANCE.—*

1 (1) *IN GENERAL.*—Section 4604(f) of the Atomic
2 Energy Defense Act (50 U.S.C. 2704(f)) is amended
3 by adding at the end the following new paragraph:

4 “(3) In addition to the plans submitted under para-
5 graph (1), the Secretary of Energy shall submit to Congress
6 every six months a report setting forth a description of, and
7 the amount or value of, all local impact assistance provided
8 during the preceding six months under subsection (c)(6).”.

9 (2) *CONFORMING AMENDMENT.*—Section 4851 of
10 the Atomic Energy Defense Act (50 U.S.C. 2821) is
11 repealed.

12 (3) *CLERICAL AMENDMENT.*—The table of con-
13 tents at the beginning of the Atomic Energy Defense
14 Act is amended by striking the item relating to sec-
15 tion 4851.

16 (r) *RECRUITMENT AND TRAINING.*—Section 4622 of
17 the Atomic Energy Defense Act (50 U.S.C. 2722) is amend-
18 ed—

19 (1) in subsection (b)—

20 (A) by striking “(1) As part of” and insert-
21 ing “As part of”; and

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

23 (2) by striking subsection (d).

24 (s) *FELLOWSHIP PROGRAM.*—

1 (1) *IN GENERAL.*—Section 4623 of the Atomic
2 Energy Defense Act (50 U.S.C. 2723) is amended—

3 (A) in the heading, by striking “**DEPART-**
4 **MENT OF ENERGY NUCLEAR WEAPONS**
5 **COMPLEX**” and inserting “**NUCLEAR SECU-**
6 **RITY ENTERPRISE**”;

7 (B) by striking “Department of Energy nu-
8 clear weapons complex” each place it appears
9 and inserting “nuclear security enterprise”;

10 (C) in subsection (c), by striking “fol-
11 lowing” and all that follows through the period
12 at the end and inserting “national security lab-
13 oratories and nuclear weapon production facili-
14 ties.”; and

15 (D) in subsection (f)(2), by striking “the
16 Department of Energy for” and inserting “the
17 nuclear security enterprise for”.

18 (2) *CLERICAL AMENDMENT.*—The table of con-
19 tents at the beginning of the Atomic Energy Defense
20 Act is amended by striking the item relating to sec-
21 tion 4623 and inserting the following new item:

 “Sec. 4623. Fellowship program for development of skills critical to the nuclear
 security enterprise.”.

22 (t) *COST OVERRUNS.*—Section 4713(a)(1)(A) of the
23 Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is
24 amended—

1 (1) *by striking “for Nuclear Security”; and*

2 (2) *by striking “National Nuclear Security”.*

3 (u) BUDGET REQUEST.—

4 (1) *IN GENERAL.—Section 4731 of the Atomic*
5 *Energy Defense Act (50 U.S.C. 2771) is repealed.*

6 (2) *CLERICAL AMENDMENT.—The table of con-*
7 *tents at the beginning of the Atomic Energy Defense*
8 *Act is amended by striking the item relating to sec-*
9 *tion 4731.*

10 (v) CONTRACTOR BONUSES.—Section 4802 of the
11 *Atomic Energy Defense Act (50 U.S.C. 2782) is amended—*

12 (2) *by striking subsection (b); and*

13 (3) *by redesignating subsections (c) and (d) as*
14 *subsections (b) and (c), respectively.*

15 (w) FUNDS FOR RESEARCH AND DEVELOPMENT.—Sec-
16 *tion 4812 of the Atomic Energy Defense Act (50 U.S.C.*
17 *2792) is amended—*

18 (1) *by striking subsections (b) through (d); and*

19 (2) *by redesignating subsection (e) as subsection*
20 *(b).*

21 (x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c) of
22 *the Atomic Energy Defense Act (50 U.S.C. 2794(c)) is*
23 *amended by striking paragraph (5).*

1 (y) *UNIVERSITY COLLABORATION*.—Section 4814 of
2 *the Atomic Energy Defense Act (50 U.S.C. 2795) is amend-*
3 *ed by striking subsection (c).*

4 (z) *ENGINEERING AND MANUFACTURING RESEARCH*.—
5 *Section 4832 of the Atomic Energy Defense Act (50 U.S.C.*
6 *2812) is amended by striking subsections (c) through (e).*

7 (aa) *PILOT PROGRAM REPORT*.—Section 4833 of the
8 *Atomic Energy Defense Act (50 U.S.C. 2813) is amended*
9 *by striking subsection (e).*

10 (bb) *TECHNICAL AMENDMENTS*.—*The Atomic Energy*
11 *Defense Act (50 U.S.C. 2501 et seq.) is amended as follows:*

12 (1) *By striking “Nevada Test Site” each place it*
13 *appears and inserting “Nevada National Security*
14 *Site”.*

15 (2) *By striking “Director of Central Intel-*
16 *ligence” each place it appears and inserting “Director*
17 *of National Intelligence”.*

18 **SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR SE-**

19 **CURITY ADMINISTRATION ACT.**

20 (a) *NUCLEAR SECURITY ENTERPRISE REFERENCE*.—

21 (1) *FUTURE-YEARS NUCLEAR SECURITY PRO-*
22 *GRAM*.—Section 3253 of the *National Nuclear Secu-*
23 *urity Administration Act (50 U.S.C. 2453) is amended*
24 *by striking “nuclear weapons complex” each place it*
25 *appears and inserting “nuclear security enterprise”.*

1 (2) *GAO REPORTS.*—Section 3255 of the Na-
2 tional Nuclear Security Administration Act (50
3 U.S.C. 2455) is amended—

4 (A) by striking “nuclear security complex”
5 each place it appears and inserting “nuclear se-
6 curity enterprise”; and

7 (B) in subsection (b), by striking paragraph

8 (3).

9 (3) *DEFINITION.*—Section 3281 of the National
10 Nuclear Security Administration Act (50 U.S.C.
11 2471) is amended by adding at the end the following
12 new paragraph:

13 “(6) The term ‘nuclear security enterprise’
14 means the physical facilities, technology, and human
15 capital of the national security laboratories and the
16 nuclear weapons production facilities.”.

17 (b) *TRANSFER OF FUNCTIONS.*—

18 (1) *NEW TRANSFERS.*—

19 (A) *IN GENERAL.*—Section 3291 of the Na-
20 tional Nuclear Security Administration Act (50
21 U.S.C. 2481) is amended to read as follows:

22 **“SEC. 3291. TRANSFER OF FUNCTIONS.**

23 “(a) *AUTHORITY TO TRANSFER FUNCTIONS.*—The Sec-
24 retary of Energy may transfer to the Administrator any
25 facility, mission, or function of the Department of Energy

1 *that the Secretary, in consultation with the Administrator*
2 *and Congress, determines to be consistent with the mission*
3 *of the Administration.*

4 “(b) *ENVIRONMENTAL REMEDIATION AND WASTE*
5 *MANAGEMENT ACTIVITIES.—In the case of any environ-*
6 *mental remediation and waste management activity of any*
7 *element of the Administration, the Secretary of Energy may*
8 *determine to transfer responsibility for that activity to an-*
9 *other element of the Department of Energy.*

10 “(c) *TRANSFER OF FUNDS.—(1) Any balance of appro-*
11 *priations that the Secretary of Energy determines is avail-*
12 *able and needed to finance or discharge a function, power,*
13 *or duty or an activity that is transferred to the Administra-*
14 *tion shall be transferred to the Administration and used*
15 *for any purpose for which those appropriations were origi-*
16 *nally available. Balances of appropriations so transferred*
17 *shall—*

18 “(A) *be credited to any applicable appropriation*
19 *account of the Administration; or*

20 “(B) *be credited to a new account that may be*
21 *established on the books of the Department of the*
22 *Treasury;*

23 *and shall be merged with the funds already credited*
24 *to that account and accounted for as one fund.*

1 “(2) *Balances of appropriations credited to an account*
2 *under paragraph (1)(A) are subject only to such limitations*
3 *as are specifically applicable to that account. Balances of*
4 *appropriations credited to an account under paragraph*
5 *(1)(B) are subject only to such limitations as are applicable*
6 *to the appropriations from which they are transferred.*

7 “(d) *PERSONNEL.—(1) With respect to any function,*
8 *power, or duty or activity of the Department of Energy that*
9 *is transferred to the Administration, those employees of the*
10 *element of the Department of Energy from which the trans-*
11 *fer is made that the Secretary of Energy determines are*
12 *needed to perform that function, power, or duty, or for that*
13 *activity, as the case may be, shall be transferred to the Ad-*
14 *ministration.*

15 “(2) *The authorized strength in civilian employees of*
16 *any element of the Department of Energy from which em-*
17 *ployees are transferred under this section is reduced by the*
18 *number of employees so transferred.”.*

19 (B) *CLERICAL AMENDMENT.—The table of*
20 *contents at the beginning of the National Nuclear*
21 *Security Administration Act is amended by*
22 *striking the item relating to section 3291 and in-*
23 *serting the following new item:*

“Sec. 3291. *Transfer of Functions.*”.

24 (2) *APPLICABILITY OF EXISTING LAWS AND REG-*
25 *ULATIONS.—Section 3296 of the National Nuclear Se-*

1 (C) Section 3295 (50 U.S.C. 2483).

2 (D) Section 3297 (50 U.S.C. 2401 note).

3 (2) *CLERICAL AMENDMENTS.*—*The table of con-*
4 *tents at the beginning of the National Nuclear Secu-*
5 *rity Administration Act is amended by striking the*
6 *item relating to sections 3242, 3292, 3295, and 3297.*

7 (d) *TECHNICAL AMENDMENTS TO THE NNSA ACT.*—
8 *The National Nuclear Security Administration Act (50*
9 *U.S.C. 2401 et seq.) is amended as follows:*

10 (1) *In section 3212(a)(2) (50 U.S.C. 2402), by*
11 *striking “as added by section 3202 of this Act,”.*

12 (2) *In section 3253(b)(3) (50 U.S.C. 2453(b)(3)),*
13 *by striking “section 3158 of the Strom Thurmond Na-*
14 *tional Defense Authorization Act for Fiscal Year 1999*
15 *(42 U.S.C. 2121 note)” and inserting “section*
16 *4202(a) of the Atomic Energy Defense Act (50 U.S.C.*
17 *2522(a))”.*

18 (3) *In section 3281(2) (50 U.S.C. 2471(2))—*

19 (A) *in subparagraph (C), by striking “Y-12*
20 *Plant” and inserting “Y-12 National Security*
21 *Complex”; and*

22 (B) *in subparagraph (D), by striking “trit-*
23 *ium operations facilities at the”.*

1 (4) *By striking “Nevada Test Site” each place it*
2 *appears and inserting “Nevada National Security*
3 *Site”.*

4 (e) *TECHNICAL AMENDMENT TO THE DOE ORGANIZA-*
5 *TION ACT.—Section 643 of the Department of Energy Orga-*
6 *nization Act (42 U.S.C. 7253) is amended by redesignating*
7 *the second subsection (b) as subsection (c).*

8 **SEC. 3133. CLARIFICATION OF THE ROLE OF THE ADMINIS-**
9 **TRATOR FOR NUCLEAR SECURITY.**

10 (a) *ROLE UNDER NNSA ACT.—*

11 (1) *FUNCTION.—Section 3212 of the National*
12 *Nuclear Security Administration Act (50 U.S.C.*
13 *2402(b)) is amended—*

14 (A) *in subsection (b), by striking “all pro-*
15 *grams and activities of the Administration” and*
16 *inserting “all programs, policies, regulations,*
17 *and rules of the Administration”;* and

18 (B) *in subsection (d), by striking “, unless*
19 *disapproved by the Secretary of Energy.” and*
20 *inserting “to carry out the mission and func-*
21 *tions of the Administration, except as provided*
22 *by section 3219.”.*

23 (2) *ROLE OF THE SECRETARY OF ENERGY.—*

1 (A) *IN GENERAL.*—Section 3219 of the Na-
2 tional Nuclear Security Administration Act (50
3 U.S.C. 2409) is amended to read as follows:

4 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**
5 **ERGY REGARDING THE ADMINISTRATION.**

6 “(a) *IN GENERAL.*—(1) *The Secretary of Energy may*
7 *disapprove any action, policy, regulation, or rule of the Ad-*
8 *ministrator if—*

9 “(A) *the Secretary submits to the congressional*
10 *defense committees justification for such disapproval;*
11 *and*

12 “(B) *a period of 15 days has elapsed following*
13 *the date on which such justification was submitted.*

14 “(2) *Nothing in this title may be construed to provide*
15 *authority to the Secretary of Energy to administer, enforce,*
16 *or oversee the activities under this title except—*

17 “(A) *as provided by paragraph (1); or*

18 “(B) *to the extent otherwise specifically provided*
19 *by law.*

20 “(3) *Except as provided by this section, the Adminis-*
21 *trator shall have complete authority to establish and con-*
22 *duct oversight of policies, activities, and procedures of the*
23 *Administration without direction or oversight by the Sec-*
24 *retary of Energy.*

1 “(4) *The authority of the Secretary under paragraph*
2 *(1) may be delegated only to the Deputy Secretary of En-*
3 *ergy, without further redelegation.*

4 “(b) *LIMITATION ON TRANSFER.—Notwithstanding the*
5 *authority granted by section 643 of the Department of En-*
6 *ergy Organization Act (42 U.S.C. 7253) or any other provi-*
7 *sion of law, the Secretary of Energy may not establish, abol-*
8 *ish, alter, consolidate, or discontinue any organizational*
9 *unit or component, or transfer any function, of the Admin-*
10 *istration, except as authorized by section 3291.”.*

11 (B) *CLERICAL AMENDMENT.—The table of*
12 *contents at the beginning of the National Nuclear*
13 *Security Administration Act is amended by*
14 *striking the item relating to section 3219 and in-*
15 *serting the following new item:*

“*Sec. 3219. Scope of Authority of Secretary of Energy regarding the Administra-*
tion.”.

16 (C) *DEPARTMENT OF ENERGY ORGANIZA-*
17 *TION ACT.—Section 202(c)(3) of the Department*
18 *of Energy Organization Act (42 U.S.C.*
19 *7132(c)(3)) is amended to read as follows:*

20 “(3) *The Under Secretary for Nuclear Security shall*
21 *serve as the Administrator for Nuclear Security under sec-*
22 *tion 3212 of the National Nuclear Security Administration*
23 *Act (50 U.S.C. 2402). In carrying out the functions of the*
24 *Administrator, the Under Secretary shall be subject to the*

1 *authority of the Secretary of Energy in accordance with*
2 *section 3219 of such Act (50 U.S.C. 2409).”.*

3 (3) *STATUS OF ADMINISTRATION AND CON-*
4 *TRACTOR PERSONNEL.—Section 3220 of the National*
5 *Nuclear Security Administration Act (50 U.S.C.*
6 *2410) is amended—*

7 (A) *in subsection (a)—*

8 (i) *in paragraph (1)—*

9 (I) *by striking subparagraph (A);*

10 *and*

11 (II) *by redesignating subpara-*
12 *graph (B) and (C) as subparagraph*
13 *(A) and (B), respectively;*

14 (ii) *in paragraph (2), by striking “any*
15 *other officer, employee, or agent of the De-*
16 *partment of Energy” and inserting “any of-*
17 *ficer, employee, or agent of the Department*
18 *of Energy, except as provided by section*
19 *3219”; and*

20 (B) *in subsection (b), by striking “except*
21 *for” and all that follows through the period and*
22 *inserting “except as provided by section 3219.”.*

23 (4) *OFFICE OF DEFENSE NUCLEAR SECURITY.—*
24 *Section 3232 of the National Nuclear Security Ad-*

1 *ministration Act (50 U.S.C. 2422) is amended to*
2 *read as follows:*

3 **“SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.**

4 *“(a) ESTABLISHMENT.—There is within the Adminis-*
5 *tration an Office of Defense Nuclear Security, headed by*
6 *a Chief appointed by the Administrator.*

7 *“(b) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1)*
8 *The head of the Office of Defense Nuclear Security is the*
9 *Chief of Defense Nuclear Security, who shall report to the*
10 *Administrator and shall implement the security policies di-*
11 *rected by the Administrator.*

12 *“(2) The Chief shall be responsible for the development*
13 *and implementation of security programs and policies for*
14 *the Administration, including the protection, control, and*
15 *accounting of materials, and for the physical and cyber se-*
16 *curity for all facilities of the Administration.”.*

17 *(5) COUNTERINTELLIGENCE PROGRAMS.—Section*
18 *3233 of the National Nuclear Security Administra-*
19 *tion Act (50 U.S.C. 2423) is amended in each of sub-*
20 *sections (a) and (b) by striking “The Secretary of En-*
21 *ergy shall” and inserting “The Secretary of Energy,*
22 *in coordination with the Administrator, shall”.*

23 *(6) BUDGET TREATMENT.—Section 3251(a) of*
24 *the National Nuclear Security Administration Act*
25 *(50 U.S.C. 2451(a)) is amended by striking “within*

1 *the other amounts requested for the Department of*
2 *Energy” and inserting “from the amounts requested*
3 *for any other agency, including the Department of*
4 *Energy”.*

5 (7) *FUTURE-YEARS NUCLEAR SECURITY PRO-*
6 *GRAM.—Section 3253(b)(6) of the National Nuclear*
7 *Security Administration Act (50 U.S.C. 2453(b)(6))*
8 *is amended by striking “, developed in consultation*
9 *with the Director of the Office of Health, Safety, and*
10 *Security of the Department of Energy,”.*

11 (b) *ROLE UNDER THE AEDA.—*

12 (1) *STOCKPILE STEWARDSHIP.—Section 4201(a)*
13 *of the Atomic Energy Defense Act (50 U.S.C. 2521(a))*
14 *is amended by striking “The Secretary of Energy,*
15 *acting through the Administrator for Nuclear Secu-*
16 *rity,” and inserting “The Administrator”.*

17 (2) *REPORT ON STOCKPILE STEWARDSHIP.—Sec-*
18 *tion 4202 of the Atomic Energy Defense Act (50*
19 *U.S.C. 2522) is amended—*

20 (A) *in subsection (a)—*

21 (i) *by striking “The Secretary of En-*
22 *ergy” and inserting “The Administrator”;*
23 *and*

24 (ii) *by striking “Department of En-*
25 *ergy” and inserting “Administration”;* *and*

1 (B) in subsection (b), by striking “The Sec-
2 retary of Energy” and inserting “The Adminis-
3 trator”.

4 (3) *STOCKPILE MANAGEMENT*.—Section 4204 of
5 the Atomic Energy Defense Act (50 U.S.C. 2524) is
6 amended—

7 (A) in subsection (a), by striking “The Sec-
8 retary of Energy, acting through the Adminis-
9 trator for Nuclear Security and” and inserting
10 “The Administrator,”; and

11 (B) in subsection (b), by striking “Secretary
12 of Energy” and inserting “Administrator”

13 (4) *ANNUAL ASSESSMENTS*.—Section 4205(h) of
14 the Atomic Energy Defense Act (50 U.S.C. 2525(h))
15 is amended to read as follows:

16 “(h) *SECRETARY CONCERNED DEFINED*.—In this sec-
17 tion, the term ‘Secretary concerned’ means—

18 “(1) the Secretary of Energy, with respect to
19 matters concerning the Administration; and

20 “(2) the Secretary of Defense, with respect to
21 matters concerning the Department of Defense.”.

22 (5) *NUCLEAR TEST BAN READINESS PROGRAM*.—
23 Section 4207 of the Atomic Energy Defense Act (50
24 U.S.C. 2527) is amended—

1 (A) in subsection (b), by striking “Secretary
2 of Energy” and inserting “Administrator”; and

3 (B) in subsection (d), by striking “Sec-
4 retary of Energy” and inserting “Adminis-
5 trator”.

6 (6) *SPECIFIC REQUEST REQUIREMENT.*—Section
7 4209 of the Atomic Energy Defense Act (50 U.S.C.
8 2529) is amended—

9 (A) in subsection (a)(1)—

10 (i) by striking “ after fiscal year 2002
11 in which the Secretary of Energy” and in-
12 serting “in which the Administrator”; and

13 (ii) by striking “the Secretary shall”
14 and inserting “the Administrator shall”;
15 and

16 (B) in subsection (b), by striking “Secretary
17 shall” and inserting “Administrator shall”.

18 (7) *MANUFACTURING INFRASTRUCTURE.*—Sec-
19 tion 4212(a)(1) of the Atomic Energy Defense Act (50
20 U.S.C. 2532(a)(1)) is amended by striking “Secretary
21 of Energy” and inserting “Administrator”.

22 (8) *PLAN FOR TRANSFORMATION.*—Section 4214
23 of the Atomic Energy Defense Act (50 U.S.C. 2534),
24 as amended by section 3131(g)(1), is amended by

1 *striking “Secretary of Energy” each place it appears*
2 *and inserting “Administrator”.*

3 (9) *NUCLEAR MATERIALS PROTECTION, CONTROL,*
4 *AND ACCOUNTING.—Section 4303(a) of the Atomic*
5 *Energy Defense Act (50 U.S.C. 2563(a)) is amend-*
6 *ed—*

7 (A) *by striking “Secretary of Energy” and*
8 *inserting “Administrator”; and*

9 (B) *by striking “Department of Energy”*
10 *and inserting “Administration”.*

11 (10) *TRITIUM PRODUCTION PROGRAM.—Section*
12 *4231 of the Atomic Energy Defense Act (50 U.S.C.*
13 *2541), as amended by section 3131(h), is amended—*

14 (A) *by striking “Secretary” each place it*
15 *appears and inserting “Administrator”; and*

16 (B) *in subsection (b), by striking “Depart-*
17 *ment of Energy” and inserting “Administra-*
18 *tion”.*

19 (11) *TRITIUM RECYCLING FACILITIES.—Section*
20 *4234 of the Atomic Energy Defense Act (50 U.S.C.*
21 *2544), as amended by section 3131(i), is amended by*
22 *striking “Secretary” and inserting “Administrator”.*

23 (12) *CERTAIN FISSILE MATERIALS PROGRAM.—*
24 *Section 4305 of the Atomic Energy Defense Act (50*

1 *U.S.C. 2565) is amended by striking “Secretary of*
2 *Energy” and inserting “Administrator”.*

3 (13) *FISSILE MATERIALS MANAGEMENT PLAN.—*
4 *Section 4403(a)(1) of the Atomic Energy Defense Act*
5 *(50 U.S.C. 2583(a)(1)) is amended by striking “the*
6 *Office of Defense Programs” and inserting “the Ad-*
7 *ministration”.*

8 (14) *RESTRICTED DATA.—Section 4501(a) of the*
9 *Atomic Energy Defense Act (50 U.S.C. 2651(a)) is*
10 *amended by striking “The Secretary of Energy” and*
11 *inserting “The Administrator”.*

12 (16) *BACKGROUND INVESTIGATIONS.—Section*
13 *4503 of the Atomic Energy Defense Act (50 U.S.C.*
14 *2653), as amended by section 3131(l), is amended by*
15 *striking “The Secretary of Energy” and inserting*
16 *“The Administrator”.*

17 (17) *COUNTERINTELLIGENCE FAILURES.—Sec-*
18 *tion 4505 of the Atomic Energy Defense Act (50*
19 *U.S.C. 2656) is amended—*

20 (A) *by striking “Secretary of Energy” each*
21 *place it appears and inserting “Administrator”;*

22 (B) *by striking “Secretary” each place it*
23 *appears and inserting “Administrator”;*

1 (C) by striking “Department of Energy”
2 each place it appears and inserting “Adminis-
3 tration”; and

4 (D) by striking “Department” each place it
5 appears and inserting “Administration”.

6 (18) SECURITY FUNCTIONS REPORT.—Section
7 4506 of the Atomic Energy Defense Act (50 U.S.C.
8 2657), as amended by section 3131(m), is amended by
9 striking “the Secretary of Energy” and inserting “the
10 Administrator”.

11 (19) COUNTERINTELLIGENCE REPORT.—Section
12 4507(a) of the Atomic Energy Defense Act (50 U.S.C.
13 2658(a)) is amended by striking “Secretary of En-
14 ergy” and inserting “Administrator”.

15 (20) COMPUTER SECURITY REPORT.—Section
16 4508 of the Atomic Energy Defense Act (50 U.S.C.
17 2659) is amended—

18 (A) in subsection (c), by striking “Secretary
19 of Energy” each place it appears and inserting
20 “Administrator”; and

21 (B) in subsection (d), by striking “Sec-
22 retary” each place it appears and inserting “Ad-
23 ministrator”.

1 (21) *DOCUMENT REVIEW.*—Section 4521 of the
2 *Atomic Energy Defense Act (50 U.S.C. 2671)* is
3 *amended—*

4 (A) *in subsection (a)—*

5 (i) *by striking “Secretary of Energy”*
6 *and inserting “Administrator”;*

7 (ii) *by striking “Department of En-*
8 *ergy” and inserting “Administration”;* and

9 (B) *in subsection (b), by striking “Sec-*
10 *retary” each place it appears and inserting “Ad-*
11 *ministrator”.*

12 (22) *MANAGEMENT TRAINING.*—

13 (A) *IN GENERAL.*—Section 4621 of the
14 *Atomic Energy Defense Act (50 U.S.C. 2721)* is
15 *amended—*

16 (i) *in the heading, by inserting “**AND***
17 ***NATIONAL NUCLEAR SECURITY ADMIN-***
18 ***ISTRATION” after “**ENERGY**”;***

19 (ii) *in subsection (a)—*

20 (I) *by striking “Secretary of En-*
21 *ergy” and inserting “Under Secretary*
22 *of Energy for Nuclear Security”;* and

23 (II) *by inserting “and the Admin-*
24 *istration” after “the Department of*
25 *Energy”;* and

1 (iii) in subsection (b)(1), by inserting
2 “and Administration” after “Department of
3 Energy”.

4 (B) *CLERICAL AMENDMENT.*—The table of
5 contents at the beginning of the Atomic Energy
6 Defense Act is amended by striking the item re-
7 lating to section 4621 and inserting the following
8 new item:

 “Sec. 4621. Executive management training in the Department of Energy and
 National Nuclear Security Administration.”.

9 (23) *RECRUITMENT AND TRAINING.*—Section
10 4622 of the Atomic Energy Defense Act (50 U.S.C.
11 2722) is amended—

12 (A) in subsection (a), by striking “the Sec-
13 retary of Energy” and inserting “the Adminis-
14 trator”; and

15 (B) in subsection (c), by striking “Sec-
16 retary” and inserting “Administrator”.

17 (24) *FELLOWSHIP PROGRAM.*—Section 4623 of
18 the Atomic Energy Defense Act (50 U.S.C. 2723) is
19 amended—

20 (A) by striking “Secretary of Energy” each
21 place it appears and inserting “Administrator”;

22 (B) by striking “Secretary” each place it
23 appears and inserting “Administrator”;

1 (C) in subsection (b)(1), by striking “De-
2 partment of Energy” and inserting “Adminis-
3 tration”; and

4 (D) in subsection (e), by striking “, in con-
5 sultation with the Assistant Secretary of Energy
6 for Defense Programs,”.

7 (25) *TRANSFER OF WEAPONS FUNDS.*—Section
8 4711 of the Atomic Energy Defense Act (50 U.S.C.
9 2751) is amended—

10 (A) in subsection (a), by striking “Secretary
11 of Energy” and inserting “Administrator”;

12 (B) in subsection (d), by striking “Sec-
13 retary, acting through the Administrator for Nu-
14 clear Security,” and inserting “Administrator”;
15 and

16 (C) in subsection (e)—

17 (i) in paragraph (1)—

18 (I) by striking “Department of
19 Energy” and inserting “Administra-
20 tion”; and

21 (II) by striking “Department”
22 and inserting “Administration”; and

23 (ii) in paragraph (2), by inserting “or
24 the Administration” after “Department of
25 Energy”.

1 (26) *COST OVERRUNS*.—Section 4713 of the
2 *Atomic Energy Defense Act (50 U.S.C. 2753)* is
3 *amended*—

4 (A) *in subsection (a)(2)*—

5 (i) *in subparagraph (A)*—

6 (I) *by striking “Secretary of En-*
7 *ergy” and inserting “Administrator”;*
8 *and*

9 (II) *in clause (ii), by striking*
10 *“Department” and inserting “Admin-*
11 *istration”;* *and*

12 (ii) *in subparagraph (B), by striking*
13 *“Secretary” and inserting “Administrator”;*
14 *and*

15 (B) *in subsection (c)(2)(B), by inserting “or*
16 *the Administration” after “Department of En-*
17 *ergy”.*

18 (27) *PENALTIES*.—Section 4721(a) of the *Atomic*
19 *Energy Defense Act (50 U.S.C. 2761(a))* is amended
20 *by striking “the Department of Energy for the Naval*
21 *Nuclear Propulsion Program” and inserting “the Ad-*
22 *ministration for the Naval Nuclear Reactor Pro-*
23 *gram”.*

1 (28) *RESEARCH AND DEVELOPMENT.*—Section
2 4811 of the Atomic Energy Defense Act (50 U.S.C.
3 2791) is amended—

4 (A) in subsection (a), by inserting “and the
5 Administration” after “Department of Energy”;

6 (B) in subsection (b)—

7 (i) by striking “The Secretary” and
8 inserting “(1) Except as provided by para-
9 graph (2), the Secretary”; and

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

12 “(2) With respect to the conduct of laboratory-directed
13 research and development at laboratories of the Administra-
14 tion, the Administrator shall prescribe regulations for such
15 conduct and oversee such regulations.”; and

16 (C) in subsection (c), by inserting “or the
17 Administrator” after “the Secretary”.

18 (29) *FUNDS FOR RESEARCH AND DEVELOP-*
19 *MENT.*—Subsection (a)(1) of section 4812 of the
20 Atomic Energy Defense Act (50 U.S.C. 2792(a)(1)) is
21 amended—

22 (A) by striking “the Department of Energy
23 in” and inserting “the Administration in”;

24 (B) by striking “under the Department of
25 Energy”; and inserting “under the”;

1 (C) by striking “any Department of En-
2 ergy” and inserting “any”; and

3 (D) by striking “mission of the Department
4 of Energy” and inserting “mission of the Ad-
5 ministration”.

6 **SEC. 3134. CONSOLIDATED REPORTING REQUIREMENTS RE-**
7 **LATING TO NUCLEAR STOCKPILE STEWARD-**
8 **SHIP, MANAGEMENT, AND INFRASTRUCTURE.**

9 (a) *CONSOLIDATED PLAN FOR STEWARDSHIP, MAN-*
10 *AGEMENT, AND CERTIFICATION OF WARHEADS IN THE NU-*
11 *CLEAR WEAPONS STOCKPILE.*—

12 (1) *IN GENERAL.*—Section 4203 of the Atomic
13 *Energy Defense Act (50 U.S.C. 2523) is amended to*
14 *read as follows:*

15 **“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP,**
16 **MANAGEMENT, AND INFRASTRUCTURE PLAN.**

17 “(a) *PLAN REQUIREMENT.*—The Administrator, in
18 *consultation with the Secretary of Defense and other appro-*
19 *priate officials of the departments and agencies of the Fed-*
20 *eral Government, shall develop and annually update a plan*
21 *for sustaining the nuclear weapons stockpile. The plan shall*
22 *cover, at a minimum, stockpile stewardship, stockpile man-*
23 *agement, stockpile surveillance, program direction, infra-*
24 *structure modernization, human capital, and nuclear test*
25 *readiness. The plan shall be consistent with the pro-*

1 *grammatic and technical requirements of the most recent*
2 *annual Nuclear Weapons Stockpile Memorandum.*

3 “(b) *SUBMISSIONS TO CONGRESS.—(1) In accordance*
4 *with subsection (c), not later than March 15 of each even-*
5 *numbered year, the Administrator shall submit to the con-*
6 *gressional defense committees a summary of the plan devel-*
7 *oped under subsection (a).*

8 “(2) *In accordance with subsection (d), not later than*
9 *March 15 of each odd-numbered year, the Administrator*
10 *shall submit to the congressional defense committees a de-*
11 *tailed report on the plan developed under subsection (a).*

12 “(3) *The summaries and reports required by this sub-*
13 *section shall be submitted in unclassified form, but may in-*
14 *clude a classified annex.*

15 “(c) *ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each*
16 *summary of the plan submitted under subsection (b)(1)*
17 *shall include, at a minimum, the following:*

18 “(1) *A summary of the status of the nuclear*
19 *weapons stockpile, including the number and age of*
20 *warheads (including both active and inactive) for*
21 *each warhead type.*

22 “(2) *A summary of the status, plans, budgets,*
23 *and schedules for warhead life extension programs*
24 *and any other programs to modify, update, or replace*
25 *warhead types.*

1 “(3) *A summary of the methods and information*
2 *used to determine that the nuclear weapons stockpile*
3 *is safe and reliable, as well as the relationship of*
4 *science-based tools to the collection and interpretation*
5 *of such information.*

6 “(4) *A summary of the status of the nuclear se-*
7 *curity enterprise, including programs and plans for*
8 *infrastructure modernization and retention of human*
9 *capital, as well as associated budgets and schedules.*

10 “(5) *A summary of the status of achieving the*
11 *purposes of the program established under section*
12 *4207(b).*

13 “(6) *Identification of any modifications or up-*
14 *dates to the plan since the previous summary or de-*
15 *tailed report was submitted under subsection (b).*

16 “(7) *Such other information as the Adminis-*
17 *trator considers appropriate.*

18 “(d) *ELEMENTS OF BIENNIAL DETAILED REPORT.—*
19 *Each detailed report on the plan submitted under subsection*
20 *(b)(2) shall include, at a minimum, the following:*

21 “(1) *With respect to stockpile stewardship and*
22 *management—*

23 “(A) *the status of the nuclear weapons*
24 *stockpile, including the number and age of war-*

1 *heads (including both active and inactive) for*
2 *each warhead type;*

3 “(B) *for each five-year period occurring*
4 *during the period beginning on the date of the*
5 *report and ending on the date that is 20 years*
6 *after the date of the report—*

7 “(i) *the planned number of nuclear*
8 *warheads (including active and inactive)*
9 *for each warhead type in the nuclear weap-*
10 *ons stockpile; and*

11 “(ii) *the past and projected future total*
12 *lifecycle cost of each type of nuclear weapon;*

13 “(C) *the status, plans, budgets, and sched-*
14 *ules for warhead life extension programs and*
15 *any other programs to modify, update, or replace*
16 *warhead types;*

17 “(D) *a description of the process by which*
18 *the Administrator assesses the lifetimes, and re-*
19 *quirements for life extension or replacement, of*
20 *the nuclear and non-nuclear components of the*
21 *warheads (including active and inactive war-*
22 *heads) in the nuclear weapons stockpile;*

23 “(E) *a description of the process used in re-*
24 *certifying the safety, security, and reliability of*

1 *each warhead type in the nuclear weapons stock-*
2 *pile;*

3 “(F) *any concerns of the Administrator*
4 *which would affect the ability of the Adminis-*
5 *trator to recertify the safety, security, or reli-*
6 *ability of warheads in the nuclear weapons*
7 *stockpile (including active and inactive war-*
8 *heads);*

9 “(G) *mechanisms to provide for the manu-*
10 *facture, maintenance, and modernization of each*
11 *warhead type in the nuclear weapons stockpile,*
12 *as needed;*

13 “(H) *mechanisms to expedite the collection*
14 *of information necessary for carrying out the*
15 *stockpile management program required by sec-*
16 *tion 4204, including information relating to the*
17 *aging of materials and components, new manu-*
18 *facturing techniques, and the replacement or sub-*
19 *stitution of materials;*

20 “(I) *mechanisms to ensure the appropriate*
21 *assignment of roles and missions for each na-*
22 *tional security laboratory and nuclear weapons*
23 *production facility, including mechanisms for al-*
24 *location of workload, mechanisms to ensure the*
25 *carrying out of appropriate modernization ac-*

1 *tivities, and mechanisms to ensure the retention*
2 *of skilled personnel;*

3 *“(J) mechanisms to ensure that each na-*
4 *tional security laboratory has full and complete*
5 *access to all weapons data to enable a rigorous*
6 *peer-review process to support the annual assess-*
7 *ment of the condition of the nuclear weapons*
8 *stockpile required under section 4205;*

9 *“(K) mechanisms for allocating funds for*
10 *activities under the stockpile management pro-*
11 *gram required by section 4204, including alloca-*
12 *tions of funds by weapon type and facility; and*

13 *“(L) for each of the five fiscal years fol-*
14 *lowing the fiscal year in which the report is sub-*
15 *mitted, an identification of the funds needed to*
16 *carry out the program required under section*
17 *4204.*

18 *“(2) With respect to science-based tools—*

19 *“(A) a description of the information need-*
20 *ed to determine that the nuclear weapons stock-*
21 *pile is safe and reliable;*

22 *“(B) for each science-based tool used to col-*
23 *lect information described in subparagraph (A),*
24 *the relationship between such tool and such in-*
25 *formation and the effectiveness of such tool in*

1 *providing such information based on the criteria*
2 *developed pursuant to section 4202(a); and*

3 *“(C) the criteria developed under section*
4 *4202(a) (including any updates to such criteria).*

5 *“(3) An assessment of the stockpile stewardship*
6 *program under section 4201 by the Administrator, in*
7 *consultation with the directors of the national secu-*
8 *rity laboratories, which shall set forth—*

9 *“(A) an identification and description of—*

10 *“(i) any key technical challenges to the*
11 *stockpile stewardship program; and*

12 *“(ii) the strategies to address such*
13 *challenges without the use of nuclear testing;*

14 *“(B) a strategy for using the science-based*
15 *tools (including advanced simulation and com-*
16 *puting capabilities) of each national security*
17 *laboratory to ensure that the nuclear weapons*
18 *stockpile is safe, secure, and reliable without the*
19 *use of nuclear testing.*

20 *“(C) an assessment of the science-based tools*
21 *(including advanced simulation and computing*
22 *capabilities) of each national security laboratory*
23 *that exist at the time of the assessment compared*
24 *with the science-based tools expected to exist dur-*

1 *ing the period covered by the future-years nu-*
2 *clear security program; and*

3 *“(D) an assessment of the core scientific*
4 *and technical competencies required to achieve*
5 *the objectives of the stockpile stewardship pro-*
6 *gram and other weapons activities and weapons-*
7 *related activities of the Administration, includ-*
8 *ing—*

9 *“(i) the number of scientists, engineers,*
10 *and technicians, by discipline, required to*
11 *maintain such competencies; and*

12 *“(ii) a description of any shortage of*
13 *such individuals that exists at the time of*
14 *the assessment compared with any shortage*
15 *expected to exist during the period covered*
16 *by the future-years nuclear security pro-*
17 *gram.*

18 *“(4) With respect to the nuclear security infra-*
19 *structure—*

20 *“(A) a description of the modernization and*
21 *refurbishment measures the Administrator deter-*
22 *mines necessary to meet the requirements pre-*
23 *scribed in—*

24 *“(i) the national security strategy of*
25 *the United States as set forth in the most*

1 *recent national security strategy report of*
2 *the President under section 108 of the Na-*
3 *tional Security Act of 1947 (50 U.S.C.*
4 *404a) if such strategy has been submitted as*
5 *of the date of the plan;*

6 “(ii) *the most recent quadrennial de-*
7 *fense review if such strategy has not been*
8 *submitted as of the date of the plan; and*

9 “(iii) *the most recent nuclear posture*
10 *review as of the date of the plan;*

11 “(B) *a schedule for implementing the meas-*
12 *ures described under subparagraph (A) during*
13 *the 10-year period following the date of the plan;*
14 *and*

15 “(C) *the estimated levels of annual funds*
16 *the Administrator determines necessary to carry*
17 *out the measures described under subparagraph*
18 *(A), including a discussion of the criteria, evi-*
19 *dence, and strategies on which such estimated*
20 *levels of annual funds are based.*

21 “(5) *With respect to the nuclear test readiness of*
22 *the United States—*

23 “(A) *an estimate of the period of time that*
24 *would be necessary for the Administrator to con-*
25 *duct an underground test of a nuclear weapon*

1 *once directed by the President to conduct such a*
2 *test;*

3 “(B) *a description of the level of test readi-*
4 *ness that the Administrator, in consultation with*
5 *the Secretary of Defense, determines to be appro-*
6 *priate;*

7 “(C) *a list and description of the workforce*
8 *skills and capabilities that are essential to car-*
9 *rying out an underground nuclear test at the Ne-*
10 *vada National Security Site;*

11 “(D) *a list and description of the infra-*
12 *structure and physical plants that are essential*
13 *to carrying out an underground nuclear test at*
14 *the Nevada National Security Site; and*

15 “(E) *an assessment of the readiness status*
16 *of the skills and capabilities described in sub-*
17 *paragraph (C) and the infrastructure and phys-*
18 *ical plants described in subparagraph (D).*

19 “(6) *With respect to the program established*
20 *under section 4207(b), a description of the progress*
21 *made to the date of the report in achieving the pur-*
22 *poses of such program.*

23 “(7) *Identification of any modifications or up-*
24 *dates to the plan since the previous summary or de-*
25 *tailed report was submitted under subsection (b).*

1 “(e) *NUCLEAR WEAPONS COUNCIL ASSESSMENT.*—(1)
2 *For each detailed report on the plan submitted under sub-*
3 *section (b)(2), the Nuclear Weapons Council established by*
4 *section 179 of title 10, United States Code, shall conduct*
5 *an assessment that includes the following:*

6 “(A) *An analysis of the plan, including—*

7 “(i) *whether the plan supports the require-*
8 *ments of the national security strategy of the*
9 *United States or the most recent quadrennial de-*
10 *fense review, as applicable under subsection*
11 *(d)(4)(A), and the Nuclear Posture Review; and*

12 “(ii) *whether the modernization and refurb-*
13 *ishment measures described under subpara-*
14 *graph (A) of paragraph (4) and the schedule de-*
15 *scribed under subparagraph (B) of such para-*
16 *graph are adequate to support such require-*
17 *ments.*

18 “(B) *An analysis of whether the plan adequately*
19 *addresses the requirements for infrastructure recap-*
20 *italization of the facilities of the nuclear security en-*
21 *terprise.*

22 “(C) *If the Nuclear Weapons Council determines*
23 *that the plan does not adequately support moderniza-*
24 *tion and refurbishment requirements under subpara-*
25 *graph (A) or the nuclear security enterprise facilities*

1 *infrastructure recapitalization requirements under*
2 *subparagraph (B), a risk assessment with respect to—*

3 *“(i) supporting the annual certification of*
4 *the nuclear weapons stockpile; and*

5 *“(ii) maintaining the long-term safety, se-*
6 *curity, and reliability of the nuclear weapons*
7 *stockpile.*

8 *“(2) Not later than 180 days after the date on which*
9 *the Administrator submits the plan under subsection (b)(2),*
10 *the Nuclear Weapons Council shall submit to the congres-*
11 *sional defense committees a report detailing the assessment*
12 *required under paragraph (1).*

13 *“(f) DEFINITIONS.—In this section:*

14 *“(1) The term ‘budget’, with respect to a fiscal*
15 *year, means the budget for that fiscal year that is*
16 *submitted to Congress by the President under section*
17 *1105(a) of title 31, United States Code.*

18 *“(2) The term ‘future-years nuclear security pro-*
19 *gram’ means the program required by section 3253 of*
20 *the National Nuclear Security Administration Act*
21 *(50 U.S.C. 2453).*

22 *“(3) The term ‘nuclear security budget mate-*
23 *rials’, with respect to a fiscal year, means the mate-*
24 *rials submitted to Congress by the Administrator for*

1 *the National Nuclear Security Administration in sup-*
2 *port of the budget for that fiscal year.*

3 “(4) *The term ‘quadrennial defense review’*
4 *means the review of the defense programs and policies*
5 *of the United States that is carried out every four*
6 *years under section 118 of title 10, United States*
7 *Code.*

8 “(5) *The term ‘weapons activities’ means each*
9 *activity within the budget category of weapons activi-*
10 *ties in the budget of the National Nuclear Security*
11 *Administration.*

12 “(6) *The term ‘weapons-related activities’ means*
13 *each activity under the Department of Energy that*
14 *involves nuclear weapons, nuclear weapons tech-*
15 *nology, or fissile or radioactive materials, including*
16 *activities related to—*

17 “(A) *nuclear nonproliferation;*

18 “(B) *nuclear forensics;*

19 “(C) *nuclear intelligence;*

20 “(D) *nuclear safety; and*

21 “(E) *nuclear incident response.”*

22 (2) *CLERICAL AMENDMENT.—The table of con-*
23 *tents for the Atomic Energy Defense Act is amended*
24 *by striking the item relating to section 4203 and in-*
25 *serting the following new item:*

“Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.”.

1 (b) *REPEAL OF REQUIREMENT FOR BIENNIAL REPORT*
2 *ON STOCKPILE STEWARDSHIP CRITERIA.*—

3 (1) *IN GENERAL.*—Section 4202 of the Atomic
4 *Energy Defense Act (50 U.S.C. 2522) is amended by*
5 *striking subsections (c) and (d).*

6 (2) *TECHNICAL AMENDMENT.*—The heading of
7 *such section is amended to read as follows: “**STOCK-***
8 *PILE STEWARDSHIP CRITERIA”.*

9 (3) *CLERICAL AMENDMENT.*—The table of con-
10 *tents for the Atomic Energy Defense Act is amended*
11 *by striking the item relating to section 4202 and in-*
12 *serting the following new item:*

“Sec. 4202. Stockpile stewardship criteria.”.

13 (c) *REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON*
14 *MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR*
15 *SECURITY COMPLEX.*—Section 4203A of the Atomic Energy
16 *Defense Act (50 U.S.C. 2523A) is repealed.*

17 (d) *REPEAL OF REQUIREMENT FOR ANNUAL UPDATE*
18 *TO STOCKPILE MANAGEMENT PROGRAM PLAN.*—Section
19 *4204 of the Atomic Energy Defense Act (50 U.S.C. 2524)*
20 *is amended—*

21 (1) *by striking subsections (c) and (d); and*

22 (2) *by redesignating subsection (e) as subsection*

23 (c).

1 (e) *NUCLEAR TEST BAN READINESS PROGRAM.*—*Sec-*
2 *tion 4207 of the Atomic Energy Defense Act (50 U.S.C.*
3 *2527) is amended by striking subsection (e).*

4 (f) *REPEAL OF REQUIREMENT FOR REPORTS ON NU-*
5 *CLEAR TEST READINESS.*—

6 (1) *AEDA.*—

7 (A) *IN GENERAL.*—*Section 4208 of the*
8 *Atomic Energy Defense Act (50 U.S.C. 2528) is*
9 *repealed.*

10 (B) *CLERICAL AMENDMENT.*—*The table of*
11 *contents for the Atomic Energy Defense Act is*
12 *amended by striking the item relating to section*
13 *4208.*

14 (2) *NDAA FISCAL YEAR 1996.*—*Section 3152 of*
15 *the National Defense Authorization Act for Fiscal*
16 *Year 1996 (Public Law 104–106; 110 Stat. 623) is re-*
17 *pealed.*

18 **SEC. 3135. REPEAL OF CERTAIN REPORTING REQUIRE-**
19 **MENTS.**

20 (a) *GAO ENVIRONMENTAL MANAGEMENT REPORTS.*—
21 *Section 3134 of the National Defense Authorization Act for*
22 *Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is*
23 *amended—*

24 (1) *in subsection (c)—*

1 (A) in paragraph (1), by striking “The
2 Comptroller” and all that follows through “(2),”
3 and inserting “Beginning on the date on which
4 the report under subsection (b)(2) is submitted,
5 the Comptroller General shall conduct a review”;

6 (B) by striking paragraph (2);

7 (C) by redesignating paragraph (3) as
8 paragraph (2); and

9 (D) in paragraph (2), as so redesignated, by
10 striking “the end of the period described in para-
11 graph (2)” and inserting “August 30, 2012”;
12 and

13 (2) in subsection (d)—

14 (A) in paragraph (1), by striking “sub-
15 section (c)(3)” and inserting “subsection (c)(2)”;
16 and

17 (B) in paragraph (2), by striking “90
18 days” and all that follows through “(c)(3)” and
19 inserting “April 30, 2016, or the date that is 210
20 days after the date on which all American Re-
21 covery and Reinvestment Act funds have been ob-
22 ligated or expended (or are no longer available
23 to be obligated or expended), whichever is ear-
24 lier”.

25 (b) *WORKFORCE RESTRUCTURING PLAN UPDATES.*—

1 (1) *IN GENERAL.*—Section 4604 of the Atomic
2 Energy Defense Act (50 U.S.C. 2704), as amended by
3 section 3131(q)(1), is amended—

4 (A) in subsection (b)(1), by striking “and
5 any updates of the plan under subsection (e)”;

6 (B) by striking subsection (e);

7 (C) in subsection (f)—

8 (i) by striking paragraph (2); and

9 (ii) by redesignating paragraph (3), as
10 added by such section 3131(q)(1), as para-
11 graph (2); and

12 (D) by redesignating subsections (f) and (g)
13 as subsections (e) and (f), respectively.

14 (2) *CONFORMING AMENDMENT.*—Section
15 4643(d)(1) of the Atomic Energy Defense Act (50
16 U.S.C. 2733(d)(1)) is amended by striking “section
17 4604(g)” and inserting “section 4604(f)”.

18 (c) *UNCLASSIFIED CONTROLLED NUCLEAR INFORMA-*
19 *TION QUARTERLY REPORT.*—Section 148 of the Atomic En-
20 ergy Act of 1954 (42 U.S.C. 2168) is amended by striking
21 subsection e.

22 **Subtitle D—Reports**

23 **SEC. 3141. NOTIFICATION OF NUCLEAR CRITICALITY AND** 24 **NON-NUCLEAR INCIDENTS.**

25 (a) *NOTIFICATION.*—

1 (1) *IN GENERAL.*—*The Atomic Energy Defense*
2 *Act (50 U.S.C. 2501 et seq.) is amended by adding*
3 *after section 4645, as added by section 3151, the fol-*
4 *lowing new section:*

5 **“SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND**
6 **NON-NUCLEAR INCIDENTS.**

7 “(a) *NOTIFICATION.*—*The Secretary of Energy and the*
8 *Administrator, as the case may be, shall submit to the ap-*
9 *propriate congressional committees a notification of a nu-*
10 *clear criticality incident resulting from a covered program*
11 *that results in an injury or fatality or results in the shut-*
12 *down, or partial shut-down, of a covered facility by not*
13 *later than 15 days after the date of such incident.*

14 “(b) *ELEMENTS OF NOTIFICATION.*—*Each notification*
15 *submitted under subsection (a) shall include the following:*

16 “(1) *A description of the incident, including the*
17 *cause of the incident.*

18 “(2) *In the case of a criticality incident, whether*
19 *the incident caused a facility, or part of a facility,*
20 *to be shut-down.*

21 “(3) *The affect, if any, on the mission of the Ad-*
22 *ministration or the Office of Environmental Manage-*
23 *ment of the Department of Energy.*

24 “(4) *Any corrective action taken in response to*
25 *the incident.*

1 “(c) *DATABASE.*—(1) *The Secretary and the Adminis-*
2 *trator shall each maintain a record of incidents described*
3 *in paragraph (2).*

4 “(2) *An incident described in this paragraph is any*
5 *of the following incidents resulting from a covered program:*

6 “(A) *A nuclear criticality incident that results*
7 *in an injury or fatality or results in the shut-down,*
8 *or partial shut-down, of a covered facility.*

9 “(B) *A non-nuclear incident that results in seri-*
10 *ous bodily injury or fatality at a covered facility.*

11 “(d) *COOPERATION.*—*In carrying out this section, the*
12 *Secretary and the Administrator shall ensure that each*
13 *management and operating contractor of a covered facility*
14 *cooperates in a timely manner.*

15 “(e) *DEFINITIONS.*—*In this section:*

16 “(1) *The term ‘appropriate congressional com-*
17 *mittees’ means—*

18 “(A) *the congressional defense committees;*

19 *and*

20 “(B) *the Committee on Energy and Com-*
21 *merce of the House of Representatives and the*
22 *Committee on Energy and Natural Resources of*
23 *the Senate.*

24 “(2) *The term ‘covered facility’ means—*

1 “(A) a facility of the nuclear security enter-
2 prise; and

3 “(B) a facility conducting activities for the
4 defense environmental cleanup program of the
5 Office of Environmental Management of the De-
6 partment of Energy.

7 “(3) The term ‘covered program’ means—

8 “(A) programs of the Administration; and

9 “(B) defense environmental cleanup pro-
10 grams of the Office of Environmental Manage-
11 ment of the Department of Energy.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents at the beginning of the Atomic Energy Defense
14 Act is amended by inserting after the item relating to
15 section 4645 the following new item:

“Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Secretary of
19 Energy and the Administrator for Nuclear Security
20 shall each submit to the appropriate congressional
21 committees a report detailing any incidents described
22 in paragraph (2) that occurred during the 10-year
23 period before the date of the report.

24 (2) INCIDENTS DESCRIBED.—An incident de-
25 scribed in this paragraph is any of the following inci-

1 *dents that occurred as a result of programs of the Na-*
2 *tional Nuclear Security Administration or defense en-*
3 *vironmental cleanup programs of the Office of Envi-*
4 *ronmental Management of the Department of Energy:*

5 *(A) A nuclear criticality incident that re-*
6 *sulted in an injury or fatality or resulted in the*
7 *shut-down, or partial shut-down, of a facility of*
8 *the nuclear security enterprise or a facility con-*
9 *ducting activities for such defense environmental*
10 *cleanup programs.*

11 *(B) A non-nuclear incident that results in*
12 *serious bodily injury or fatality at such a facil-*
13 *ity.*

14 *(3) APPROPRIATE CONGRESSIONAL COMMIT-*
15 *TEES.—In this subsection, the term “appropriate con-*
16 *gressional committees” means—*

17 *(A) the congressional defense committees;*

18 *and*

19 *(B) the Committee on Energy and Com-*
20 *merce of the House of Representatives and the*
21 *Committee on Energy and Natural Resources of*
22 *the Senate.*

1 **SEC. 3142. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

2 (a) *PROTOTYPES.*—*The Atomic Energy Defense Act*
3 *(50 U.S.C. 2501 et seq.) is amended by inserting after sec-*
4 *tion 4214 the following new section:*

5 **“SEC. 4215. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

6 “(a) *REPORTS REQUIRED.*—*Before proceeding beyond*
7 *phase 6.2 activities with respect to any lifetime extension*
8 *program, the director of the national security laboratory*
9 *responsible for such program shall submit to the congres-*
10 *sional defense committees a report on the lifetime extension*
11 *option selected for such program, including—*

12 “(1) *whether such option selected is refurbish-*
13 *ment, reuse, or replacement; and*

14 “(2) *why such option was selected, including an*
15 *assessment of the advantages and disadvantages of the*
16 *two options not selected.*

17 “(b) *PHASE 6.2 ACTIVITIES DEFINED.*—*In this sec-*
18 *tion, the term ‘phase 6.2 activities’ means, with respect to*
19 *a lifetime extension program, the phase 6.2 feasibility study*
20 *and option down-select.”.*

21 (b) *CLERICAL AMENDMENT.*—*The table of contents at*
22 *the beginning of the Atomic Energy Defense Act is amended*
23 *by inserting after the item relating to section 4214 the fol-*
24 *lowing new item:*

“Sec. 4215. Reports on lifetime extension programs.”.

1 **SEC. 3143. NATIONAL ACADEMY OF SCIENCES STUDY ON**
2 **PEER REVIEW AND DESIGN COMPETITION RE-**
3 **LATED TO NUCLEAR WEAPONS.**

4 (a) *STUDY.*—Not later than 60 days after the date of
5 the enactment of this Act, the Administrator for Nuclear
6 Security shall enter into an agreement with the National
7 Academy of Sciences to conduct a study of peer review and
8 design competition related to nuclear weapons.

9 (b) *ELEMENTS.*—The study required by subsection (a)
10 shall include an assessment of—

11 (1) *the quality and effectiveness of peer review of*
12 *designs, development plans, engineering and scientific*
13 *activities, and priorities related to both nuclear and*
14 *non-nuclear aspects of nuclear weapons;*

15 (2) *incentives for effective peer review;*

16 (3) *the potential effectiveness, efficiency, and cost*
17 *of alternative methods of conducting peer review and*
18 *design competition related to both nuclear and non-*
19 *nuclear aspects of nuclear weapons, as compared to*
20 *current methods;*

21 (4) *the known instances where current peer re-*
22 *view practices and design competition succeeded or*
23 *failed to find problems or potential problems; and*

24 (5) *such other matters related to peer review and*
25 *design competition related to nuclear weapons as the*
26 *Administrator considers appropriate.*

1 (c) *COOPERATION AND ACCESS TO INFORMATION AND*
2 *PERSONNEL.*—*The Administrator shall ensure that the Na-*
3 *tional Academy of Sciences receives full and timely coopera-*
4 *tion, including full access to information and personnel,*
5 *from the National Nuclear Security Administration and the*
6 *management and operating contractors of the Administra-*
7 *tion for the purposes of conducting the study under sub-*
8 *section (a).*

9 (d) *REPORT.*—

10 (1) *IN GENERAL.*—*The National Academy of*
11 *Sciences shall submit to the Administrator a report*
12 *containing the results of the study conducted under*
13 *subsection (a) and any recommendations resulting*
14 *from the study.*

15 (2) *SUBMITTAL TO CONGRESS.*—*Not later than*
16 *December 15, 2014, the Administrator shall submit to*
17 *the Committees on Armed Services of the House of*
18 *Representatives and Senate the report submitted*
19 *under paragraph (1) and any comments or rec-*
20 *ommendations of the Administrator with respect to*
21 *the report.*

22 (3) *FORM.*—*The report submitted under para-*
23 *graph (1) shall be in unclassified form, but may in-*
24 *clude a classified annex.*

1 **SEC. 3144. REPORT ON DEFENSE NUCLEAR NONPROLIFERA-**
2 **TION PROGRAMS.**

3 *(a) REPORT REQUIRED.—*

4 *(1) IN GENERAL.—Not later than March 1 of*
5 *each year from 2013 through 2015, the Administrator*
6 *for Nuclear Security shall submit to the appropriate*
7 *congressional committees a report on the budget, ob-*
8 *jectives, and metrics of the defense nuclear non-*
9 *proliferation programs of the National Nuclear Secu-*
10 *rity Administration.*

11 *(2) ELEMENTS.—The report required by para-*
12 *graph (1) shall include the following:*

13 *(A) An identification and explanation of*
14 *uncommitted balances that are more than the ac-*
15 *ceptable carryover thresholds, as determined by*
16 *the Secretary of Energy, on a program-by-pro-*
17 *gram basis.*

18 *(B) An identification of foreign countries*
19 *that are sharing the cost of implementing defense*
20 *nuclear nonproliferation programs, including an*
21 *explanation of such cost sharing.*

22 *(C) A description of objectives and measure-*
23 *ments for each defense nuclear nonproliferation*
24 *program.*

25 *(D) A description of the proliferation of nu-*
26 *clear weapons threat and how each defense nu-*

1 clear nonproliferation program activity counters
2 the threat.

3 (E) A description and assessment of non-
4 proliferation activities coordinated with the De-
5 partment of Defense to maximize efficiency and
6 avoid redundancies.

7 (F) A description of how the defense nuclear
8 nonproliferation programs are prioritized to
9 meet the most urgent nonproliferation require-
10 ments.

11 (b) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
12 *FINED.*—*In this section, the term “appropriate congres-*
13 *sional committees” means—*

14 (1) *the Committee on Armed Services and the*
15 *Committee on Foreign Affairs of the House of Rep-*
16 *resentatives; and*

17 (2) *the Committee on Armed Services and the*
18 *Committee on Foreign Relations of the Senate.*

19 (c) *FORM.*—*The report required by subsection (a)(1)*
20 *shall be submitted in unclassified form, but may include*
21 *a classified annex.*

22 **SEC. 3145. STUDY ON REUSE OF PLUTONIUM PITS.**

23 (a) *STUDY.*—*Not later than 120 days after the date*
24 *of the enactment of this Act, the Administrator for Nuclear*

1 *Security shall submit to the congressional defense commit-*
2 *tees a study of plutonium pits, including—*

3 *(1) the availability of plutonium pits—*

4 *(A) as of the date of the report; and*

5 *(B) after such date as a result of the dis-*
6 *mantlement of nuclear weapons; and*

7 *(2) an assessment of the potential for reusing*
8 *plutonium pits in future life extension programs.*

9 *(b) MATTERS INCLUDED.—The study submitted under*
10 *subsection (a) shall include the following:*

11 *(1) The feasibility and practicability of potential*
12 *full or partial reuse options with respect to plutonium*
13 *pits.*

14 *(2) The benefits and risks of reusing plutonium*
15 *pits.*

16 *(3) The potential costs and cost savings of such*
17 *reuse.*

18 *(4) The effects of such reuse on the requirements*
19 *for plutonium pit manufacturing.*

20 ***Subtitle E—Other Matters***

21 ***SEC. 3151. USE OF PROBABILISTIC RISK ASSESSMENT TO***
22 ***ENSURE NUCLEAR SAFETY.***

23 *(a) IN GENERAL.—The Atomic Energy Defense Act (50*
24 *U.S.C. 2501 et seq.) is amended by adding after section*
25 *4644 the following new section:*

1 **“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO**
2 **ENSURE NUCLEAR SAFETY OF FACILITIES OF**
3 **THE ADMINISTRATION AND THE OFFICE OF**
4 **ENVIRONMENTAL MANAGEMENT.**

5 “(a) *NUCLEAR SAFETY AT NNSA AND DOE FACILI-*
6 *TIES.—The Administrator and the Secretary of Energy*
7 *shall ensure that the methods for assessing, certifying, and*
8 *overseeing nuclear safety at the facilities specified in sub-*
9 *section (b) use national and international standards and*
10 *nuclear industry best practices, including probabilistic or*
11 *quantitative risk assessment if sufficient data exists.*

12 “(b) *FACILITIES SPECIFIED.—Subsection (a) shall*
13 *apply—*

14 “(1) *to the Administrator with respect to the na-*
15 *tional security laboratories and the nuclear weapons*
16 *production facilities; and*

17 “(2) *to the Secretary of Energy with respect to*
18 *defense nuclear facilities of the Office of Environ-*
19 *mental Management of the Department of Energy.”.*

20 (b) *CLERICAL AMENDMENT.—The table of contents at*
21 *the beginning of the Atomic Energy Defense Act is amended*
22 *by inserting after the item relating to section 4644 the fol-*
23 *lowing new item:*

“Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of facili-
ties of the Administration and the Office of Environmental Man-
agement.”.

1 **SEC. 3152. ADVICE TO PRESIDENT AND CONGRESS REGARD-**
2 **ING SAFETY, SECURITY, AND RELIABILITY OF**
3 **UNITED STATES NUCLEAR WEAPONS STOCK-**
4 **PILE AND NUCLEAR FORCES.**

5 (a) *IN GENERAL.*—Section 1305 of the National De-
6 fense Authorization Act for Fiscal Year 1998 (42 U.S.C.
7 7274p) is—

8 (1) transferred to the Atomic Energy Defense Act
9 (50 U.S.C. 2501 et seq.);

10 (2) inserted after section 4215 of such Act, as
11 added by section 3142(a);

12 (3) redesignated as section 4216; and

13 (4) amended—

14 (A) by amending subsection (f) to read as
15 follows:

16 “(f) *EXPRESSION OF INDIVIDUAL VIEWS.*—No indi-
17 vidual, including representatives of the President, may take
18 any action against, or otherwise constrain, a director of a
19 national security laboratory or a nuclear weapons produc-
20 tion facility, a member of the Joint Nuclear Weapons Coun-
21 cil, or the Commander of United States Strategic Command
22 from presenting the professional views of the individual to
23 the President, the National Security Council, or Congress
24 regarding—

1 “(1) the safety, security, reliability, or credibility
2 of the nuclear weapons stockpile and nuclear forces;
3 or

4 “(2) the status of, and plans for, the capabilities
5 and infrastructure that support and sustain the nu-
6 clear weapons stockpile and nuclear forces.”; and

7 (B) by redesignating subsection (g) as sub-
8 section (h); and

9 (C) by inserting after subsection (f) the fol-
10 lowing new subsection (g):

11 “(g) *DELIVERY OF CLASSIFIED INFORMATION TO CON-*
12 *GRESS.—(1) The directors of the national security labora-*
13 *tories, the directors of the nuclear weapons production fa-*
14 *cilities, the members of the Joint Nuclear Weapons Council,*
15 *and the Commander of the United States Strategic Com-*
16 *mand are each authorized to provide directly to Congress*
17 *classified information with respect to matters described by*
18 *paragraphs (1) or (2) of subsection (f).*

19 “(2) *The Administrator and Secretary of Defense shall*
20 *ensure that direct classified mail channels are established*
21 *between the national security laboratories, nuclear weapons*
22 *production facilities, members of the Joint Nuclear Weap-*
23 *ons Council, the United States Strategic Command, and the*
24 *congressional defense committees to carry out this sub-*
25 *section.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 4215 of the
2 *Atomic Energy Defense Act*, as added by subsection (a), is
3 *amended*—

4 (1) *by striking “nuclear weapons laboratories”*
5 *each place it appears and inserting “national secu-*
6 *urity laboratories”;*

7 (2) *by striking “nuclear weapons laboratory”*
8 *each place it appears and inserting “national secu-*
9 *urity laboratory”;*

10 (3) *by striking “nuclear weapons production*
11 *plants” each place it appears and inserting “nuclear*
12 *weapons production facilities”;*

13 (4) *by striking “nuclear weapons production*
14 *plant” each place it appears and inserting “nuclear*
15 *weapons production facility”;* and

16 (5) *by amending subsection (h), as redesignated*
17 *by subsection (a)(4)(B), to read as follows:*

18 “(h) *REPRESENTATIVE OF THE PRESIDENT DE-*
19 *FINED.*—*In this section, the term ‘representative of the*
20 *President’ means the following:*

21 “(1) *Any official of the Department of Defense or*
22 *the Department of Energy who is appointed by the*
23 *President and confirmed by the Senate.*

24 “(2) *Any member or official of the National Se-*
25 *curity Council.*

1 “(3) Any member or official of the Joint Chiefs
2 of Staff.

3 “(4) Any official of the Office of Management
4 and Budget.”.

5 (c) *CLERICAL AMENDMENT.*—*The table of contents at*
6 *the beginning of the Atomic Energy Defense Act is amended*
7 *by inserting after the item relating to section 4215 the fol-*
8 *lowing new item:*

“Sec. 4216. Advice to President and Congress regarding safety, security, and reli-
ability of United States nuclear weapons stockpile.”.

9 **SEC. 3153. CLASSIFICATION OF CERTAIN RESTRICTED**
10 **DATA.**

11 *Section 142 of the Atomic Energy Act of 1954 (42*
12 *U.S.C. 2162) is amended—*

13 (1) *in subsection d.—*

14 (A) *by inserting “(1)” before “The Commis-*
15 *sion”;* *and*

16 (B) *by adding at the end the following:*

17 “(2) *The Commission may restore to the Restricted*
18 *Data category information related to the design of nuclear*
19 *weapons (in this subsection referred to as ‘design informa-*
20 *tion’)* *removed under paragraph (1) if the Commission and*
21 *the Department of Defense jointly determines that—*

22 (A) *the programmatic requirements that caused*
23 *the design information to be removed from the Re-*

1 *stricted Data category are no longer applicable or*
2 *have diminished;*

3 *“(B) the design information would be more ap-*
4 *propriately protected as Restricted Data; and*

5 *“(C) restoring the design information to the Re-*
6 *stricted Data category is in the interest of national*
7 *security.*

8 *“(3) In carrying out paragraph (2), design informa-*
9 *tion shall be restored to the Restricted Data category in ac-*
10 *cordance with regulations implemented pursuant to this*
11 *section.”; and*

12 *(2) in subsection e.—*

13 *(A) by inserting “(1)” before “The Commis-*
14 *sion”;*

15 *(B) by striking “Central” and inserting*
16 *“National”; and*

17 *(C) by adding at the end the following:*

18 *“(2) The Commission may restore to the Restricted*
19 *Data category information related to foreign nuclear pro-*
20 *grams (in this subsection referred to as ‘foreign nuclear in-*
21 *formation’) removed under paragraph (1) if the Commis-*
22 *sion and the Director of National Intelligence jointly deter-*
23 *mine that—*

24 *“(A) the programmatic requirements that caused*
25 *the foreign nuclear information to be removed from*

1 *the Restricted Data category are no longer applicable*
2 *or have diminished;*

3 *“(B) the foreign nuclear information would be*
4 *more appropriately protected as Restricted Data; and*

5 *“(C) restoring the foreign nuclear information to*
6 *the Restricted Data category is in the interest of na-*
7 *tional security.*

8 *“(3) In carrying out paragraph (2), foreign nuclear*
9 *information shall be restored to the Restricted Data cat-*
10 *egory in accordance with regulations implemented pursu-*
11 *ant to this section.”.*

12 **SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE**
13 **EXTENSION PROGRAMS, NEW NUCLEAR FA-**
14 **CILITIES, AND OTHER MATTERS.**

15 *(a) COST ASSESSMENT.—To inform the decisions*
16 *made by the Nuclear Weapons Council established by sec-*
17 *tion 179 of title 10, United States Code, the Secretary of*
18 *Defense, acting through the Director of Cost Assessment and*
19 *Program Evaluation and in coordination with the Admin-*
20 *istrator for Nuclear Security, shall assess the cost of options*
21 *and alternatives for—*

22 *(1) new nuclear weapon life extension programs;*
23 *and*

1 *ed to sustain a safe, secure, and reliable nuclear weapon*
2 *arsenal.*

3 *(b) REPORTS.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of the enactment of this Act, the Secretary of*
6 *Defense and the Secretary of Energy shall jointly sub-*
7 *mit to the congressional defense committees a report*
8 *regarding the assessment conducted under section (a),*
9 *including—*

10 *(A) an explanation of the rationale and as-*
11 *sumptions that led to the current 50 to 80 pluto-*
12 *nium pit production requirement, including the*
13 *factors considered in determining such require-*
14 *ment;*

15 *(B) an analysis of whether there are any*
16 *changes to the current 50 to 80 plutonium pit*
17 *production requirement, including the reasons*
18 *for any such changes;*

19 *(C) the implications for national security,*
20 *for maintaining the nuclear weapons stockpile*
21 *(including the impact on options available for*
22 *life extension programs), and for costs of having*
23 *pit production capacity at—*

24 *(i) 10 to 20 pits per year;*

25 *(ii) 20 to 30 pits per year;*

1 (iii) 30 to 50 pits per year; and

2 (iv) 50 to 80 pits per year; and

3 (D) the implications of various pit produc-
4 tion capacities on the requirements for the nu-
5 clear weapon hedge or reserve forces of the
6 United States.

7 (2) *UPDATE.*—If the report under paragraph (1)
8 does not incorporate the results of the Nuclear Posture
9 Review Implementation Study, the Secretary of De-
10 fense and the Secretary of Energy, in coordination
11 with the Commander of the United States Strategic
12 Command, shall jointly submit to the congressional
13 defense committees an update to the report under
14 paragraph (1) that incorporates the results of such
15 study by not later than 90 days after the date on
16 which such committees receive such study.

17 (c) *FORM.*—The reports under paragraphs (1) and (2)
18 of subsection (b) shall be submitted in unclassified form,
19 but may include a classified annex.

20 **SEC. 3156. INTELLECTUAL PROPERTY RELATED TO URA-**
21 **NIUM ENRICHMENT.**

22 (a) *IN GENERAL.*—Subject to subsection (b), of the
23 funds authorized to be appropriated by this Act or otherwise
24 made available for fiscal year 2013 for defense nuclear non-
25 proliferation, the Secretary of Energy may make available

1 *not more than \$150,000,000 for the development and dem-*
2 *onstration of domestic national-security-related enrichment*
3 *technologies as provided in subsection (c).*

4 (b) *CERTIFICATION.*—*Not later than 30 days before the*
5 *date on which the Secretary makes an amount available*
6 *under subsection (a), the Secretary shall submit to the con-*
7 *gressional defense committees—*

8 (1) *written certification that such amount is*
9 *needed for national security purposes; and*

10 (2) *a description of such purposes.*

11 (c) *ADMINISTRATION.*—*An amount made available by*
12 *the Secretary under subsection (a) shall be used to provide,*
13 *directly or indirectly, Federal funds, resources, or other as-*
14 *sistance for the research, development, or deployment of do-*
15 *mestic national-security-related enrichment technology,*
16 *subject to the following requirements:*

17 (1) *The Secretary shall provide such assistance*
18 *using merit selection procedures.*

19 (2) *The Secretary may provide such assistance*
20 *only if the Secretary executes an agreement with the*
21 *recipient (or any affiliate, successor, or assignee) of*
22 *such funds, resources, or other assistance (in this sec-*
23 *tion referred to as the “recipient”) that requires—*

1 (A) the achievement of specific technical cri-
2 teria by the recipient by specific dates not later
3 than June 30, 2014;

4 (B) that the recipient—

5 (i) immediately upon execution of the
6 agreement, grant to the United States for
7 use by or on behalf of the United States,
8 through the Secretary, a royalty-free, non-
9 exclusive license in all enrichment-related
10 intellectual property and associated tech-
11 nical data owned, licensed, or otherwise
12 controlled by the recipient as of the date of
13 the enactment of this Act, or thereafter de-
14 veloped or acquired to meet the require-
15 ments of the agreement;

16 (ii) amend any existing agreement be-
17 tween the Secretary and the recipient to
18 permit the Secretary to use or permit third
19 parties on behalf of the Secretary to use in-
20 tellectual property and associated technical
21 data related to the award of funds, re-
22 sources, or other assistance royalty-free for
23 Government purposes, including completing
24 or operating enrichment technologies and
25 using them for national defense purposes,

1 including providing nuclear material to op-
2 erate commercial nuclear power reactors for
3 tritium production; and

4 (iii) as soon as practicable, deliver to
5 the Secretary all technical information and
6 other documentation in its possession or
7 control necessary to permit the Secretary to
8 use all intellectual property related to do-
9 mestic enrichment technologies described in
10 this subparagraph; and

11 (C) any other condition or restriction the
12 Secretary determines necessary to protect the in-
13 terests of the United States.

14 (d) *CONTROL OF PROPERTY.*—If the Secretary deter-
15 mines that a recipient has not achieved the technical cri-
16 teria required under an agreement under subsection (c)(2)
17 by the date specified pursuant to subparagraph (A) of such
18 subsection, the recipient shall, as soon as practicable, sur-
19 render custody, possession, and control, or return, as appro-
20 priate, any real or personal property owned or leased by
21 the recipient, to the Secretary in connection with the de-
22 ployment of enrichment technology, along with all capital
23 improvements, equipment, fixtures, appurtenances, and
24 other improvements thereto, and any further obligation by
25 the Secretary under any such lease shall terminate.

1 (e) *APPLICATION OF REQUIREMENTS.*—*The limita-*
2 *tions and requirements in this section shall apply to funds*
3 *authorized to be appropriated by this Act or otherwise made*
4 *available for fiscal year 2013 or any fiscal year thereafter*
5 *for the development and demonstration of domestic national*
6 *security-related enrichment technology.*

7 (f) *EXCEPTION.*—*Subsections (c) and (d) shall not*
8 *apply with respect to the issuance of any loan guarantee*
9 *pursuant to section 1703 of the Energy Policy Act of 2005*
10 *(42 U.S.C. 16513).*

11 **SEC. 3157. SENSE OF CONGRESS ON COMPETITION AND**
12 **FEES RELATED TO THE MANAGEMENT AND**
13 **OPERATING CONTRACTS OF THE NUCLEAR**
14 **SECURITY ENTERPRISE.**

15 *It is the sense of Congress that—*

16 (1) *in the past decade, competition of the man-*
17 *agement and operating contracts for the national se-*
18 *curity laboratories has resulted in significant in-*
19 *creases in fees paid to the contractors—funding that*
20 *otherwise could be used to support program and mis-*
21 *sion activities of the National Nuclear Security Ad-*
22 *ministration;*

23 (2) *competition of the management and oper-*
24 *ating contracts of the nuclear security enterprise is*
25 *an important mechanism to help realize cost savings,*

1 *seek efficiencies, improve performance, and hold con-*
 2 *tractors accountable;*

3 *(3) when the Administrator for Nuclear Security*
 4 *considers it appropriate to achieve these goals, the*
 5 *Administrator should conduct competition of these*
 6 *contracts while recognizing the unique nature of fed-*
 7 *erally funded research and development centers; and*

8 *(4) the Administrator should ensure that fixed*
 9 *fees and performance-based fees contained in manage-*
 10 *ment and operating contracts are as low as possible*
 11 *to maintain a focus on national service while attract-*
 12 *ing high-quality contractors and achieving the goals*
 13 *of the competition.*

14 **TITLE XXXII—DEFENSE NU-**
 15 **CLEAR FACILITIES SAFETY**
 16 **BOARD**

17 **SEC. 3201. AUTHORIZATION.**

18 *There is authorized to be appropriated for fiscal year*
 19 *2013 \$31,415,000 for the operation of the Defense Nuclear*
 20 *Facilities Safety Board under chapter 21 of the Atomic En-*
 21 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

22 **SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FA-**
 23 **CILITIES SAFETY BOARD.**

24 *(a) ESTABLISHMENT.—Section 311 of the Atomic En-*
 25 *ergy Act of 1954 (42 U.S.C. 2286) is amended—*

1 (1) *in subsection (b)—*

2 (A) *in paragraph (3), by striking “Energy*
3 *or any contractor of the Department of Energy”*
4 *and inserting “Energy, the National Nuclear Se-*
5 *curity Administration, or any contractor of the*
6 *Department or Administration”; and*

7 (B) *by striking paragraph (4);*

8 (2) *in subsection (c)—*

9 (A) *in the heading, by striking “AND VICE*
10 *CHAIRMAN” and inserting “, VICE CHAIRMAN,*
11 *AND MEMBERS”;*

12 (B) *in paragraph (2), by striking “The*
13 *Chairman” and inserting “In accordance with*
14 *paragraphs (5) and (6), the Chairman”; and*

15 (C) *by adding at the end the following new*
16 *paragraphs:*

17 “(5) *Each member of the Board, including the Chair-*
18 *man and Vice Chairman, shall—*

19 “(A) *have equal responsibility and authority in*
20 *establishing decisions and determining actions of the*
21 *Board regarding recommendations, budgets, senior*
22 *staff, hearings and witnesses, investigations, sub-*
23 *poenas, and setting policies and regulations governing*
24 *operations of the Board;*

1 “(B) have full, simultaneous access to all infor-
2 mation relating to the performance of the Board’s
3 functions, powers, and mission; and

4 “(C) have one vote.

5 “(6) Any member of the Board may propose an indi-
6 vidual to be appointed to a senior staff position of the
7 Board and require a determination by the Board under
8 paragraph (5)(A) on whether such individual shall be ap-
9 pointed.”;

10 (3) in subsection (d)—

11 (A) in paragraph (1), by striking “Except
12 as provided under paragraph (2), the” and in-
13 serting “The”;

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

15 (C) by redesignating paragraph (3) as
16 paragraph (2); and

17 (4) by amending subsection (e) to read as fol-
18 lows:

19 “(e) QUORUM.—(1) Three members of the Board shall
20 constitute a quorum.

21 “(2) A quorum shall be required to take the actions
22 of the Board described in subsection (c)(5)(A).”.

23 (b) MISSION AND FUNCTIONS.—

24 (1) IN GENERAL.—Section 312 of the Atomic En-
25 ergy Act of 1954 (42 U.S.C. 2286a) is amended—

1 (A) in the heading, by inserting “**MISSION**
2 **AND**” before “**FUNCTIONS**”;

3 (B) by redesignating subsections (a) and (b)
4 as subsections (b) and (c), respectively;

5 (C) by inserting before subsection (b), as so
6 redesignated, the following new subsection (a):

7 “(a) *MISSION*.—The mission of the Board shall be to
8 provide independent analysis, advice, and recommenda-
9 tions to the Secretary of Energy to ensure that—

10 “(1) risks to public health and safety at the de-
11 fense nuclear facilities of the Department of Energy
12 are as low as reasonably practicable; and

13 “(2) public health and safety are adequately pro-
14 tected.”;

15 (D) in subsection (b), as so redesignated—

16 (i) in the heading, by striking “*IN*
17 *GENERAL*” and inserting “*FUNCTIONS*”;

18 (ii) in paragraph (1), by inserting
19 “risks to public health and safety are as low
20 as reasonably practicable and” after “to en-
21 sure that”;

22 (iii) in paragraph (4), by striking “to
23 ensure adequate protection of public health
24 and safety” each place it appears and in-
25 serting “to ensure that risks to public health

1 *and safety are as low as reasonably prac-*
 2 *ticable and public health and safety are*
 3 *adequately protected”;* and

4 *(iv) in paragraph (5)—*

5 *(I) by striking “to ensure ade-*
 6 *quate protection of public health and*
 7 *safety” and inserting “to ensure that*
 8 *risks to public health and safety are as*
 9 *low as reasonably practicable and pub-*
 10 *lic health and safety are adequately*
 11 *protected”;*

12 *(II) by inserting “, and specifi-*
 13 *cally assess,” after “shall consider”;*
 14 *and*

15 *(III) by inserting “, the costs and*
 16 *benefits, and the practicability” after*
 17 *“economic feasibility”.*

18 (2) *CLERICAL AMENDMENT.—The table of con-*
 19 *tents for the Atomic Energy Act of 1954 is amended*
 20 *by striking the item relating to section 312 and in-*
 21 *serting the following new item:*

“Sec. 312. Mission and functions of the board.”.

22 (c) *POWERS.—Section 313 of the Atomic Energy Act*
 23 *of 1954 (42 U.S.C. 2286b) is amended—*

24 (1) *in subsection (a)—*

1 (A) in paragraph (1), by striking “or a
2 member authorized by the Board”; and

3 (B) in paragraph (2)(A), by striking the
4 first sentence and inserting the following: “Sub-
5 poenas may be issued only with the approval of
6 a majority of the members of the Board and
7 shall be served by any person designated by the
8 Chairman, any member, or any person as other-
9 wise provided by law.”; and

10 (2) in subsection (b), by adding at the end the
11 following new paragraph:

12 “(3) Of the funds appropriated to the Board to carry
13 out this chapter, each member of the Board, other than the
14 Chairman, may employ at least one technical advisor to
15 serve in the immediate office of the member to provide as-
16 sistance to the member in carrying out the responsibilities
17 of the member under this chapter. If employed in the imme-
18 diate office of a member, such advisor shall report to such
19 member and, notwithstanding section 311(c)(2)(A), may
20 not be subject to the appointment, direction, or supervision
21 of the Chairman.”; and

22 (3) in subsection (j)(2), by striking “section
23 312(1)” and inserting “section 312(b)(1)”.

1 (d) *BOARD RECOMMENDATIONS.*—Section 315 of the
2 *Atomic Energy Act of 1954 (42 U.S.C. 2286d)* is amended
3 *to read as follows:*

4 **“SEC. 315. BOARD RECOMMENDATIONS.**

5 “(a) *DRAFTS AND SUBMISSION OF RECOMMENDA-*
6 *TIONS.*—(1) *Subject to subsections (f) and (g), the Board*
7 *shall submit to the Secretary of Energy a draft of any rec-*
8 *ommendations under section 312 and any related findings,*
9 *supporting data, and analyses before the date on which such*
10 *recommendations are finalized.*

11 “(2) *The Secretary may provide to the Board com-*
12 *ments on the recommendations not later than 45 days after*
13 *the date on which the Secretary receives the draft submis-*
14 *sion of the Board under paragraph (1). The Board may*
15 *grant, upon request by the Secretary, not more than an ad-*
16 *ditional 30 days for the Secretary to submit comments to*
17 *the Board.*

18 “(3) *After the period of time in which the Secretary*
19 *may provide recommendations under paragraph (2)*
20 *elapses, the Board may publish in the Federal Register ei-*
21 *ther the original or a revised version of the recommenda-*
22 *tions based on the comments of the Secretary, together with*
23 *a request for the submission to the Board of public com-*
24 *ments on such recommendations. Interested persons shall*
25 *have 30 days after the date of publication in which to sub-*

1 *mit comments, data, views, or arguments to the Board con-*
2 *cerning the recommendations. The Board shall furnish the*
3 *Secretary with copies of all comments, data, views, and ar-*
4 *guments submitted to it under this paragraph.*

5 “(b) *DISPOSITION OF RECOMMENDATIONS.*—(1) *Not*
6 *later than 60 days after publication of the recommendations*
7 *under subsection (a)(3), the Secretary of Energy shall pub-*
8 *lish in the Federal Register and transmit to the Board, in*
9 *writing, a statement of the final decision of the Secretary*
10 *with respect to whether the Secretary accepts or rejects, in*
11 *whole or in part, such recommendations, including a de-*
12 *scription of any actions to be taken in response to the rec-*
13 *ommendations, any expected schedule, cost, technical, or*
14 *program impacts of such recommendations, and the views*
15 *of the Secretary regarding such recommendations. The*
16 *Board may grant, upon request by the Secretary, not more*
17 *than an additional 30 days for the Secretary to transmit*
18 *such statement to the Board.*

19 “(2) *The Board may hold hearings for the purpose of*
20 *obtaining public comments on its recommendations and the*
21 *disposition of such recommendations by the Secretary of*
22 *Energy.*

23 “(c) *REJECTION OF RECOMMENDATIONS.*—*If the Sec-*
24 *retary of Energy, in a statement under subsection (b)(1),*
25 *rejects (in whole or part) any recommendation made by the*

1 *Board under subsection (a), the Board may transmit to the*
2 *Secretary and the Committees on Armed Services and Ap-*
3 *propriations of the Senate and the House of Representatives*
4 *a letter describing the views and perspectives of the Board*
5 *regarding the Secretary's disposition of the Board's rec-*
6 *ommendations.*

7 “(d) *IMPLEMENTATION PLAN.*—*The Secretary of En-*
8 *ergy shall prepare a plan for the implementation of each*
9 *Board recommendation, or part of a recommendation, that*
10 *is accepted by the Secretary in the statement under sub-*
11 *section (b)(1). Not later than 120 days after the date on*
12 *which such statement is published, the Secretary shall*
13 *transmit to the Board such implementation plan. The Sec-*
14 *retary may implement any such recommendation (or part*
15 *of any such recommendation) before, on, or after the date*
16 *on which the Secretary transmits the implementation plan*
17 *to the Board under this subsection.*

18 “(e) *IMPLEMENTATION.*—(1) *Subject to paragraph (2),*
19 *not later than one year after the date on which the Sec-*
20 *retary of Energy transmits an implementation plan with*
21 *respect to a recommendation (or part thereof) under sub-*
22 *section (d), the Secretary shall carry out and complete the*
23 *implementation plan. If complete implementation of the*
24 *plan takes more than one year, the Secretary of Energy*
25 *shall submit a report to the Committees on Armed Services*

1 *and on Appropriations of the Senate and the House of Rep-*
2 *resentatives setting forth the reasons for the delay and when*
3 *implementation will be completed.*

4 “(2) *If the Secretary of Energy determines that the im-*
5 *plementation of a Board recommendation (or part thereof)*
6 *is impracticable because of budgetary considerations, or*
7 *that the implementation would affect the Secretary’s ability*
8 *to meet the annual nuclear weapons stockpile requirements*
9 *established pursuant to section 91 of this Act, the Secretary*
10 *shall submit to the President and the Committees on Armed*
11 *Services and Appropriations of the Senate and the House*
12 *of Representatives a report containing the recommendation*
13 *and the Secretary’s determination.*

14 “(f) *IMMINENT OR SEVERE THREAT.—(1) In any case*
15 *in which the Board determines that a recommendation sub-*
16 *mitted to the Secretary of Energy under section 312 relates*
17 *to an imminent or severe threat to public health and safety,*
18 *the Board and the Secretary of Energy shall proceed under*
19 *this subsection in lieu of subsections (a) and (b).*

20 “(2) *The Board shall transmit to the President, the*
21 *Secretary of Defense, and the Secretary of Energy a rec-*
22 *ommendation relating to an imminent or severe threat to*
23 *public health and safety. Not later than 15 days after the*
24 *date on which such recommendation is received, the Sec-*
25 *retary of Energy shall submit the comments and views of*

1 *the Secretary to the President. The President shall review*
2 *such comments and views and shall make the decision con-*
3 *cerning the acceptance or rejection of the Board's rec-*
4 *ommendation.*

5 “(3) *After receipt by the President of the recommenda-*
6 *tion from the Board under this subsection, the Board shall*
7 *promptly make such recommendation available to the pub-*
8 *lic and shall submit such recommendation to the Commit-*
9 *tees on Armed Services and Appropriations of the Senate*
10 *and the House of Representatives. The President shall*
11 *promptly notify such committees of the decision made by*
12 *the President under paragraph (2) and the reasons for that*
13 *decision.*

14 “(g) *LIMITATION.—Notwithstanding any other provi-*
15 *sion of this section, the requirements to make information*
16 *available to the public under this section—*

17 “(1) *shall not apply in the case of information*
18 *that is classified; and*

19 “(2) *shall be subject to the orders and regulations*
20 *issued by the Secretary of Energy under sections 147*
21 *and 148 of this Act to prohibit dissemination of cer-*
22 *tain information.”.*

23 “(e) *REPORTS.—Section 316 of the Atomic Energy Act*
24 *of 1954 (42 U.S.C. 2286e) is amended by striking “to the*
25 *Speaker of” each place it appears.*

1 (f) *INFORMATION TO CONGRESS.*—Section 320 of the
2 *Atomic Energy Act of 1954 (42 U.S.C. 2286h–1)* is amend-
3 *ed by striking “the Congress” and inserting “Committees*
4 *on Armed Services and Appropriations of the Senate and*
5 *the House of Representatives”.*

6 (g) *INSPECTOR GENERAL.*—Chapter 21 of the *Atomic*
7 *Energy Act of 1954 (42 U.S.C. 2286 et seq.)* is amended
8 *by adding at the end the following new section:*

9 **“SEC. 322. INSPECTOR GENERAL.**

10 *“The Board shall enter into an agreement with an*
11 *agency of the Federal Government to procure the services*
12 *of the Inspector General of such agency for the Board.”.*

13 **TITLE XXXIV—NAVAL**
14 **PETROLEUM RESERVES**

15 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) *AMOUNT.*—There are hereby authorized to be ap-
17 *propriated to the Secretary of Energy \$14,909,000 for fiscal*
18 *year 2013 for the purpose of carrying out activities under*
19 *chapter 641 of title 10, United States Code, relating to the*
20 *naval petroleum reserves.*

21 (b) *PERIOD OF AVAILABILITY.*—Funds appropriated
22 *pursuant to the authorization of appropriations in sub-*
23 *section (a) shall remain available until expended.*

1 **TITLE XXXV—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
4 **TIONAL SECURITY ASPECTS OF THE MER-**
5 **CHANT MARINE FOR FISCAL YEAR 2013.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 2013, to be available without fiscal year limitation*
8 *if so provided in appropriations Acts, for the use of the De-*
9 *partment of Transportation for Maritime Administration*
10 *programs associated with maintaining national security*
11 *aspects of the merchant marine, as follows:*

12 (1) *For expenses necessary for operations of the*
13 *United States Merchant Marine Academy,*
14 *\$77,253,000, of which—*

15 (A) *\$67,253,000 shall remain available*
16 *until expended for Academy operations; and*

17 (B) *\$10,000,000 shall remain available*
18 *until expended for capital asset management at*
19 *the Academy.*

20 (2) *For expenses necessary to support the State*
21 *maritime academies, \$16,045,000, of which—*

22 (A) *\$2,400,000 shall remain available until*
23 *expended for student incentive payments;*

1 (B) \$2,545,000 shall remain available until
2 expended for direct payments to such academies;
3 and

4 (C) \$11,100,000 shall remain available
5 until expended for maintenance and repair of
6 State maritime academy training vessels.

7 (3) For expenses necessary to dispose of vessels in
8 the National Defense Reserve Fleet, \$12,717,000, to
9 remain available until expended.

10 (4) For expenses to maintain and preserve a
11 United States-flag merchant marine to serve the na-
12 tional security needs of the United States under chap-
13 ter 531 of title 46, United States Code, \$186,000,000.

14 (5) For the cost (as defined in section 502(5) of
15 the Federal Credit Reform Act of 1990 (2 U.S.C.
16 6661a(5)) of loan guarantees under the program au-
17 thorized by chapter 537 of title 46, United States
18 Code, \$3,750,000, all of which shall remain available
19 until expended for administrative expenses of the pro-
20 gram.

21 **SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION**
22 **REGULATION.**

23 Section 3502(b) of the Floyd D. Spence National De-
24 fense Authorization Act for Fiscal Year 2001, as enacted
25 into law by Public Law 106-398 (114 Stat. 1645A-490),

1 *is amended by striking “the enactment of this Act” and in-*
2 *serting “contract award”.*

3 **SEC. 3503. PROCUREMENT OF SHIP DISPOSAL.**

4 *Section 113(e)(15) of title 40, United States Code, is*
5 *amended—*

6 *(1) by inserting “disposal for recycling and all*
7 *contracts related thereto (including contracts for tow-*
8 *ing, dry-docking, sale or purchase of services for recy-*
9 *cling, or management of vessels during disposal),”*
10 *after “charter, construction, reconstruction,”;*

11 *(2) by striking “merchant”; and*

12 *(3) by inserting “and with the Federal Acquisi-*
13 *tion Regulation” after “under this subtitle”.*

14 **SEC. 3504. LIMITATION OF NATIONAL DEFENSE RESERVE**

15 **FLEET VESSELS TO THOSE OVER 1,500 GROSS**
16 **TONS.**

17 *Section 57101(a) of title 46, United States Code, is*
18 *amended by inserting “of 1,500 gross tons or more or such*
19 *other vessels as the Secretary of Transportation shall deter-*
20 *mine are appropriate” after “Administration”.*

21 **SEC. 3505. DONATION OF EXCESS FUEL TO MARITIME ACAD-**

22 **EMIES.**

23 *Section 51103(b)(1) of title 46, United States Code, is*
24 *amended by striking so much as precedes paragraph (2)*
25 *and inserting the following:*

1 “(b) *PROPERTY FOR INSTRUCTIONAL PURPOSES.*—

2 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
3 *tation may cooperate with and assist the institutions*
4 *named in paragraph (2) by making vessels, fuel, ship-*
5 *board equipment, and other marine equipment, owned*
6 *by the United States Government and determined by*
7 *the entity having custody and control of such prop-*
8 *erty to be excess or surplus, available to those institu-*
9 *tions for instructional purposes, by gift, loan, sale,*
10 *lease, or charter on terms and conditions the Sec-*
11 *retary considers appropriate. The consent of the Sec-*
12 *retary of Navy shall be obtained with respect to any*
13 *property from National Defense Reserve Fleet vessels,*
14 *50 U.S.C. App. 1744, where such vessels are either*
15 *Ready Reserve Force vessels or other National Defense*
16 *Reserve Fleet vessels determined to be of sufficient*
17 *value to the Navy to warrant their further preserva-*
18 *tion and retention.”.*

19 **SEC. 3506. CLARIFICATION OF HEADING.**

20 “(a) *IN GENERAL.*—*The heading of section 57103 of*
21 *title 46, United States Code, is amended to read as follows:*

1 **“§57103. Donation of nonretention vessels in the na-**
 2 **tional defense reserve fleet”.**

3 (b) *CONFORMING AMENDMENT.*—*The item relating to*
 4 *section 57103 in the analysis of chapter 571 of such title*
 5 *is amended to read as follows:*

“57103. Donation of nonretention vessels in the national defense reserve fleet.”.

6 **SEC. 3507. TRANSFER OF VESSELS TO THE NATIONAL DE-**
 7 **FENSE RESERVE FLEET.**

8 *Section 57101 of title 46, United States Code, is*
 9 *amended by adding at the end the following:*

10 *“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER*
 11 *VESSELS.—All Federal entities are authorized to transfer*
 12 *vessels to the National Defense Reserve Fleet without reim-*
 13 *bursement subject to the approval of the Secretary of Trans-*
 14 *portation and the Secretary of the Navy with respect to*
 15 *Ready Reserve Force vessels and the Secretary of Transpor-*
 16 *tation with respect to all other vessels.”.*

17 **SEC. 3508. AMENDMENTS RELATING TO THE NATIONAL DE-**
 18 **FENSE RESERVE FLEET.**

19 *Subparagraphs (B), (C), and (D) of sections 11(c)(1)*
 20 *of the Merchant Ship Sales Act of 1946 (50 U.S.C. App.*
 21 *1744(c)(1)) are amended to read as follows:*

22 *“(B) activate and conduct sea trials on each*
 23 *vessel at a frequency that is deemed necessary;*

24 *“(C) maintain and adequately crew, as nec-*
 25 *essary, in an enhanced readiness status those*

1 *vessels that are scheduled to be activated in 5 or*
2 *less days;*

3 “(D) locate those vessels that are scheduled
4 to be activated near embarkation ports specified
5 for those vessels; and”.

6 **SEC. 3509. EXTENSION OF MARITIME SECURITY FLEET PRO-**
7 **GRAM.**

8 *(a) Section 53101 of title 46, United States Code, is*
9 *amended—*

10 *(1) by amending paragraph (4) to read as fol-*
11 *lows:*

12 “(4) *FOREIGN COMMERCE.*—*The term foreign*
13 *commerce means—*

14 “(A) *commerce or trade between the United*
15 *States, its territories or possessions, or the Dis-*
16 *trict of Columbia, and a foreign country; and*

17 “(B) *commerce or trade between foreign*
18 *countries.*”;

19 *(2) by striking paragraph (5);*

20 *(3) by redesignating paragraphs (6) through (13)*
21 *as paragraphs (5) through (12), respectively; and*

22 *(4) by amending paragraph (5), as so redesign-*
23 *ated, to read as follows:*

24 “(5) *PARTICIPATING FLEET VESSEL.*—*The term*
25 *participating fleet vessel means any vessel that—*

1 “(A) on October 1, 2015—

2 “(i) meets the requirements of para-
3 graph (1), (2), (3), or (4) of section
4 53102(c); and

5 “(ii) is less than 20 years of age if the
6 vessel is a tank vessel, or is less than 25
7 years of age for all other vessel types; and

8 “(B) on December 31, 2014, is covered by
9 an operating agreement under this chapter.”.

10 (b) Section 53102(b) of such title is amended to read
11 as follows:

12 “(b) *VESSEL ELIGIBILITY*.—A vessel is eligible to be
13 included in the Fleet if—

14 “(1) the vessel meets the requirements of para-
15 graph (1), (2), (3), or (4) of subsection (c);

16 “(2) the vessel is operated (or in the case of a
17 vessel to be constructed, will be operated) in providing
18 transportation in foreign commerce;

19 “(3) the vessel is self-propelled and—

20 “(A) is a tank vessel that is 10 years of age
21 or less on the date the vessel is included in the
22 Fleet; or

23 “(B) is any other type of vessel that is 15
24 years of age or less on the date the vessel is in-
25 cluded in the Fleet;

1 “(4) *the vessel—*

2 “(A) *is suitable for use by the United States*
3 *for national defense or military purposes in time*
4 *of war or national emergency, as determined by*
5 *the Secretary of Defense; and*

6 “(B) *is commercially viable, as determined*
7 *by the Secretary; and*

8 “(5) *the vessel—*

9 “(A) *is a United States-documented vessel;*
10 *or*

11 “(B) *is not a United States-documented ves-*
12 *sel, but—*

13 “(i) *the owner of the vessel has dem-*
14 *onstrated an intent to have the vessel docu-*
15 *mented under chapter 121 of this title if it*
16 *is included in the Fleet; and*

17 “(ii) *at the time an operating agree-*
18 *ment for the vessel is entered into under this*
19 *chapter, the vessel is eligible for documenta-*
20 *tion under chapter 121 of this title.”.*

21 (c) *Section 53103 of such title is amended—*

22 (1) *by amending subsection (b) to read as fol-*
23 *lows:*

24 “(b) *EXTENSION OF EXISTING OPERATING AGREE-*
25 *MENTS.—*

1 “(1) *OFFER TO EXTEND.*—Not later than 60
2 days after the date of enactment of this paragraph,
3 the Secretary shall offer, to an existing contractor, to
4 extend, through September 30, 2025, an operating
5 agreement that is in existence on the date of enact-
6 ment of this paragraph. The terms and conditions of
7 the extended operating agreement shall include terms
8 and conditions authorized under this chapter, as
9 amended from time to time.

10 “(2) *TIME LIMIT.*—An existing contractor shall
11 have not later than 120 days after the date the Sec-
12 retary offers to extend an operating agreement to
13 agree to the extended operating agreement.

14 “(3) *SUBSEQUENT AWARD.*—The Secretary may
15 award an operating agreement to an applicant that
16 is eligible to enter into an operating agreement for
17 fiscal years 2016 through 2025 if the existing con-
18 tractor does not agree to the extended operating agree-
19 ment under paragraph (2).”; and

20 (2) by amending subsection (c) to read as fol-
21 lows:

22 “(c) *PROCEDURE FOR AWARDING NEW OPERATING*
23 *AGREEMENTS.*—The Secretary may enter into a new oper-
24 ating agreement with an applicant that meets the require-
25 ments of section 53102(c) (for vessels that meet the quali-

1 *fications of section 53102(b)) on the basis of priority for*
2 *vessel type established by military requirements of the Sec-*
3 *retary of Defense. The Secretary shall allow an applicant*
4 *at least 30 days to submit an application for a new oper-*
5 *ating agreement. After consideration of military require-*
6 *ments, priority shall be given to an applicant that is a*
7 *United States citizen under section 50501 of this title. The*
8 *Secretary may not approve an application without the con-*
9 *sent of the Secretary of Defense. The Secretary shall enter*
10 *into an operating agreement with the applicant or provide*
11 *a written reason for denying the application.”.*

12 *(d) Section 53104 of such title is amended—*

13 *(1) in subsection (c), by striking paragraph (3);*

14 *and*

15 *(2) in subsection (e), by striking “an operating*
16 *agreement under this chapter is terminated under*
17 *subsection (c)(3), or if”.*

18 *(e) Section 53105 of such title is amended—*

19 *(1) by amending subsection (e) to read as fol-*
20 *lows:*

21 *“(e) TRANSFER OF OPERATING AGREEMENTS.—A con-*
22 *tractor under an operating agreement may transfer the*
23 *agreement (including all rights and obligations under the*
24 *operating agreement) to any person that is eligible to enter*
25 *into the operating agreement under this chapter if the Sec-*

1 *retary and the Secretary of Defense determine that the*
2 *transfer is in the best interests of the United States. A*
3 *transaction shall not be considered a transfer of an oper-*
4 *ating agreement if the same legal entity with the same ves-*
5 *sels remains the contracting party under the operating*
6 *agreement.”; and*

7 (2) *by amending subsection (f) to read as follows:*

8 “(f) *REPLACEMENT VESSELS.—A contractor may re-*
9 *place a vessel under an operating agreement with another*
10 *vessel that is eligible to be included in the Fleet under sec-*
11 *tion 53102(b), if the Secretary, in conjunction with the Sec-*
12 *retary of Defense, approves the replacement of the vessel.”.*

13 (f) *Section 53106 of such title is amended—*

14 (1) *in subsection (a)(1), by striking “and (C)*
15 *\$3,100,000 for each of fiscal years 2012 through*
16 *2025.” and inserting the following:*

17 “(C) *\$3,100,000 for each of fiscal years*
18 *2012, 2013, 2014, 2015, 2016, 2017, and 2018;*

19 “(D) *\$3,500,000 for each of fiscal years*
20 *2019, 2020, and 2021; and*

21 “(E) *\$3,700,000 for each of fiscal years*
22 *2022, 2023, 2024, and 2025.”;*

23 (2) *in subsection (c)(3)(C), by striking “a LASH*
24 *vessel.” and inserting “a lighter aboard ship vessel.”;*
25 *and*

1 (3) *by striking subsection (f).*

2 (g) *Section 53107(b)(1) is amended to read as follows:*

3 “(1) *IN GENERAL.—An Emergency Preparedness*
4 *Agreement under this section shall require that a con-*
5 *tractor for a vessel covered by an operating agreement*
6 *under this chapter shall make commercial transpor-*
7 *tation resources (including services) available, upon*
8 *request by the Secretary of Defense during a time of*
9 *war or national emergency, or whenever the Secretary*
10 *of Defense determines that it is necessary for national*
11 *security or contingency operation (as that term is de-*
12 *finied in section 101 of title 10, United States Code).”.*

13 (h) *Section 53109 is repealed.*

14 (i) *Section 53111 is amended—*

15 (1) *by striking “and” at the end of paragraph*

16 (2); *and*

17 (2) *by amending paragraph (3) to read as fol-*
18 *lows:*

19 “(3) *\$186,000,000 for each of fiscal years 2012,*
20 *2013, 2014, 2015, 2016, 2017, and 2018;*

21 “(4) *\$210,000,000 for each of fiscal years 2019,*
22 *2020, and 2021; and*

23 “(5) *\$222,000,000 for each fiscal year thereafter*
24 *through fiscal year 2025.”.*

1 (j) *EFFECTIVE DATE OF AMENDMENTS.*—*The amend-*
2 *ments made by—*

3 (1) *paragraphs (2), (3), and (4) of section*
4 *3308(a) of this Act take effect on December 31, 2014;*
5 *and*

6 (2) *section 3308(f)(2) of this Act take effect on*
7 *December 31, 2014.*

8 ***DIVISION D—FUNDING TABLES***

9 ***SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-*** 10 ***BLES.***

11 (a) *IN GENERAL.*—*Whenever a funding table in this*
12 *division specifies a dollar amount authorized for a project,*
13 *program, or activity, the obligation and expenditure of the*
14 *specified dollar amount for the project, program, or activity*
15 *is hereby authorized, subject to the availability of appro-*
16 *priations.*

17 (b) *MERIT-BASED DECISIONS.*—*A decision to commit,*
18 *obligate, or expend funds with or to a specific entity on*
19 *the basis of a dollar amount authorized pursuant to sub-*
20 *section (a) shall—*

21 (1) *be based on merit-based selection procedures*
22 *in accordance with the requirements of sections*
23 *2304(k) and 2374 of title 10, United States Code, or*
24 *on competitive procedures; and*

1 (2) *comply with other applicable provisions of*
2 *law.*

3 (c) *RELATIONSHIP TO TRANSFER AND PROGRAMMING*
4 *AUTHORITY.*—*An amount specified in the funding tables in*
5 *this division may be transferred or reprogrammed under*
6 *a transfer or reprogramming authority provided by another*
7 *provision of this Act or by other law. The transfer or re-*
8 *programming of an amount specified in such funding tables*
9 *shall not count against a ceiling on such transfers or*
10 *reprogrammings under section 1001 or section 1522 of this*
11 *Act or any other provision of law, unless such transfer or*
12 *reprogramming would move funds between appropriation*
13 *accounts.*

14 (d) *APPLICABILITY TO CLASSIFIED ANNEX.*—*This sec-*
15 *tion applies to any classified annex that accompanies this*
16 *Act.*

17 (e) *ORAL AND WRITTEN COMMUNICATIONS.*—*No oral*
18 *or written communication concerning any amount specified*
19 *in the funding tables in this division shall supersede the*
20 *requirements of this section.*

1 TITLE XLI—PROCUREMENT

2 SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
01	UTILITY F/W AIRCRAFT	18,639	18,639
03	MQ-1 UAV	518,088	518,088
04	RQ-11 (RAVEN)	25,798	25,798
ROTARY			
06	HELICOPTER, LIGHT UTILITY (LUH)	271,983	271,983
07	AH-64 APACHE BLOCK IIIA REMAN	577,115	577,115
08	ADVANCE PROCUREMENT (CY)	107,707	107,707
09	AH-64 APACHE BLOCK IIIB NEW BUILD	153,993	153,993
10	ADVANCE PROCUREMENT (CY)	146,121	146,121
13	UH-60 BLACKHAWK M MODEL (MYP)	1,107,087	1,107,087
14	ADVANCE PROCUREMENT (CY)	115,113	115,113
15	CH-47 HELICOPTER	1,076,036	1,076,036
16	ADVANCE PROCUREMENT (CY)	83,346	83,346
MODIFICATION OF AIRCRAFT			
18	MQ-1 PAYLOAD—UAS	231,508	231,508
20	GUARDRAIL MODS (MIP)	16,272	16,272
21	MULTI SENSOR ABN RECON (MIP)	4,294	4,294
22	AH-64 MODS	178,805	178,805
23	CH-47 CARGO HELICOPTER MODS (MYP)	39,135	39,135
24	UTILITY/CARGO AIRPLANE MODS	24,842	24,842
26	UTILITY HELICOPTER MODS	73,804	73,804
27	KIOWA WARRIOR MODS	192,484	192,484
29	NETWORK AND MISSION PLAN	190,789	190,789
30	COMMS, NAV SURVEILLANCE	133,191	133,191
31	GATM ROLLUP	87,280	87,280
32	RQ-7 UAV MODS	104,339	104,339
GROUND SUPPORT AVIONICS			
34	AIRCRAFT SURVIVABILITY EQUIPMENT	34,037	34,037
36	CMWS	127,751	127,751
OTHER SUPPORT			
37	AVIONICS SUPPORT EQUIPMENT	4,886	4,886
38	COMMON GROUND EQUIPMENT	82,511	82,511
39	AIRCREW INTEGRATED SYSTEMS	77,381	77,381
40	AIR TRAFFIC CONTROL	47,235	47,235
41	INDUSTRIAL FACILITIES	1,643	1,643
42	LAUNCHER, 2.75 ROCKET	516	516
TOTAL AIRCRAFT PROCUREMENT, ARMY		5,853,729	5,853,729
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
01	PATRIOT SYSTEM SUMMARY	646,590	696,590
	Additional PAC-3 missiles		[50,000]
02	MSE MISSILE	12,850	12,850
AIR-TO-SURFACE MISSILE SYSTEM			
04	HELLFIRE SYS SUMMARY	1,401	11,401
	Program increase		[10,000]
ANTI-TANK/ASSAULT MISSILE SYS			
05	JAVELIN (AAWS-M) SYSTEM SUMMARY	81,121	81,121
06	TOW 2 SYSTEM SUMMARY	64,712	64,712
07	ADVANCE PROCUREMENT (CY)	19,931	19,931
08	GUIDED MLRS ROCKET (GMLRS)	218,679	218,679
09	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,767	18,767
10	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	12,051	12,051
MODIFICATIONS			
11	PATRIOT MODS	199,565	199,565
13	MLRS MODS	2,466	2,466
14	HIMARS MODIFICATIONS	6,068	6,068
SPARES AND REPAIR PARTS			
16	SPARES AND REPAIR PARTS	7,864	7,864
SUPPORT EQUIPMENT & FACILITIES			
17	AIR DEFENSE TARGETS	3,864	3,864
18	ITEMS LESS THAN \$5 MILLION (MISSILES)	1,560	1,560
19	PRODUCTION BASE SUPPORT	5,200	5,200
TOTAL MISSILE PROCUREMENT, ARMY		1,302,689	1,362,689
PROCUREMENT OF W&TCV, ARMY			
TRACKED COMBAT VEHICLES			
01	STRYKER VEHICLE	286,818	286,818
MODIFICATION OF TRACKED COMBAT VEHICLES			

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
03	STRYKER (MOD)	60,881	60,881
04	FIST VEHICLE (MOD)	57,257	57,257
05	BRADLEY PROGRAM (MOD)	148,193	288,193
	Program increase		[140,000]
06	HOWITZER, MED SP FT 155MM M109A6 (MOD)	10,341	10,341
07	PALADIN PIM MOD IN SERVICE	206,101	206,101
08	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	107,909	169,909
	Program increase		[62,000]
09	ASSAULT BREACHER VEHICLE	50,039	50,039
10	M88 FOV MODS	29,930	29,930
11	M1 ABRAMS TANK (MOD)	129,090	129,090
12	ABRAMS UPGRADE PROGRAM	74,433	255,433
	Program increase		[181,000]
	SUPPORT EQUIPMENT & FACILITIES		
13	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
14	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	506	0
	XM25 funding ahead of need		[-506]
17	LIGHTWEIGHT .50 CALIBER MACHINE GUN	25,183	25,183
19	MORTAR SYSTEMS	8,104	8,104
21	XM320 GRENADE LAUNCHER MODULE (GLM)	14,096	14,096
24	CARBINE	21,272	21,272
25	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,598	6,598
26	COMMON REMOTELY OPERATED WEAPONS STATION	56,725	56,725
27	HOWITZER LT WT 155MM (T)	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
29	M777 MODS	26,843	26,843
30	M4 CARBINE MODS	27,243	27,243
31	M2 50 CAL MACHINE GUN MODS	39,974	39,974
32	M249 SAW MACHINE GUN MODS	4,996	4,996
33	M240 MEDIUM MACHINE GUN MODS	6,806	6,806
34	SNIPER RIFLES MODIFICATIONS	14,113	14,113
35	M119 MODIFICATIONS	20,727	20,727
36	M16 RIFLE MODS	3,306	3,306
37	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
38	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV)	2,026	2,026
39	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,115	10,115
40	INDUSTRIAL PREPAREDNESS	442	442
41	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,378	2,378
	SPARES		
42	SPARES AND REPAIR PARTS (WTCV)	31,217	31,217
	TOTAL PROCUREMENT OF W&TCV, ARMY	1,501,706	1,884,200
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
01	CTG, 5.56MM, ALL TYPES	158,313	123,513
	Unit cost savings		[-34,800]
02	CTG, 7.62MM, ALL TYPES	91,438	91,438
03	CTG, HANDGUN, ALL TYPES	8,954	8,954
04	CTG, .50 CAL, ALL TYPES	109,604	109,604
05	CTG, 20MM, ALL TYPES	4,041	4,041
06	CTG, 25MM, ALL TYPES	12,654	12,654
07	CTG, 30MM, ALL TYPES	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.		[-18,000]
08	CTG, 40MM, ALL TYPES	60,138	60,138
	MORTAR AMMUNITION		
09	60MM MORTAR, ALL TYPES	44,375	44,375
10	81MM MORTAR, ALL TYPES	27,471	27,471
11	120MM MORTAR, ALL TYPES	87,811	87,811
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	112,380	112,380
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	50,861	50,861
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	26,227	26,227
15	PROJ 155MM EXTENDED RANGE XM982	110,329	53,329
	Excalibur 1-b round schedule delay		[-55,000]
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	43,924	43,924
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	3,775	3,775
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES	17,408	17,408
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	1,005	1,005
20	ROCKET, HYDRA 70, ALL TYPES	123,433	123,433
	OTHER AMMUNITION		
21	DEMOLITION MUNITIONS, ALL TYPES	35,189	35,189

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
22	GRENADERS, ALL TYPES	33,477	33,477
23	SIGNALS, ALL TYPES	9,991	9,991
24	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
25	AMMO COMPONENTS, ALL TYPES	19,383	19,383
26	NON-LETHAL AMMUNITION, ALL TYPES	7,336	7,336
27	CAD/PAD ALL TYPES	6,641	6,641
28	ITEMS LESS THAN \$5 MILLION	15,092	15,092
29	AMMUNITION PECULIAR EQUIPMENT	15,692	15,692
30	FIRST DESTINATION TRANSPORTATION (AMMO)	14,107	14,107
31	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
32	PROVISION OF INDUSTRIAL FACILITIES	220,171	220,171
33	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	182,461	182,461
34	ARMS INITIATIVE	3,377	3,377
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	1,739,706	1,631,906
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
01	SEMITRAILERS, FLATBED:	7,097	7,097
02	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	346,115	346,115
03	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	19,292	19,292
04	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	52,933	52,933
05	PLS ESP	18,035	18,035
09	TRUCK, TRACTOR, LINE HAUL, M915/M916	3,619	3,619
10	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	26,859	26,859
12	TACTICAL WHEELED VEHICLE PROTECTION KITS	69,163	69,163
13	MODIFICATION OF IN SVC EQUIP	91,754	91,754
	NON-TACTICAL VEHICLES		
18	PASSENGER CARRYING VEHICLES	2,548	2,548
19	NONTACTICAL VEHICLES, OTHER	16,791	16,791
	COMM—JOINT COMMUNICATIONS		
20	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	10,061	10,061
21	WIN-T—GROUND FORCES TACTICAL NETWORK	892,635	872,635
	Program adjustment		[-20,000]
22	SIGNAL MODERNIZATION PROGRAM	45,626	45,626
23	JCSSE EQUIPMENT (USREDCOM)	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
24	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	151,636	151,636
25	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	6,822	6,822
26	SHF TERM	9,108	9,108
28	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	27,353	27,353
29	SMART-T (SPACE)	98,656	98,656
31	GLOBAL BRDCST SVC—GBS	47,131	47,131
32	MOD OF IN-SVC EQUIP (TAC SAT)	23,281	23,281
	COMM—C3 SYSTEM		
34	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
35	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	979	979
36	JOINT TACTICAL RADIO SYSTEM	556,250	521,250
	Program adjustment		[-35,000]
37	MID-TIER NETWORKING VEHICULAR RADIO (MNVN)	86,219	76,219
	Program adjustment		[-10,000]
38	RADIO TERMINAL SET, MIDS LVT(2)	7,798	7,798
39	SINGGARS FAMILY	9,001	9,001
40	AMC CRITICAL ITEMS—OPA2	24,601	24,601
41	TRACTOR DESK	7,779	7,779
43	SPIDER APLA REMOTE CONTROL UNIT	34,365	19,365
	Program delay		[-15,000]
44	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,833	1,833
45	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	12,984	12,984
47	GUNSHOT DETECTION SYSTEM (GDS)	2,332	2,332
48	RADIO, IMPROVED HF (COTS) FAMILY	1,132	1,132
49	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	22,899	22,899
	COMM—INTELLIGENCE COMM		
51	CI AUTOMATION ARCHITECTURE	1,564	1,564
52	RESERVE CA/MISO GPF EQUIPMENT	28,781	28,781
	INFORMATION SECURITY		
53	TSEC—ARMY KEY MGT SYS (AKMS)	23,432	23,432
54	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	43,897	43,897
	COMM—LONG HAUL COMMUNICATIONS		
56	TERRESTRIAL TRANSMISSION	2,891	2,891
57	BASE SUPPORT COMMUNICATIONS	13,872	13,872
58	WW TECH CON IMP PROG (WWTCIP)	9,595	9,595
	COMM—BASE COMMUNICATIONS		
59	INFORMATION SYSTEMS	142,133	142,133
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	57,727	57,727
62	PENTAGON INFORMATION MGT AND TELECOM	5,000	5,000

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Line	Item	FY 2013 Request	House Authorized
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
65	JTT/CIBS-M	1,641	1,641
66	PROPHET GROUND	48,797	48,797
69	DCGS-A (MIP)	184,007	184,007
70	JOINT TACTICAL GROUND STATION (JTAGS)	2,680	2,680
71	TROJAN (MIP)	21,483	21,483
72	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,412	2,412
73	CI HUMINT AUTO REPRINTING AND COLLECTION	7,077	7,077
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	72,594	72,594
76	CREW	15,446	15,446
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,470	1,470
79	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	FAAD GBS	7,980	7,980
81	SENTINEL MODS	33,444	33,444
82	SENSE THROUGH THE WALL (STTW)	6,212	6,212
83	NIGHT VISION DEVICES	166,516	166,516
85	NIGHT VISION, THERMAL WPN SIGHT	82,162	82,162
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	20,717	20,717
89	GREEN LASER INTERDICTION SYSTEM (GLIS)	1,014	1,014
90	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	29,881	29,881
91	PROFILER	12,482	12,482
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,075	3,075
94	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	141,385	141,385
96	MOD OF IN-SVC EQUIP (LLDR)	22,403	22,403
98	MORTAR FIRE CONTROL SYSTEM	29,505	29,505
99	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD)	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
101	TACTICAL OPERATIONS CENTERS	30,196	30,196
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS)	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN \$5 MILLION (A/V)	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E)	586	586
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS)	4,374	4,374
128	CBRN SOLDIER PROTECTION	9,259	9,259
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS	8,044	8,044
137	< \$5M, COUNTERMINE EQUIPMENT	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECU'S	12,210	12,210
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	11,222	11,222
141	GROUND SOLDIER SYSTEM	103,317	103,317
144	FIELD FEEDING EQUIPMENT	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION	14,093	14,093
	PETROLEUM EQUIPMENT		

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Line	Item	FY 2013 Request	House Authorized
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP)	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,495	2,495
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,028	2,028
156	SCRAPERS, EARTHMOVING	6,146	6,146
157	MISSION MODULES—ENGINEERING	31,200	31,200
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP)	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL)	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
173	FAMILY OF FORKLIFTS	5,895	5,895
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
180	CALIBRATION SETS EQUIPMENT	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3)	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH)	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING	12,920	12,920
189	AMC CRITICAL ITEMS OPA3	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE	83,937	83,937
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	TOTAL OTHER PROCUREMENT, ARMY	6,326,245	6,246,245
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
04	OPERATIONS	227,414	0
	Transfer of funds to title 15		[-227,414]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	227,414	0
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
01	EA-18G	1,027,443	997,443
	Cost growth-CFE electronics, non-recurring costs		[-30,000]
02	ADVANCE PROCUREMENT (CY)		45,000
	Program increase		[45,000]
03	F/A-18E/F (FIGHTER) HORNET	2,035,131	1,989,131
	Cost growth-CFE electronics, support costs		[-46,000]
04	ADVANCE PROCUREMENT (CY)	30,296	30,296
05	JOINT STRIKE FIGHTER CV	1,007,632	1,007,632
06	ADVANCE PROCUREMENT (CY)	65,180	65,180
07	JSF STOVL	1,404,737	1,404,737
08	ADVANCE PROCUREMENT (CY)	106,199	106,199
09	V-22 (MEDIUM LIFT)	1,303,120	1,303,120
10	ADVANCE PROCUREMENT (CY)	154,202	154,202
11	H-1 UPGRADES (UH-1Y/AH-1Z)	720,933	720,933
12	ADVANCE PROCUREMENT (CY)	69,658	69,658
13	MH-60S (MYP)	384,792	384,792
14	ADVANCE PROCUREMENT (CY)	69,277	69,277
15	MH-60R (MYP)	656,866	826,866
	Cruiser Retention—Restore 5 helicopters		[170,000]
16	ADVANCE PROCUREMENT (CY)	185,896	185,896
17	P-8A POSEIDON	2,420,755	2,420,755
18	ADVANCE PROCUREMENT (CY)	325,679	325,679
19	E-2D ADV HAWKEYE	861,498	861,498

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Line	Item	FY 2013 Request	House Authorized
20	ADVANCE PROCUREMENT (CY)	123,179	123,179
	TRAINER AIRCRAFT		
22	JPATS	278,884	278,884
	OTHER AIRCRAFT		
23	KC-130J	3,000	3,000
24	ADVANCE PROCUREMENT (CY)	22,995	22,995
25	ADVANCE PROCUREMENT (CY)	51,124	51,124
26	MQ-8 UAV	124,573	124,573
27	STUASLO UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
28	EA-6 SERIES	30,062	30,062
29	AEA SYSTEMS	49,999	49,999
30	AV-8 SERIES	38,703	38,703
31	ADVERSARY	4,289	4,289
32	F-18 SERIES	647,306	647,306
33	H-46 SERIES	2,343	2,343
34	AH-1W SERIES	8,721	8,721
35	H-53 SERIES	45,567	45,567
36	SH-60 SERIES	83,527	83,527
37	H-1 SERIES	6,508	6,508
38	EP-3 SERIES	66,374	66,374
39	P-3 SERIES	148,405	148,405
40	E-2 SERIES	16,322	16,322
41	TRAINER A/C SERIES	34,284	34,284
42	C-2A	4,743	4,743
43	C-130 SERIES	60,302	60,302
44	FEWSG	670	670
45	CARGO/TRANSPORT A/C SERIES	26,311	26,311
46	E-6 SERIES	158,332	158,332
47	EXECUTIVE HELICOPTERS SERIES	58,163	58,163
48	SPECIAL PROJECT AIRCRAFT	12,421	12,421
49	T-45 SERIES	64,488	64,488
50	POWER PLANT CHANGES	21,569	21,569
51	JPATS SERIES	1,552	1,552
52	AVIATION LIFE SUPPORT MODS	2,473	2,473
53	COMMON ECM EQUIPMENT	114,690	114,690
54	COMMON AVIONICS CHANGES	96,183	96,183
56	ID SYSTEMS	39,846	39,846
57	P-8 SERIES	5,302	5,302
58	MAGTF EW FOR AVIATION	34,127	34,127
59	RQ-7 SERIES	49,324	49,324
60	V-22 (TILT/ROTOR ACFT) OSPREY	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
61	SPARES AND REPAIR PARTS	1,166,430	1,126,430
	Spares cost growth—F-35C, F-35B, E-2D		[-40,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT	387,195	387,195
63	AIRCRAFT INDUSTRIAL FACILITIES	23,469	23,469
64	WAR CONSUMABLES	43,383	43,383
65	OTHER PRODUCTION CHARGES	3,399	3,399
66	SPECIAL SUPPORT EQUIPMENT	32,274	32,274
67	FIRST DESTINATION TRANSPORTATION	1,742	1,742
	TOTAL AIRCRAFT PROCUREMENT, NAVY	17,129,296	17,228,296
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
01	TRIDENT II MODS	1,224,683	1,224,683
	SUPPORT EQUIPMENT & FACILITIES		
02	MISSILE INDUSTRIAL FACILITIES	5,553	5,553
	STRATEGIC MISSILES		
03	TOMAHAWK	308,970	308,970
	TACTICAL MISSILES		
04	AMRAAM	102,683	112,683
	Program increase		[10,000]
05	SIDEWINDER	80,226	80,226
06	JSOW	127,609	137,809
	Program increase		[10,200]
07	STANDARD MISSILE	399,482	399,482
08	RAM	66,769	66,769
09	HELLFIRE	74,501	91,901
	Program increase		[17,400]
11	AERIAL TARGETS	61,518	61,518
12	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
13	ESSM	58,194	58,194
14	HARM MODS	86,721	86,721
	SUPPORT EQUIPMENT & FACILITIES		
16	WEAPONS INDUSTRIAL FACILITIES	2,014	2,014

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17	FLEET SATELLITE COMM FOLLOW-ON	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
18	ORDNANCE SUPPORT EQUIPMENT	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
19	SSTD	2,700	2,700
20	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
21	MK-54 TORPEDO MODS	74,487	74,487
22	MK-48 TORPEDO ADCAP MODS	54,281	54,281
23	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
24	TORPEDO SUPPORT EQUIPMENT	46,402	46,402
25	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
26	FIRST DESTINATION TRANSPORTATION	3,614	3,614
	GUNS AND GUN MOUNTS		
27	SMALL ARMS AND WEAPONS	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
28	CIWS MODS	59,303	59,303
29	COAST GUARD WEAPONS	19,072	19,072
30	GUN MOUNT MODS	54,706	54,706
31	CRUISER MODERNIZATION WEAPONS	1,591	19,622
	Cruiser retention—5/62 Upgrade		[18,031]
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	20,607	20,607
	SPARES AND REPAIR PARTS		
34	SPARES AND REPAIR PARTS	60,150	60,150
	TOTAL WEAPONS PROCUREMENT, NAVY	3,117,578	3,173,209
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
01	CARRIER REPLACEMENT PROGRAM	608,195	608,195
03	VIRGINIA CLASS SUBMARINE	3,217,601	3,217,601
04	ADVANCE PROCUREMENT (CY)	874,878	1,652,878
	Advance procurement		[778,000]
05	CVN REFUELING OVERHAULS	1,613,392	1,613,392
06	ADVANCE PROCUREMENT (CY)	70,010	70,010
08	DDG 1000	669,222	669,222
09	DDG-51	3,048,658	3,048,658
10	ADVANCE PROCUREMENT (CY)	466,283	581,283
	Advance procurement		[115,000]
11	LITTORAL COMBAT SHIP	1,784,959	1,784,959
	AMPHIBIOUS SHIPS		
15	JOINT HIGH SPEED VESSEL	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
17	ADVANCE PROCUREMENT (CY)	307,300	307,300
18	OUTFITTING	309,648	309,648
20	LCAC SLEP	47,930	47,930
21	COMPLETION OF PY SHIPBUILDING PROGRAMS	372,573	372,573
	TOTAL SHIPBUILDING & CONVERSION, NAVY	13,579,845	14,472,845
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
01	GENERAL PURPOSE BOMBS	27,024	27,024
02	AIRBORNE ROCKETS, ALL TYPES	56,575	56,575
03	MACHINE GUN AMMUNITION	21,266	21,266
04	PRACTICE BOMBS	34,319	34,319
05	CARTRIDGES & CART ACTUATED DEVICES	53,755	53,755
06	AIR EXPENDABLE COUNTERMEASURES	61,693	61,693
07	JATOS	2,776	2,776
08	LRLAP 6" LONG RANGE ATTACK PROJECTILE	7,102	7,102
09	5 INCH/54 GUN AMMUNITION	48,320	48,320
10	INTERMEDIATE CALIBER GUN AMMUNITION	25,544	25,544
11	OTHER SHIP GUN AMMUNITION	41,624	41,624
12	SMALL ARMS & LANDING PARTY AMMO	65,893	65,893
13	PYROTECHNIC AND DEMOLITION	11,176	11,176
14	AMMUNITION LESS THAN \$5 MILLION	4,116	4,116
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	83,733	83,733
16	LINEAR CHARGES, ALL TYPES	24,645	24,645
17	40MM, ALL TYPES	16,201	16,201
19	81MM, ALL TYPES	13,711	3,711
	Excess to need		[-10,000]
20	120MM, ALL TYPES	12,557	12,557
22	GRENADES, ALL TYPES	7,634	7,134
	Excess to need		[-500]
23	ROCKETS, ALL TYPES	27,528	27,528
24	ARTILLERY, ALL TYPES	93,065	93,065
25	DEMOLITION MUNITIONS, ALL TYPES	2,047	0

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	Excess to need		[-2,047]
26	FUZE, ALL TYPES	5,297	5,297
27	NON LETHALS	1,362	1,362
28	AMMO MODERNIZATION	4,566	4,566
29	ITEMS LESS THAN \$5 MILLION	6,010	6,010
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	759,539	746,992
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
01	LM-2500 GAS TURBINE	10,658	10,658
02	ALLISON 501K GAS TURBINE	8,469	8,469
	NAVIGATION EQUIPMENT		
03	OTHER NAVIGATION EQUIPMENT	23,392	23,392
	PERISCOPES		
04	SUB PERISCOPES & IMAGING EQUIP	53,809	53,809
	OTHER SHIPBOARD EQUIPMENT		
05	DDG MOD	452,371	452,371
06	FIREFIGHTING EQUIPMENT	16,958	16,958
07	COMMAND AND CONTROL SWITCHBOARD	2,492	2,492
08	POLLUTION CONTROL EQUIPMENT	20,707	20,707
09	SUBMARINE SUPPORT EQUIPMENT	12,046	12,046
10	VIRGINIA CLASS SUPPORT EQUIPMENT	79,870	79,870
11	LCS CLASS SUPPORT EQUIPMENT	19,865	19,865
12	SUBMARINE BATTERIES	41,522	41,522
13	LPD CLASS SUPPORT EQUIPMENT	30,543	30,543
14	STRATEGIC PLATFORM SUPPORT EQUIP	16,257	16,257
15	DSSP EQUIPMENT	3,630	3,630
16	CG MODERNIZATION	101,000	184,972
	Cruiser retention		[83,972]
17	LCAC	16,645	16,645
18	UNDERWATER EOD PROGRAMS	35,446	35,446
19	ITEMS LESS THAN \$5 MILLION	65,998	65,998
20	CHEMICAL WARFARE DETECTORS	4,359	4,359
21	SUBMARINE LIFE SUPPORT SYSTEM	10,218	10,218
	REACTOR PLANT EQUIPMENT		
22	REACTOR POWER UNITS	286,859	286,859
23	REACTOR COMPONENTS	278,503	278,503
	OCEAN ENGINEERING		
24	DIVING AND SALVAGE EQUIPMENT	8,998	8,998
	SMALL BOATS		
25	STANDARD BOATS	30,131	30,131
	TRAINING EQUIPMENT		
26	OTHER SHIPS TRAINING EQUIPMENT	29,772	29,772
	PRODUCTION FACILITIES EQUIPMENT		
27	OPERATING FORCES IPE	64,346	64,346
	OTHER SHIP SUPPORT		
28	NUCLEAR ALTERATIONS	154,652	154,652
29	LCS COMMON MISSION MODULES EQUIPMENT	31,319	31,319
30	LCS MCM MISSION MODULES	38,392	38,392
31	LCS SUW MISSION MODULES	32,897	32,897
	LOGISTIC SUPPORT		
32	LSD MIDLIFE	49,758	49,758
	SHIP SONARS		
34	SPQ-9B RADAR	19,777	19,777
35	AN/SQ-89 SURF ASW COMBAT SYSTEM	89,201	89,201
36	SSN ACOUSTICS	190,874	190,874
37	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,035	17,035
38	SONAR SWITCHES AND TRANSDUCERS	13,410	13,410
	ASW ELECTRONIC EQUIPMENT		
40	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,489	21,489
41	SSTD	10,716	10,716
42	FIXED SURVEILLANCE SYSTEM	98,896	98,896
43	SURTASS	2,774	2,774
44	MARITIME PATROL AND RECONNAISSANCE FORCE	18,428	18,428
	ELECTRONIC WARFARE EQUIPMENT		
45	AN/SLQ-32	92,270	92,270
	RECONNAISSANCE EQUIPMENT		
46	SHIPBOARD IW EXPLOIT	107,060	108,185
	Cruiser Retention		[1,125]
47	AUTOMATED IDENTIFICATION SYSTEM (AIS)	914	914
	SUBMARINE SURVEILLANCE EQUIPMENT		
48	SUBMARINE SUPPORT EQUIPMENT PROG	34,050	34,050
	OTHER SHIP ELECTRONIC EQUIPMENT		
49	COOPERATIVE ENGAGEMENT CAPABILITY	27,881	27,881
50	TRUSTED INFORMATION SYSTEM (TIS)	448	448
51	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,732	35,732
53	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	9,533	9,533
54	MINESWEEPING SYSTEM REPLACEMENT	60,111	60,111

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
55	SHALLOW WATER MCM	6,950	6,950
56	NAVSTAR GPS RECEIVERS (SPACE)	9,089	9,089
57	AMERICAN FORCES RADIO AND TV SERVICE	7,768	7,768
58	STRATEGIC PLATFORM SUPPORT EQUIP	3,614	3,614
	TRAINING EQUIPMENT		
59	OTHER TRAINING EQUIPMENT	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
60	MATCALS	5,861	5,861
61	SHIPBOARD AIR TRAFFIC CONTROL	8,362	8,362
62	AUTOMATIC CARRIER LANDING SYSTEM	15,685	15,685
63	NATIONAL AIR SPACE SYSTEM	16,919	16,919
64	FLEET AIR TRAFFIC CONTROL SYSTEMS	6,828	6,828
65	LANDING SYSTEMS	7,646	7,646
66	ID SYSTEMS	35,474	35,474
67	NAVAL MISSION PLANNING SYSTEMS	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
68	DEPLOYABLE JOINT COMMAND AND CONT	9,064	9,064
69	MARITIME INTEGRATED BROADCAST SYSTEM	16,026	16,026
70	TACTICAL/MOBILE CH SYSTEMS	11,886	11,886
71	DCGS-N	11,887	11,887
72	CANES	341,398	344,848
	Cruiser Retention		[3,450]
73	RADLAC	8,083	8,083
74	CANES-INTELL	79,427	79,427
75	GPETE	6,083	6,083
76	INTEG COMBAT SYSTEM TEST FACILITY	4,495	4,495
77	EMI CONTROL INSTRUMENTATION	4,767	4,767
78	ITEMS LESS THAN \$5 MILLION	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
80	SHIP COMMUNICATIONS AUTOMATION	56,870	58,023
	Cruiser Retention		[1,153]
81	MARITIME DOMAIN AWARENESS (MDA)	1,063	1,063
82	COMMUNICATIONS ITEMS UNDER \$5M	28,522	28,522
	SUBMARINE COMMUNICATIONS		
83	SUBMARINE BROADCAST SUPPORT	4,183	4,183
84	SUBMARINE COMMUNICATION EQUIPMENT	69,025	69,025
	SATELLITE COMMUNICATIONS		
85	SATELLITE COMMUNICATIONS SYSTEMS	49,294	49,294
86	NAVY MULTIBAND TERMINAL (NMT)	184,825	186,540
	Cruiser Retention		[1,715]
	SHORE COMMUNICATIONS		
87	JCS COMMUNICATIONS EQUIPMENT	2,180	2,180
88	ELECTRICAL POWER SYSTEMS	1,354	1,354
	CRYPTOGRAPHIC EQUIPMENT		
90	INFO SYSTEMS SECURITY PROGRAM (ISSP)	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
91	CRYPTOLOGIC COMMUNICATIONS EQUIP	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
92	COAST GUARD EQUIPMENT	6,680	6,680
	SONOBUOYS		
95	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
96	WEAPONS RANGE SUPPORT EQUIPMENT	70,753	70,753
97	EXPEDITIONARY AIRFIELDS	8,678	8,678
98	AIRCRAFT REARMING EQUIPMENT	11,349	11,349
99	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	82,618	82,618
100	METEOROLOGICAL EQUIPMENT	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS)	3,826	3,826
	SHIP GUN SYSTEM EQUIPMENT		
108	NAVAL FIRES CONTROL SYSTEM	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT	4,528	4,528
	SHIP MISSILE SYSTEMS EQUIPMENT		
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT	77,767	77,767
115	VERTICAL LAUNCH SYSTEMS	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,965	4,965
	FBM SUPPORT EQUIPMENT		
117	STRATEGIC MISSILE SYSTEMS EQUIP	181,049	181,049
	ASW SUPPORT EQUIPMENT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
118	SSN COMBAT CONTROL SYSTEMS	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM	31,743	42,981
	Cruiser Retention		[1,238]
	Program increase for NULKA decoys		[10,000]
125	SURFACE TRAINING DEVICE MODS	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	7,158	7,158
128	GENERAL PURPOSE TRUCKS	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP	8,692	8,692
130	FIRE FIGHTING EQUIPMENT	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT	7,265	7,265
134	ITEMS UNDER \$5 MILLION	15,252	15,252
135	PHYSICAL SECURITY VEHICLES	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT	15,696	15,696
149	CHSR EQUIPMENT	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS	250,718	250,718
	TOTAL OTHER PROCUREMENT, NAVY	6,169,378	6,272,031
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
01	AAV7A1 PIP	16,089	16,089
02	LAV PIP	186,216	45,316
	Budget adjustment per USMC		[-140,900]
	ARTILLERY AND OTHER WEAPONS		
03	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,502	2,502
04	155MM LIGHTWEIGHT TOWED HOWITZER	17,913	17,913
05	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	47,999	47,999
06	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	17,706	17,706
	OTHER SUPPORT		
07	MODIFICATION KITS	48,040	48,040
08	WEAPONS ENHANCEMENT PROGRAM	4,537	4,537
	GUIDED MISSILES		
09	GROUND BASED AIR DEFENSE	11,054	11,054
11	FOLLOW ON TO SMAW	19,650	19,650
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,708	20,708
	COMMAND AND CONTROL SYSTEMS		
14	UNIT OPERATIONS CENTER	1,420	1,420
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT	25,127	25,127
	OTHER SUPPORT (TEL)		
16	COMBAT SUPPORT SYSTEM	25,822	25,822
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
18	ITEMS UNDER \$5 MILLION (COMM & ELEC)	5,498	5,498
19	AIR OPERATIONS C2 SYSTEMS	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	128,079	128,079
21	RQ-21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		
22	FIRE SUPPORT SYSTEM	7,319	7,319

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
23	INTELLIGENCE SUPPORT EQUIPMENT	7,466	7,466
25	RQ-11 UAV	2,318	2,318
26	DCGS-MC	18,291	18,291
	OTHER COMME/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES	206,708	206,708
31	COMMAND POST SYSTEMS	35,190	35,190
32	RADIO SYSTEMS	89,059	89,059
33	COMM SWITCHING & CONTROL SYSTEMS	22,500	22,500
34	COMM & ELEC INFRASTRUCTURE SUPPORT	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	2,290	2,290
	ADMINISTRATIVE VEHICLES		
35	COMMERCIAL PASSENGER VEHICLES	2,877	2,877
36	COMMERCIAL CARGO VEHICLES	13,960	13,960
	TACTICAL VEHICLES		
37	5/4T TRUCK HMMWV (MYP)	8,052	8,052
38	MOTOR TRANSPORT MODIFICATIONS	50,269	50,269
40	LOGISTICS VEHICLE SYSTEM REP	37,262	37,262
41	FAMILY OF TACTICAL TRAILERS	48,160	48,160
	OTHER SUPPORT		
43	ITEMS LESS THAN \$5 MILLION	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
44	ENVIRONMENTAL CONTROL EQUIP ASSORT	13,576	13,576
45	BULK LIQUID EQUIPMENT	16,869	16,869
46	TACTICAL FUEL SYSTEMS	19,108	19,108
47	POWER EQUIPMENT ASSORTED	56,253	56,253
48	AMPHIBIOUS SUPPORT EQUIPMENT	13,089	13,089
49	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT	3,510	3,510
51	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,490	11,490
52	MATERIAL HANDLING EQUIP	20,659	20,659
53	FIRST DESTINATION TRANSPORTATION	132	132
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT	31,068	31,068
55	TRAINING DEVICES	45,895	45,895
56	CONTAINER FAMILY	5,801	5,801
57	FAMILY OF CONSTRUCTION EQUIPMENT	23,939	23,939
60	RAPID DEPLOYABLE KITCHEN	8,365	8,365
	OTHER SUPPORT		
61	ITEMS LESS THAN \$5 MILLION	7,077	7,077
	SPARES AND REPAIR PARTS		
62	SPARES AND REPAIR PARTS	3,190	3,190
	TOTAL PROCUREMENT, MARINE CORPS	1,622,955	1,482,055
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
01	F-35	3,124,302	3,124,302
02	ADVANCE PROCUREMENT (CY)	293,400	229,400
	Excess advance procurement		[-64,000]
	OTHER AIRLIFT		
05	C-130J	68,373	68,373
07	HC-130J	152,212	152,212
09	MC-130J	374,866	374,866
12	C-27J		115,000
	C-27J buy-back		[115,000]
	HELICOPTERS		
15	HH-60 LOSS REPLACEMENT/RECAP	60,596	60,596
17	CV-22 (MYP)	294,220	294,220
18	ADVANCE PROCUREMENT (CY)	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
19	CIVIL AIR PATROL A/C	2,498	2,498
	OTHER AIRCRAFT		
24	TARGET DRONES	129,866	129,866
26	RQ-4	75,000	180,200
	Sustain current force structure		[105,200]
28	AC-130J	163,970	163,970
30	MQ-9	553,530	712,430
	Additional aircraft		[158,900]
31	RQ-4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
32	B-2A	82,296	82,296
33	B-1B	149,756	149,756
34	B-52	9,781	9,781
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES	28,800	28,800
	TACTICAL AIRCRAFT		

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Line	Item	FY 2013 Request	House Authorized
36	A-10	89,919	89,919
37	F-15	148,378	148,378
38	F-16	6,896	6,896
39	F-22A	283,871	283,871
40	F-35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
41	C-5	6,967	6,967
43	C-5M	944,819	944,819
44	ADVANCE PROCUREMENT (CY)	175,800	175,800
46	C-17A	205,079	205,079
47	C-21	199	199
48	C-32A	1,750	1,750
49	C-37A	445	445
	TRAINER AIRCRAFT		
51	GLIDER MODS	126	126
52	T-6	15,494	15,494
53	T-1	272	272
54	T-38	20,455	20,455
	OTHER AIRCRAFT		
56	U-2 MODS	44,477	44,477
57	KC-10A (ATCA)	46,921	46,921
58	C-12	1,876	1,876
59	MC-12W	17,054	17,054
60	C-20 MODS	243	243
61	VC-25A MOD	11,185	11,185
62	C-40	243	243
63	C-130	67,853	67,853
65	C-130J MODS	70,555	70,555
66	C-135	46,707	46,707
67	COMPASS CALL MODS	50,024	50,024
68	RC-135	165,237	165,237
69	E-3	193,099	193,099
70	E-4	47,616	47,616
71	E-8	59,320	59,320
72	H-1	5,449	5,449
73	H-60	26,227	26,227
74	RQ-4 MODS	9,257	9,257
75	HC/MC-130 MODIFICATIONS	22,326	22,326
76	OTHER AIRCRAFT	18,832	18,832
77	MQ-1 MODS	30,861	30,861
78	MQ-9 MODS	238,360	238,360
79	MQ-9 UAS PAYLOADS	93,461	93,461
80	CV-22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	729,691	728,291
	Premature request for deployment spares packages for F-35		[-23,000]
	Support additional MQ-9 aircraft		[21,600]
	COMMON SUPPORT EQUIPMENT		
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP	56,542	56,542
	POST PRODUCTION SUPPORT		
83	A-10	5,100	5,100
84	B-1	965	965
86	B-2A	47,580	47,580
88	KC-10A (ATCA)	13,100	13,100
89	C-17A	181,703	181,703
90	C-130	31,830	31,830
91	C-135	13,434	13,434
92	F-15	2,363	2,363
93	F-16	8,506	8,506
96	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
97	INDUSTRIAL RESPONSIVENESS	20,731	20,731
	WAR CONSUMABLES		
98	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		
99	OTHER PRODUCTION CHARGES	842,392	842,392
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	11,002,999	11,316,699
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
01	ROCKETS	8,927	8,927
	CARTRIDGES		
02	CARTRIDGES	118,075	118,075
	BOMBS		
03	PRACTICE BOMBS	32,393	32,393
04	GENERAL PURPOSE BOMBS	163,467	163,467

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
05	JOINT DIRECT ATTACK MUNITION	101,921	101,921
	FLARE, IR MJU-7B		
06	CAD/PAD	43,829	43,829
07	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	7,515	7,515
08	SPARES AND REPAIR PARTS	1,003	1,003
09	MODIFICATIONS	5,321	5,321
10	ITEMS LESS THAN \$5 MILLION	5,066	5,066
	FUZES		
11	FLARES	46,010	46,010
12	FUZES	36,444	36,444
	SMALL ARMS		
13	SMALL ARMS	29,223	29,223
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	599,194	599,194
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
01	MISSILE REPLACEMENT EQ-BALLISTIC	56,906	56,906
	TACTICAL		
02	JASSM	240,399	240,399
03	SIDEWINDER (AIM-9X)	88,020	88,020
04	AMRAAM	229,637	244,637
	Program increase		[15,000]
05	PREDATOR HELLFIRE MISSILE	47,675	47,675
06	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
07	INDUST'RL PREPAREDNS/POL PREVENTION	744	744
	CLASS IV		
09	MM III MODIFICATIONS	54,794	54,794
10	AGM-65D MAVERICK	271	271
11	AGM-88A HARM	23,240	23,240
12	AIR LAUNCH CRUISE MISSILE (ALCM)	13,620	13,620
13	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
14	INITIAL SPARES/REPAIR PARTS	74,373	74,373
	SPACE PROGRAMS		
15	ADVANCED EHF	557,205	557,205
17	WIDEBAND GAPFILLER SATELLITES(SPACE)	36,835	36,835
19	GPS III SPACE SEGMENT	410,294	410,294
20	ADVANCE PROCUREMENT (CY)	82,616	82,616
21	SPACEBORNE EQUIP (COMSEC)	10,554	10,554
22	GLOBAL POSITIONING (SPACE)	58,147	58,147
23	DEF METEOROLOGICAL SAT PROG(SPACE)	89,022	89,022
24	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,679,856	1,679,856
25	SBIR HIGH (SPACE)	454,251	454,251
	SPECIAL PROGRAMS		
30	SPECIAL UPDATE PROGRAMS	138,904	138,904
	CLASSIFIED PROGRAMS		
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
	TOTAL MISSILE PROCUREMENT, AIR FORCE	5,491,846	5,506,846
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
01	PASSENGER CARRYING VEHICLES	1,905	1,905
	CARGO AND UTILITY VEHICLES		
02	MEDIUM TACTICAL VEHICLE	18,547	18,547
03	CAP VEHICLES	932	932
04	ITEMS LESS THAN \$5 MILLION	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
05	SECURITY AND TACTICAL VEHICLES	10,850	10,850
06	ITEMS LESS THAN \$5 MILLION	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
07	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
08	ITEMS LESS THAN \$5 MILLION	18,323	18,323
	BASE MAINTENANCE SUPPORT		
09	RUNWAY SNOW REMOV AND CLEANING EQU	1,685	1,685
10	ITEMS LESS THAN \$5 MILLION	17,014	17,014
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	166,559	166,559
13	MODIFICATIONS (COMSEC)	1,133	1,133
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT	2,749	2,749
15	INTELLIGENCE COMM EQUIPMENT	32,876	32,876
16	ADVANCE TECH SENSORS	877	877
17	MISSION PLANNING SYSTEMS	15,295	15,295
	ELECTRONICS PROGRAMS		
18	AIR TRAFFIC CONTROL & LANDING SYS	21,984	21,984
19	NATIONAL AIRSPACE SYSTEM	30,698	30,698

SEC. 4101. PROCUREMENT
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Line	Item	FY 2013 Request	House Authorized
20	BATTLE CONTROL SYSTEM—FIXED	17,368	17,368
21	THEATER AIR CONTROL SYS IMPROVEMENTS	23,483	23,483
22	WEATHER OBSERVATION FORECAST	17,864	17,864
23	STRATEGIC COMMAND AND CONTROL	53,995	53,995
24	CHEYENNE MOUNTAIN COMPLEX	14,578	14,578
25	TAC SIGINT SPT	208	208
	SPCL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	69,743	69,743
28	AF GLOBAL COMMAND & CONTROL SYS	15,829	15,829
29	MOBILITY COMMAND AND CONTROL	11,023	11,023
30	AIR FORCE PHYSICAL SECURITY SYSTEM	64,521	64,521
31	COMBAT TRAINING RANGES	18,217	18,217
32	C3 COUNTERMEASURES	11,899	11,899
33	GCSS-AF FOS	13,920	13,920
34	THEATER BATTLE MGT C2 SYSTEM	9,365	9,365
35	AIR & SPACE OPERATIONS CTR-WPN SYS	33,907	33,907
	AIR FORCE COMMUNICATIONS		
36	INFORMATION TRANSPORT SYSTEMS	52,464	52,464
38	AFNET	125,788	125,788
39	VOICE SYSTEMS	16,811	16,811
40	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
41	SPACE BASED IR SENSOR PGM SPACE	47,135	47,135
42	NAVSTAR GPS SPACE	2,031	2,031
43	NUDET DETECTION SYS SPACE	5,564	5,564
44	AF SATELLITE CONTROL NETWORK SPACE	44,219	44,219
45	SPACELIFT RANGE SYSTEM SPACE	109,545	109,545
46	MILSATCOM SPACE	47,592	47,592
47	SPACE MODS SPACE	47,121	47,121
48	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	126,131	126,131
50	COMBAT SURVIVOR EVADER LOCATER	23,707	23,707
51	RADIO EQUIPMENT	12,757	12,757
52	CCTV/AUDIOVISUAL EQUIPMENT	10,716	10,716
53	BASE COMM INFRASTRUCTURE	74,528	74,528
	MODIFICATIONS		
54	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	22,693	22,693
56	ITEMS LESS THAN \$5 MILLION	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
57	MECHANIZED MATERIAL HANDLING EQUIP	2,850	2,850
	BASE SUPPORT EQUIPMENT		
58	BASE PROCURED EQUIPMENT	8,387	8,387
59	CONTINGENCY OPERATIONS	10,358	10,358
60	PRODUCTIVITY CAPITAL INVESTMENT	3,473	3,473
62	MOBILITY EQUIPMENT	14,471	14,471
63	ITEMS LESS THAN \$5 MILLION	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
65	DARP RC135	24,176	24,176
66	DCGS-AF	142,928	142,928
68	SPECIAL UPDATE PROGRAM	479,446	479,446
69	DEFENSE SPACE RECONNAISSANCE PROG.	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		
71	SPARES AND REPAIR PARTS	14,663	14,663
	TOTAL OTHER PROCUREMENT, AIR FORCE	16,720,848	16,720,848
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
42	MAJOR EQUIPMENT, OSD	45,938	45,938
43	MAJOR EQUIPMENT, INTELLIGENCE	17,582	17,582
	MAJOR EQUIPMENT, NSA		
41	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,770	6,770
	MAJOR EQUIPMENT, WHS		
45	MAJOR EQUIPMENT, WHS	26,550	26,550
	MAJOR EQUIPMENT, DISA		
12	INFORMATION SYSTEMS SECURITY	12,708	12,708
14	GLOBAL COMBAT SUPPORT SYSTEM	3,002	3,002
15	TELEPORT PROGRAM	46,992	46,992
16	ITEMS LESS THAN \$5 MILLION	108,462	108,462
17	NET CENTRIC ENTERPRISE SERVICES (NCES)	2,865	2,865
18	DEFENSE INFORMATION SYSTEM NETWORK	116,906	116,906
19	PUBLIC KEY INFRASTRUCTURE	1,827	1,827
21	CYBER SECURITY INITIATIVE	10,319	10,319
	MAJOR EQUIPMENT, DLA		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
22	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DSS		
26	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DCAA		
02	ITEMS LESS THAN \$5 MILLION	1,486	1,486
	MAJOR EQUIPMENT, TJS		
44	MAJOR EQUIPMENT, TJS	21,878	21,878
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
30	THAAD	460,728	587,728
	Procure 12 additional interceptors		[127,000]
31	AEGIS BMD	389,626	389,626
32	BMDs AN/TPY-2 RADARS	217,244	387,244
	Procure additional AN/TPY-2 radar		[170,000]
33	RADAR SPARES	10,177	10,177
	MAJOR EQUIPMENT, DHRA		
05	PERSONNEL ADMINISTRATION	6,147	6,147
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
27	VEHICLES	50	50
28	OTHER MAJOR EQUIPMENT	13,096	13,096
	MAJOR EQUIPMENT, DODEA		
24	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,458	1,458
	MAJOR EQUIPMENT, DCMA		
03	MAJOR EQUIPMENT	2,129	2,129
	MAJOR EQUIPMENT, DMACT		
23	MAJOR EQUIPMENT	15,179	15,179
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	555,787	555,787
	AVIATION PROGRAMS		
46	ROTARY WING UPGRADES AND SUSTAINMENT	74,832	74,832
48	MH-60 MODERNIZATION PROGRAM	126,780	126,780
49	NON-STANDARD AVIATION	99,776	36,976
	Transfer to Line 051—Mission Shift		[-62,800]
51	U-28	7,530	116,930
	Program increase		[46,600]
	Transfer from Line 049—Mission Shift		[62,800]
52	MH-47 CHINOOK	134,785	134,785
53	RQ-11 UNMANNED AERIAL VEHICLE	2,062	2,062
54	CV-22 MODIFICATION	139,147	139,147
55	MQ-1 UNMANNED AERIAL VEHICLE	3,963	26,963
	Program increase		[23,000]
56	MQ-9 UNMANNED AERIAL VEHICLE	3,952	39,352
	Program increase		[35,400]
58	STUASL0	12,945	12,945
59	PRECISION STRIKE PACKAGE	73,013	73,013
60	AC/MC-130J	51,484	51,484
62	C-130 MODIFICATIONS	25,248	25,248
63	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
64	UNDERWATER SYSTEMS	23,037	23,037
	AMMUNITION PROGRAMS		
66	ORDNANCE REPLENISHMENT	113,183	113,183
67	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	99,838	103,738
	Program increase		[3,900]
69	INTELLIGENCE SYSTEMS	71,428	71,428
70	SMALL ARMS AND WEAPONS	27,108	27,108
71	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,767	12,767
74	COMBATANT CRAFT SYSTEMS	42,348	42,348
75	SPARES AND REPAIR PARTS	600	600
77	TACTICAL VEHICLES	37,421	37,421
78	MISSION TRAINING AND PREPARATION SYSTEMS	36,949	41,949
	Program increase		[5,000]
79	COMBAT MISSION REQUIREMENTS	20,255	20,255
80	MILCON COLLATERAL EQUIPMENT	17,590	17,590
82	AUTOMATION SYSTEMS	66,573	66,573
83	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	6,549	6,549
84	OPERATIONAL ENHANCEMENTS INTELLIGENCE	32,335	32,335
85	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	15,153	15,153
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	33,920	33,920
87	TACTICAL RADIO SYSTEMS	75,132	75,132
90	MISCELLANEOUS EQUIPMENT	6,667	6,667
91	OPERATIONAL ENHANCEMENTS	217,972	243,272
	Program increase		[25,300]
92	MILITARY INFORMATION SUPPORT OPERATIONS	27,417	27,417
	CBDP		
93	INSTALLATION FORCE PROTECTION	24,025	24,025
94	INDIVIDUAL PROTECTION	73,720	73,720

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
95	DECONTAMINATION	506	506
96	JOINT BIO DEFENSE PROGRAM (MEDICAL)	32,597	32,597
97	COLLECTIVE PROTECTION	3,144	3,144
98	CONTAMINATION AVOIDANCE	164,886	164,886
	TOTAL PROCUREMENT, DEFENSE-WIDE	4,187,935	4,624,135
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
01	JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	Program reduction		[-99,477]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	TOTAL PROCUREMENT	97,432,379	99,121,919

1 **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY**
 2 **OPERATIONS.**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
ROTARY			
9	AH-64 APACHE BLOCK IIB NEW BUILD	71,000	71,000
12	KIOWA WARRIOR (OH-58F) WRA	183,900	183,900
15	CH-47 HELICOPTER	231,300	231,300
	TOTAL AIRCRAFT PROCUREMENT, ARMY	486,200	486,200
MISSILE PROCUREMENT, ARMY			
AIR-TO-SURFACE MISSILE SYSTEM			
4	HELLFIRE SYS SUMMARY	29,100	29,100
ANTI-TANK/ASSAULT MISSILE SYS			
8	GUIDED MLRS ROCKET (GMLRS)	20,553	20,553
	TOTAL MISSILE PROCUREMENT, ARMY	49,653	49,653
PROCUREMENT OF W&TCV, ARMY			
MOD OF WEAPONS AND OTHER COMBAT VEH			
36	M16 RIFLE MODS	15,422	15,422
	TOTAL PROCUREMENT OF W&TCV, ARMY	15,422	15,422
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
3	CTG, HANDGUN, ALL TYPES	1,500	1,500
4	CTG, .50 CAL, ALL TYPES	10,000	10,000
7	CTG, 30MM, ALL TYPES	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[-19,000]
MORTAR AMMUNITION			
9	60MM MORTAR, ALL TYPES	14,000	14,000
10	81MM MORTAR, ALL TYPES	6,000	6,000
11	120MM MORTAR, ALL TYPES	56,000	56,000
ARTILLERY AMMUNITION			
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	29,956	29,956
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	37,044	37,044
15	PROJ 155MM EXTENDED RANGE XM982	12,300	12,300
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	17,000	17,000
MINES			
17	MINES & CLEARING CHARGES, ALL TYPES	12,000	12,000
ROCKETS			
20	ROCKET, HYDRA 70, ALL TYPES	63,635	63,635
OTHER AMMUNITION			
23	SIGNALS, ALL TYPES	16,858	16,858
MISCELLANEOUS			
28	ITEMS LESS THAN \$5 MILLION	1,200	1,200
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	357,493	338,493
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
2	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	28,247	28,247
4	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	2,050	2,050
11	HMMWV RECAPITALIZATION PROGRAM	271,000	271,000
14	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	927,400	927,400
COMM—INTELLIGENCE COMM			
52	RESERVE CA/MISO GPF EQUIPMENT	8,000	8,000
COMM—BASE COMMUNICATIONS			
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	25,000	25,000
ELECT EQUIP—TACT INT REL ACT (TIARA)			
69	DCGS-A (MIP)	90,355	90,355
73	CI HUMINT AUTO REPRINTING AND COLLECTION	6,516	6,516
ELECT EQUIP—ELECTRONIC WARFARE (EW)			
75	LIGHTWEIGHT COUNTER MORTAR RADAR	27,646	27,646
77	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	52,000	52,000
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	205,209	205,209
ELECT EQUIP—TACTICAL SURV. (TAC SURV)			
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	14,600	14,600
99	COUNTERFIRE RADARS	54,585	54,585
ELECT EQUIP—TACTICAL C2 SYSTEMS			
102	FIRE SUPPORT C2 FAMILY	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS)	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	5,160	5,160
CHEMICAL DEFENSIVE EQUIPMENT			
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS)	66,100	66,100

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,565	3,565
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	650	650
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	2,119	2,119
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ)	30	30
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	5,900	5,900
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	98,167	60,167
	Rapid equipping force delayed execution rates		[-38,000]
	TOTAL OTHER PROCUREMENT, ARMY	2,015,907	1,977,907
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
1	ATTACK THE NETWORK	950,500	950,500
	JIEDDO DEVICE DEFEAT		
2	DEFEAT THE DEVICE	400,000	400,000
	FORCE TRAINING		
3	TRAIN THE FORCE	149,500	149,500
	STAFF AND INFRASTRUCTURE		
4	OPERATIONS	175,400	402,800
	Transfer from title 1		[227,400]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	1,675,400	1,902,800
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
11	H-1 UPGRADES (UH-1Y/AH-1Z)	29,800	29,800
	MODIFICATION OF AIRCRAFT		
30	AV-8 SERIES	42,238	42,238
32	F-18 SERIES	41,243	41,243
35	H-53 SERIES	15,870	15,870
38	EP-3 SERIES	13,030	13,030
43	C-130 SERIES	16,737	16,737
48	SPECIAL PROJECT AIRCRAFT	2,714	2,714
54	COMMON AVIONICS CHANGES	570	570
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT	2,380	2,380
	TOTAL AIRCRAFT PROCUREMENT, NAVY	164,582	164,582
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
9	HELLFIRE	17,000	17,000
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	6,500	6,500
	TOTAL WEAPONS PROCUREMENT, NAVY	23,500	23,500
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	18,000	18,000
2	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
3	MACHINE GUN AMMUNITION	21,500	21,500
6	AIR EXPENDABLE COUNTERMEASURES	20,303	20,303
11	OTHER SHIP GUN AMMUNITION	532	532
12	SMALL ARMS & LANDING PARTY AMMO	2,643	2,643
13	PYROTECHNIC AND DEMOLITION	2,322	2,322
14	AMMUNITION LESS THAN \$5 MILLION	6,308	6,308
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	10,948	10,948
16	LINEAR CHARGES, ALL TYPES	9,940	9,940
17	40 MM, ALL TYPES	5,963	5,963
20	120MM, ALL TYPES	11,605	11,605
21	CTG 25MM, ALL TYPES	2,831	2,831
22	GRENADES, ALL TYPES	2,359	2,359
23	ROCKETS, ALL TYPES	3,051	3,051
24	ARTILLERY, ALL TYPES	54,886	54,886
25	DEMOLITION MUNITIONS, ALL TYPES	1,391	1,391
26	FUZE, ALL TYPES	30,945	30,945
27	NON LETHALS	8	8
29	ITEMS LESS THAN \$5 MILLION	12	12
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	285,747	285,747

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
70	TACTICAL/MOBILE C4I SYSTEMS	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
97	EXPEDITIONARY AIRFIELDS	58,200	58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	3,901	3,901
128	GENERAL PURPOSE TRUCKS	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP	2,436	2,436
130	FIRE FIGHTING EQUIPMENT	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER \$5 MILLION	375	375
	COMMAND SUPPORT EQUIPMENT		
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT	9,323	9,323
	TOTAL OTHER PROCUREMENT, NAVY	98,882	98,882
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
2	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	108,860	108,860
	GUIDED MISSILES		
10	JAVELIN	29,158	29,158
	OTHER SUPPORT		
13	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT	13,632	13,632
	OTHER SUPPORT (TEL)		
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	AIR OPERATIONS C2 SYSTEMS	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
23	INTELLIGENCE SUPPORT EQUIPMENT	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES	19,807	19,807
32	RADIO SYSTEMS	36,482	36,482
33	COMM SWITCHING & CONTROL SYSTEMS	41,295	41,295
	TACTICAL VEHICLES		
39	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,466	10,466
41	FAMILY OF TACTICAL TRAILERS	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
45	BULK LIQUID EQUIPMENT	18,239	18,239
46	TACTICAL FUEL SYSTEMS	51,359	51,359
47	POWER EQUIPMENT ASSORTED	20,247	20,247
49	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT	55,500	55,500
52	MATERIAL HANDLING EQUIP	19,100	19,100
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT	15,751	15,751
55	TRAINING DEVICES	3,602	3,602
57	FAMILY OF CONSTRUCTION EQUIPMENT	15,900	15,900
	TOTAL PROCUREMENT, MARINE CORPS	943,683	943,683
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES	139,800	139,800
	OTHER AIRCRAFT		
55	U-2 MODS	46,800	46,800
63	C-130	11,400	11,400
67	COMPASS CALL MODS	14,000	14,000
68	RC-135	8,000	8,000
75	HC/MC-130 MODIFICATIONS	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	21,900	21,900
	OTHER PRODUCTION CHARGES		
99	OTHER PRODUCTION CHARGES	59,000	59,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	305,600	305,600
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
2	CARTRIDGES	13,592	13,592
	BOMBS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
4	GENERAL PURPOSE BOMBS	23,211	23,211
5	JOINT DIRECT ATTACK MUNITION	53,923	53,923
	FLARE, IR MJU-7B		
6	CAD/PAD	2,638	2,638
10	ITEMS LESS THAN \$5 MILLION	2,600	2,600
	FUZES		
11	FLARES	11,726	11,726
12	FUZES	8,513	8,513
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	116,203	116,203
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
5	PREDATOR HELLFIRE MISSILE	34,350	34,350
	TOTAL MISSILE PROCUREMENT, AIR FORCE	34,350	34,350
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	2,010	2,010
4	ITEMS LESS THAN \$5 MILLION	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN \$5 MILLION	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN \$5 MILLION	4,329	4,329
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV AND CLEANING EQU	984	984
10	ITEMS LESS THAN \$5 MILLION	9,120	9,120
	ELECTRONICS PROGRAMS		
22	WEATHER OBSERVATION FORECAST	5,600	5,600
	SPCL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	11,157	11,157
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	7,000	7,000
53	BASE COMM INFRASTRUCTURE	10,654	10,654
	MODIFICATIONS		
54	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
59	CONTINGENCY OPERATIONS	60,090	60,090
62	MOBILITY EQUIPMENT	9,400	9,400
63	ITEMS LESS THAN \$5 MILLION	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317
	SPARES AND REPAIR PARTS		
71	SPARES AND REPAIR PARTS	2,300	2,300
	TOTAL OTHER PROCUREMENT, AIR FORCE	2,818,270	2,818,270
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
15	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	126,201	126,201
	AVIATION PROGRAMS		
61	MQ-8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	151	151
69	INTELLIGENCE SYSTEMS	30,528	30,528
77	TACTICAL VEHICLES	1,843	1,843
82	AUTOMATION SYSTEMS	1,000	1,000
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	108	108
91	OPERATIONAL ENHANCEMENTS	14,758	14,758
	TOTAL PROCUREMENT, DEFENSE-WIDE	196,349	196,349
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	50,000
	Program reduction		[-50,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	100,000	50,000
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIPMENT		500,000
	Program increase		[500,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		500,000
	TOTAL PROCUREMENT	9,687,241	10,307,641

1 **TITLE XLII—RESEARCH, DEVEL-**
 2 **OPMENT, TEST, AND EVALUA-**
 3 **TION**

4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
2	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL BASIC RESEARCH	444,071	444,071
APPLIED RESEARCH				
5	0602105A	MATERIALS TECHNOLOGY	29,041	39,291
		Advanced coating technologies for corrosion mitigation		[10,250]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
7	0602122A	TRACTOR HIP	22,439	22,439
8	0602211A	AVIATION TECHNOLOGY	51,607	51,607
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
10	0602303A	MISSILE TECHNOLOGY	49,383	49,383
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062
14	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
19	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
20	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
27	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
28	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL APPLIED RESEARCH	874,730	884,980
ADVANCED TECHNOLOGY DEVELOPMENT				
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
31	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
37	0603009A	TRACTOR HIKE	9,126	9,126
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257
39	0603020A	TRACTOR ROSE	9,925	9,925
40	0603105A	MILITARY HIV RESEARCH	6,984	6,984
41	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
42	0603130A	TRACTOR NAIL	3,487	3,487
43	0603131A	TRACTOR EGGS	2,323	2,323
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
46	0603322A	TRACTOR CAGE	10,902	10,902
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	890,722	890,722
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
59	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
61	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ...	8,660	8,660
62	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
63	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
64	0603782A	WARFIGHTER INFORMATION NETWORK—TACTICAL—DEM/VAL	278,018	278,018
65	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
66	0603801A	AVIATION—ADV DEV	8,602	8,602
67	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
68	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
69	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
70	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
71	0603850A	INTEGRATED BROADCAST SERVICE	96	96
72	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
73	0604131A	TRACTOR JUTE	59	59
75	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	76,039	76,039
77	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
78	0305205A	ENDURANCE UAVS	26,196	26,196
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	610,121	610,121
		SYSTEM DEVELOPMENT & DEMONSTRATION		
79	0604201A	AIRCRAFT AVIONICS	78,538	78,538
80	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
81	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347
		Program adjustment		[-5,000]
83	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVF)	12,636	12,636
84	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
85	0604328A	TRACTOR CAGE	32,095	32,095
86	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078
		XM25 funding ahead of need		[-3,400]
87	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
89	0604611A	JAVELIN	5,040	5,040
90	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
91	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
92	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	13,141
99	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV ...	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEB)	9,963	9,963
119	0604823A	FIREFINDER	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	400,861	0
		Prohibition of funds for MEADS		[-400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000
128	0605456A	PAC-3/MISE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	277,374
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,286,629	2,877,368
		RDT&E MANAGEMENT SUPPORT		
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFE- TY.	46,763	46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,153,980	1,153,980
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	171,422
		Program adjustment		[-19,000]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PRO- GRAMS.	280,247	226,147
		Ahead of need		[-54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898
169	0203758A	DIGITIZATION	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	20,733	20,733
172	0203808A	TRACTOR CARD	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ-11 UAV	4,039	4,039
186	0305233A	RQ-7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	1,669,162	1,596,062
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	8,929,415	8,457,304

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2013 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
BASIC RESEARCH				
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690
		Increase Defense University Research Instrumentation Program		[10,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
3	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
003A	0601XXXXN	SCIENCE AND TECHNOLOGY		3,450
		Transfer from PE 0205658N		[3,450]
		SUBTOTAL BASIC RESEARCH	605,021	618,471
APPLIED RESEARCH				
4	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL APPLIED RESEARCH	790,302	790,302
ADVANCED TECHNOLOGY DEVELOPMENT				
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706
22	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	256,382	256,382
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	51,819	51,819
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	584,402	584,402
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
29	0603216N	AVIATION SURVIVABILITY	8,783	8,783
30	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
31	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
32	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	190,622	190,622
36	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
37	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
39	0603525N	PILOT FISH	101,169	101,169
40	0603527N	RETRACT LARCH	74,312	74,312
41	0603536N	RETRACT JUNIPER	90,730	90,730
42	0603542N	RADIOLOGICAL CONTROL	777	777
43	0603553N	SURFACE ASW	6,704	6,704
44	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	929,523
		Program increase		[374,400]
45	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
46	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
47	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710
48	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
49	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
50	0603576N	CHALK EAGLE	509,988	509,988
51	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
52	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
53	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
54	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
55	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331
57	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512
58	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029
59	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
60	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
61	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
62	0603734N	CHALK CORAL	45,966	45,966
63	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
64	0603746N	RETRACT MAPLE	341,305	341,305
65	0603748N	LINK PLUMERIA	181,220	181,220
66	0603751N	RETRACT ELM	174,014	174,014
68	0603764N	LINK EVERGREEN	68,654	68,654

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Line	Program Element	Item	FY 2013 Request	House Authorized
69	0603787N	SPECIAL PROCESSES	44,487	44,487
70	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
71	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/ VAL.	137,369	137,369
76	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	73,934	73,934
77	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
78	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WAR- FARE (JCREW).	71,300	71,300
79	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654
80	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT.	31,549	31,549
82	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT.	86,801	86,801
83	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500
84	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
86	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,335,297	4,709,697
		SYSTEM DEVELOPMENT & DEMONSTRATION		
87	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
88	0604214N	AV-8B AIRCRAFT—ENG DEV	32,789	32,789
89	0604215N	STANDARDS DEVELOPMENT	84,988	84,988
90	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866
91	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
92	0604221N	P-3 MODERNIZATION PROGRAM	3,451	3,451
93	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
94	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
95	0604234N	ADVANCED HAWKEYE	119,065	119,065
96	0604245N	H-1 UPGRADES	31,105	31,105
97	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
98	0604262N	V-22A	54,412	54,412
99	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA-18	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304
102	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	260,616	510,616
		Cruiser Retention		[250,000]
106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	63,891
109	0604373N	AIRBORNE MCM	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	47,481
		Transfer from RDN 112 to RDN 167		[-75,000]
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	152,614
		Cruiser Retention		[1,125]
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	737,149
134	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143

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136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
138	0605212N	CH-53K RDTE	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102
141	0204202N	DDG-1000	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	5,747,232	5,923,357
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION ..	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	845,077	845,077
		OPERATIONAL SYSTEMS DEVELOPMENT		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPO- NENT AND PROTOTYPE DEVELOPMENT. Transfer from RDN 112 to RDN 167	142,282	217,282
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566
175	0204136N	F/A-18 SQUADRONS	188,299	188,299
176	0204152N	E-2 SQUADRONS	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (GATOR)	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342
189	0205632N	MK-48 ADCAP	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450	0
		Transfer to Science and Technology (RDN 003A)		[-3,450]
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYS- TEMS	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) ..	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654

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216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676
218	0305220N	RQ-4 UAV	657,483	657,483
219	0305231N	MQ-8 UAV	99,600	99,600
220	0305232M	RQ-11 UAV	495	495
221	0305233N	RQ-7 UAV	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
225	0305239M	RQ-21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159
		Program increase		[200,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	3,975,546	4,247,096
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	16,882,877	17,718,402
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL BASIC RESEARCH	516,034	516,034
		APPLIED RESEARCH		
4	0602102F	MATERIALS	114,166	114,166
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
7	0602203F	AEROSPACE PROPULSION	232,547	232,547
8	0602204F	AEROSPACE SENSORS	127,637	127,637
9	0602601F	SPACE TECHNOLOGY	98,375	98,375
10	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
11	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
13	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL APPLIED RESEARCH	1,109,053	1,109,053
		ADVANCED TECHNOLOGY DEVELOPMENT		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890
		Increase Materials Affordability Initiative program		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
16	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	596,737	606,737
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
29	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
30	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Project decrease		[-1,500]
31	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
32	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Project decrease		[-2,000]
33	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
34	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
35	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
36	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
37	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
38	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181
39	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027
40	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
41	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
42	0604015F	LONG RANGE STRIKE	291,742	291,742

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43	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417
44	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
45	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
47	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
48	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
54	0604857F	OPERATIONALLY RESPONSIVE SPACE		25,000
		Operationally Responsive Space		[25,000]
55	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Project decrease		[-3,000]
56	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,181,177	1,199,677
		SYSTEM DEVELOPMENT & DEMONSTRATION		
58	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
59	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
60	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583
61	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
62	0604280F	JOINT TACTICAL RADIO	2,594	2,594
63	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
64	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
65	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
66	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
67	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	267,252
68	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
69	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Project decrease		[-2,000]
70	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
71	0604604F	SUBMUNITIONS	2,567	2,567
72	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
73	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
74	0604735F	COMBAT TRAINING RANGES	9,222	9,222
76	0604750F	INTELLIGENCE EQUIPMENT	803	803
77	0604800F	F-35—EMD	1,210,306	1,210,306
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437
79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	7,980	7,980
80	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
81	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
82	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
83	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,815,588
84	0605229F	CSAR HH-60 RECAPITALIZATION	123,210	123,210
85	0605278F	HC/MC-130 RECAP RDT&E	19,039	19,039
86	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
87	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
89	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE.	310	310
90	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
91	0305230F	MC-12	19,949	19,949
92	0401138F	C-27J AIRLIFT SQUADRONS		25,000
		Joint Cargo Aircraft		[25,000]
93	0401318F	CV-22	28,027	28,027
94	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	4,966,724	4,989,724
		RDT&E MANAGEMENT SUPPORT		
95	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
96	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
97	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
99	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,001
		Program increase		[34,950]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,190,349	1,225,299

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OPERATIONAL SYSTEMS DEVELOPMENT				
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	371,595	370,095
		Project decrease		[-1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B-52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B-1B SQUADRONS	16,265	16,265
120	0101127F	B-2 SQUADRONS	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098
127	0205219F	MQ-9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848
129	0207131F	A-10 SQUADRONS	13,538	13,538
130	0207133F	F-16 SQUADRONS	190,257	190,257
131	0207134F	F-15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F-22A SQUADRONS	371,667	371,667
134	0207142F	F-35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119
140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086
158	0207452F	DCAPES	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS).	24,241	24,241
160	0207590F	SEEK EAGLE	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	4,316
180	0303601F	MILSATCOM TERMINALS	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773
189	0305111F	WEATHER SERVICE	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL).	43,187	43,187
191	0305116F	AERIAL TARGETS	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,680	3,680

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202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760
205	0305202F	DRAGON U-2	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	63,501	63,501
210	0305219F	MQ-1 PREDATOR A UAV	9,122	9,122
211	0305220F	RQ-4 UAV	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094
214	0305238F	NATO AGS	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	64,965
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C-130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C-17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C-130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	100
231	0401219F	KC-10S	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
234	0408011F	SPECIAL TACTICS/COMBAT CONTROL	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	119,327
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	100,160	100,160
249A	9999999999	CLASSIFIED PROGRAMS	11,172,183	11,172,183
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	15,867,972	15,866,472
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	25,428,046	25,512,996
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
2	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
3	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
6	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL BASIC RESEARCH	551,748	551,748
		APPLIED RESEARCH		
7	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
8	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.		10,000
		Program increase		[10,000]
10	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
11	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898
12	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
13	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
15	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
17	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	13,753
18	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985
19	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771
20	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
21	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
22	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
23	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES ..	172,352	172,352

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24	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL APPLIED RESEARCH	1,703,881	1,713,881
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
25	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612
26	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144
28	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022
29	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
31	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
32	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892
33	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
34	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	149,316
		Program decrease		[-25,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
36	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	234,280	234,280
37	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
38	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263
39	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
40	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT.	13,754	13,754
42	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935
43	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
44	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	21,966
45	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
47	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
48	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
49	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
50	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	82,234
		Program increase		[10,000]
51	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403
52	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
54	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	212,859
		Program reduction		[-25,000]
55	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
56	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
57	0603767E	SENSOR TECHNOLOGY	299,438	299,438
58	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
59	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
60	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002
62	0603828J	JOINT EXPERIMENTATION	21,230	21,230
63	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433
64	0603901C	DIRECTED ENERGY RESEARCH	46,944	76,944
		Program increase		[30,000]
65	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
66	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
68	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
69	0303310D8Z	CWMD SYSTEMS	53,946	53,946
70	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
71	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
72	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD).	3,194,413	3,184,413
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
73	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
74	0603527D8Z	RETRACT LARCH	21,023	21,023
75	0603600D8Z	WALKOFF	94,624	94,624
77	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	16,958
78	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
79	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
80	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	1,363,172
		East Coast site planning and development, and EIS work		[103,000]
		Program increase		[357,000]

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81	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL ..	179,023	179,023
82	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
84	0603890C	BMD ENABLING PROGRAMS	362,711	362,711
85	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
86	0603892C	AEGIS BMD	992,407	992,407
87	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
88	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912
89	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
90	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
91	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
92	0603906C	REGARDING TRENCH	11,371	11,371
93	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
94	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	267,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs		[168,000]
95	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
96	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
97	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
98	0603923D8Z	COALITION WARFARE	11,398	11,398
99	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	3,283
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	5,131	5,131
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM ...	7,364	7,364
107	0604880C	LAND-BASED SM-3 (LBSM3)	276,338	276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	50,000
		Project decrease to support technology development		[-247,375]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	6,282,166	6,662,791
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	OUSDC(C) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES ..	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEDM).	3,556	3,556
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).	694,287	694,287
		RDT&E MANAGEMENT SUPPORT		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETS)	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266
142	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION ...	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601

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152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.....	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	15,110
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES ..	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	887,928	887,928
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	C4I INTEROPERABILITY	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	241,452
		Program increase		[50,000]
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	46,575
		Program increase		[10,000]
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) ..	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714
		Program increase		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,247	3,247
237	0305219BB	MQ-1 PREDATOR A UAV	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100
253	1105219BB	MQ-9 UAV	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	10,131	10,131
263	1160429BB	AC/MC-130J	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	61,405
		Program increase		[35,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,774,416
		Program increases		[19,900]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	4,667,738	4,783,238
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	17,982,161	18,478,286
		OPERATIONAL TEST & EVAL, DEFENSE RDT&E MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	107,501
		Program increase for DOT&E cyber—range operations		[25,000]
		Program increase for DOT&E cyber—threat development and assessment.		[10,000]
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	185,268	220,268
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	185,268	220,268
		TOTAL RDT&E	69,407,767	70,387,256

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **TION FOR OVERSEAS CONTINGENCY OPER-**
 3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
 (In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	19,860	19,860
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	19,860	19,860
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,600	4,600
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,173	2,173
		RDT&E MANAGEMENT SUPPORT		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	5,200	5,200
		OPERATIONAL SYSTEMS DEVELOPMENT		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ-7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	48,146	48,146
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	60,119	60,119
		OPERATIONAL SYSTEMS DEVELOPMENT		
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	53,150	53,150
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	53,150	53,150
		APPLIED RESEARCH		
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE. Program increase		10,000 [10,000]
		SUBTOTAL APPLIED RESEARCH		10,000
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT		25,000
		Program increase		[25,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD).		25,000
94	0603913C	ISRAELI COOPERATIVE PROGRAMS		680,000
		Iron Dome		[680,000]
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Program increase		[200,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.		880,000
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0305231BB	MQ-8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	112,387	112,387
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	112,387	1,027,387
		TOTAL RDT&E	245,516	1,160,516

1 TITLE XLIII—OPERATION AND

2 MAINTENANCE

3 SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
10	MANEUVER UNITS	1,223,087	1,223,087
20	MODULAR SUPPORT BRIGADES	80,574	80,574
30	ECHELONS ABOVE BRIGADE	723,039	723,039
40	THEATER LEVEL ASSETS	706,974	706,974
50	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
60	AVIATION ASSETS	1,319,832	1,319,832
70	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
80	LAND FORCES SYSTEMS READINESS	454,774	454,774
90	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	3,041,074	3,234,674
	Realignment to Cemeterial Expenses, Army		[-25,000]
	Restoration and Modernization of Facilities		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
	SUBTOTAL OPERATING FORCES	22,436,871	22,630,471
MOBILIZATION			
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL MOBILIZATION	607,224	607,224
TRAINING AND RECRUITING			
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL TRAINING AND RECRUITING	5,058,610	5,058,610
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707
390	ADMINISTRATION	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,150,509
	Army Museum Funding (Early to need)		[-3,047]
440	ARMY CLAIMS ACTIVITIES	250,970	250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	8,505,887	8,502,840
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		-350,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Historical unobligated balances		[-289,200]
	Overestimate of Foreign Currency Fluctuation Costs		[-66,500]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		-350,700
	TOTAL OPERATION & MAINTENANCE, ARMY	36,608,592	36,448,445
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144
	Cruiser Retention		[9,000]
20	FLEET AIR TRAINING	1,886,825	1,886,825
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
40	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
50	AIR SYSTEMS SUPPORT	374,827	374,827
60	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
80	AVIATION LOGISTICS	328,805	328,805
90	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,711,185
	Cruiser Retention		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,157,944
	Cruiser Retention		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,329,237
	Cruiser Retention		[13,871]
130	COMBAT COMMUNICATIONS	619,909	619,909
140	ELECTRONIC WARFARE	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437
160	WARFARE TACTICS	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY ..	333,554	333,554
180	COMBAT SUPPORT FORCES	910,087	910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE	111,884	111,884
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606
260	WEAPONS MAINTENANCE	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	2,101,279	2,155,879
	Restoration and Modernization of Facilities		[54,600]
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL OPERATING FORCES	33,758,297	33,928,381
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	587,329
	Cruiser Retention		[-9,000]
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs		[-470,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL MOBILIZATION	1,517,648	1,038,648
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	242,267
	Naval Sea Cadet Corps		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL TRAINING AND RECRUITING	1,716,430	1,717,368
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,614,568	4,614,568
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		-166,400
	Historical unobligated balances		[-166,400]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		-166,400
	TOTAL OPERATION & MAINTENANCE, NAVY	41,606,943	41,132,565
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
10	OPERATIONAL FORCES	788,055	788,055
20	FIELD LOGISTICS	762,614	762,614
30	DEPOT MAINTENANCE	168,447	168,447
40	MARITIME PREPOSITIONING	100,374	100,374
50	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839
	Restoration and Modernization of Facilities		[22,800]
60	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL OPERATING FORCES	4,833,412	4,856,212
	TRAINING AND RECRUITING		
70	RECRUIT TRAINING	18,251	18,251
80	OFFICER ACQUISITION	869	869
90	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	178,609
	Recruiting and advertising		[10,000]
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912
	SUBTOTAL TRAINING AND RECRUITING	680,314	690,314
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
190	CLASSIFIED PROGRAMS	346,071	346,071
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	469,437	469,437
	UNDISTRIBUTED ADJUSTMENTS		
200	UNDISTRIBUTED ADJUSTMENTS		-23,900
	Historical unobligated balances		[-23,900]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		-23,900

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	5,983,163	5,992,063
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
10	PRIMARY COMBAT FORCES	2,973,141	2,973,141
20	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) ...	1,472,806	1,472,806
40	DEPOT MAINTENANCE	5,545,470	5,545,470
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,569,487
	Restoration and Modernization of Facilities		[215,500]
60	BASE SUPPORT	2,595,032	2,595,032
70	GLOBAL C3I AND EARLY WARNING	957,040	957,040
80	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL OPERATING FORCES	20,047,084	20,395,584
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL MOBILIZATION	4,434,097	4,434,097
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL TRAINING AND RECRUITING	3,745,868	3,745,868
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800
410	ADMINISTRATION	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	7,208,311	7,208,311
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		-43,700
	Historical unobligated balances		[-141,700]
	Overestimate of Foreign Currency Fluctuation Costs		[-32,000]
	Retain Air Force Force Structure		[130,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		-43,700
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	35,435,360	35,740,160
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	485,708	485,708
20	SPECIAL OPERATIONS COMMAND		5,091,001
	Transfer from line 025		[5,091,001]
25	CLASSIFIED PROGRAMS	5,091,001	-5,091,001
	Transfer to Line 020		[-5,091,001]
	SUBTOTAL OPERATING FORCES	5,576,709	5,576,709
	TRAINING AND RECRUITING		
30	DEFENSE ACQUISITION UNIVERSITY	147,210	144,710
	Program decrease		[-2,500]
40	NATIONAL DEFENSE UNIVERSITY	84,999	82,499
	Program decrease		[-2,500]
	SUBTOTAL TRAINING AND RECRUITING	232,209	227,209
	ADMIN & SRVWD ACTIVITIES		
50	CIVIL MILITARY PROGRAMS	161,294	161,294
80	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
90	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,135,362
	Advancing Diversity and EO		[5,000]
	Office of Net Assessment		[10,000]
	Readiness Environmental Protection Initiative		[25,000]
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,045,757
	Program increase		[62,000]
	Transfer to Line 190		[-506,662]
	Transfer to Line 210		[-443,382]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	26,184,095	26,286,095
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		-107,700
	DOD Impact Aid		[30,000]
	Historical unobligated balances		[-128,000]
	Overestimate of Foreign Currency Fluctuation Costs		[-9,700]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		-107,700
	TOTAL OPERATION & MAINTENANCE, DE- FENSE-WIDE	31,993,013	31,982,313
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
10	MANEUVER UNITS	1,391	1,391
20	MODULAR SUPPORT BRIGADES	20,889	20,889
30	ECHELONS ABOVE BRIGADE	592,724	592,724
40	THEATER LEVEL ASSETS	114,983	114,983
50	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
60	AVIATION ASSETS	76,823	76,823

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
70	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
80	LAND FORCES SYSTEMS READINESS	70,118	70,118
90	LAND FORCES DEPOT MAINTENANCE	141,205	141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	287,399	308,099
	Restoration and Modernization of Facilities		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
	SUBTOTAL OPERATING FORCES	3,034,929	3,055,629
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	16,074
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	127,079	127,079
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		1,100
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[-3,900]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		1,100
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,162,008	3,183,808
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
20	INTERMEDIATE MAINTENANCE	15,076	15,076
30	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
40	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
50	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
60	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
70	SHIP OPERATIONS SUPPORT & TRAINING	589	589
80	SHIP DEPOT MAINTENANCE	48,593	48,593
90	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL OPERATING FORCES	1,224,046	1,224,046
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	22,936	22,936
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,246,982	1,246,982
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
10	OPERATING FORCES	89,690	89,690
20	DEPOT MAINTENANCE	16,735	16,735
30	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	37,913	37,913
40	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL OPERATING FORCES	248,084	248,084
	ADMIN & SRVWD ACTIVITIES		
50	SERVICEWIDE TRANSPORTATION	873	873
60	ADMINISTRATION	14,330	14,330
70	RECRUITING AND ADVERTISING	8,998	8,998
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	24,201	24,201

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	272,285	272,285
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
10	PRIMARY COMBAT FORCES	2,089,326	2,089,326
20	MISSION SUPPORT OPERATIONS	112,992	112,992
30	DEPOT MAINTENANCE	406,101	406,101
40	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	71,564	78,264
	Restoration and Modernization of Facilities		[6,700]
50	BASE SUPPORT	364,862	364,862
	SUBTOTAL OPERATING FORCES	3,044,845	3,051,545
	ADMIN & SRVWD ACTIVITIES		
60	ADMINISTRATION	78,824	78,824
70	RECRUITING AND ADVERTISING	16,020	16,020
80	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
90	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	121,637	121,637
	UNDISTRIBUTED ADJUSTMENTS		
110	UNDISTRIBUTED ADJUSTMENTS		161,617
	Retain Air Force Reserve Force Structure		[161,617]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		161,617
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,166,482	3,334,799
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
10	MANEUVER UNITS	680,206	680,206
20	MODULAR SUPPORT BRIGADES	186,408	186,408
30	ECHELONS ABOVE BRIGADE	865,628	865,628
40	THEATER LEVEL ASSETS	112,651	112,651
50	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
60	AVIATION ASSETS	907,011	907,011
70	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
80	LAND FORCES SYSTEMS READINESS	60,043	60,043
90	LAND FORCES DEPOT MAINTENANCE	411,940	411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	688,189	737,589
	Restoration and Modernization of Facilities		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL OPERATING FORCES	6,648,912	6,698,312
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	459,700	459,700
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		-79,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[-95,000]
	Retain Army National Guard Force Structure		[10,300]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		-79,700
	TOTAL OPERATION & MAINTENANCE, ARNG	7,108,612	7,078,312
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
10	AIRCRAFT OPERATIONS	3,559,824	3,563,329

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	Aerospace Control Alert		[3,505]
20	MISSION SUPPORT OPERATIONS	721,225	721,225
30	DEPOT MAINTENANCE	774,875	774,875
40	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION		
	Restoration and Modernization of Facilities	270,709	295,409
			[24,700]
50	BASE SUPPORT	624,443	624,443
	SUBTOTAL OPERATING FORCES	5,951,076	5,979,281
	ADMIN & SRVWD ACTIVITIES		
60	ADMINISTRATION	32,358	32,358
70	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	64,379	64,379
	UNDISTRIBUTED ADJUSTMENTS		
80	UNDISTRIBUTED ADJUSTMENTS		286,800
	Retain Air National Guard Force Structure		[286,800]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS ..		286,800
	TOTAL OPERATION & MAINTENANCE, ANG	6,015,455	6,330,460
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
20	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
30	COOPERATIVE THREAT REDUCTION	519,111	519,111
40	ACQ WORKFORCE DEV FD	274,198	274,198
50	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
	SUBTOTAL MISCELLANEOUS APPROPRIA- TIONS	1,237,989	1,237,989
	MISCELLANEOUS APPROPRIATIONS		
60	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
	SUBTOTAL MISCELLANEOUS APPROPRIA- TIONS	310,594	310,594
	MISCELLANEOUS APPROPRIATIONS		
70	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
	SUBTOTAL MISCELLANEOUS APPROPRIA- TIONS	529,263	529,263
	MISCELLANEOUS APPROPRIATIONS		
10	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE	13,516	13,516
80	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
	SUBTOTAL MISCELLANEOUS APPROPRIA- TIONS	24,649	24,649
	MISCELLANEOUS APPROPRIATIONS		
90	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	SUBTOTAL MISCELLANEOUS APPROPRIA- TIONS	237,543	237,543
	TOTAL MISCELLANEOUS APPROPRIATIONS	2,340,038	2,340,038
	TOTAL OPERATION & MAINTENANCE	174,938,933	175,082,230

1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
40	THEATER LEVEL ASSETS	2,758,162	2,758,162
50	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
60	AVIATION ASSETS	40,300	40,300
70	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
80	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,395,137
	Reduction to Task Force for Business and Stability Operations		[-129,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Historical underexecution		[-200,000]
160	RESET	3,687,973	3,437,973
	Unexecutable depot-level maintenance		[-250,000]
	SUBTOTAL OPERATING FORCES	23,107,822	22,528,822
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	137,277
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	5,483,619	5,483,619
UNDISTRIBUTED ADJUSTMENTS			
500	UNDISTRIBUTED ADJUSTMENTS		-179,700
	Historical unobligated balances		[-179,700]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-179,700
	TOTAL OPERATION & MAINTENANCE, ARMY	28,591,441	27,832,741
OPERATION & MAINTENANCE, NAVY			
OPERATING FORCES			
10	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000
40	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
50	AIR SYSTEMS SUPPORT	19,013	19,013
60	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
80	AVIATION LOGISTICS	44,150	44,150
90	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL OPERATING FORCES	5,329,365	5,329,365
MOBILIZATION			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL MOBILIZATION	285,856	285,856
TRAINING AND RECRUITING			
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL TRAINING AND RECRUITING	50,903	50,903

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
ADMIN & SRVWD ACTIVITIES			
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	214,271	214,271
UNDISTRIBUTED ADJUSTMENTS			
720	UNDISTRIBUTED ADJUSTMENTS		-22,100
	Historical unobligated balances		[-22,100]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-22,100
	TOTAL OPERATION & MAINTENANCE, NAVY	5,880,395	5,858,295
OPERATION & MAINTENANCE, MARINE CORPS			
OPERATING FORCES			
10	OPERATIONAL FORCES	1,921,258	1,921,258
20	FIELD LOGISTICS	1,094,028	1,094,028
30	DEPOT MAINTENANCE	222,824	222,824
60	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL OPERATING FORCES	3,326,800	3,326,800
TRAINING AND RECRUITING			
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL TRAINING AND RECRUITING	215,212	215,212
ADMIN & SRVWD ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	524,328	524,328
UNDISTRIBUTED ADJUSTMENTS			
200	UNDISTRIBUTED ADJUSTMENTS		-15,600
	Historical unobligated balances		[-15,600]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-15,600
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	4,066,340	4,050,740
OPERATION & MAINTENANCE, AIR FORCE			
OPERATING FORCES			
10	PRIMARY COMBAT FORCES	1,494,144	1,494,144
20	COMBAT ENHANCEMENT FORCES	809,531	809,531
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
40	DEPOT MAINTENANCE	1,403,238	1,403,238
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
60	BASE SUPPORT	342,226	342,226
70	GLOBAL C3I AND EARLY WARNING	15,108	15,108
80	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL OPERATING FORCES	4,587,369	4,587,369
MOBILIZATION			
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL MOBILIZATION	3,799,350	3,799,350
TRAINING AND RECRUITING			
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL TRAINING AND RECRUITING	13,130	13,130
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	841,764	841,764
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		-34,700
	Historical unobligated balances		[-34,700]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-34,700
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,241,613	9,206,913
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	2,000	2,000
20	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL OPERATING FORCES	2,505,060	2,505,060
	ADMIN & SRVWD ACTIVITIES		
80	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
90	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	1,550,000
	Program Decrease—Coalition Support Funds		[-650,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	5,319,519	4,669,519
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		-29,300
	Historical unobligated balances		[-29,300]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-29,300
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	7,824,579	7,145,279
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
30	ECHELONS ABOVE BRIGADE	78,600	78,600
50	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
70	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL OPERATING FORCES	154,537	154,537
	TOTAL OPERATION & MAINTENANCE, ARMY RES ...	154,537	154,537
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
20	INTERMEDIATE MAINTENANCE	300	300
40	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
60	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
80	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL OPERATING FORCES	55,924	55,924
	TOTAL OPERATION & MAINTENANCE, NAVY RES	55,924	55,924
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
10	OPERATING FORCES	22,657	22,657
40	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL OPERATING FORCES	25,477	25,477
	TOTAL OPERATION & MAINTENANCE, MC RE-SERVE	25,477	25,477
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	7,600	7,600
30	DEPOT MAINTENANCE	106,768	106,768
50	BASE SUPPORT	6,250	6,250
	SUBTOTAL OPERATING FORCES	120,618	120,618
	TOTAL OPERATION & MAINTENANCE, AF RE-SERVE	120,618	120,618
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
10	MANEUVER UNITS	38,485	38,485
20	MODULAR SUPPORT BRIGADES	1,959	1,959
30	ECHELONS ABOVE BRIGADE	20,076	20,076
40	THEATER LEVEL ASSETS	2,028	2,028
60	AVIATION ASSETS	183,811	183,811
70	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072
	SUBTOTAL OPERATING FORCES	380,448	380,448
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	2,000	2,000
	TOTAL OPERATION & MAINTENANCE, ARNG	382,448	382,448
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
20	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL OPERATING FORCES	19,975	19,975
	TOTAL OPERATION & MAINTENANCE, ANG	19,975	19,975
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
10	SUSTAINMENT	2,523,825	2,523,825
20	INFRASTRUCTURE	190,000	190,000
30	EQUIPMENT AND TRANSPORTATION	241,521	241,521
40	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL MINISTRY OF DEFENSE	3,713,726	3,713,726
	MINISTRY OF INTERIOR		
50	SUSTAINMENT	1,305,950	1,305,950
60	INFRASTRUCTURE	50,000	50,000
70	EQUIPMENT AND TRANSPORTATION	84,859	84,859
80	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL MINISTRY OF INTERIOR	2,010,677	2,010,677
	RELATED ACTIVITIES		
90	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTURE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL RELATED ACTIVITIES	24,764	24,764

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	TOTAL AFGHANISTAN SECURITY FORCES FUND	5,749,167	5,749,167
	AFGHANISTAN INFRASTRUCTURE FUND		
	AFGHANISTAN INFRASTRUCTURE FUND		
10	POWER	400,000	375,000
	Program Decrease		[-25,000]
	SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND	400,000	375,000
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND	400,000	375,000
	TOTAL OPERATION & MAINTENANCE	62,512,514	60,977,114

1 **TITLE XLIV—MILITARY**
 2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	135,111,799	135,726,855
Army medical evacuation paramedic certification training		2,000
Basic allowance for housing for members of the National Guard (Section 603)		6,000
Non-medical attendant travel (Section 621)		2,000
Reserve Components administrative absence (Section 604)		2,000
Restore accrual payments to the Medicare eligible health care trust fund		672,000
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		8,300
Retain Air Force Force Structure		30,000
Retain Air Force Reserve Force Structure		20,000
Retain Air National Guard Force Structure		70,826
Retain Global Hawk		22,200
Unobligated balances		[-352,000]
USMC military personnel in lieu of LAV funding		131,730

1 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**
 2 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	14,060,094	14,060,094

1 **TITLE XLV—OTHER**
 2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
TOTAL WORKING CAPITAL FUND, ARMY	60,037	60,037
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
TOTAL WORKING CAPITAL FUND, AIR FORCE	45,452	45,452
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	39,135	39,135
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
TOTAL WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
NATIONAL DEFENSE SEALIFT FUND		
MPF MLP	38,000	38,000
POST DELIVERY AND OUTFITTING	39,386	39,386
LG MED SPD RO/RO MAINTENANCE	128,819	128,819
DOD MOBILIZATION ALTERATIONS	26,598	26,598
TAH MAINTENANCE	29,199	29,199
RESEARCH AND DEVELOPMENT	42,811	42,811
READY RESERVE FORCE	303,323	303,323
TOTAL NATIONAL DEFENSE SEALIFT FUND	608,136	608,136
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	8,625,507	8,625,507
PRIVATE SECTOR CARE	16,148,263	16,148,263
CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
INFORMATION MANAGEMENT	1,465,328	1,465,328
MANAGEMENT ACTIVITIES	332,121	332,121
EDUCATION AND TRAINING	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE		281,900
Foreign currency fluctuation		[-5,100]
Overfunding in electronic health record		[-30,000]
Restore estimated savings in TRICARE Prime and Standard		[273,000]
Restore pharmacy co-pay estimated savings		[179,000]
TRICARE rate adjustments		[90,000]
Unobligated balances		[-225,000]
RDT&E	672,977	672,977
PROCUREMENT	506,462	454,462
Overfunding in electronic health record		[-52,000]
TOTAL DEFENSE HEALTH PROGRAM	32,528,718	32,758,618
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843	635,843
RDT&E	647,351	647,351
PROCUREMENT	18,592	18,592

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	House Authorized
TOTAL CHEM AGENTS & MUNITIONS DE- STRUCTION	1,301,786	1,301,786
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM	109,818	109,818
TOTAL DRUG INTERDICTION & CTR-DRUG AC- TIVITIES, DEF	999,363	999,363
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	272,821	272,821
PROCUREMENT	1,000	1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	273,821	273,821
CEMETERIAL EXPENSES, ARMY		
OPERATION & MAINTENANCE	41,000	41,000
CONSTRUCTION	4,800	4,800
FACILITIES MAINTENANCE		25,000
Realignment from Operation and Maintenance, Army		[25,000]
TOTAL CEMETERIAL EXPENSES, ARMY	45,800	70,800
TOTAL OTHER AUTHORIZATIONS	37,273,808	37,528,708

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
TOTAL WORKING CAPITAL FUND, ARMY	42,600	42,600
WORKING CAPITAL FUND, AIR FORCE		
C-17 CLS ENGINE REPAIR	230,400	230,400
TRANSPORTATION FALLEN HEROES	10,000	10,000
TOTAL WORKING CAPITAL FUND, AIR FORCE	240,400	240,400
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	220,364	220,364
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	483,326	483,326
PRIVATE SECTOR CARE	376,982	376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675
INFORMATION MANAGEMENT	4,773	4,773
MANAGEMENT ACTIVITIES	660	660
EDUCATION AND TRAINING	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS	1,112	1,112
TOTAL DEFENSE HEALTH PROGRAM	993,898	993,898
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DEFENSEWIDE ACTIVITIES	469,025	469,025
TOTAL DRUG INTERDICTION & CTR-DRUG AC- TIVITIES, DEF	469,025	469,025
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	10,766	10,766
TOTAL OFFICE OF THE INSPECTOR GENERAL	10,766	10,766
TOTAL OTHER AUTHORIZATIONS	1,977,053	1,977,053

1 **TITLE XLVI—MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Alaska			
Army	Fort Wainwright	Modified Record Fire Range	10,400	10,400
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
Army	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
Army	Concord	Lightning Protection System	5,800	5,800
	Colorado			
Army	Fort Carson	Central Energy Plant	0	0
Army	Fort Carson, Colorado	Digital Multipurpose Training Range	18,000	18,000
	District of Columbia			
Army	Fort Menair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
Army	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
Army	Fort Gordon	Modified Record Fire Range	4,000	4,000
Army	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
Army	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse	3,650	3,650
Army	Fort Stewart, Georgia	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Stewart, Georgia	Unmanned Aerial Vehicle Complex	24,000	24,000
	Hawaii			
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course	29,000	29,000
Army	Schofield Barracks	Barracks	55,000	55,000
Army	Schofield Barracks	Barracks	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Italy			
Army	Camp Ederle	Barracks	36,000	36,000
Army	Vicenza	Simulations Center	32,000	32,000
	Japan			
Army	Okinawa	Satellite Communications Facility	78,000	78,000
Army	Sagami	Vehicle Maintenance Shop	18,000	18,000
	Kansas			
Army	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
Army	Fort Campbell, Kentucky	Battalion Headquarters Complex	55,000	55,000
Army	Fort Campbell, Kentucky	Live Fire Exercise Shoothouse	3,800	3,800
Army	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex	23,000	23,000
Army	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
Army	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
	New Jersey			
Army	Joint Base McGuire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
	New York			
Army	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
Army	U.S. Military Academy	Cadet Barracks	192,000	192,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range	42,000	42,000
Army	Fort Bragg	Infrastructure	30,000	30,000
Army	Fort Bragg	Unmanned Aerial Vehicle Complex	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2	24,000	24,000
	Texas			
Army	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
Army	Corpus Christi	Aircraft Paint Shop	24,000	24,000
Army	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Army	Fort Hood, Texas	Modified Record Fire Range	4,200	4,200
Army	Fort Hood, Texas	Training Aids Center	25,000	25,000
Army	Fort Hood, Texas	Unmanned Aerial Vehicle Complex	22,000	22,000
Army	Joint Base San Antonio	Barracks	21,000	21,000
	Virginia			
Army	Arlington	Cemetery Expansion Millennium Site	84,000	84,000
Army	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2	81,000	81,000
	Washington			
Army	Joint Base Lewis-Mechord	Battalion Complex	73,000	73,000
Army	Joint Base Lewis-Mechord	Waste Water Treatment Plant	91,000	91,000
Army	Yakima	Convoy Live Fire Range	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support Fy 13	34,000	34,000
Army	Unspecified Worldwide Locations	Minor Construction Fy 13	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design Fy13	65,173	65,173
Total Military Construction, Army			1,923,323	1,923,323
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron	15,985	15,985
Navy	Yuma	Security Operations Complex	13,300	13,300
	Bahrain Island			
Navy	Sw Asia	Combined Dining Facility	9,819	0
Navy	Sw Asia	Transient Quarters	41,529	0
	California			
Navy	Camp Pendleton, California	Comm. Information Systems Ops Complex	78,897	78,897
Navy	Camp Pendleton, California	Mv22 Aviation Simulator Building	4,139	4,139
Navy	Camp Pendleton, California	San Jacinto Road Extension	5,074	5,074
Navy	Coronado	Bachelor Quarters	76,063	76,063
Navy	Coronado	H-60s Simulator Training Facility	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility	14,843	0
Navy	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
Navy	Point Mugu	Bams Maintenance Training Facility	0	12,790
Navy	San Diego	Entry Control Point (Gate Five)	11,752	11,752
Navy	San Diego	Les Training Facility	59,436	59,436
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
Navy	Twentynine Palms, California	Land Expansion Phase 2	47,270	47,270
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure	1,691	1,691
	Djibouti			
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units	7,510	0
Navy	Camp Lemonier, Djibouti	Fitness Center	26,960	0
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse	22,220	0
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	42,730	0
	Florida			
Navy	Jacksonville	Bams Mission Control Complex	21,980	21,980
	Greece			
Navy	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
Navy	Souda Bay	Intermodal Access Road	4,630	4,630
	Guam			
Navy	Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2	25,904	25,904
	Hawaii			
Navy	Kaneohe Bay	Aircraft Staging Area	14,680	14,680
Navy	Kaneohe Bay	Mv-22 Hangar and Infrastructure	82,630	82,630
	Japan			
Navy	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
Navy	Iwakuni	Vertical Take-Off and Landing Pad North	7,416	7,416
Navy	Okinawa	Bachelor Quarters	8,206	8,206
	Mississippi			
Navy	Meridian	Dining Facility	10,926	10,926
	New Jersey			
Navy	Earle	Combat System Engineering Building Addition	33,498	33,498
	North Carolina			
Navy	Camp Lejeune, North Carolina	Base Access and Road—Phase 3	40,904	40,904

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Navy	Camp Lejeune, North Carolina	Staff Neo Academy Facilities	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
Navy	New River	Personnel Administration Center	8,525	8,525
Navy	Romania Deveselu, Romania	Aegis Ashore Missile Defense Complex	45,205	45,205
Navy	South Carolina Beaufort	Aircraft Maintenance Hangar	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades	13,675	13,675
Navy	Beaufort	Ground Support Equipment Shop	9,465	9,465
Navy	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
Navy	Beaufort	Simulated Lhd Flight Deck	12,887	12,887
Navy	Parris Island	Front Gate Atfp Improvements	10,135	10,135
Navy	Spain Rota	General Purpose Warehouse	3,378	3,378
Navy	Rota	High Explosive Magazine	13,837	13,837
Navy	Virginia Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
Navy	Dahlgren	Physical Fitness Center	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks	39,086	39,086
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade	32,706	32,706
Navy	Quantico	Infrastructure—Widen Russell Road	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7	31,012	31,012
Navy	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
Navy	Yorktown	Armory	4,259	4,259
Navy	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
Navy	Yorktown	Motor Transportation Facility	6,188	6,188
Navy	Yorktown	Regimental Headquarters	11,015	11,015
Navy	Yorktown	Supply Warehouse Facility	8,939	8,939
Navy	Washington Kitsap	Explosives Handling Wharf #2 (Inc)	280,041	280,041
Navy	Whidbey Island	Ea-18g Flight Simulator Facility	6,272	6,272
Navy	Worldwide Unspecified Unspecified Worldwide Locations	Meon Design Funds	102,619	102,619
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
Navy	Various Worldwide Locations	Bams Operational Facilities	34,048	34,048
Total Military Construction, Navy			1,701,985	1,549,164
AF	Arkansas Little Rock AFB	C-130J Flight Simulator Addition	4,178	4,178
AF	Little Rock AFB	C-130J Fuel Systems Maintenance Hangar	26,000	26,000
AF	Florida Tyndall AFB	F-22 Adal Hangar for Low Observable/Composite	14,750	14,750
AF	Georgia Fort Stewart, Georgia	Air Support Operations Center (ASOC)	7,250	7,250
AF	Moody AFB	HC-130J Simulator Facility	8,500	8,500
AF	Greenland Thule Ab	Consolidated Engineer Shop and Supply Facility	0	0
AF	Thule Ab	Dormitory (48 Pn)	24,500	24,500
AF	Guam Andersen AFB	Fuel Systems Hangar	0	0
AF	Italy Aviano Ab	F-16 Mission Training Center	9,400	9,400
AF	Nebraska Offutt AFB	US STRATCOM Replacement Facility, Iner 2	161,000	161,000
AF	New Mexico Holloman AFB	Mq-9 Maintenance Hangar	25,000	25,000
AF	North Dakota Minot AFB	B-52 Add/Alter Munitions Age Facility	4,600	4,600
AF	Texas Joint Base San Antonio	Dormitory (144 Rm)	18,000	18,000
AF	Utah Hill AFB	F-35 Adal Building 118 for Flight Simulator	4,000	4,000
AF	Hill AFB	F-35 Adal Hangar 45w/AMU	7,250	7,250
AF	Hill AFB	F-35 Modular Storage Magazines	2,280	2,280
AF	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	18,635	18,635
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station	2,000	2,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars	15,032	15,032
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm	17,625	17,625
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
Total Military Construction, Air Force			388,200	388,200
Def-Wide	Arizona Yuma	Truck Unload Facility	1,300	1,300
Def-Wide	Belgium Brussels	NATO Headquarters Facility	26,969	26,969
Def-Wide	California Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac	13,969	13,969
Def-Wide	California Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
Def-Wide	California Coronado	SOF Mobile Comm Detachment Support Facility	10,120	10,120
Def-Wide	California Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
Def-Wide	California Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
Def-Wide	California Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400
Def-Wide	Colorado Buckley Air Force Base	Denver Power House	30,000	30,000
Def-Wide	Colorado Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
Def-Wide	Colorado Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
Def-Wide	Comus Classified Classified Location	SOF Parachute Training Facility	6,477	6,477
Def-Wide	Delaware Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
Def-Wide	Florida Eglin AFB	SOF Avfd Ops and Maintenance Facilities	41,695	41,695
Def-Wide	Florida Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
Def-Wide	Florida MacDill AFB	SOF Joint Special Ops University Fac (Jsou)	34,409	34,409
Def-Wide	Germany Rhine Ordnance Barracks	Medical Center Replacement Iner 2	127,000	127,000
Def-Wide	Germany Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
Def-Wide	Germany Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
Def-Wide	Germany Weisbaden	Weisbaden High School Addition	52,178	52,178
Def-Wide	Guam Andersen AFB	Upgrade Fuel Pipeline	67,500	67,500
Def-Wide	Guantanamo Bay, Cuba Guantanamo Bay	Replace Fuel Pier	37,600	37,600
Def-Wide	Guantanamo Bay, Cuba Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
Def-Wide	Hawaii Joint Base Pearl Harbor-Hickam	SOF Sdvt-1 Waterfront Operations Facility	24,289	24,289
Def-Wide	Illinois Great Lakes	Drug Laboratory Replacement	28,700	28,700
Def-Wide	Illinois Scott AFB	DISA Facility Upgrades	84,111	84,111
Def-Wide	Illinois Scott AFB	Medical Logistics Warehouse	2,600	2,600
Def-Wide	Indiana Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
Def-Wide	Japan Camp Zama	Renovate Zama High School	13,273	13,273
Def-Wide	Japan Kadena Ab	Replace Elementary School	71,772	71,772
Def-Wide	Japan Kadena Ab	Replace Stearley Heights Elementary School	71,773	71,773
Def-Wide	Japan Sasebo	Replace Sasebo Elementary School	35,733	35,733
Def-Wide	Japan Zukeran	Replace Zukeran Elementary School	79,036	79,036
Def-Wide	Kentucky Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
Def-Wide	Kentucky Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
Def-Wide	Kentucky Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
Def-Wide	Korea Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
Def-Wide	Korea Osan AFB	Hospital Addition/Alteration	34,600	34,600
Def-Wide	Korea Osan AFB	Replace Osan Elementary School	42,692	42,692
Def-Wide	Louisiana Barksdale AFB	Upgrade Pumphouse	11,700	11,700
Def-Wide	Maryland Annapolis	Health Clinic Replacement	66,500	66,500
Def-Wide	Maryland Bethesda Naval Hospital	Base Installation Access/Appearance Plan	7,000	7,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
Def-Wide	Fort Detrick	USAMRIID Stage I, Iner 7	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2	300,521	300,521
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Repalcement	71,023	71,023
Def-Wide	Cannon AFB	SOF Ac-130J Combat Parking Apron	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Idt Complex	25,900	25,900
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
	North Carolina			
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac	5,465	5,465
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	40,481	40,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	31,373
Def-Wide	Fort Bragg	SOF Support Addition	3,875	3,875
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex	24,693	24,693
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
Def-Wide	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
	Pennsylvania			
Def-Wide	Def Distribution Depot	Replace Communications Building	6,800	6,800
	New Cumberland			
Def-Wide	Def Distribution Depot	Replace Reservoir	4,300	4,300
	New Cumberland			
Def-Wide	Def Distribution Depot	Replace Sewage Treatment Plant	6,300	6,300
	New Cumberland			
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex	157,900	82,900
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Iner 4	207,400	207,400
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Iner	80,700	80,700
Def-Wide	Red River Army Depot	Dfas Facility	16,715	16,715
	United Kingdom			
Def-Wide	Menwith Hill Station	MHS Utilities and Roads	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School	46,488	46,488
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV-22 Simulator Facility	6,490	6,490
	Utah			
Def-Wide	Camp Williams	Ic Cuci Data Center 1 Inc 4	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines	0	0
Def-Wide	Joint Expeditionary	SOF Combat Services Support Facility—East	11,132	11,132
	Base Little Creek—Story			
Def-Wide	Norfolk	Veterinary Facility Replacement	8,500	8,500
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,300	8,300

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Def-Wide	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
Total Military Construction, Defense-Wide			3,654,623	3,569,623
Chem Demil	Colorado Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv	36,000	36,000
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization Ph Xiii	115,000	115,000
Total Chemical Demilitarization Construction, Defense			151,000	151,000
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
Total NATO Security Investment Program			254,163	254,163
Army NG	Alabama Fort MC Clellan	Live Fire Shoot House	5,400	5,400
Army NG	Arkansas Searcy	Field Maintenance Shop	6,800	6,800
Army NG	California Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
Army NG	Connecticut Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
Army NG	Delaware Bethany Beach	Regional Training Institute Ph1	5,500	5,500
Army NG	Florida Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
Army NG	Miramar	Readiness Center	20,000	20,000
Army NG	Guam Barrigada	JFHQ Ph4	8,500	8,500
Army NG	Hawaii Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
Army NG	Idaho Orehard Trainig Area	Orte(Barracks)Ph2	40,000	40,000
Army NG	Indiana South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
Army NG	Terre Haute	Field Maintenance Shop	9,000	9,000
Army NG	Iowa Camp Dodge	Urban Assault Course	3,000	3,000
Army NG	Kansas Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
Army NG	Kentucky Frankfort	Army Aviation Support Facility	32,000	32,000
Army NG	Massachusetts Camp Edwards	Ground Water Extraction, Treatment, and Recharge System.	0	0
Army NG	Michigan Camp Edwards	Unit Training Equipment Site	22,000	22,000
Army NG	Camp Grayling	Operational Readiness Training Complex (Orte) Barracks.	0	0
Army NG	Minnesota Camp Ripley	Scout Reconnaissance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	17,000
Army NG	Missouri Fort Leonard Wood	Regional Training Institute	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
Army NG	Monett	Readiness Center Add/Alt	820	820

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Army NG	Perryville	Readiness Center Add/Alt	700	700
	Montana			
Army NG	Miles City	Readiness Center	11,000	11,000
	New Jersey			
Army NG	Sea Girt	Regional Training Institute	34,000	34,000
	New York			
Army NG	Stormville	Combined Support Maint Shop Ph1	24,000	24,000
	Ohio			
Army NG	Chilliothe	Field Maintenance Shop Add/Alt	3,100	3,100
Army NG	Delaware	Readiness Center	12,000	12,000
	Oklahoma			
Army NG	Camp Gruber	Operations Readiness Training Complex	25,000	25,000
	Puerto Rico			
Army NG	Camp Santiago	Readiness Center	3,800	3,800
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
	Utah			
Army NG	Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000
Army NG	Camp Williams	Regional Training Institute Ph2	21,000	21,000
	Vermont			
Army NG	North Hyde Park	Field Maintenance Shop	0	0
	Washington			
Army NG	Fort Lewis	Readiness Center	35,000	35,000
	West Virginia			
Army NG	Logan	Readiness Center	14,200	14,200
	Wisconsin			
Army NG	Wausau	Field Maintenance Shop	10,000	10,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
Total Military Construction, Army National Guard			613,799	613,799
	California			
Army Res	Fort Hunter Liggett	Access Control Point	0	0
Army Res	Fort Hunter Liggett	Orte	64,000	64,000
Army Res	Fort Hunter Liggett	Uph Barracks	4,300	4,300
Army Res	Tustin	Army Reserve Center	27,000	27,000
	Illinois			
Army Res	Fort Sheridan	Army Reserve Center	28,000	28,000
	Maryland			
Army Res	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
Army Res	Baltimore	Add/Alt Army Reserve Center	10,000	10,000
	Massachusetts			
Army Res	Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification	3,700	3,700
	Nevada			
Army Res	Las Vegas	Army Reserve Center/AMSA	21,000	21,000
	New Jersey			
Army Res	Joint Base Meguire-Dix-Lakehurst	Automated Infantry Squad Battle Course	7,400	7,400
	Pennsylvania			
Army Res	Conneaut Lake	Defense Access Road	0	0
	Washington			
Army Res	Joint Base Lewis-Mechord	Army Reserve Center	40,000	40,000
	Wisconsin			
Army Res	Fort Mecey	Central Issue Facility	12,200	12,200
Army Res	Fort Mecey	Dining Facility	8,600	8,600
Army Res	Fort Mecey	Ees Tactical Equip. Maint. Facility (Temf)	27,000	27,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
Total Military Construction, Army Reserve			305,846	305,846
	Arizona			
N/MC Res	Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
	Iowa			
N/MC Res	Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
N/MC Res	Louisiana New Orleans	Transient Quarters	7,187	7,187
N/MC Res	New York Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
N/MC Res	Texas Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
N/MC Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	2,118	2,118
Total Military Construction, Navy and Marine Corps Reserve			49,532	49,532
Air NG	California Fresno Yosemite IAP ANG	F-15 Conversion	11,000	11,000
Air NG	Hawaii Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Apron Addition	6,500	6,500
Air NG	New Mexico Kirtland AFB	Alter Target Intelligence Facility	8,500	8,500
Air NG	Tennessee Meghee-Tyson Airport	Dormitory Classroom Facility	0	0
Air NG	Worldwide Unspecified Various Worldwide Locations	Planning and Design	4,000	4,000
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
Air NG	Wyoming Cheyenne Map	C-130 Flight Simulator Training Facility	6,486	6,486
Total Military Construction, Air National Guard			42,386	42,386
AF Res	California March Air Reserve Base	Joint Regional Deployment Processing Center	0	0
AF Res	New York Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
AF Res	Worldwide Unspecified Various Worldwide Locations	Planning and Design	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construction	2,000	2,000
Total Military Construction, Air Force Reserve			10,979	10,979
FH Con Army	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing P&d	4,641	4,641
Total Family Housing Construction, Army			4,641	4,641
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
FH Ops Army	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
Total Family Housing Operation & Maintenance, Army			530,051	530,051
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
Total Family Housing Construction, Air Force			83,824	83,824

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Leasing	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma Rpmc)	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
Total Family Housing Operation & Maintenance, Air Force			497,829	497,829
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	4,527	4,527
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
Total Family Housing Construction, Navy and Marine Corps			102,182	102,182
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
Total Family Housing Operation & Maintenance, Navy and Marine Corps			378,230	378,230
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	20	20
FH Ops DW	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
FH Ops DW	Unspecified Worldwide Locations	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
Total Family Housing Operation & Maintenance, Defense-Wide			52,238	52,238
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Total DOD Family Housing Improvement Fund			1,786	1,786
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	Don-100: Planing, Design and Management	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Don-101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	Don-138: NAS Brunswick, ME	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	Don-157: Mesa Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	Don-168: Ns Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	Don-172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	Don-84: JRB Willow Grove & Cambria Reg Ap	189	189
BRAC 05	Unspecified Worldwide Locations	Ind-106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	Ind-110: Mississippi Army Ammo Plant, MS	160	160
BRAC 05	Unspecified Worldwide Locations	Ind-112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	Ind-119: Newport Chemical Depot, in	197	197
BRAC 05	Unspecified Worldwide Locations	Ind-122: Lone Star Army Ammo Plant, TX	11,379	11,379
BRAC 05	Unspecified Worldwide Locations	Med-2: Walter Reed Nmme, Bethesda, MD	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	Med-57: Brooks City Base, TX	326	326
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC 05	Unspecified Worldwide Locations	Usa-113: Fort Monroe, VA	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	Usa-121: Fort Gillem, GA	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	Usa-167: USAR Command and Control—NE	175	175
BRAC 05	Unspecified Worldwide Locations	Usa-212: USAR Cmd & Cntrl—New England	222	222
BRAC 05	Unspecified Worldwide Locations	Usa-222: Fort Mepherston, GA	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	Usa-223: Fort Monmouth, NJ	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	Usa-236: Re Transformation in CT	557	557
BRAC 05	Unspecified Worldwide Locations	Usa-242: Re Transformation in NY	172	172
BRAC 05	Unspecified Worldwide Locations	Usa-253: Re Transformation in PA	100	100
BRAC 05	Unspecified Worldwide Locations	Usa-36: Red River Army Depot	1,385	1,385
Total Base Realignment and Closure Account 2005			126,697	126,697
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	122,552	122,552
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
Total Base Realignment and Closure Account 1990			349,396	349,396
	Worldwide Unspecified			
PYS	Unspecified Worldwide Locations	BRAC 2005	0	-126,697
PYS	Unspecified Worldwide Locations	Contingency Construction	0	-20,000
Total Prior Year Savings			0	-146,697

SEC. 4601. MILITARY CONSTRUCTION				
(In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Total Military Construction			11,222,710	10,838,192

1 **SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS.**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	BAHRAIN ISLAND			
Navy	SW ASIA	COMBINED DINING FACILITY	0	9,819
Navy	SW ASIA	TRANSIENT QUARTERS	0	41,529
	DJIBOUTI			
Navy	CAMP LEMONIER, DJIBOUTI	CONTAINERIZED LIVING AND WORK UNITS ..	0	7,510
Navy	CAMP LEMONIER, DJIBOUTI	FITNESS CENTER	0	26,960
Navy	CAMP LEMONIER, DJIBOUTI	GALLEY ADDITION AND WAREHOUSE	0	22,220
Navy	CAMP LEMONIER, DJIBOUTI	JOINT HQ/JOINT OPERATIONS CENTER FACILITY.	0	42,730
Total Military Construction, Navy			0	150,768
	WORLDWIDE UNSPECIFIED			
PYS	UNSPECIFIED WORLDWIDE LOCATIONS	112-10 AND TITLE IV OF DIVISION H P.L. 112-74.	0	-150,768
Total Prior Year Savings			0	-150,768
Total Military Construction			0	0

1 **TITLE XLVII—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **PROGRAMS**

4 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 5 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,000	6,000
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,900,979
Defense nuclear nonproliferation	2,458,631	2,485,631
Naval reactors	1,088,635	1,187,635
Office of the administrator	411,279	363,279
Total, National nuclear security administration	11,535,886	11,937,524
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,482,001
Other defense activities	735,702	685,702
Total, Environmental & other defense activities	6,207,703	6,167,703
Total, Atomic Energy Defense Activities	17,743,589	18,105,227
Total, Discretionary Funding	17,749,589	18,111,227
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	6,000
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	435,000
W76 Life extension program	174,931	255,931
Total, Life extension programs	543,931	690,931
Stockpile systems		
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	65,445
W78 Stockpile systems	139,207	151,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	128,217
Total, Stockpile systems	590,409	607,409
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	371,405
Research and development support	28,103	32,103
R&D certification and safety	191,632	218,632
Management, technology, and production	175,844	184,844
Plutonium sustainment	141,685	150,685
Total, Stockpile services	902,669	957,669
Total, Directed stockpile work	2,088,274	2,307,274

Campaigns:

•HR 4310 RH

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(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
Science campaign		
Advanced certification	44,104	73,604
Primary assessment technologies	94,000	101,000
Dynamic materials properties	97,000	106,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	350,104	395,604
Engineering campaign		
Enhanced surety	46,421	54,921
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	71,379
Total, Engineering campaign	150,571	167,071
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	54,172
Support of other stockpile programs	14,817	34,817
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign	460,000	450,000
Advanced simulation and computing campaign	600,000	570,000
Readiness Campaign		
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Total, Readiness campaign	130,095	130,095
Total, Campaigns	1,690,770	1,712,770
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048
Los Alamos National Laboratory	335,978	335,978
Nevada National Security Site	115,697	115,697
Pantex	172,020	172,020
Sandia National Laboratory	167,384	167,384
Savannah River Site	120,577	120,577
Y-12 National security complex	255,097	255,097
Total, Operations of facilities	1,419,403	1,419,403
Science, technology and engineering capability support	166,945	166,945
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	1,789,694	1,789,694
Construction:		
13-D-301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12-D-301 TRU waste facilities, LANL	24,204	24,204
11-D-801 TA-55 Reinvestment project, LANL	8,889	8,889
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN	17,909	17,909
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	11,332	11,332
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
06-D-141 PED/Construction, UPF Y-12, Oak Ridge, TN	340,000	340,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	0	100,000
Total, Construction	450,134	550,134
Total, Readiness in technical base and facilities	2,239,828	2,339,828
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	219,361	219,361

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(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	72,639
Total, Site stewardship	90,001	72,639
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
National security applications	18,248	18,248
Subtotal, Weapons activities	7,577,341	7,900,979
Total, Weapons Activities	7,577,341	7,900,979
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	548,186	548,186
Nonproliferation and international security	150,119	150,119
International nuclear materials protection		
and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	528,715	528,715
Construction:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
Total, Construction	388,802	388,802
Total, U.S. surplus fissile materials disposition	917,517	917,517
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	921,305	921,305
Global threat reduction initiative	466,021	493,021
Legacy contractor pensions	62,000	62,000
Total, Defense Nuclear Nonproliferation	2,458,631	2,485,631
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	186,700
S8G Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13-D-905 Remote-handled low-level waste facility, INL	8,890	8,890
13-D-904 KS Radiological work and storage building, KSO	2,000	2,000
13-D-903, KS Prototype Staff Building, KSO	14,000	14,000
10-D-903, Security upgrades, KAPL	19,000	19,000
08-D-190 Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID	5,700	5,700
Total, Construction	49,590	49,590
Program direction	43,212	45,212
Subtotal, Naval Reactors	1,088,635	1,187,635
Total, Naval Reactors	1,088,635	1,187,635
Office Of The Administrator		
Office of the administrator	411,279	363,279
Total, Office Of The Administrator	411,279	363,279

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	963,323	963,323
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	399,607	399,607
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	334,268	334,268
Oak Ridge Reservation:		
Building 3019	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
Total, Oak Ridge Reservation	181,495	181,495
Office of River Protection:		
Waste treatment and immobilization plant		
01-D-416 A-E/ORP-0060 / Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113
Total, Office of River protection	1,172,113	1,172,113
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
Construction:		
05-D-405 Salt waste processing facility, Savannah River	22,549	22,549
PE&D glass waste storage building #3	0	0
Total, Radioactive liquid tank waste	720,843	720,843
Total, Savannah River site	1,181,516	1,181,516
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	198,010	198,010
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	237,019	237,019
Technology development	20,000	30,000
Uranium enrichment D&D fund contribution	463,000	463,000

 SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
 (In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
Subtotal, Defense environmental cleanup	5,494,124	5,504,124
Adjustments		
Use of prior year balances	-12,123	-12,123
Use of unobligated balances	-10,000	-10,000
Total, Adjustments	-22,123	-22,123
Total, Defense Environmental Cleanup	5,472,001	5,482,001
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Undistributed adjustment		-50,000
Total, Health, safety and security	245,500	195,500
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	177,946	177,946
Defense-related activities		
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	735,702	685,702
Total, Other Defense Activities	735,702	685,702

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”.

Union Calendar No. 335

112TH CONGRESS
2^D SESSION

H. R. 4310

[Report No. 112-479]

A BILL

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

MAY 11, 2012

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed