

Calendar No. 81

112TH CONGRESS
1ST SESSION

S. 1254

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

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2011

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Authorization Act for Fiscal Year 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

2 For purposes of this Act, the term “congressional de-
3 fense committees” has the meaning given that term in sec-
4 tion 101(a)(16) of title 10, United States Code.

5 **SEC. 4. SCORING OF BUDGETARY EFFECTS.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go-Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the Senate Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

14 **DIVISION A—DEPARTMENT OF**
15 **DEFENSE AUTHORIZATIONS**
16 **TITLE I—PROCUREMENT**
17 **Subtitle A—Authorization of**
18 **Appropriations**

19 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **Subtitle B—Navy Programs**

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

5 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
6 Subject to section 2306b of title 10, United States Code,
7 the Secretary of the Navy may enter into a multiyear con-
8 tract or contracts, beginning with the fiscal year 2012 pro-
9 gram year, for the procurement of mission avionics and
10 common cockpits for MH-60R/S helicopters.

11 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
12 MENTS.—A contract entered into under subsection (a)
13 shall provide that any obligation of the United States to
14 make a payment under the contract for a fiscal year after
15 fiscal year 2012 is subject to the availability of appropria-
16 tions for that purpose for such later fiscal year.

17 **Subtitle C—Air Force Programs**

18 **SEC. 131. PROCUREMENT OF ADVANCED EXTREMELY HIGH**
19 **FREQUENCY SATELLITES.**

20 (a) CONTRACT AUTHORITY.—

21 (1) IN GENERAL.—The Secretary of the Air
22 Force may procure two advanced extremely high fre-
23 quency satellites by entering into a fixed-price con-
24 tract for such procurement.

1 (2) COST REDUCTION.—The Secretary may in-
2 clude in a contract entered into under paragraph (1)
3 the following:

4 (A) The procurement of material and
5 equipment in economic order quantities if the
6 procurement of such material and equipment in
7 such quantities will result in cost savings.

8 (B) Cost reduction initiatives.

9 (3) USE OF INCREMENTAL FUNDING.—The
10 Secretary may use incremental funding for a con-
11 tract entered into under paragraph (1) for a period
12 not to exceed six fiscal years.

13 (4) LIABILITY.—A contract entered into under
14 paragraph (1) shall provide that—

15 (A) any obligation of the United States to
16 make a payment under the contract is subject
17 to the availability of appropriations for that
18 purpose; and

19 (B) the total liability of the Federal Gov-
20 ernment for the termination of the contract
21 shall be limited to the total amount of funding
22 obligated at the time of the termination of the
23 contract.

24 (b) LIMITATION OF COSTS.—

1 (1) LIMITATION.—Except as provided in sub-
2 section (c), and excluding amounts described in
3 paragraph (2), the total amount obligated or ex-
4 pended for the procurement of two advanced ex-
5 tremely high frequency satellites authorized by sub-
6 section (a) may not exceed \$3,100,000,000.

7 (2) EXCLUSION.—The amounts described in
8 this paragraph are amounts associated with the fol-
9 lowing:

10 (A) Plans.

11 (B) Technical data packages.

12 (C) Post-delivery and program-related sup-
13 port costs.

14 (D) Technical support for obsolescence
15 studies.

16 (c) ADJUSTMENT TO LIMITATION AMOUNT.—

17 (1) IN GENERAL.—The Secretary may increase
18 the limitation set forth in subsection (b)(1) by the
19 amount of an increase described in paragraph (2) if
20 the Secretary submits to the congressional defense
21 committees written notification of the increase made
22 to that limitation.

23 (2) INCREASE DESCRIBED.—An increase de-
24 scribed in this paragraph is one of the following:

1 (A) An increase in costs that is attrib-
2 utable to economic inflation after September
3 30, 2011.

4 (B) An increase in costs that is attrib-
5 utable to compliance with changes in Federal,
6 State, or local laws enacted after September 30,
7 2011.

8 (C) An increase in the cost of an advanced
9 extremely high frequency satellite that is attrib-
10 utable to the insertion of a new technology into
11 the satellite that was not built into such sat-
12 ellites procured before fiscal year 2012, if the
13 Secretary determines, and certifies to the con-
14 gressional defense committees, that insertion of
15 the new technology into the satellite is—

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

18 (ii) required to meet an emerging
19 threat that poses grave harm to the na-
20 tional security of the United States.

21 (d) REPORTS.—

22 (1) REPORT ON CONTRACTS.—Not later than
23 30 days after the date on which the Secretary enters
24 into a contract under subsection (a), the Secretary

1 shall submit to the congressional defense committees
2 a report on the contract that includes the following:

3 (A) The total cost savings resulting from
4 the authority provided by subsection (a).

5 (B) The type and duration of the contract.

6 (C) The total value of the contract.

7 (D) The funding profile under the contract
8 by year.

9 (E) The terms of the contract regarding
10 the treatment of changes by the Federal Gov-
11 ernment to the requirements of the contract, in-
12 cluding how any such changes may affect the
13 success of the contract.

14 (2) PLAN FOR USING COST SAVINGS.—Not later
15 than 90 days after the date on which the Secretary
16 enters into a contract under subsection (a), the Sec-
17 retary shall submit to the congressional defense com-
18 mittees a plan for using the cost savings described
19 in paragraph (1)(A) to improve the capability of
20 military satellite communications that includes a de-
21 scription of the following:

22 (A) The available funds, by year, resulting
23 from such cost savings.

24 (B) The specific activities or subprograms
25 to be funded using such cost savings and the

1 funds, by year, allocated to each such activity
2 or subprogram.

3 (C) The objectives for each such activity or
4 subprogram.

5 (D) The criteria used by the Secretary to
6 determine which such activities or subprograms
7 to fund.

8 (E) The method by which the Secretary
9 will determine which such activities or subpro-
10 grams to fund, including whether that deter-
11 mination will be on a competitive basis.

12 (F) The plan for encouraging participation
13 in such activities and subprograms by small
14 businesses.

15 (G) The process for determining how and
16 when such activities and subprograms would
17 transition to an existing program or be estab-
18 lished as a new program of record.

19 (e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE
20 NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Sec-
21 retary may obligate and expend amounts authorized to be
22 appropriated for fiscal year 2012 by section 101 for pro-
23 curement for the Air Force as specified in the funding
24 table in section 4101 and available for the advanced pro-
25 curement of long-lead parts and the replacement of obso-

1 lete parts for advanced extremely high frequency satellite
2 space vehicle number 5 for the advanced procurement of
3 long-lead parts and the replacement of obsolete parts for
4 advanced extremely high frequency satellite space vehicle
5 number 6.

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

13 **SEC. 132. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR**
14 **RESEARCH AND DEVELOPMENT RELATING**
15 **TO THE B-2 BOMBER AIRCRAFT.**

16 Of the unobligated balance of amounts appropriated
17 for fiscal year 2011 for the Air Force and available for
18 procurement of B-2 bomber aircraft aircraft modifica-
19 tions, post-production support, and other charges,
20 \$20,000,000 shall be available for fiscal year 2012 for re-
21 search, development, test, and evaluation with respect to
22 a conventional mixed load capability for the B-2 bomber
23 aircraft.

1 **SEC. 133. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO**
2 **SUPPORT ALTERNATIVE OPTIONS FOR EX-**
3 **TREMELY HIGH FREQUENCY TERMINAL IN-**
4 **CREMENT 1 PROGRAM OF RECORD.**

5 (a) IN GENERAL.—Of the unobligated balance of
6 amounts appropriated for fiscal year 2011 for the Air
7 Force and available for procurement of B–2 bomber air-
8 craft aircraft modifications, post-production support, and
9 other charges, \$15,000,000 shall be available to support
10 alternative options for the extremely high frequency ter-
11 minal Increment 1 program of record.

12 (b) PLAN TO SECURE PROTECTED COMMUNICA-
13 TIONS.—Not later than February 1, 2012, the Secretary
14 of the Air Force shall submit to the congressional defense
15 committees a plan to provide an extremely high frequency
16 terminal for secure protected communications for the B–
17 2 bomber aircraft and other aircraft.

18 **SEC. 134. LIMITATIONS ON USE OF FUNDS TO RETIRE B-1**
19 **BOMBER AIRCRAFT.**

20 (a) IN GENERAL.—None of the funds authorized to
21 be appropriated by this Act for fiscal year 2012 for the
22 Department of Defense may be obligated or expended—

23 (1) on or before the date on which the Sec-
24 retary of the Air Force submits to the congressional
25 defense committees the plan described in subsection

26 (b), to retire any B–1 bomber aircraft; or

1 (2) after that date, to retire more than six B-
2 1 bomber aircraft.

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

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

9 (2) An estimate of the savings that will result
10 from the proposed retirement of six B-1 bomber air-
11 craft in each calendar year through calendar year
12 2022.

13 (3) An estimate of the amount of the savings
14 described in paragraph (2) that will be reinvested in
15 the modernization of B-1 bomber aircraft still in
16 service in each calendar year through calendar year
17 2022.

18 (4) A modernization plan for sustaining the re-
19 maining B-1 bomber aircraft through at least cal-
20 endar year 2022.

21 (5) An estimate of the amount of funding re-
22 quired to fully fund the modernization plan de-
23 scribed in paragraph (4) for each calendar year
24 through calendar year 2022.

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) an amount that is not less than 60 percent
4 of the savings achieved in each calendar year
5 through calendar year 2022 resulting from the re-
6 tirement of B–1 bomber aircraft should be rein-
7 vested in modernizing and sustaining bomber air-
8 craft; and

9 (2) an amount that is not less than 35 percent
10 of the amount described in paragraph (1) should be
11 reinvested in modernizing and sustaining the re-
12 maining B–1 bomber aircraft through at least cal-
13 endar year 2022.

14 **SEC. 135. LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.**

15 (a) LIMITATION.—The Secretary of the Air Force
16 may take no action that would prevent the Air Force from
17 maintaining the U–2 aircraft fleet in its current configura-
18 tion and capability beyond fiscal year 2016 until the
19 Under Secretary of Defense for Acquisition, Technology,
20 and Logistics certifies in writing to the appropriate com-
21 mittees of Congress that the operating and sustainment
22 (O&S) costs for the Global Hawk unmanned aerial vehicle
23 (UAV) are less than the operating and sustainment costs
24 for the U–2 aircraft on a comparable flight-hour cost
25 basis.

1 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Committee on Armed Services, the
5 Committee on Appropriations, and the Select Com-
6 mittee on Intelligence of the Senate; and

7 (2) the Committee on Armed Services, the
8 Committee on Appropriations, and the Permanent
9 Select Committee on Intelligence of the House of
10 Representatives.

11 **Subtitle D—Joint and Multiservice** 12 **Matters**

13 **SEC. 151. INCLUSION OF INFORMATION ON APPROVED** 14 **COMBAT MISSION REQUIREMENTS IN QUAR-** 15 **TERLY REPORTS ON USE OF COMBAT MIS-** 16 **SION REQUIREMENT FUNDS.**

17 Section 123(b) of the Ike Skelton National Defense
18 Authorization Act for Fiscal Year 2011 (Public Law 111–
19 383; 124 Stat. 4159; 10 U.S.C. 167 note) is amended by
20 adding at the end the following new paragraphs:

21 “(6) A table setting forth the Combat Mission
22 Requirements approved during the fiscal year in
23 which such report is submitted and the two pre-
24 ceding fiscal years, including for each such Require-
25 ment—

1 “(A) the title of such Requirement;

2 “(B) the date of approval of such Require-
3 ment; and

4 “(C) the amount of funding approved for
5 such Requirement, and the source of such ap-
6 proved funds.

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

11 **SEC. 152. F-35 JOINT STRIKE FIGHTER AIRCRAFT.**

12 In entering into a contract for the procurement of
13 aircraft for the fifth low-rate initial production contract
14 lot (LRIP-5) for the F-35 Lightning II Joint Strike
15 Fighter aircraft, the Secretary of Defense shall ensure
16 each of the following:

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

18 (2) That the contract requires the contractor to
19 assume full responsibility for costs under the con-
20 tract above the target cost specified in the contract.

1 **SEC. 153. REPORT ON PLAN TO IMPLEMENT WEAPON SYS-**
2 **TEMS ACQUISITION REFORM ACT OF 2009**
3 **MEASURES WITHIN THE JOINT STRIKE**
4 **FIGHTER AIRCRAFT PROGRAM.**

5 At the same time the budget of the President for fis-
6 cal year 2013 is submitted to Congress pursuant to section
7 1105 of title 31, United States Code, the Under Secretary
8 for Acquisition, Technology, and Logistics shall submit to
9 the Committees on Armed Services of the Senate and the
10 House of Representatives a report on the plans of the De-
11 partment of Defense to implement the requirements of the
12 Weapon Systems Acquisition Reform Act of 2009 (Public
13 Law 111–23), and the amendments made by that Act,
14 within the Joint Strike Fighter (JSF) aircraft program.
15 The report shall set forth the following:

16 (1) Specific goals for implementing the require-
17 ments of the Weapon Systems Acquisition Reform
18 Act of 2009, and the amendments made by that Act,
19 within the Joint Strike Fighter aircraft program.

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

1 **SEC. 154. MULTIYEAR PROCUREMENT AUTHORITY FOR AIR-**
2 **FRAMES FOR ARMY UH-60M/HH-60M HELI-**
3 **COPTERS AND NAVY MH-60R/MH-60S HELI-**
4 **COPTERS.**

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

13 (b) CONDITION FOR OUT-YEAR PAYMENTS.—A con-
14 tract entered into under subsection (a) shall provide that
15 any obligation of the United States to make a payment
16 under the contract for a fiscal year after fiscal year 2012
17 is subject to the availability of appropriations for that pur-
18 pose for such later fiscal year.

19 **SEC. 155. DESIGNATION OF UNDERSEA MOBILITY ACQUI-**
20 **SION PROGRAM OF THE UNITED STATES SPE-**
21 **CIAL OPERATIONS COMMAND AS A MAJOR**
22 **DEFENSE ACQUISITION PROGRAM.**

23 (a) DESIGNATION.—The Under Secretary of Defense
24 for Acquisition, Technology, and Logistics shall designate
25 the undersea mobility acquisition program of the United

1 States Special Operations Command as a major defense
2 acquisition program (MDAP).

3 (b) ELEMENTS.—The major defense acquisition pro-
4 gram designated under subsection (a) shall consist of the
5 elements as follows:

6 (1) The Dry Combat Submersible-Light pro-
7 gram.

8 (2) The Dry Combat Submersible-Medium pro-
9 gram.

10 (3) The Shallow Water Combat Submersible
11 program.

12 (4) The Next-Generation Submarine Shelter
13 program.

14 **SEC. 156. TRANSFER OF AIR FORCE C-12 LIBERTY INTEL-**
15 **LIGENCE, SURVEILLANCE, AND RECONNAIS-**
16 **SANCE AIRCRAFT TO THE ARMY.**

17 (a) PLAN FOR TRANSFER.—The Secretary of De-
18 fense shall develop and carry out a plan for the orderly
19 transfer of the Air Force C-12 Liberty Intelligence, Sur-
20 veillance, and Reconnaissance (ISR) aircraft to the Army
21 to avoid the need for the Army to procure additional C-
22 12 aircraft for the replacement of the Guardrail aircraft
23 fleet under the Enhanced Medium Altitude Reconnaissance
24 sance and Surveillance System (EMARSS) program.

1 (b) ELEMENTS.—The plan required by subsection (a)
2 shall—

3 (1) take into account the ability of Army per-
4 sonnel now operating the Guardrail aircraft to take
5 over operation of C-12 Liberty aircraft as Guardrail
6 aircraft are retired, freeing up Air Force personnel
7 for reallocation to meet the expanding orbit require-
8 ments for Unmanned Aerial Systems;

9 (2) take into account the need to sustain intel-
10 ligence, surveillance, and reconnaissance support for
11 forces deployed to Afghanistan and elsewhere; and

12 (3) provide for the modification of the Liberty
13 C-12 aircraft transferred under the plan to meet the
14 long-term needs of the Army for the Enhanced Me-
15 dium Altitude Reconnaissance and Surveillance Sys-
16 tem configuration to replace the Guardrail system.

17 (c) REPORT.—Not later than the date on which the
18 budget for fiscal year 2013 is submitted to Congress pur-
19 suant to section 1105 of title 31, United States Code, the
20 Secretary shall submit to the congressional defense and
21 intelligence committees a report on the plan required by
22 subsection (a). The report shall include a description of
23 the plan and an estimate of the costs to be avoided
24 through cancellation of aircraft procurement under the
25 Enhanced Medium Altitude Reconnaissance and Surveil-

1 lance System program by reason of the transfer of aircraft
2 under the plan.

3 **SEC. 157. JOINT SURVEILLANCE TARGET ATTACK RADAR**
4 **SYSTEM AIRCRAFT RE-ENGINEING PROGRAM.**

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

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

13 (2) ELEMENTS.—The report on the audit re-
14 quired by paragraph (1) shall include the following:

15 (A) A description of how the funds de-
16 scribed in that paragraph were expended, in-
17 cluding—

18 (i) an assessment of the existence,
19 completeness, and cost of the assets ac-
20 quired with such funds; and

21 (ii) an assessment of the costs that
22 were capitalized as military equipment and
23 inventory and the cost characterized as op-
24 erating expenses (including payroll, freight

1 and shipment, inspection, and other oper-
2 ating costs).

3 (B) A statement of the amount of such
4 funds that remain available for obligation and
5 expenditure, and in which accounts.

6 (b) USE OF REMAINING FUNDS.—The Secretary of
7 the Air Force shall take appropriate actions to ensure that
8 any funds described by subsection (a)(2)(B) are obligated
9 and expended for the purpose for which originally author-
10 ized and appropriated, including, but not limited to, the
11 installation of two engine shipsets on two operational
12 Joint Surveillance Target Attack Radar System aircraft
13 and the purchase of two spare engines.

14 **TITLE II—RESEARCH, DEVELOP-**
15 **MENT, TEST, AND EVALUA-**
16 **TION**

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

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**
2
3

4 **SEC. 211. PROHIBITIONS RELATING TO USE OF FUNDS FOR**
5 **RESEARCH, DEVELOPMENT, TEST, AND EVAL-**
6 **UATION ON THE F136 ENGINE.**

7 (a) PROHIBITION ON USE OF FUNDS FOR RDT&E.—
8 None of the amounts authorized to be appropriated by this
9 Act may be obligated or expended for research, develop-
10 ment, test, or evaluation on the F136 engine.

11 (b) PROHIBITION ON TREATMENT OF CERTAIN EX-
12 PENDITURES AS ALLOWABLE CHARGES.—No research,
13 development, test, or evaluation on the F136 engine that
14 is conducted and funded by the contractor may be consid-
15 ered an allowable charge on any future government con-
16 tract, whether as a direct or indirect cost.

17 **SEC. 212. LIMITATION ON USE OF FUNDS FOR INCREMENT**
18 **2 OF B-2 BOMBER AIRCRAFT EXTREMELY**
19 **HIGH FREQUENCY SATELLITE COMMUNICA-**
20 **TIONS PROGRAM.**

21 None of the funds authorized to be appropriated by
22 section 201 for research, development, test, and evaluation
23 for the Air Force as specified in the funding table in sec-
24 tion 4201 and available for Increment 2 of the B-2 bomb-
25 er aircraft extremely high frequency satellite communica-

1 tions program may be obligated or expended until the date
2 that is 15 days after the date on which the Secretary of
3 the Air Force submits to the congressional defense com-
4 mittees the following:

5 (1) The certification of the Secretary that—

6 (A) the United States Government will
7 own the data rights to any extremely high fre-
8 quency active electronically steered array an-
9 tenna developed for use as part of a system to
10 support extremely high frequency protected sat-
11 ellite communications for the B-2 bomber air-
12 craft; and

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

19 (2) A detailed plan setting forth the projected
20 cost and schedule for research, development, and
21 testing on the extremely high frequency active elec-
22 tronically steered array antenna.

1 **SEC. 213. UNMANNED CARRIER LAUNCHED AIRBORNE SUR-**
2 **VEILLANCE AND STRIKE.**

3 Of the amounts authorized to be appropriated for fis-
4 cal year 2012 for the Navy for research, development, test,
5 and evaluation and available for purposes of the Un-
6 manned Carrier Launched Airborne Surveillance and
7 Strike (UCLASS) program (PE 64404N) as specified in
8 the funding table in section 4201, not more than 50 per-
9 cent may be obligated or expended for such purposes until
10 the Under Secretary of Defense for Acquisition, Tech-
11 nology, and Logistics certifies to the congressional defense
12 committees that the Under Secretary has approved an ac-
13 quisition plan for that program at Milestone A approval
14 that requires implementation of open architecture stand-
15 ards for that program.

16 **SEC. 214. MARINE CORPS GROUND COMBAT VEHICLES.**

17 (a) **LIMITATION ON MILESTONE B APPROVAL FOR**
18 **MARINE PERSONNEL CARRIER PENDING ANALYSIS OF**
19 **ALTERNATIVES FOR AMPHIBIOUS COMBAT VEHICLE.—**

20 (1) **LIMITATION.—**Milestone B approval may
21 not be granted for the Marine Personnel Carrier
22 (MPC) until 30 days after the date of the submittal
23 to the congressional defense committees of an Anal-
24 ysis of Alternatives (AoA) for the Amphibious Com-
25 bat Vehicle (ACV).

1 (2) REQUIREMENTS FOR ANALYSIS OF ALTER-
2 NATIVES.—The Analysis of Alternatives for the Am-
3 phibious Combat Vehicle required by paragraph (1)
4 shall include each of the following:

5 (A) An assessment of the ability of the
6 Navy to defend its vessels against attacks at
7 distances from shore ranging from 10-to-30
8 nautical miles during amphibious assault oper-
9 ations in multiple potential future conflict sce-
10 narios, based on existing and planned and
11 budgeted defense capabilities. The assessment
12 shall identify the key issues and variables that
13 determine survivability in each of the scenarios
14 assessed.

15 (B) An assessment of the amount of time
16 Marines can be expected to ride in a non-
17 planing amphibious assault vehicle without suf-
18 fering a significant degradation in combat effec-
19 tiveness. The Marine Corps shall conduct tests
20 to support such assessment using existing Am-
21 phibious Assault Vehicles and Expeditionary
22 Fighting Vehicle SDD-2 prototypes.

23 (C) An assessment of the armor protection
24 levels the Amphibious Combat Vehicle would re-
25 quire to satisfy the requirements for the Marine

1 Personnel Carrier program, and an assessment
2 whether a non-planing Amphibious Combat Ve-
3 hicle could practically achieve that armor pro-
4 tection level while meeting other objectives for
5 mobility and cost.

6 (D) An assessment of whether an Amphib-
7 ious Combat Vehicle system could perform the
8 range of amphibious assault and land warfare
9 missions for the Marine Corps at a life-cycle
10 cost approximately equal to or less than the
11 combined cost of the Amphibious Combat Vehi-
12 cle and Marine Personnel Carrier programs,
13 and an assessment of the extent to which a
14 ground combat vehicle fleet composed entirely
15 of Amphibious Combat Vehicles would enhance
16 the amphibious assault capabilities of the Ma-
17 rine Corps when compared with a fleet com-
18 posed of a mixture of Amphibious Combat Vehi-
19 cles and Marine Personnel Carriers.

20 (3) SUPPORT OF ANALYSIS OF ALTER-
21 NATIVES.—The Marine Corps may conduct such
22 technology development and demonstration, and
23 such other pre-acquisition activities, tests, exercises,
24 and modeling, as the Marine Corps considers nec-
25 essary to support the Analysis of Alternatives re-

1 required by paragraph (1) and the establishment of re-
2 quirements for the Amphibious Combat Vehicle.

3 (b) LIMITATION ON MILESTONE B APPROVAL FOR
4 VARIOUS VEHICLES PENDING LIFE-CYCLE COST ASSESS-
5 MENT.—

6 (1) LIMITATION.—Milestone B approval may
7 not be granted for any Marine Corps ground combat
8 vehicle specified in paragraph (2) until 30 days after
9 the date of the submittal to the congressional de-
10 fense committees of a life-cycle cost assessment of
11 the portfolio of Marine Corps ground vehicles per-
12 formed by the Director of Cost Assessment and Pro-
13 gram Evaluation of the Department of Defense.

14 (2) COVERED VEHICLES.—The Marine Corps
15 ground combat vehicles specified in this paragraph
16 are the following:

17 (A) The Marine Personnel Carrier.

18 (B) The Amphibious Combat Vehicle.

19 (C) The Joint Light Tactical Vehicle
20 (JLTV).

21 (D) Any other ground combat vehicle of
22 the Marine Corps under development as of the
23 date of the enactment of this Act for which
24 Milestone B approval has not been granted as
25 of that date.

1 (c) AVAILABILITY OF FUNDS.—Of the amounts au-
2 thorized to be appropriated for fiscal year 2012 by section
3 201 and available for research, development, test, and
4 evaluation for the Navy as specified in the funding tables
5 in section 4201 for Program Elements 0603611M and
6 0206623M for the Amphibious Combat Vehicle, the As-
7 sault Amphibious Vehicle 7A1, and the Marine Personnel
8 Carrier, \$30,000,000 is available for pre-acquisition activi-
9 ties in support of the Analysis of Alternatives and require-
10 ments definition for the Amphibious Combat Vehicle.

11 (d) MILESTONE B APPROVAL DEFINED.—In this
12 section, the term “Milestone B approval” has the meaning
13 given that term in section 2366(e)(7) of title 10, United
14 States Code.

15 **Subtitle C—Missile Defense**

16 **Matters**

17 **SEC. 231. ENHANCED OVERSIGHT OF MISSILE DEFENSE AC-**

18 **QUISITION PROGRAMS.**

19 (a) IN GENERAL.—Section 225 of the Ike Skelton
20 National Defense Authorization Act for Fiscal Year 2011
21 (Public Law 111–383; 124 Stat. 4170; 10 U.S.C. 233
22 note) is amended—

23 (1) in subsection (d), by striking “each report”
24 and inserting “each of the first three reports”; and

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

3 “(e) **COMPTROLLER GENERAL ASSESSMENT.**—(1) At
4 the end of each of fiscal years 2012 through 2015, the
5 Comptroller General of the United States shall review the
6 annual reports on acquisition baselines and variances re-
7 quired under subsection (c) and assess the extent to which
8 the Missile Defense Agency has achieved its acquisition
9 goals and objectives.

10 “(2) Not later than February 15, 2013, and each
11 year thereafter through 2016, the Comptroller General
12 shall submit to the congressional defense committees a re-
13 port on the assessment under paragraph (1) with respect
14 to the acquisition baselines for the preceding fiscal year.
15 Each report shall include any findings and recommenda-
16 tions on missile defense acquisition programs and account-
17 ability therefore that the Comptroller General considers
18 appropriate.”.

19 (b) **REPEAL OF SUPERSEDED REPORTING AUTHOR-**
20 **ITY.**—Section 232 of the National Defense Authorization
21 Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amend-
22 ed by striking subsection (g).

23 **SEC. 232. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.**

24 (a) **FINDINGS.**—Congress makes the following find-
25 ings:

1 (1) The Ground-based Midcourse Defense
2 (GMD) element of the Ballistic Missile Defense Sys-
3 tem was deployed initially in 2004 as a contingency
4 capability to provide initial protection of the United
5 States homeland against potential limited long-range
6 missile attacks by nations such as North Korea and
7 Iran.

8 (2) As the Director of Operational Test and
9 Evaluation has reported, prior to the decision in De-
10 cember 2002 to deploy the system, an operationally
11 representative variant of the Ground-Based Inter-
12 ceptor had not been flight-tested.

13 (3) As the Department of Defense and the Gov-
14 ernment Accountability Office have acknowledged,
15 the Ground-based Midcourse Defense system experi-
16 enced high levels of concurrency in development and
17 deployment, which led to a number of problems. In
18 April 2011, the Missile Defense Agency acknowl-
19 edged that the system “is still evolving and has not
20 attained a stable configuration between missiles. It
21 is still an ‘operational prototype’ system”.

22 (4) The Director of Operational Test and Eval-
23 uation reported in December 2010 that there have
24 not been enough flight tests of the Ground-based
25 Midcourse Defense system to permit an objective as-

1 assessment of its operational effectiveness, suitability
2 data remain insufficient, evaluation of survivability
3 remains limited, and a “full end-to end performance
4 assessment is still a minimum of 6 years away”.

5 (5) As is to be expected from a developmental
6 system, the Ground-based Midcourse Defense system
7 has experienced a number of technical problems in
8 flight tests. Many of these problems have been re-
9 solved with further development, as demonstrated in
10 successful flight tests. The system has been under
11 continuous improvement since it was first deployed,
12 but has not yet obtained desired levels of effective-
13 ness, suitability, or reliability.

14 (6) In 2009, the Secretary of Defense an-
15 nounced that the Department of Defense would
16 refocus efforts on improving the operational capa-
17 bility, reliability, and availability of the Ground-
18 based Midcourse Defense system in order to main-
19 tain its ability to stay ahead of projected threats
20 from North Korea and Iran for the foreseeable fu-
21 ture.

22 (7) In February 2010 the Ballistic Missile De-
23 fense Review stated the United States is currently
24 protected against limited intercontinental ballistic
25 missile attacks as a result of investments made over

1 the past decade in the Ground-based Midcourse De-
2 fense system and reiterated the commitment to im-
3 proving the operational capability, reliability, and
4 availability of the Ground-based Midcourse Defense
5 System.

6 (8) The two most recent flight tests of the
7 Ground-based Midcourse Defense system, using the
8 newest Capability Enhancement-2 Exo-atmospheric
9 Kill Vehicle (EKV) design, each failed to achieve the
10 intended interception of a target.

11 (9) The two most recent flight tests are not in-
12 dicative of the functionality of the Capability En-
13 hancement-1 Exo-atmospheric Kill Vehicle design,
14 which continues to provide the United States protec-
15 tion against a limited intercontinental ballistic mis-
16 sile attack.

17 (10) The Missile Defense Agency established a
18 Failure Review Board to determine the root cause of
19 the December 2010 flight-test failure of the Ground-
20 based Midcourse Defense system. Its analysis will in-
21 form the proposed correction of the problem causing
22 the flight-test failure.

23 (11) The Missile Defense Agency plans to de-
24 sign a correction of the problem causing the Decem-
25 ber 2010 flight-test failure and to verify the correc-

1 tion through extensive modeling and simulation,
2 ground testing, and two flight tests, the first of
3 which will not be an interception test.

4 (12) Until completing the verification of its cor-
5 rective action, the Missile Defense Agency has sus-
6 pended further production of Exo-atmospheric Kill
7 Vehicles to ensure that potential flaws are not incor-
8 porated into them, and to permit any corrective ac-
9 tion that may be needed to Exo-atmospheric Kill Ve-
10 hicles at minimal cost and schedule risk.

11 (13) The Director of the Missile Defense Agen-
12 cy has testified that the Missile Defense Agency has
13 sufficient funding available and planned for fiscal
14 years 2011 and 2012, respectively, to implement the
15 planned correction of the problem causing the De-
16 cember 2010 flight-test failure.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) it is essential for the Ground-based Mid-
20 course Defense element of the Ballistic Missile De-
21 fense System to achieve the levels of reliability,
22 availability, sustainability, and operational perform-
23 ance that will allow it to continue providing protec-
24 tion of the United States homeland, throughout its

1 operational service life, against limited future missile
2 attacks from nations such as North Korea and Iran;

3 (2) the Missile Defense Agency should, as its
4 highest priority, determine the root cause of the De-
5 cember 2010 flight-test failure of the Ground-based
6 Midcourse Defense system, design a correction of
7 the problem causing the flight-test failure, and verify
8 through extensive testing that such correction is ef-
9 fective and will allow the Ground-based Midcourse
10 Defense system to reach levels described in para-
11 graph (1);

12 (3) before verifying the success of the correction
13 of the problem causing the December 2010 flight-
14 test failure, the Missile Defense Agency should sus-
15 pend further production of Exo-atmospheric Kill Ve-
16 hicles to ensure that they will not be deployed with
17 any component or design flaws that may have
18 caused the flight-test failure;

19 (4) after the Missile Defense Agency has
20 verified the correction of the problem causing the
21 December 2010 flight-test failure, including through
22 the two previously unplanned verification flight tests,
23 the Agency should assess the need for any additional
24 Ground-Based Interceptors and any additional steps

1 needed for the Ground-based Midcourse Defense
2 testing and sustainment program; and

3 (5) the Department of Defense should plan for
4 and budget sufficient future funds for the Ground-
5 based Midcourse Defense program to ensure the
6 ability to complete and verify an effective correction
7 of the problem causing the December 2010 flight-
8 test failure, and to mitigate the effects of corrective
9 actions on previously planned program work that is
10 deferred as a result of such corrective actions.

11 (c) REPORTS.—

12 (1) REPORTS REQUIRED.—Not later than 120
13 days after the date of the enactment of this Act, and
14 one year thereafter, the Secretary of Defense shall
15 submit to the congressional defense committees a re-
16 port describing the plan of the Department of De-
17 fense to correct the problem causing the December
18 2010 flight-test failure of the Ground-based Mid-
19 course Defense system, and any progress toward the
20 achievement of that plan.

21 (2) ELEMENTS.—Each report required by para-
22 graph (1) shall include the following:

23 (A) A detailed discussion of the plan to
24 correct the problem described in that para-

1 graph, including plans for diagnostic, design,
2 testing, and manufacturing actions.

3 (B) A detailed discussion of any results ob-
4 tained from the plan described in subparagraph
5 (A) as of the date of such report, including di-
6 agnostic, design, testing, or manufacturing re-
7 sults.

8 (C) A description of any cost or schedule
9 impact of the plan on the Ground-based Mid-
10 course Defense program, including on testing,
11 production, refurbishment, or deferred work.

12 (D) A description of any planned adjust-
13 ments to the Ground-based Midcourse Defense
14 program as a result of the implementation of
15 the plan, including future programmatic, sched-
16 ule, testing, or funding adjustments.

17 (E) A description of any enhancements to
18 the capability of the Ground-based Midcourse
19 Defense system achieved or planned since the
20 submittal of the budget for fiscal year 2010
21 pursuant to section 1105 of title 31, United
22 States Code.

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

1 **SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) For more than a decade, the United States
5 and Russia have discussed a variety of options for
6 cooperation on shared early warning and ballistic
7 missile defense. For example, on May 1, 2001,
8 President George W. Bush spoke of a “new coopera-
9 tive relationship” with Russia and said it “should be
10 premised on openness, mutual confidence and real
11 opportunities for cooperation, including the area of
12 missile defense. It should allow us to share informa-
13 tion so that each nation can improve its early warn-
14 ing capability, and its capability to defend its people
15 and territory. And perhaps one day, we can even co-
16 operate in a joint defense”.

17 (2) Section 1231 of the Floyd D. Spence Na-
18 tional Defense Authorization Act for Fiscal Year
19 2001 (as enacted into law by Public Law 106–398;
20 1654A–329) authorized the Department of Defense
21 to establish in Russia a “joint center for the ex-
22 change of data from systems to provide early warn-
23 ing of launches of ballistic missiles and for notifica-
24 tion of launches of such missiles”, also known as the
25 Joint Data Exchange Center (JDEC).

1 (3) On March 31, 2008, Deputy Secretary of
2 Defense Gordon England stated that “we have of-
3 fered Russia a wide-ranging proposal to cooperate
4 on missile defense—everything from modeling and
5 simulation, to data sharing, to joint development of
6 a regional missile defense architecture—all designed
7 to defend the United States, Europe, and Russia
8 from the growing threat of Iranian ballistic missiles.
9 An extraordinary series of transparency measures
10 have also been offered to reassure Russia. Despite
11 some Russian reluctance to sign up to these coopera-
12 tive missile defense activities, we continue to work
13 toward this goal”.

14 (4) On July 6, 2009, President Barack Obama
15 and Russian President Dmitry Medvedev issued a
16 joint statement on missile defense issues, which stat-
17 ed that “Russia and the United States plan to con-
18 tinue the discussion concerning the establishment of
19 cooperation in responding to the challenge of bal-
20 listic missile proliferation. . . We have instructed
21 our experts to work together to analyze the ballistic
22 missile challenges of the 21st century and to prepare
23 appropriate recommendations”.

24 (5) The February 2010 report of the Ballistic
25 Missile Defense Review established as one of its cen-

1 tral policy pillars that increased international missile
2 defense cooperation is in the national security inter-
3 est of the United States and, with regard to coopera-
4 tion with Russia, the United States “is pursuing a
5 broad agenda focused on shared early warning of
6 missile launches, possible technical cooperation, and
7 even operational cooperation”.

8 (6) at the November 2010 Lisbon Summit, the
9 North Atlantic Treaty Organization (NATO) decided
10 to develop a missile defense system to “protect
11 NATO European populations, territory and forces”
12 and also to seek cooperation with Russia on missile
13 defense. In its Lisbon Summit Declaration, the
14 North Atlantic Treaty Organization reaffirmed its
15 readiness to “invite Russia to explore jointly the po-
16 tential for linking current and planned missile
17 defence systems at an appropriate time in mutually
18 beneficial ways”. The new NATO Strategic Concept
19 adopted at the Lisbon Summit states that “we will
20 actively seek cooperation on missile defence with
21 Russia”, that “NATO-Russia cooperation is of stra-
22 tegic importance”, and that “the security of the
23 North Atlantic Treaty Organization and Russia is
24 intertwined”.

1 (7) In a December 18, 2010, letter to the lead-
2 ership of the Senate, President Obama wrote that
3 the North Atlantic Treaty Organization “invited
4 Russia to cooperate on missile defense, which could
5 lead to adding Russian capabilities to those deployed
6 by NATO to enhance our common security against
7 common threats. The Lisbon Summit thus dem-
8 onstrated that the Alliance’s missile defenses can be
9 strengthened by improving NATO-Russian relations.
10 This comes even as we have made clear that the sys-
11 tem we intend to pursue with Russia will not be a
12 joint system, and it will not in any way limit United
13 States’ or NATO’s missile defense capabilities. Ef-
14 fective cooperation with Russia could enhance the
15 overall efficiency of our combined territorial missile
16 defenses, and at the same time provide Russia with
17 greater security”.

18 (8) Section 221(a)(3) of the Ike Skelton Na-
19 tional Defense Authorization Act for Fiscal Year
20 2011 (Public Law 111–383; 124 Stat. 4167) states
21 that it is the sense of Congress “to support the ef-
22 forts of the United States Government and the
23 North Atlantic Treaty Organization to pursue co-
24 operation with the Russian Federation on ballistic
25 missile defense relative to Iranian missile threats”.

1 (9) In a speech in Russia on March 21, 2011,
2 Secretary of Defense Robert Gates cited “the
3 NATO-Russian decision to cooperate on defense
4 against ballistic missiles. We’ve disagreed before,
5 and Russia still has uncertainties about the Euro-
6 pean Phased Adaptive Approach, a limited system
7 that poses no challenges to the large Russian nu-
8 clear arsenal. However, we’ve mutually committed to
9 resolving these difficulties in order to develop a
10 roadmap toward truly effective anti-ballistic missile
11 collaboration. This collaboration may include ex-
12 changing launch information, setting up a joint data
13 fusion center, allowing greater transparency with re-
14 spect to our missile defense plans and exercises, and
15 conducting a joint analysis to determine areas of fu-
16 ture cooperation”.

17 (10) In testimony to the Committee on Armed
18 Services of the Senate on April 13, 2011, Deputy
19 Assistant Secretary of Defense for Nuclear and Mis-
20 sile Defense Policy Bradley H. Roberts stated that
21 the United States has been pursuing a Defense
22 Technology Cooperation Agreement with Russia
23 since 2004, and that such an agreement is necessary
24 “for the safeguarding of sensitive information in
25 support of cooperation” on missile defense, and to

1 “provide the legal framework for undertaking coop-
2 erative efforts.” Further, Dr. Roberts stated that
3 the United States would not provide any classified
4 information to Russia without first conducting a Na-
5 tional Disclosure Policy review. He also stated that
6 the United States is not considering sharing “hit-to-
7 kill” technology with Russia.

8 (11) The United States and Russia already en-
9 gage in substantial cooperation on a number of
10 international security efforts, including nuclear non-
11 proliferation, anti-piracy, counter-narcotics, nuclear
12 security, counter-terrorism, and logistics resupply
13 through Russia of coalition forces in Afghanistan.
14 These areas of cooperation require each side to
15 share and protect sensitive information, which they
16 have both done successfully.

17 (12) The United States currently has shared
18 early warning agreements and programs of coopera-
19 tion with eight nations in addition to the North At-
20 lantic Treaty Organization. The United States has
21 developed procedures and mechanisms for sharing
22 early warning information with partner nations while
23 ensuring the protection of sensitive United States in-
24 formation.

1 (13) Russia and the United States each have
2 missile launch early warning and detection and
3 tracking sensors that could contribute to and en-
4 hance each others' ability to detect, track, an defend
5 against ballistic missile threats from Iran.

6 (14) The Obama Administration has provided
7 regular briefings to Congress on its discussions with
8 Russia on possible missile defense cooperation.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) it is in the national security interest of the
12 United States to pursue efforts at missile defense
13 cooperation with Russia that would enhance the se-
14 curity of the United States, its North Atlantic Trea-
15 ty Organization allies, and Russia, particularly
16 against missile threats from Iran;

17 (2) the United States should pursue ballistic
18 missile defense cooperation with Russia on both a bi-
19 lateral basis and a multilateral basis with its North
20 Atlantic Treaty Organization allies, particularly
21 through the NATO-Russia Council;

22 (3) missile defense cooperation with Russia
23 should not “in any way limit United States' or
24 NATO's missile defense capabilities”, as acknowl-
25 edged in the December 18, 2010, letter from Presi-

1 dent Obama to the leadership of the Senate, and
2 should be mutually beneficial and reciprocal in na-
3 ture; and

4 (4) the United States should pursue missile de-
5 fense cooperation with Russia in a manner that en-
6 sures that—

7 (A) United States classified information is
8 appropriately safeguarded and protected from
9 unauthorized disclosure;

10 (B) prior to sharing classified information
11 with Russia, the United States conducts a Na-
12 tional Disclosure Policy review and determines
13 the types and levels of information that may be
14 shared and whether any additional procedures
15 are necessary to protect such information;

16 (C) prior to entering into missile defense
17 technology cooperation projects, the United
18 States enters into a Defense Technology Co-
19 operation Agreement with Russia that estab-
20 lishes the legal framework for a broad spectrum
21 of potential cooperative defense projects; and

22 (D) such cooperation does not limit the
23 missile defense capabilities of the United States
24 or its North Atlantic Treaty Organization allies.

25 (c) REPORT.—

1 (1) REPORT REQUIRED.—Not later than 180
2 days after the date of the enactment of this Act, the
3 President shall submit to the appropriate commit-
4 tees of Congress a report on the status of efforts to
5 reach agreement with Russia on missile defense co-
6 operation.

7 (2) ELEMENTS.—The report required under
8 paragraph (1) shall include the following:

9 (A) A summary of the status of discussions
10 between the United States and Russia, and be-
11 tween the North Atlantic Treaty Organization
12 and Russia, on efforts to agree on missile de-
13 fense cooperation.

14 (B) A description of any agreements
15 reached pursuant to such discussions, and any
16 specific cooperative measures agreed, imple-
17 mented, or planned.

18 (C) A discussion of the manner in which
19 such cooperative measures would enhance the
20 security of the United States, and the manner
21 in which such cooperative measures fit within
22 the larger context of United States-Russian co-
23 operation on international security.

1 (D) A description of the status of efforts
2 to conclude a bilateral Defense Technology Co-
3 operation Agreement with Russia.

4 (E) A description of the status of any Na-
5 tional Disclosure Policy Review relative to the
6 possible sharing of classified information with
7 Russia concerning missile defense cooperation.

8 (F) A discussion of the actions that are
9 being taken or are planned to be taken to safe-
10 guard United States classified information in
11 any agreement or discussions with Russia con-
12 cerning missile defense cooperation.

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

16 (4) APPROPRIATE COMMITTEES OF CONGRESS
17 DEFINED.—In this subsection, the term “appro-
18 priate committees of Congress” means—

19 (A) the Committees on Armed Services,
20 Foreign Relations, and Appropriations of the
21 Senate; and

22 (B) the Committees on Armed Services,
23 Foreign Affairs, and Appropriations of the
24 House of Representatives.

1 **Subtitle D—Reports**

2 **SEC. 251. EXTENSION OF REQUIREMENTS FOR BIENNIAL**
 3 **ROADMAP AND ANNUAL REVIEW AND CER-**
 4 **TIFICATION ON FUNDING FOR DEVELOP-**
 5 **MENT OF HYPERSONICS.**

6 Section 218(e)(3) of the John Warner National De-
 7 fense Authorization Act for Fiscal Year 2007 (Public Law
 8 109–364; 120 Stat. 2126; 10 U.S.C. 2358 note) is amend-
 9 ed by striking “2012” and inserting “2020”.

10 **Subtitle E—Other Matters**

11 **SEC. 261. CONTRACTOR COST-SHARING IN PILOT PROGRAM**
 12 **TO INCLUDE TECHNOLOGY PROTECTION**
 13 **FEATURES DURING RESEARCH AND DEVEL-**
 14 **OPMENT OF CERTAIN DEFENSE SYSTEMS.**

15 Section 243 of the Ike Skelton National Defense Au-
 16 thorization Act for Fiscal Year 2011 (Public Law 111–
 17 383; 124 Stat. 4178; 10 U.S.C. 2358 note) is amended—

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

20 (2) by inserting after subsection (a) the fol-
 21 lowing new subsection (b):

22 “(b) COST-SHARING.—Any contract for the design or
 23 development of a system resulting from activities under
 24 subsection (a) for the purpose of enhancing or enabling
 25 the exportability of the system either (1) for the develop-

1 ment of program protection strategies for the system, or
 2 (2) for the design and incorporation of exportability fea-
 3 tures into the system shall include a cost-sharing provision
 4 that requires the contractor to bear at least one half of
 5 the cost of such activities.”.

6 **TITLE III—OPERATION AND**
 7 **MAINTENANCE**
 8 **Subtitle A—Authorization of**
 9 **Appropriations**

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

11 Funds are hereby authorized to be appropriated for
 12 fiscal year 2012 for the use of the Armed Forces and other
 13 activities and agencies of the Department of Defense for
 14 expenses, not otherwise provided for, for operation and
 15 maintenance, as specified in the funding table in section
 16 4301.

17 **Subtitle B—Energy and**
 18 **Environmental Provisions**

19 **SEC. 311. MODIFICATION OF ENERGY PERFORMANCE**
 20 **GOALS.**

21 (a) MODIFICATION OF GOALS.—Section 2911(e) of
 22 title 10, United States Code, is amended—

23 (1) in the subsection heading, by striking
 24 “GOAL” and inserting “GOALS”; and

25 (2) in paragraph (1)—

1 (A) by redesignating subparagraphs (A)
2 and (B) as subparagraphs (D) and (E), respec-
3 tively; and

4 (B) by inserting before subparagraph (D),
5 as redesignated by subparagraph (A) of this
6 paragraph, the following new subparagraphs:

7 “(A) to produce or procure not less than 12
8 percent of the total quantity of facility energy it con-
9 sumes within its facilities during each of fiscal years
10 2015 through 2017 from renewable energy sources;

11 “(B) to produce or procure not less than 16
12 percent of the total quantity of facility energy it con-
13 sumes within its facilities during each of fiscal years
14 2018 through 2020 from renewable energy sources;

15 “(C) to produce or procure not less than 20
16 percent of the total quantity of facility energy it con-
17 sumes within its facilities during each of fiscal years
18 2021 through 2024 from renewable energy
19 sources;”.

20 (b) INCLUSION OF DIRECT SOLAR AS ENERGY EFFI-
21 CIENT PRODUCT.—Section 2915(e)(2)(A) of such title is
22 amended by inserting “direct solar,” after “Roof-top solar
23 thermal,”.

1 **SEC. 312. STREAMLINED ANNUAL REPORT ON DEFENSE EN-**
2 **VIRONMENTAL PROGRAMS.**

3 (a) IN GENERAL.—Chapter 160 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 2711. Annual report on defense environmental pro-**
7 **grams**

8 “(a) REPORT REQUIRED.—The Secretary of Defense
9 shall submit to Congress each year, not later than 45 days
10 after the date on which the President submits to Congress
11 the budget for a fiscal year, a report on defense environ-
12 mental programs. Each report shall include:

13 “(1) With respect to environmental restoration
14 activities of the Department of Defense, and for
15 each of the military departments, the following ele-
16 ments:

17 “(A) Information on the Installation Res-
18 toration Program, including the following:

19 “(i) The total number of sites in the
20 IRP.

21 “(ii) The number of sites in the IRP
22 that have reached the Remedy in Place
23 Stage and the Response Complete Stage,
24 and the change in such numbers in the
25 preceding calendar year.

1 “(iii) A statement of the amount of
2 funds allocated by the Secretary for, and
3 the anticipated progress in implementing,
4 the environmental restoration program
5 during the fiscal year for which the budget
6 is submitted.

7 “(iv) The Secretary’s assessment of
8 the overall progress of the IRP.

9 “(B) Information on the Military Muni-
10 tions Restoration Program (MMRP), including
11 the following:

12 “(i) The total number of sites in the
13 MMRP.

14 “(ii) The number of sites that have
15 reached the Remedy in Place Stage and
16 the Response Complete Stage, and the
17 change in such numbers in the preceding
18 calendar year.

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

24 “(iv) The Secretary’s assessment of
25 the overall progress of the MMRP.

1 “(2) With respect to each of the major activities
2 under the environmental quality program of the De-
3 partment of Defense and for each of the military de-
4 partments—

5 “(A) a statement of the amount expended,
6 or proposed to be expended, during the period
7 consisting of the four fiscal years preceding the
8 fiscal year in which the report is submitted, the
9 fiscal year for which the budget is submitted,
10 and the fiscal year following the fiscal year for
11 which the budget is submitted; and

12 “(B) an explanation for any significant
13 change in such amounts during the period cov-
14 ered.

15 “(3) With respect to the environmental tech-
16 nology program of the Department of Defense—

17 “(A) a report on the progress made by in
18 achieving the objectives and goals of its envi-
19 ronmental technology program during the pre-
20 ceding fiscal year and an overall trend analysis
21 for the program covering the previous four fis-
22 cal years; and

23 “(B) a statement of the amount expended,
24 or proposed to be expended, during the period
25 consisting of the four fiscal years preceding the

1 fiscal year in which the report is submitted, the
 2 fiscal year for which the budget is submitted,
 3 and the fiscal year following the fiscal year for
 4 which the budget is submitted.

5 “(b) DEFINITIONS.—For purposes of this section—

6 “(1) the term ‘environmental quality program’
 7 means a program of activities relating to environ-
 8 mental compliance, conservation, pollution preven-
 9 tion, and other activities relating to environmental
 10 quality as the Secretary may designate; and

11 “(2) the term ‘major activities’ with respect to
 12 an environmental program means—

13 “(A) environmental compliance activities;

14 “(B) conservation activities; and

15 “(C) pollution prevention activities.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of such chapter is amended by inserting
 18 after the item relating to section 2710 the following new
 19 item:

 “2711. Annual report on defense environmental programs.”.

20 **SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION**
 21 **AGENCY OF STIPULATED PENALTIES IN CON-**
 22 **NECTION WITH JACKSON PARK HOUSING**
 23 **COMPLEX, WASHINGTON.**

24 (a) AUTHORITY TO TRANSFER FUNDS.—

1 (1) TRANSFER AMOUNT.—Using funds de-
2 scribed in subsection (b) and notwithstanding sec-
3 tion 2215 of title 10, United States Code, the Sec-
4 retary of the Navy may transfer not more than
5 \$45,000 to the Hazardous Substance Superfund
6 Jackson Park Housing Complex, Washington, spe-
7 cial account.

8 (2) PURPOSE OF TRANSFER.—The payment
9 under paragraph (1) is to pay a stipulated penalty
10 assessed by the Environmental Protection Agency on
11 October 7, 2009, against the Jackson Park Housing
12 Complex, Washington, for the failure by the Navy to
13 submit a draft Final Remedial Investigation/Feasi-
14 bility Study for the Jackson Park Housing Complex
15 Operable Unit (OU-3T-JPHC) in accordance with
16 the requirements of the Interagency Agreement (Ad-
17 ministrative Docket No. CERCLA-10-2005-0023).

18 (b) SOURCE OF FUNDS.—Any payment under sub-
19 section (a) shall be made using funds authorized to be ap-
20 propriated by section 301 for operation and maintenance
21 for Environmental Restoration, Navy.

22 (c) USE OF FUNDS.—The amount transferred under
23 subsection (a) shall be used by the Environmental Protec-
24 tion Agency to pay the penalty described under paragraph
25 (2) of such subsection.

1 **SEC. 314. REQUIREMENTS RELATING TO AGENCY FOR**
2 **TOXIC SUBSTANCES AND DISEASE REGISTRY**
3 **INVESTIGATION OF EXPOSURE TO DRINKING**
4 **WATER CONTAMINATION AT CAMP LEJEUNE,**
5 **NORTH CAROLINA.**

6 (a) **LIMITATION ON USE OF FUNDS.**—None of the
7 funds authorized to be appropriated by this Act may be
8 used to make a final decision on or final adjudication of
9 any claim filed regarding water contamination at Marine
10 Corps Base Camp Lejeune unless the Agency for Toxic
11 Substances and Disease Registry completes all epidemio-
12 logical and water modeling studies relevant to such con-
13 tamination that are ongoing as of June 1, 2011, and cer-
14 tifies the completion of all such studies in writing to the
15 Committees on Armed Services for the Senate and the
16 House of Representatives. This provision does not prevent
17 the use of funds for routine administrative tasks required
18 to maintain such claims nor does it prohibit the use of
19 funds for matters pending in Federal court.

20 (b) **RESOLUTION OF CERTAIN DISPUTES.**—The Sec-
21 retary of the Navy shall make every effort to resolve any
22 dispute arising between the Department of the Navy and
23 the Agency for Toxic Substances and Disease Registry
24 that is covered by the Interagency Agreement between the
25 Department of Health and Human Services Agency for
26 Toxic Substances and Disease Registry and the Depart-

1 ment of the Navy or any successor memorandum of under-
2 standing and signed agreements not later than 60 days
3 after the date on which the dispute first arises. In the
4 event the Secretary is unable to resolve such a dispute
5 within 60 days, the Secretary shall submit to the congres-
6 sional defense committees a report on the reasons why an
7 agreement has not yet been reached, the actions that the
8 Secretary plans to take to reach agreement, and the sched-
9 ule for taking such actions.

10 (c) COORDINATION PRIOR TO RELEASING INFORMA-
11 TION TO THE PUBLIC.—The Secretary of the Navy shall
12 make every effort to coordinate with the Agency for Toxic
13 Substances and Disease Registry on all issues pertaining
14 to water contamination at Marine Corps Base Camp
15 Lejeune, and other exposed pathways before releasing any-
16 thing to the public.

17 **SEC. 315. DISCHARGE OF WASTES AT SEA GENERATED BY**
18 **SHIPS OF THE ARMED FORCES.**

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

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

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

3 “(B) any other ship specifically excluded by the
4 MARPOL Protocol or the Antarctic Protocol.

5 “(2) A ship described in this paragraph is a ship that
6 is owned or operated by the Secretary, with respect to the
7 Coast Guard, or by the Secretary of a military depart-
8 ment, and that, as determined by the Secretary con-
9 cerned—

10 “(A) has unique military design, construction,
11 manning, or operating requirements; and

12 “(B) cannot fully comply with the discharge re-
13 quirements of Annex V to the Convention because
14 compliance is not technologically feasible or would
15 impair the operations or operational capability of the
16 ship.

17 “(3)(A) Notwithstanding any provision of the
18 MARPOL Protocol, the requirements of Annex V to the
19 Convention shall apply to all ships referred to in sub-
20 section (a) other than those described in paragraph (2).

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

23 “(i) The discharge into the sea of plastics, in-
24 cluding synthetic ropes, synthetic fishing nets, plas-
25 tic garbage bags, and incinerator ashes from plastic

1 products that may contain toxic chemicals or heavy
2 metals, or the residues thereof, is prohibited.

3 “(ii) Garbage consisting of the following mate-
4 rial may be discharged into the sea, subject to sub-
5 paragraph (C):

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

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

13 “(III) With regard to a submersible, non-
14 plastic garbage that has been compacted and
15 weighted to ensure negative buoyancy.

16 “(IV) Ash from incinerators or other ther-
17 mal destruction systems not containing toxic
18 chemicals, heavy metals, or incompletely burned
19 plastics.

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

22 “(ii) Garbage described in subclauses (II), (III), and
23 (IV) of subparagraph (B)(ii) may not be discharged within
24 12 nautical miles of land.

1 “(D) Notwithstanding subparagraph (C), a ship de-
2 scribed in paragraph (2) that is not equipped with gar-
3 bage-processing equipment sufficient to meet the require-
4 ments of subparagraph (B)(ii) may discharge garbage that
5 has not been processed in accordance with subparagraph
6 (B)(ii) if such discharge occurs as far as practicable from
7 the nearest land, but in any case not less than—

8 “(i) 12 nautical miles from the nearest land, in
9 the case of food wastes and non-floating garbage, in-
10 cluding paper products, cloth, glass, metal, bottles,
11 crockery, and similar refuse; and

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

14 “(E) This paragraph shall not apply when discharge
15 of any garbage is necessary for the purpose of securing
16 the safety of the ship, the health of the ship’s personnel,
17 or saving life at sea.

18 “(F) This paragraph shall not apply during time of
19 war or a national emergency declared by the President or
20 Congress.”.

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

24 (1) in paragraph (1), by striking “Annex V to
25 the Convention on or before the dates referred to in

1 subsections (b)(2)(A) and (c)(1)” and inserting
 2 “subsection (b)”; and

3 (2) in paragraph (2), by inserting “and sub-
 4 section (b)(3)(B)(i) of this section” after “Annex V
 5 to the Convention”.

6 **Subtitle C—Workplace and Depot** 7 **Issues**

8 **SEC. 321. MINIMUM CAPITAL INVESTMENT FOR CERTAIN** 9 **DEPOTS.**

10 Section 2476 of title 10, United States Code, is
 11 amended—

12 (1) in subsection (a), by striking “Each fiscal
 13 year, the Secretary of a military department shall
 14 invest” and inserting “Each fiscal year, it shall be
 15 the objective of the Secretary of a military depart-
 16 ment to invest”;

17 (2) in subsection (b)—

18 (A) by striking “includes investment funds
 19 spent on depot infrastructure, equipment, and
 20 process improvement in direct support” and in-
 21 serting “includes investment funds spent to
 22 modernize or improve the efficiency of depot fa-
 23 cilities, equipment, work environment, or proc-
 24 esses in direct support”; and

1 (B) by adding at the end the following: “It
2 does not include funds spent for any other re-
3 pair or activity to maintain or sustain existing
4 facilities, infrastructure, or equipment.”;

5 (3) in subsection (d)—

6 (A) by striking “(1) Not later than” and
7 inserting “Not later than”;

8 (B) by striking “summarizing the level of
9 capital investment for each military depart-
10 ment” and inserting “summarizing the level of
11 capital investment in the military departments”;
12 and

13 (C) by striking paragraph (2); and

14 (4) in subsection (e)(1), by adding at the end
15 the following new subparagraphs:

16 “(I) Crane Ammunition Activity, Indiana.

17 “(J) McAlester Ammunition Plant, Okla-
18 homa.

19 “(K) Radford Ammunition Plant, Virginia.

20 “(L) Lake City Ammunition Plant, Mis-
21 souri.

22 “(M) Holsten Ammunition Plant, Ten-
23 nessee.

24 “(N) Scranton Ammunition Plant, Penn-
25 sylvania.

1 “(O) Iowa Ammunition Plant, Iowa.

2 “(P) Milan Ammunition Plant, Tennessee.

3 “(Q) Joint System Manufacturing Center,
4 Lima Ohio.”.

5 **SEC. 322. LIMITATION ON REVISING THE DEFINITION OF**
6 **DEPOT-LEVEL MAINTENANCE.**

7 (a) **LIMITATION.**—The Secretary of Defense or any
8 of the Secretaries of the military departments may not
9 issue guidance, regulations, policy, or revisions to any De-
10 partment of Defense or service instructions containing a
11 revision to the definition of depot-level maintenance unless
12 the Secretary submits to the congressional defense com-
13 mittees the report described in subsection (b).

14 (b) **REPORT.**—The report referred to in subsection
15 (a) is a report prepared by the Defense Business Board
16 regarding the advisability of establishing a single defini-
17 tion of depot-level maintenance, taking into consider-
18 ation—

19 (1) the total industrial capacity, both in the pri-
20 vate sector industry and in the depots;

21 (2) the importance of establishing requirements
22 and allocating workload on the basis of sound busi-
23 ness case analyses; and

24 (3) establishing transparency and accountability
25 in the development of the core workload require-

1 ments and in the allocation of workload under the
2 requirements in section 2466 of title 10, United
3 States Code.

4 **SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILI-**
5 **TIES AS CENTERS OF INDUSTRIAL AND TECH-**
6 **NICAL EXCELLENCE.**

7 Section 2474(a)(1) of title 10, United States Code,
8 is amended by inserting “and may designate any military
9 industrial facility” after “shall designate each depot-level
10 activity”.

11 **SEC. 324. REPORT ON DEPOT-LEVEL MAINTENANCE AND**
12 **RECAPITALIZATION OF CERTAIN PARTS AND**
13 **EQUIPMENT.**

14 (a) REPORT REQUIRED.—Not later than 90 days
15 after the date of the enactment of this Act, the Director
16 of the Defense Logistics Agency (DLA), in consultation
17 with the military departments, shall submit to the congres-
18 sional defense committees a report on the status of the
19 DLA Joint Logistics Operations Center’s Drawdown, Ret-
20 rograde and Reset Program for the equipment from Iraq
21 and Afghanistan and the status of the overall supply chain
22 management for depot-level activities.

23 (b) ELEMENTS.—The report required under sub-
24 section (a) shall include the following elements:

1 (1) An assessment of the number of backlogged
2 parts for critical warfighter needs, an explanation of
3 why those parts became backlogged, and an estimate
4 of when the backlog is likely to be fully addressed.

5 (2) A review of critical warfighter requirements
6 that are being impacted by a lack of supplies and
7 parts and an explanation of steps that the Director
8 plans to take to meet the demand requirements of
9 the military departments.

10 (3) An assessment of the feasibility and advis-
11 ability of working with outside commercial partners
12 to utilize flexible and efficient turn-key rapid pro-
13 duction systems to meet rapidly emerging warfighter
14 requirements.

15 (4) A review of plans to further consolidate the
16 ordering and stocking of parts and supplies from the
17 military departments at depots under the control of
18 the Defense Logistics Agency.

19 (c) FLEXIBLE AND EFFICIENT TURN-KEY RAPID
20 PRODUCTION SYSTEMS DEFINED.—For the purposes of
21 this section, flexible and efficient turn-key rapid produc-
22 tion systems are systems that have demonstrated the ca-
23 pability to reduce the costs of parts, improve manufac-
24 turing efficiency, and have the following unique features:

1 (1) VIRTUAL AND FLEXIBLE.—Systems that
2 provide for flexibility to rapidly respond to requests
3 for low-volume or high-volume machined parts and
4 surge demand by accessing the full capacity of
5 small- and medium-sized manufacturing commu-
6 nities in the United States.

7 (2) SPEED TO MARKET.—Systems that provide
8 for flexibility that allows rapid introduction of sub-
9 assemblies for new parts and weapons systems to
10 the warfighter.

11 (3) RISK MANAGEMENT.—Systems that provide
12 for the electronic archiving and updating of turn-key
13 rapid production packages to provide insurance to
14 the Department of Defense that parts will be avail-
15 able if there is a supply chain disruption.

16 **Subtitle D—Reports**

17 **SEC. 331. STUDY ON AIR FORCE TEST AND TRAINING** 18 **RANGE INFRASTRUCTURE.**

19 (a) STUDY.—

20 (1) IN GENERAL.—The Secretary of the Air
21 Force shall conduct a study on the ability of the
22 major air test and training range infrastructure, in-
23 cluding major military operating area airspace and
24 special use airspace, to support the full spectrum of
25 Air Force operations. The Secretary shall incor-

1 porate the results of the study into a master plan
2 for requirements and proposed investments to meet
3 Air Force training and test needs through 2025.
4 The study and the master plan shall be known as
5 the “2025 Air Test and Training Range Enhance-
6 ment Plan”.

7 (2) CONSULTATION.—The Secretary of the Air
8 Force shall, in conducting the study required under
9 paragraph (1), consult with the Secretaries of the
10 other military departments to determine opportuni-
11 ties for joint use and training of the ranges, and to
12 assess the requirements needed to support combined
13 arms training on the ranges. The Secretary shall
14 also consult with the Department of the Interior, the
15 Department of Agriculture, the Federal Aviation Ad-
16 ministration, the Federal Energy Regulation Com-
17 mission, and the Department of Energy to assess
18 the need for transfers of administrative control of
19 certain parcels of airspace and land to the Depart-
20 ment of Defense to protect the missions and control
21 of the ranges.

22 (3) CONTINUATION OF RANGE INFRASTRUC-
23 TURE IMPROVEMENTS.—The Secretary of the Air
24 Force may proceed with all ongoing and scheduled

1 range infrastructure improvements while conducting
2 the study required under paragraph (1).

3 (b) REPORTS.—

4 (1) IN GENERAL.—The Secretary of the Air
5 Force shall submit to the congressional defense com-
6 mittees an interim report and a final report on the
7 plan to meet the requirements under subsection (a)
8 not later than one year and two years, respectively,
9 after the date of the enactment of this Act.

10 (2) CONTENT.—The plan submitted under
11 paragraph (1) shall—

12 (A) document the current condition and
13 adequacy of the major Air Force test and train-
14 ing range infrastructure in the United States to
15 meet test and training requirements;

16 (B) identify potential areas of concern for
17 maintaining the physical safety, security, and
18 current operating environment of such infra-
19 structure;

20 (C) identify potential issues and threats re-
21 lated to the sustainability of the test and train-
22 ing infrastructure, including electromagnetic
23 spectrum encroachment, overall bandwidth
24 availability, and protection of classified infor-
25 mation;

1 (D) assess coordination among ranges and
2 local, state, regional, and Federal entities in-
3 volved in land use planning, and develop rec-
4 ommendations on how to improve communica-
5 tion and coordination of such entities;

6 (E) propose remedies and actions to man-
7 age economic development on private lands on
8 or surrounding the test and training infrastruc-
9 ture to preserve current capabilities;

10 (F) identify critical parcels of land not cur-
11 rently under the control of the Air Force for ac-
12 quisition of deed or restrictive easements in
13 order to protect current operations, access and
14 egress corridors, and range boundaries, or to
15 expand the capability of the air test and train-
16 ing ranges;

17 (G) identify which parcels identified pursu-
18 ant to subparagraph (F) could, through the ac-
19 quisition of conservation easements, serve mili-
20 tary interests while also preserving recreational
21 access to public and private lands, protecting
22 wildlife habitat, or preserving opportunities for
23 energy development and energy transmission;

24 (H) prioritize improvements and mod-
25 ernization of the facilities, equipment, and tech-

1 nology supporting the infrastructure in order to
2 provide a test and training environment that
3 accurately simulates and or portrays the full
4 spectrum of threats and targets of likely United
5 States adversaries in 2025;

6 (I) incorporate emerging requirements gen-
7 erated by requirements for virtual training and
8 new weapon systems, including the F-22, the
9 F-35, space and cyber systems, and Remotely
10 Piloted Aircraft;

11 (J) assess the value of State and local leg-
12 islative initiatives to protect Air Force test and
13 training range infrastructure;

14 (K) identify parcels with no value to future
15 military operations; and

16 (L) propose a list of prioritized projects,
17 easements, acquisitions, or other actions, in-
18 cluding estimated costs required to upgrade the
19 test and training range infrastructure, taking
20 into consideration the criteria set forth in this
21 paragraph.

22 (3) FORM.—Each report required under this
23 subsection shall be submitted in unclassified form,
24 but may include a classified annex as necessary.

1 (4) **RULE OF CONSTRUCTION.**—The reports
2 submitted under this section shall not be construed
3 as meeting the requirements of section 2815(d) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 2000 (Public Law 106–65; 113 Stat. 852).

6 **SEC. 332. STUDY ON TRAINING RANGE INFRASTRUCTURE**
7 **FOR SPECIAL OPERATIONS FORCES.**

8 (a) **STUDY.**—

9 (1) **IN GENERAL.**—The Commander of the
10 United States Special Operations Command shall
11 conduct a study on the ability of existing training
12 ranges used by special operations forces, including
13 military operating area airspace and special use air-
14 space, to support the full spectrum of missions and
15 operations assigned to special operations forces.

16 (2) **CONSULTATION.**—The Commander shall, in
17 conducting the study required under paragraph (1),
18 consult with the Secretaries of the military depart-
19 ments, the Office of the Secretary of Defense, and
20 the Joint Staff on—

21 (A) procedures and priorities for joint use
22 and training on ranges operated by the military
23 services, and to assess the requirements needed
24 to support combined arms training on the
25 ranges; and

1 (B) requirements and proposed invest-
2 ments to meet special operations training re-
3 quirements through 2025.

4 (b) REPORTS.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the
7 Commander shall submit to the congressional de-
8 fense committees a report on the plan to meet the
9 requirements under subsection (a).

10 (2) CONTENT.—The study submitted under
11 paragraph (1) shall—

12 (A) assess the current condition and ade-
13 quacy of, and access to, all existing training
14 ranges in the United States used by special op-
15 erations forces;

16 (B) identify potential areas of concern for
17 maintaining the physical safety, security, and
18 current operating environment of ranges used
19 by special operations forces;

20 (C) identify issues and challenges related
21 to the availability and sustainability of the ex-
22 isting training ranges used by special operations
23 forces, including support of a full spectrum of
24 operations and protection of classified missions
25 and tactics;

1 (D) assess coordination among ranges and
2 local, State, regional, and Federal entities in-
3 volved in land use planning and the protection
4 of ranges from encroachment;

5 (E) propose remedies and actions to ensure
6 consistent and prioritized access to existing
7 ranges;

8 (F) prioritize improvements and mod-
9 ernization of the facilities, equipment, and tech-
10 nology supporting the ranges in order to ade-
11 quately simulate the full spectrum of threats
12 and contingencies for special operations forces;
13 and

14 (G) propose a list of prioritized projects,
15 easements, acquisitions, or other actions, in-
16 cluding estimated costs required to upgrade
17 training range infrastructure.

18 (3) FORM.—Each report required under this
19 subsection shall be submitted in unclassified form,
20 but may include a classified annex as necessary.

1 **SEC. 333. GUIDANCE TO ESTABLISH NON-TACTICAL**
2 **WHEELED VEHICLE AND EQUIPMENT SERV-**
3 **ICE LIFE EXTENSION PROGRAMS TO ACHIEVE**
4 **COST SAVINGS.**

5 Not later than 270 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall conduct
7 a survey of the quantity and condition of each class of
8 non-tactical wheeled vehicles and base-level commercial
9 equipment in the fleets of the military departments and
10 report to the congressional defense committees on the ad-
11 visability of establishing service life extension programs
12 for such classes of vehicles.

13 **SEC. 334. MODIFIED DEADLINE FOR ANNUAL REPORT ON**
14 **BUDGET SHORTFALLS FOR IMPLEMENTA-**
15 **TION OF OPERATIONAL ENERGY STRATEGY.**

16 Section 138c(e)(4) of title 10, United States Code,
17 as transferred and redesignated by section 901(b)(7) of
18 the Ike Skelton National Defense Authorization Act for
19 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4320),
20 is amended—

21 (1) by striking “10 days after the date on
22 which the budget for a fiscal year is submitted pur-
23 suant to section 1105 of title 31” and inserting
24 “March 31 each year, beginning March 31, 2012”;
25 and

1 (2) by striking “for that fiscal year” and insert-
2 ing “for the fiscal year beginning in that calendar
3 year”.

4 **Subtitle E—Other Matters**

5 **SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUS-** 6 **TRIAL FACILITIES TO ENTER INTO COOPERA-** 7 **TIVE AGREEMENTS WITH NON-ARMY ENTI-** 8 **TIES.**

9 (a) **EXTENSION OF AUTHORITY.**—Section 4544 of
10 title 10, United States Code, is amended—

11 (1) in subsection (a), by striking “enter into
12 not more than eight contracts or cooperative agree-
13 ments” and all that follows through the period at
14 the end and inserting “enter into not more than 15
15 contracts or cooperative agreements in any fiscal
16 year.”; and

17 (2) in subsection (k), by striking “September
18 30, 2014” and inserting “September 30, 2025”.

19 (b) **APPROVAL AUTHORITY.**—Subsection (f) of such
20 section is amended by striking “exercised at the level of
21 the commander of the major subordinate command” and
22 all that follows through “The commander may approve”
23 and inserting “exercised at the level of the Commander
24 of Army Materiel Command. The Commander may ap-
25 prove”.

1 **SEC. 342. WORKING-CAPITAL FUND ACCOUNTING.**

2 Section 2208(k) of title 10, United States Code, is
3 amended by adding at the end the following new para-
4 graph:

5 “(3) All capital assets financed by a working-capital
6 fund and subject to paragraph (2) shall be capitalized and
7 depreciated for budgeting, rate setting, and financial ac-
8 counting purposes. Procurements not subject to paragraph
9 (2) shall be immediately expensed and shall not be capital-
10 ized or depreciated in financial accounting records or re-
11 ported on financial statements as an asset.”.

12 **SEC. 343. COMMERCIAL SALE OF SMALL ARMS AMMUNI-**
13 **TION AND SMALL ARMS AMMUNITION COM-**
14 **PONENTS IN EXCESS OF MILITARY REQUIRE-**
15 **MENTS, AND FIRED CARTRIDGE CASES.**

16 Section 346 of the Ike Skelton National Defense Au-
17 thorization Act for Fiscal Year 2011 (Public Law 111–
18 383; 124 Stat. 4191; 10 U.S.C. 2576 note) is amended
19 to read as follows:

20 **“SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNI-**
21 **TION AND SMALL ARMS AMMUNITION COM-**
22 **PONENTS IN EXCESS OF MILITARY REQUIRE-**
23 **MENTS, AND FIRED CARTRIDGE CASES.**

24 “(a) COMMERCIAL SALE OF SMALL ARMS AMMUNI-
25 TION, SMALL AMMUNITION COMPONENTS, AND FIRED
26 CARTRIDGE CASES.—Small arms ammunition and small

1 ammunition components which are in excess of military
2 requirements, and intact fired small arms cartridge cases
3 shall be made available for commercial sale. Such small
4 arms ammunition, small arms ammunition components,
5 and intact fired cartridge cases shall not be demilitarized,
6 destroyed, or disposed of, unless in excess of commercial
7 demands or certified by the Secretary of Defense as un-
8 serviceable or unsafe. This provision shall not apply to am-
9 munition, ammunition components, or fired cartridge
10 cases stored or expended outside the continental United
11 States (OCONUS).

12 “(b) DEADLINE FOR GUIDANCE.—Not later than 90
13 days after the date of the enactment of the National De-
14 fense Authorization Act for Fiscal Year 2012, the Sec-
15 retary of Defense shall issue guidance to ensure compli-
16 ance with subsection (a). Not later than 15 days after
17 issuing such guidance, the Secretary shall submit to the
18 congressional defense committees a letter of compliance
19 providing notice of such guidance.

20 “(c) PREFERENCE.—No small arms ammunition or
21 small arms ammunition components in excess of military
22 requirements, or fired small arms cartridge cases may be
23 made available for commercial sale under this section be-
24 fore such ammunition and ammunition components are of-
25 fered for transfer or purchase, as authorized by law, to

1 another Federal department or agency or for sale to State
2 and local law enforcement, firefighting, homeland security,
3 and emergency management agencies pursuant to section
4 2576 of title 10, United States Code, as amended by this
5 Act.

6 “(d) SALES CONTROLS.—All small arms ammunition
7 and small arms ammunition components, and fired small
8 arms cartridge cases made available for commercial sale
9 under this section shall be subject to all explosives safety
10 and trade security controls in effect at the time of sale.

11 “(e) DEFINITIONS.—In this section:

12 “(1) SMALL ARMS AMMUNITION.—The term
13 ‘small arms ammunition’ means ammunition or ord-
14 nance for firearms up to and including .50 caliber
15 and for shotguns.

16 “(2) SMALL ARMS AMMUNITION COMPO-
17 NENTS.—The term ‘small arms ammunition compo-
18 nents’ means components, parts, accessories, and at-
19 tachments associated with small arms ammunition.

20 “(3) FIRED CARTRIDGE CASES.—The term
21 ‘fired cartridge cases’ means expended small arms
22 cartridge cases (ESACC).”.

1 **SEC. 344. AUTHORITY TO ACCEPT CONTRIBUTIONS OF**
2 **FUNDS TO STUDY OPTIONS FOR MITIGATING**
3 **ADVERSE EFFECTS OF PROPOSED OBSTRUCTIONS ON MILITARY INSTALLATIONS.**

5 Section 358(g) of the Ike Skelton National Defense
6 Authorization Act for Fiscal Year 2011 (Public Law 111–
7 383; 124 Stat. 4201; 10 U.S.C. 44718 note) is amended
8 by amending the second sentence to read as follows:
9 “Amounts so accepted shall be and will remain available
10 until expended for the purpose of offsetting the cost of
11 measures undertaken by the Secretary of Defense to miti-
12 gate adverse impacts of such project on military oper-
13 ations and readiness and the cost of studying options for
14 mitigating such adverse impacts.”.

15 **SEC. 345. UTILITY DISRUPTIONS TO MILITARY INSTAL-**
16 **LATIONS.**

17 (a) **POLICY.**—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of Defense
19 shall develop guidance for commanders of military instal-
20 lations inside the United States on planning measures to
21 minimize the effects in the event of a disruption of services
22 by a utility that sells natural gas, water, or electric energy
23 to a military installation in the United States.

24 (b) **INSTALLATION PLANS.**—The guidance developed
25 pursuant to subsection (a) shall require that, subject to
26 such exceptions as the Secretary may determine to be ap-

1 appropriate, commanders of military installations inside the
2 United States develop appropriate action plans to mini-
3 mize the effects of events described in subsection (a).

4 (c) COMPTROLLER GENERAL REPORT.—Not later
5 than 2 years after the date of the enactment of this Act,
6 the Comptroller General of the United States shall review
7 the actions taken pursuant to this section and submit to
8 Congress a report on the guidance developed pursuant to
9 subsection (a), the plans developed pursuant to subsection
10 (b), and any additional measures that may be needed to
11 minimize the effects of an unplanned disruption of services
12 by utilities as described in subsection (a).

13 **TITLE IV—MILITARY**
14 **PERSONNEL AUTHORIZATIONS**
15 **Subtitle A—Active Forces**

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

17 The Armed Forces are authorized strengths for active
18 duty personnel as of September 30, 2012, as follows:

- 19 (1) The Army, 562,000.
20 (2) The Navy, 325,700.
21 (3) The Marine Corps, 202,100.
22 (4) The Air Force, 332,800.

1 **Subtitle B—Reserve Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2012, as follows:

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

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

9 (3) The Navy Reserve, 66,200.

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

11 (5) The Air National Guard of the United
12 States, 106,700.

13 (6) The Air Force Reserve, 71,400.

14 (7) The Coast Guard Reserve, 10,000.

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

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

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2012, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 32,060.
- 23 (2) The Army Reserve, 16,261.
- 24 (3) The Navy Reserve, 10,688.
- 25 (4) The Marine Corps Reserve, 2,261.

1 (5) The Air National Guard of the United
2 States, 14,584.

3 (6) The Air Force Reserve, 2,992.

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 2012 for the re-
8 serve 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 Reserve, 8,395.

12 (2) For the Army National Guard of the United
13 States, 27,210.

14 (3) For the Air Force Reserve, 10,720.

15 (4) For the Air National Guard of the United
16 States, 22,394.

17 **SEC. 414. FISCAL YEAR 2012 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, 2012, 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, 2012, 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, 2012, may not exceed
11 90.

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

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
17 **THORIZED TO BE ON ACTIVE DUTY FOR**
18 **OPERATIONAL SUPPORT.**

19 During fiscal year 2012, the maximum number of
20 members of the reserve components of the Armed Forces
21 who may be serving at any time on full-time operational
22 support duty under section 115(b) of title 10, United
23 States Code, is the following:

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

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

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

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

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

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

7 **Subtitle C—Authorization of**
8 **Appropriations**

9 **SEC. 421. MILITARY PERSONNEL.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 hereby authorized to be appropriated for military per-
12 sonnel for fiscal year 2012 a total of \$142,448,228,000.

13 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
14 thorization of appropriations in subsection (a) supersedes
15 any other authorization of appropriations (definite or in-
16 definite) for such purpose for fiscal year 2012.

17 **TITLE V—MILITARY PERSONNEL**
18 **POLICY**

19 **Subtitle A—Officer Personnel**
20 **Policy Generally**

21 **SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MA-**
22 **RINE CORPS OFFICERS ON ACTIVE DUTY.**

23 Section 523(a)(1) of title 10, United States Code, is
24 amended by striking those parts of the table pertaining
25 to the Marine Corps and inserting the following:

“Marine Corps:			
10,000	2,802	1,615	633
12,500	3,247	1,768	658
15,000	3,691	1,922	684
17,500	4,135	2,076	710
20,000	4,579	2,230	736
22,500	5,024	2,383	762
25,000	5,468	2,537	787”.

1 **SEC. 502. VOLUNTARY RETIREMENT INCENTIVE.**

2 (a) IN GENERAL.—Chapter 36 of title 10, United
 3 States Code, is amended by inserting after section 638a
 4 the following new section:

5 **“§ 638b. Voluntary retirement incentive**

6 “(a) INCENTIVE FOR VOLUNTARY RETIREMENT FOR
 7 CERTAIN OFFICERS.—The Secretary of Defense may au-
 8 thorize the Secretary of a military department to provide
 9 a voluntary retirement incentive payment in accordance
 10 with this section to an officer of the armed forces under
 11 that Secretary’s jurisdiction who is specified in subsection
 12 (b) as being eligible for such a payment. Any such author-
 13 ity provided the Secretary of a military department under
 14 the preceding sentence shall expire as specified by the Sec-
 15 retary of Defense, but not later than December 31, 2018.

16 “(b) ELIGIBLE OFFICERS.—(1) Except as provided
 17 in paragraph (2), an officer of the armed forces is eligible
 18 for a voluntary retirement incentive payment under this
 19 section if the officer—

1 “(A) has served on active duty for more than
2 20 years, but not more than 29 years, on the ap-
3 proved date of retirement;

4 “(B) meets the minimum length of commis-
5 sioned service requirement for voluntary retirement
6 as a commissioned officer in accordance with section
7 3911, 6323, or 8911 of this title, as applicable to
8 that officer;

9 “(C) on the approved date of retirement, has 12
10 months or more remaining on active-duty service be-
11 fore reaching the maximum retirement years of ac-
12 tive service for the member’s grade as specified in
13 section 633 or 634 of this title;

14 “(D) on the approved date of retirement, has
15 12 months or more remaining on active-duty service
16 before reaching the maximum retirement age under
17 any other provision of law; and

18 “(E) meets any additional requirements for
19 such eligibility as is specified by the Secretary con-
20 cerned, including any requirement relating to years
21 of service, skill rating, military specialty or competi-
22 tive category, grade, any remaining period of obli-
23 gated service, or any combination thereof.

24 “(2) The following officers are not eligible for a vol-
25 untary retirement incentive payment under this section:

1 “(A) An officer being evaluated for disability
2 under chapter 61 of this title.

3 “(B) An officer projected to be retired under
4 section 1201 or 1204 of this title.

5 “(C) An officer projected to be discharged with
6 disability severance pay under section 1212 of this
7 title.

8 “(D) A member transferred to the temporary
9 disability retired list under section 1202 or 1205 of
10 this title.

11 “(E) An officer subject to pending disciplinary
12 action or subject to administrative separation or
13 mandatory discharge under any other provision of
14 law or regulation.

15 “(c) AMOUNT OF PAYMENT.—The amount of the vol-
16 untary retirement incentive payment paid an officer under
17 this section shall be an amount determined by the Sec-
18 retary concerned, but not to exceed an amount equal to
19 12 times the amount of the officer’s monthly basic pay
20 at the time of the officer’s retirement. The amount may
21 be paid in a lump sum at the time of retirement.

22 “(d) REPAYMENT FOR MEMBERS WHO RETURN TO
23 ACTIVE DUTY.—(1) Except as provided in paragraph (2),
24 a member of the armed forces who, after having received
25 all or part of a voluntary retirement incentive under this

1 section, returns to active duty shall have deducted from
 2 each payment of basic pay, in such schedule of monthly
 3 installments as the Secretary concerned shall specify, until
 4 the total amount deducted from such basic pay equals the
 5 total amount of voluntary retirement incentive received.

6 “(2) Members who are involuntarily recalled to active
 7 duty or full-time National Guard duty under any provision
 8 of law shall not be subject to this subsection.

9 “(3) The Secretary of Defense may waive, in whole
 10 or in part, repayment required under paragraph (1) if the
 11 Secretary determines that recovery would be against eq-
 12 uity and good conscience or would be contrary to the best
 13 interest of the United States. The authority in this para-
 14 graph may be delegated only to the Under Secretary of
 15 Defense for Personnel and Readiness and the Principal
 16 Deputy Under Secretary of Defense of Personnel and
 17 Readiness.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of subchapter IV of chapter 36 of such
 20 title is amended by inserting after the item relating to sec-
 21 tion 638a the following new item:

“638b. Voluntary retirement incentive.”.

22 **SEC. 503. NATIONAL DEFENSE UNIVERSITY OUTPLACE-**
 23 **MENT WAIVER.**

24 (a) WAIVER AUTHORITY FOR OFFICERS NOT DES-
 25 IGNATED AS JOINT QUALIFIED OFFICERS.—Subsection

1 (b) of section 663 of title 10, United States Code, is
2 amended—

3 (1) in paragraph (1), by inserting after “to a
4 joint duty assignment” the following: “(or, as au-
5 thorized by the Secretary in an individual case, to a
6 joint assignment other than a joint duty assign-
7 ment)”; and

8 (2) in paragraph (2)—

9 (A) by striking “the joint duty assign-
10 ment” and inserting “the assignment”; and

11 (B) by striking “a joint duty assignment”
12 and inserting “such an assignment”.

13 (b) EXCEPTION.—Such section is further amended by
14 adding at the end the following new subsection:

15 “(d) EXCEPTION FOR OFFICERS GRADUATING FROM
16 OTHER-THAN-IN-RESIDENCE PROGRAMS.—(1) Subsection
17 (a) does not apply to an officer graduating from a school
18 within the National Defense University specified in sub-
19 section (c) following pursuit of a program on an other-
20 than-in-residence basis.

21 “(2) Subsection (b) does not apply with respect to
22 any group of officers graduating from a school within the
23 National Defense University specified in subsection (c) fol-
24 lowing pursuit of a program on an other-than-in-residence
25 basis.”.

1 **SEC. 504. MODIFICATION OF DEFINITION OF “JOINT DUTY**
 2 **ASSIGNMENT” TO INCLUDE ALL INSTRUCTOR**
 3 **ASSIGNMENTS FOR JOINT TRAINING AND**
 4 **EDUCATION.**

5 Section 668(b)(1)(B) of title 10, United States Code,
 6 is amended by striking “assignments for joint” and all
 7 that follows through “Phase II” and inserting “student
 8 assignments for joint training and education”.

9 **Subtitle B—Reserve Component**
 10 **Management**

11 **SEC. 511. AUTHORITY FOR ORDER TO ACTIVE DUTY OF**
 12 **MEMBERS OF THE SELECTED RESERVE AND**
 13 **CERTAIN MEMBERS OF THE INDIVIDUAL**
 14 **READY RESERVE FOR PREPLANNED MIS-**
 15 **SIONS.**

16 (a) AUTHORITY.—

17 (1) IN GENERAL.—Chapter 1209 of title 10,
 18 United States Code, is amended by inserting after
 19 section 12304 the following new section:

20 **“§ 12304a. Selected Reserve and certain Individual**
 21 **Ready Reserve members: order to active**
 22 **duty for preplanned missions**

23 “(a) AUTHORITY.—When the Secretary of a military
 24 department determines that it is necessary to augment the
 25 active forces for a preplanned mission, the Secretary may,
 26 subject to subsection (b), order any unit, and any member

1 not assigned to a unit organized to serve as a unit, of
2 the Selected Reserve (as defined in section 10143(a) of
3 this title), or any member in the Individual Ready Reserve
4 mobilization category and designated as essential under
5 regulations prescribed by the Secretary, under the juris-
6 diction of the Secretary, without the consent of the mem-
7 bers, to active duty for not more than 365 consecutive
8 days.

9 “(b) LIMITATIONS.—(1) Units or members may be
10 ordered to active duty under this section only if—

11 “(A) the manpower and associated costs of such
12 active duty are specifically included and identified in
13 the defense budget materials for the fiscal year or
14 years in which such units or members are antici-
15 pated to be ordered to active duty; and

16 “(B) the budget information on such costs in-
17 cludes a description of the mission for which such
18 units or members are anticipated to be ordered to
19 active duty and the anticipated length of time of the
20 order of such units or members to active duty on an
21 involuntary basis.

22 “(2) Not more than 60,000 members of the reserve
23 components of the armed forces may be on active duty
24 under this section at any one time.

1 “(c) EXCLUSION FROM STRENGTH LIMITATIONS.—
2 Members ordered to active duty under this section shall
3 not be counted in computing authorized strength in mem-
4 bers on active duty or total number of members in grade
5 under this title or any other law.

6 “(d) NOTICE TO CONGRESS.—Whenever the Sec-
7 retary of a military department orders any unit or member
8 of the Selected Reserve or Individual Ready Reserve to
9 active duty under subsection (a), such Secretary shall sub-
10 mit to Congress a report, in writing, setting forth the cir-
11 cumstances necessitating the action taken under this sec-
12 tion and describing the anticipated use of such units or
13 members.

14 “(e) TERMINATION OF DUTY.—Whenever any unit of
15 the Selected Reserve or any member of the Selected Re-
16 serve not assigned to a unit organized to serve as a unit,
17 or any member of the Individual Ready Reserve, is ordered
18 to active duty under subsection (a), the service of all units
19 or members so ordered to active duty may be terminated
20 by—

21 “(1) order of the Secretary of the military de-
22 partment concerned, or

23 “(2) law.

24 “(f) RELATIONSHIP TO WAR POWERS RESOLU-
25 TION.—Nothing contained in this section shall be con-

1 strued as amending or limiting the application of the pro-
2 visions of the War Powers Resolution (50 U.S.C. 1541 et
3 seq.).

4 “(g) CONSIDERATIONS FOR INVOLUNTARY ORDER TO
5 ACTIVE DUTY.—In determining which members of the Se-
6 lected Reserve and the Individual Ready Reserve will be
7 ordered to duty without their consent under this section,
8 appropriate consideration shall be given to—

9 “(1) the length and nature of previous service,
10 to assure such sharing of exposure to hazards as the
11 national security and military requirements will rea-
12 sonably allow;

13 “(2) the frequency of assignments during serv-
14 ice career;

15 “(3) family responsibilities; and

16 “(4) employment necessary to maintain the na-
17 tional health, safety, or interest.

18 “(h) POLICIES AND PROCEDURES.—The Secretaries
19 of the military departments shall prescribe policies and
20 procedures to carry out this section, including on deter-
21 minations of orders to active duty under subsection (g).
22 Such policies and procedures shall not go into effect until
23 approved by the Secretary of Defense.

24 “(i) DEFINITIONS.—In this section:

1 “(1) The term ‘defense budget materials’ has
2 the meaning given that term in section 231(d)(2) of
3 this title.

4 “(2) The term ‘Individual Ready Reserve mobi-
5 lization category’ means, in the case of any reserve
6 component, the category of the Individual Ready Re-
7 serve described in section 10144(b) of this title.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 1209 of such title
10 is amended by inserting after the item relating to
11 section 12304 the following new item:

“12304a. Selected Reserve and certain Individual Ready Reserve members:
order to active duty for preplanned missions.”.

12 (b) CLARIFYING AMENDMENTS RELATING TO AU-
13 THORITY TO ORDER ACTIVE DUTY OTHER THAN DURING
14 WAR OR NATIONAL EMERGENCY.—Section 12304(a) of
15 such title is amended—

16 (1) by inserting “named” before “operational
17 mission”; and

18 (2) by striking “365 days” and inserting “365
19 consecutive days”.

1 **SEC. 512. MODIFICATION OF ELIGIBILITY FOR CONSIDER-**
2 **ATION FOR PROMOTION FOR CERTAIN RE-**
3 **SERVE OFFICERS EMPLOYED AS MILITARY**
4 **TECHNICIANS (DUAL STATUS).**

5 Section 14301 of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(i) CERTAIN RESERVE OFFICERS.—A reserve offi-
9 cer who is employed as military technician (dual status)
10 under section 10216 of this title, and who has been re-
11 tained beyond the mandatory removal date for years of
12 service under section 10216(f) or 14702(a)(2) of this title,
13 is not eligible for consideration for promotion by a manda-
14 tory promotion board convened under section 14101(a) of
15 this title.”.

16 **SEC. 513. MODIFICATION OF TIME IN WHICH**
17 **PRESEPARATION COUNSELING MUST BE**
18 **PROVIDED TO RESERVE COMPONENT MEM-**
19 **BERS BEING DEMOBILIZED.**

20 Section 1142(a)(3)(B) of title 10, United States
21 Code, is amended by inserting “or in the event a member
22 of a reserve component is being demobilized under cir-
23 cumstances in which (as determined by the Secretary con-
24 cerned) operational requirements make the 90-day re-
25 quirement under subparagraph (A) unfeasible,” after “or
26 separation date,”.

1 **SEC. 514. REPORT ON TERMINATION OF MILITARY TECHNI-**
2 **CIAN AS A DISTINCT PERSONNEL MANAGE-**
3 **MENT CATEGORY.**

4 (a) INDEPENDENT STUDY REQUIRED.—The Sec-
5 retary of Defense shall conduct an independent study of
6 the feasibility and advisability of terminating the military
7 technician as a distinct personnel management category
8 of the Department of Defense.

9 (b) ELEMENTS.—In conducting the study required by
10 subsection (a), the Secretary shall—

11 (1) identify various options for deploying units
12 of the Selected Reserve of the Ready Reserve that
13 otherwise use military technicians through use of a
14 combination of active duty personnel, reserve compo-
15 nent personnel, State civilian employees, and Fed-
16 eral civilian employees in a manner that meets mis-
17 sion requirements without harming unit readiness;

18 (2) identify various means for the management
19 by the Department of the transition of military tech-
20 nicians to a system that relies on traditional per-
21 sonnel categories of active duty personnel, reserve
22 component personnel, and civilian personnel, and for
23 the management of any effects of that transition on
24 the pay and benefits of current military technicians
25 (including means for mitigating or avoiding such ef-
26 fects in the course of such transition);

1 (3) determine whether military technicians who
2 are employed at the commencement of the transition
3 described in paragraph (2) should remain as techni-
4 cians, whether with or without a military status,
5 until separation or retirement, rather than
6 transitioned to such a traditional personnel category;

7 (4) identify and take into account the unique
8 needs of the National Guard in the management and
9 use of military technicians;

10 (5) determine potential cost savings, if any, to
11 be achieved as a result of the transition described in
12 paragraph (2), including savings in long-term man-
13 datory entitlement costs associated with military and
14 civil service retirement obligations;

15 (6) develop a recommendation on the feasibility
16 and advisability of terminating the military techni-
17 cian as a distinct personnel management category,
18 and, if the termination is determined to be feasible
19 and advisable, develop recommendations for appro-
20 priate legislative and administrative action to imple-
21 ment the termination; and

22 (7) address any other matter relating to the
23 management and long-term viability of the military
24 technician as a distinct personnel management cat-

1 egory that the Secretary shall specify for purposes of
2 the study.

3 (c) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary shall submit
5 to the congressional defense committees a report on the
6 study required by subsection (a). The report shall set forth
7 the results of the study, including the matters specified
8 in subsection (b), and include such comments and rec-
9 ommendations on the results of the study as the Secretary
10 considers appropriate.

11 **Subtitle C—General Service**
12 **Authorities**

13 **SEC. 521. REPEAL OF MANDATORY HIGH-DEPLOYMENT AL-**
14 **LOWANCE.**

15 (a) REPEAL.—Section 436 of title 37, United States
16 Code, is repealed.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 7 of such title is amended by
19 striking the item relating to section 436.

1 **SEC. 522. PROHIBITION ON DENIAL OF REENLISTMENT OF**
 2 **MEMBERS FOR UNSUITABILITY BASED ON**
 3 **THE SAME MEDICAL CONDITION FOR WHICH**
 4 **THEY WERE DETERMINED TO BE FIT FOR**
 5 **DUTY.**

6 (a) PROHIBITION.—Subsection (a) of section 1214a
 7 of title 10, United States Code, is amended by inserting
 8 “, or deny reenlistment of the member,” after “a member
 9 described in subsection (b)”.

10 (b) CONFORMING AMENDMENT.—Subsection (c)(3)
 11 of such section is amended by inserting “or denial of reen-
 12 listment” after “to warrant administrative separation”.

13 (c) CLERICAL AMENDMENTS.—

14 (1) HEADING AMENDMENT.—The heading of
 15 such section is amended to read as follows:

16 **“§ 1214a. Members determined fit for duty in Phys-**
 17 **ical Evaluation Board: prohibition on in-**
 18 **voluntary administrative separation or**
 19 **denial of reenlistment due to**
 20 **unsuitability based on medical conditions**
 21 **considered in evaluation”.**

22 (2) TABLE OF SECTIONS.—The table of sections
 23 at the beginning of chapter 61 of such title is
 24 amended by striking the item relating to section
 25 1214a and inserting the following new item:

“1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation.”.

1 **SEC. 523. EXPANSION OF REGULAR ENLISTED MEMBERS**
 2 **COVERED BY EARLY DISCHARGE AUTHORITY.**

3 Section 1171 of title 10, United States Code, is
 4 amended by striking “within three months” and inserting
 5 “within one year”.

6 **SEC. 524. EXTENSION OF VOLUNTARY SEPARATION PAY**
 7 **AND BENEFITS.**

8 Section 1175a(k)(1) of title 10, United States Code,
 9 is amended by striking “December 31, 2012” and insert-
 10 ing “December 31, 2018”.

11 **SEC. 525. EMPLOYMENT SKILLS TRAINING FOR MEMBERS**
 12 **OF THE ARMED FORCES ON ACTIVE DUTY**
 13 **WHO ARE TRANSITIONING TO CIVILIAN LIFE.**

14 Section 1143 of title 10, United States Code, is
 15 amended by adding at the end the following new sub-
 16 section:

17 “(e) EMPLOYMENT SKILLS TRAINING.—(1) The Sec-
 18 retary of a military department may carry out one or more
 19 programs to provide eligible members of the armed forces
 20 under the jurisdiction of the Secretary with job training
 21 and employment skills training to help prepare such mem-
 22 bers for employment in the civilian sector.

1 “(2) A member of the armed forces is an eligible
2 member for purposes of a program under this subsection
3 if the member—

4 “(A) has completed at least 180 days on active
5 duty in the armed forces; and

6 “(B) is expected to be discharged or released
7 from active duty in the armed forces within 180
8 days of the date of commencement of participation
9 in such a program.

10 “(3) Any program under this subsection shall be car-
11 ried out in accordance with regulations prescribed by the
12 Secretary of Defense.”.

13 **SEC. 526. POLICY ON MILITARY RECRUITMENT AND EN-**
14 **LISTMENT OF GRADUATES OF SECONDARY**
15 **SCHOOLS.**

16 (a) **EQUAL TREATMENT FOR SECONDARY SCHOOL**
17 **GRADUATES.—**

18 (1) **EQUAL TREATMENT.—**For the purposes of
19 recruitment and enlistment in the Armed Forces, the
20 Secretary of a military department shall treat a
21 graduate described in paragraph (2) in the same
22 manner as a graduate of a secondary school (as de-
23 fined in section 9101(38) of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C.
25 7801(38)).

1 (2) COVERED GRADUATES.—Paragraph (1) ap-
2 plies with respect to a person who—

3 (A) receives a diploma from a secondary
4 school that is legally operating; or

5 (B) otherwise completes a program of sec-
6 ondary education in compliance with the edu-
7 cation laws of the State in which the person re-
8 sides.

9 (b) POLICY ON RECRUITMENT AND ENLISTMENT.—
10 Not later than 180 days after the date of the enactment
11 of this Act, the Secretary of Defense shall prescribe a pol-
12 icy on recruitment and enlistment that incorporates the
13 following:

14 (1) Means for identifying persons described in
15 subsection (a)(2) who are qualified for recruitment
16 and enlistment in the Armed Forces, which may in-
17 clude the use of a noncognitive aptitude test, adapt-
18 ive personality assessment, or other operational at-
19 trition screening tool to predict performance, behav-
20 iors, and attitudes of potential recruits that influ-
21 ence attrition and the ability to adapt to a regi-
22 mented life in the Armed Forces.

23 (2) Means for assessing how qualified persons
24 fulfill their enlistment obligation.

1 (3) Means for maintaining data, by each di-
2 ploma source, which can be used to analyze attrition
3 rates among qualified persons.

4 (c) RECRUITMENT PLAN.—As part of the policy re-
5 quired by subsection (b), the Secretary of each of the mili-
6 tary departments shall develop a recruitment plan that in-
7 cludes a marketing strategy for targeting various seg-
8 ments of potential recruits with all types of secondary edu-
9 cation credentials.

10 (d) COMMUNICATION PLAN.—The Secretary of each
11 of the military departments shall develop a communication
12 plan to ensure that the policy and recruitment plan are
13 understood by military recruiters.

14 **Subtitle D—Education and**
15 **Training**

16 **SEC. 541. ENHANCEMENT OF AUTHORITIES ON JOINT PRO-**
17 **FESSIONAL MILITARY EDUCATION.**

18 (a) AUTHORITY TO CREDIT MILITARY GRADUATES
19 OF THE NATIONAL DEFENSE INTELLIGENCE COLLEGE
20 WITH COMPLETION OF JOINT PROFESSIONAL MILITARY
21 EDUCATION PHASE I.—

22 (1) JOINT PROFESSIONAL MILITARY EDUCATION
23 PHASE I.—Section 2154(a)(1) of title 10, United
24 States Code, is amended by inserting “or at a joint

1 intermediate level school” before the period at the
2 end.

3 (2) JOINT INTERMEDIATE LEVEL SCHOOL DE-
4 FINED.—Section 2151(b) of such title is amended by
5 adding at the end the following new paragraph:

6 “(3) The term ‘joint intermediate level school’
7 includes the National Defense Intelligence College.”.

8 (b) AUTHORITY FOR OTHER-THAN-IN RESIDENCE
9 PROGRAM TAUGHT THROUGH JOINT FORCES STAFF COL-
10 LEGE.—

11 (1) IN GENERAL.—Section 2154(a)(2) of such
12 title is amended—

13 (A) in the matter preceding subparagraph

14 (A), by striking “in residence at”;

15 (B) in subparagraph (A), by inserting
16 “by” after “(A)”; and

17 (C) in subparagraph (B), by inserting “in
18 residence at” after “(B)”.

19 (2) CONFORMING AMENDMENT.—Section
20 2156(b) of such title is amended by inserting “in
21 residence” after “course of instruction offered”.

22 **SEC. 542. GRADE OF COMMISSIONED OFFICERS IN UNI-**
23 **FORMED MEDICAL ACCESSION PROGRAMS.**

24 (a) MEDICAL STUDENTS OF USUHS.—Section
25 2114(b) of title 10, United States Code, is amended—

1 (1) in paragraph (1), by striking the second
2 sentence and inserting the following new sentences:
3 “Each medical student shall be appointed as a reg-
4 ular officer in the grade of second lieutenant or en-
5 sign. An officer so appointed may, upon meeting
6 such criteria for promotion as may be prescribed by
7 the Secretary concerned, be appointed in the regular
8 grade of first lieutenant or lieutenant (junior grade).
9 Medical students commissioned under this section
10 shall serve on active duty in their respective
11 grades.”; and

12 (2) in paragraph (2), by striking “grade of sec-
13 ond lieutenant or ensign” and inserting “grade in
14 which the member is serving under paragraph (1)”.

15 (b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOL-
16 ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section
17 2121(c) of such title is amended—

18 (1) in paragraph (1), by striking the second
19 sentence and inserting the following new sentences:
20 “Each person so commissioned shall be appointed as
21 a reserve officer in the grade of second lieutenant or
22 ensign. An officer so appointed may, upon meeting
23 such criteria for promotion as may be prescribed by
24 the Secretary concerned, be appointed in the reserve
25 grade of first lieutenant or lieutenant (junior grade).

1 Medical students commissioned under this section
2 shall serve on active duty in their respective grades
3 for a period of 45 days during each year of partici-
4 pation in the program.”; and

5 (2) in paragraph (2), by striking “grade of sec-
6 ond lieutenant or ensign” and inserting “grade in
7 which the member is serving under paragraph (1)”.

8 (c) OFFICERS DETAILED AS STUDENTS AT MEDICAL
9 SCHOOLS.—Subsection (e) of section 2004a of such title
10 is amended—

11 (1) in the subsection heading, by striking “AP-
12 POINTMENT AND TREATMENT OF PRIOR ACTIVE
13 SERVICE” and inserting “SERVICE ON ACTIVE
14 DUTY”; and

15 (2) by striking paragraph (1) and inserting the
16 following new paragraph (1):

17 “(1) A commissioned officer detailed under sub-
18 section (a) shall serve on active duty, subject to the limita-
19 tions on grade specified in section 2114(b)(1) of this title
20 and with the entitlement to basic pay as specified in sec-
21 tion 2114(b)(2) of this title.”.

1 **SEC. 543. RESERVE COMPONENT MENTAL HEALTH STU-**
2 **DENT STIPEND.**

3 (a) RESERVE COMPONENT MENTAL HEALTH STU-
4 DENT STIPEND.—Section 16201 of title 10, United States
5 Code, is amended—

6 (1) by redesignating subsection (f) as sub-
7 section (g); and

8 (2) by inserting after subsection (e) the fol-
9 lowing new subsection (f):

10 “(f) MENTAL HEALTH PROFESSIONALS IN CRITICAL
11 WARTIME SPECIALTIES.—(1) Under the stipend program
12 under this chapter, the Secretary of the military depart-
13 ment concerned may enter into an agreement with a per-
14 son who—

15 “(A) is eligible to be appointed as an officer in
16 a reserve component;

17 “(B) is enrolled or has been accepted for enroll-
18 ment in an institution in a course of study that re-
19 sults in a degree in clinical psychology or social
20 work;

21 “(C) signs an agreement that, unless sooner
22 separated, the person will—

23 “(i) complete the educational phase of the
24 program;

25 “(ii) accept a reappointment or redesigna-
26 tion within the person’s reserve component, if

1 tendered, based upon the person’s health pro-
2 fession, following satisfactory completion of the
3 educational and intern programs; and

4 “(iii) participate in a residency program if
5 required for clinical licensure; and

6 “(D) if required by regulations prescribed by
7 the Secretary of Defense, agrees to apply for, if eli-
8 gible, and accept, if offered, residency training in a
9 health profession skill that has been designated by
10 the Secretary as a critically needed wartime skill.

11 “(2) Under the agreement—

12 “(A) the Secretary of the military department
13 concerned shall agree to pay the participant a sti-
14 pend, in the amount determined under subsection
15 (g), for the period or the remainder of the period
16 that the student is satisfactorily progressing toward
17 a degree in clinical psychology or social work while
18 enrolled in a school accredited in the designated
19 mental health discipline;

20 “(B) the participant shall not be eligible to re-
21 ceive such stipend before appointment, designation,
22 or assignment as an officer for service in the Ready
23 Reserve;

24 “(C) the participant shall be subject to such ac-
25 tive duty requirements as may be specified in the

1 agreement and to active duty in time of war or na-
2 tional emergency as provided by law for members of
3 the Ready Reserve; and

4 “(D) the participant shall agree to serve, upon
5 successful completion of the program, one year in
6 the Ready Reserve for each six months, or part
7 thereof, for which the stipend is provided, to be
8 served in the Selected Reserve or in the Individual
9 Ready Reserve as specified in the agreement.”.

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

12 (1) in subsections (b)(2)(A), (c)(2)(A), and
13 (d)(2)(A), by striking “subsection (f)” and inserting
14 “subsection (g)”; and

15 (2) in subsection (g), as redesignated by sub-
16 section (a)(1) of this section, by striking “subsection
17 (b) or (c)” and inserting “subsection (b), (c), or
18 (f)”.

1 **SEC. 544. ENROLLMENT OF CERTAIN SERIOUSLY WOUND-**
2 **ED, ILL, OR INJURED FORMER OR RETIRED**
3 **ENLISTED MEMBERS OF THE ARMED FORCES**
4 **IN ASSOCIATE DEGREE PROGRAMS OF THE**
5 **COMMUNITY COLLEGE OF THE AIR FORCE IN**
6 **ORDER TO COMPLETE DEGREE PROGRAM.**

7 (a) IN GENERAL.—Section 9315 of title 10, United
8 States Code, is amended—

9 (1) by redesignating subsection (c) as sub-
10 section (d); and

11 (2) by inserting after subsection (b) the fol-
12 lowing new subsection (c):

13 “(c) SERIOUSLY WOUNDED, ILL, OR INJURED
14 FORMER AND RETIRED ENLISTED MEMBERS.—(1) The
15 Secretary of the Air Force may authorize participation in
16 a program of higher education under subsection (a)(1) by
17 a person who is a former or retired enlisted member of
18 the armed forces who at the time of the person’s separa-
19 tion from active duty—

20 “(A) had commenced but had not completed a
21 program of higher education under subsection
22 (a)(1); and

23 “(B) is categorized by the Secretary concerned
24 as seriously wounded, ill, or injured.

25 “(2) A person may not be authorized under para-
26 graph (1) to participate in a program of higher education

1 after the end of the 10-year period beginning on the date
2 of the person's separation from active duty.".

3 (b) CONFORMING AMENDMENTS.—Subsection (d) of
4 such section, as redesignated by subsection (a)(1), is
5 amended by striking “enlisted member” both places it ap-
6 pears and inserting “person”.

7 (c) EFFECTIVE DATE.—Subsection (c) of section
8 9315 of title 10, United States Code (as added by sub-
9 section (a)(2)), shall apply to persons covered by para-
10 graph (1) of such subsection who are categorized by the
11 Secretary concerned as seriously wounded, ill, or injured
12 after September 11, 2001. With respect to any such per-
13 son who is separated from active duty during the period
14 beginning on September 12, 2001, and ending on the date
15 of the enactment of this Act, the 10-year period specified
16 in paragraph (2) of such subsection shall be deemed to
17 commence on the date of the enactment of this Act.

18 **SEC. 545. CONSOLIDATION OF MILITARY DEPARTMENT AU-**
19 **THORITY TO ISSUE ARMS, TENTAGE, AND**
20 **EQUIPMENT TO EDUCATIONAL INSTITUTIONS**
21 **NOT MAINTAINING UNITS OF JUNIOR ROTC.**

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

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

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

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

10 “(2) has a student body of at least 100 phys-
11 ically fit students over 14 years of age.”

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

14 (c) CLERICAL AMENDMENTS.—

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

“2552a. Arms, tentage, and equipment: educational institutions not maintaining
units of Junior R.O.T.C.”.

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

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

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

4 **SEC. 546. TEMPORARY AUTHORITY TO WAIVE MAXIMUM**
5 **AGE LIMITATION ON ADMISSION TO THE**
6 **MILITARY SERVICE ACADEMIES.**

7 (a) **WAIVER FOR CERTAIN ENLISTED MEMBERS.**—
8 The Secretary of the military department concerned may
9 waive the maximum age limitation specified in section
10 4346(a), 6958(a)(1), or 9346(a) of title 10, United States
11 Code, for the admission of an enlisted member of the
12 Armed Forces to the United States Military Academy, the
13 United States Naval Academy, or the United States Air
14 Force Academy if the member—

15 (1) satisfies the eligibility requirements for ad-
16 mission to that academy (other than the maximum
17 age limitation); and

18 (2) was or is prevented from being admitted to
19 a military service academy before the member
20 reached the maximum age specified in such sections
21 as a result of service on active duty in a theater of
22 operations for Operation Iraqi Freedom, Operation
23 Enduring Freedom, or Operation New Dawn.

24 (b) **MAXIMUM AGE FOR RECEIPT OF WAIVER.**—A
25 waiver may not be granted under this section if the can-

1 didate would pass the candidate's twenty-sixth birthday by
2 July 1 of the year in which the candidate would enter the
3 military service academy pursuant to the waiver.

4 (c) LIMITATION ON NUMBER ADMITTED USING
5 WAIVER.—Not more than five candidates may be admitted
6 to each of the military service academies for an academic
7 year pursuant to a waiver granted under this section.

8 (d) RECORD KEEPING REQUIREMENT.—The Sec-
9 retary of each military department shall maintain records
10 on the number of graduates of the military service acad-
11 emy under the jurisdiction of the Secretary who are admit-
12 ted pursuant to a waiver granted under this section and
13 who remain in the Armed Forces beyond the active duty
14 service obligation assumed upon graduation. The Sec-
15 retary shall compare their retention rate to the retention
16 rate of graduates of that academy generally.

17 (e) REPORTS.—Not later than April 1, 2016, the Sec-
18 retary of each military department shall submit to the
19 Committees on Armed Services of the Senate and the
20 House of Representatives a report specifying—

21 (1) the number of applications for waivers re-
22 ceived by the Secretary under this section;

23 (2) the number of waivers granted by the Sec-
24 retary under this section;

1 (3) the number of candidates actually admitted
2 to the military service academy under the jurisdic-
3 tion of the Secretary pursuant to a waiver granted
4 by the Secretary under this section; and

5 (4) beginning with the class of 2009, the num-
6 ber of graduates of the military service academy
7 under the jurisdiction of the Secretary who, before
8 admission to that academy, were enlisted members
9 of the Armed Forces and who remain in the Armed
10 Forces beyond the active duty service obligation as-
11 sumed upon graduation.

12 (f) DURATION OF WAIVER AUTHORITY.—The au-
13 thority to grant a waiver under this section expires on
14 September 30, 2016.

15 **Subtitle E—Military Justice and**
16 **Legal Matters Generally**

17 **SEC. 551. REFORM OF OFFENSES RELATING TO RAPE, SEX-**
18 **UAL ASSAULT, AND OTHER SEXUAL MIS-**
19 **CONDUCT UNDER THE UNIFORM CODE OF**
20 **MILITARY JUSTICE.**

21 (a) RAPE AND SEXUAL ASSAULT GENERALLY.—Sec-
22 tion 920 of title 10, United States Code (article 120 of
23 the Uniform Code of Military Justice), is amended as fol-
24 lows:

1 (1) REVISED OFFENSE OF RAPE.—Subsection
2 (a) is amended to read as follows:

3 “(a) RAPE.—Any person subject to this chapter who
4 commits a sexual act upon another person by—

5 “(1) using unlawful force against that other
6 person;

7 “(2) using force causing or likely to cause death
8 or grievous bodily harm to any person;

9 “(3) threatening or placing that other person in
10 fear that any person will be subjected to death,
11 grievous bodily harm, or kidnapping;

12 “(4) first rendering that other person uncon-
13 scious; or

14 “(5) administering to that other person by force
15 or threat of force, or without the knowledge or con-
16 sent of that person, a drug, intoxicant, or other
17 similar substance and thereby substantially impair-
18 ing the ability of that other person to appraise or
19 control conduct;

20 is guilty of rape and shall be punished as a court-martial
21 may direct.”.

22 (2) REPEAL OF PROVISIONS RELATING TO OF-
23 FENSES REPLACED BY NEW ARTICLE 120b.—Sub-
24 sections (b), (d), (f), (g), (i), (j), and (o) are re-
25 pealed.

1 (3) REVISED OFFENSE OF SEXUAL ASSAULT.—
2 Subsection (c) is redesignated as subsection (b) and
3 is amended to read as follows:

4 “(b) SEXUAL ASSAULT.—Any person subject to this
5 chapter who—

6 “(1) commits a sexual act upon another person
7 by—

8 “(A) threatening or placing that other per-
9 son in fear;

10 “(B) causing bodily harm to that other
11 person;

12 “(C) making a fraudulent representation
13 that the sexual act serves a professional pur-
14 pose; or

15 “(D) inducing a belief by any artifice, pre-
16 tense, or concealment that the person is another
17 person;

18 “(2) commits a sexual act upon another person
19 when the person knows or reasonably should know
20 that the other person is asleep, unconscious, or oth-
21 erwise unaware that the sexual act is occurring; or

22 “(3) commits a sexual act upon another person
23 when the other person is incapable of consenting to
24 the sexual act due to—

1 “(A) impairment by any drug, intoxicant,
2 or other similar substance, and that condition is
3 known or reasonably should be known by the
4 person; or

5 “(B) a mental disease or defect, or phys-
6 ical disability, and that condition is known or
7 reasonably should be known by the person;

8 is guilty of sexual assault and shall be punished as a court-
9 martial may direct.”.

10 (4) AGGRAVATED SEXUAL CONTACT.—Sub-
11 section (e) is redesignated as subsection (c) and is
12 amended—

13 (A) by striking “engages in” and inserting
14 “commits”; and

15 (B) by striking “with” and inserting
16 “upon”.

17 (5) ABUSIVE SEXUAL CONTACT.—Subsection
18 (h) is redesignated as subsection (d) and is amend-
19 ed—

20 (A) by striking “engages in” and inserting
21 “commits”;

22 (B) by striking “with” and inserting
23 “upon”; and

1 (C) by striking “subsection (c) (aggravated
2 sexual assault)” and inserting “subsection (b)
3 (sexual assault)”.

4 (6) REPEAL OF PROVISIONS RELATING TO OF-
5 FENSES REPLACED BY NEW ARTICLE 120c.—Sub-
6 sections (k), (l), (m), and (n) are repealed.

7 (7) PROOF OF THREAT.—Subsection (p) is re-
8 designated as subsection (e) and is amended—

9 (A) by striking “the accused made” and
10 inserting “a person made”;

11 (B) by striking “the accused actually” and
12 inserting “the person actually”; and

13 (C) by inserting before the period at the
14 end the following: “or had the ability to carry
15 out the threat”.

16 (8) DEFENSES.—Subsection (q) is redesignated
17 as subsection (f) and is amended to read as follows:

18 “(f) DEFENSES.—An accused may raise any applica-
19 ble defenses available under this chapter or the Rules for
20 Court-Martial. Marriage is not a defense for any conduct
21 in issue in any prosecution under this section.”.

22 (9) PROVISIONS RELATING TO AFFIRMATIVE
23 DEFENSES.—Subsections (r) and (s) are repealed.

24 (10) DEFINITIONS.—Subsection (t) is redesignig-
25 nated as subsection (g) and is amended—

- 1 (A) in paragraph (1)—
- 2 (i) in subparagraph (A), by inserting
- 3 “or anus or mouth” after “vulva”; and
- 4 (ii) in subparagraph (B)—
- 5 (I) by striking “genital opening”
- 6 and inserting “vulva or anus or
- 7 mouth,”; and
- 8 (II) by striking “a hand or fin-
- 9 ger” and inserting “any part of the
- 10 body”;
- 11 (B) by striking paragraph (2) and insert-
- 12 ing the following:
- 13 “(2) SEXUAL CONTACT.—The term ‘sexual con-
- 14 tact’ means—
- 15 “(A) touching, or causing another person
- 16 to touch, either directly or through the clothing,
- 17 the genitalia, anus, groin, breast, inner thigh,
- 18 or buttocks of any person, with an intent to
- 19 abuse, humiliate, or degrade any person; or
- 20 “(B) any touching, or causing another per-
- 21 son to touch, either directly or through the
- 22 clothing, any body part of any person, if done
- 23 with an intent to arouse or gratify the sexual
- 24 desire of any person.

1 Touching may be accomplished by any part of the
2 body.”.

3 (C) by striking paragraph (4) and redesignating
4 paragraph (3) as paragraph (4);

5 (D) by redesignating paragraph (8) as
6 paragraph (3), transferring that paragraph so
7 as to appear after paragraph (2), and amending
8 that paragraph by inserting before the period at
9 the end the following: “, including any non-
10 consensual sexual act or nonconsensual sexual
11 contact”;

12 (E) in paragraph (4), as redesignated by
13 subparagraph (C), by striking the last sentence;

14 (F) by striking paragraphs (5) and (7);

15 (G) by redesignating paragraph (6) as
16 paragraph (7);

17 (H) by inserting after paragraph (4), as
18 redesignated by subparagraph (C), the following
19 new paragraphs (5) and (6):

20 “(5) FORCE.—The term ‘force’ means—

21 “(A) the use of a weapon;

22 “(B) the use of such physical strength or
23 violence as is sufficient to overcome, restrain, or
24 injure a person; or

1 “(C) inflicting physical harm sufficient to
2 coerce or compel submission by the victim.

3 “(6) UNLAWFUL FORCE.—The term ‘unlawful
4 force’ means an act of force done without legal jus-
5 tification or excuse.”;

6 (I) in paragraph (7), as redesignated by
7 subparagraph (G)—

8 (i) by striking “under paragraph (3)”
9 and all that follows through “contact,”;
10 and

11 (ii) by striking “death, grievous bodily
12 harm, or kidnapping” and inserting “the
13 wrongful action contemplated by the com-
14 munication or action.”;

15 (J) by striking paragraphs (9) through
16 (13);

17 (K) by redesignating paragraph (14) as
18 paragraph (8) and in that paragraph—

19 (i) by inserting “(A)” before “The
20 term”;

21 (ii) by striking “words or overt acts
22 indicating” and “sexual” in the first sen-
23 tence;

24 (iii) by striking “accused’s” in the
25 third sentence;

1 (iv) by inserting “or social or sexual”
2 before “relationship” in the fourth sen-
3 tence;

4 (v) by striking “sexual” before “con-
5 duct” in the fourth sentence;

6 (vi) by striking “A person cannot con-
7 sent” and all that follows through the pe-
8 riod; and

9 (vii) by adding at the end the fol-
10 lowing new subparagraphs:

11 “(B) A sleeping, unconscious, or incom-
12 petent person cannot consent. A person cannot
13 consent to force causing or likely to cause death
14 or grievous bodily harm or to being rendered
15 unconscious. A person cannot consent while
16 under threat or in fear or under the cir-
17 cumstances described in subparagraph (C) or
18 (D) of subsection (b)(1).

19 “(C) Lack of consent may be inferred
20 based on the circumstances of the offense. All
21 the surrounding circumstances are to be consid-
22 ered in determining whether a person gave con-
23 sent, or whether a person did not resist or
24 ceased to resist only because of another per-
25 son’s actions.”; and

1 (L) by striking paragraphs (15) and (16).

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

4 **“§ 920. Art. 120. Rape and sexual assault generally”.**

5 (b) RAPE AND SEXUAL ASSAULT OF A CHILD.—
6 Chapter 47 of such title (the Uniform Code of Military
7 Justice) is amended by inserting after section 920a (arti-
8 cle 120a), as amended by subsection (a), the following new
9 section (article):

10 **“§ 920b. Art. 120b. Rape and sexual assault of a child**

11 “(a) RAPE OF A CHILD.—Any person subject to this
12 chapter who—

13 “(1) commits a sexual act upon a child who has
14 not attained the age of 12 years; or

15 “(2) commits a sexual act upon a child who has
16 attained the age of 12 years by—

17 “(A) using force against any person;

18 “(B) threatening or placing that child in
19 fear;

20 “(C) rendering that child unconscious; or

21 “(D) administering to that child a drug,
22 intoxicant, or other similar substance;

23 is guilty of rape of a child and shall be punished as a
24 court-martial may direct.

1 “(b) SEXUAL ASSAULT OF A CHILD.—Any person
2 subject to this chapter who commits a sexual act upon a
3 child who has attained the age of 12 years is guilty of
4 sexual assault of a child and shall be punished as a court-
5 martial may direct.

6 “(c) SEXUAL ABUSE OF A CHILD.—Any person sub-
7 ject to this chapter who commits a lewd act upon a child
8 is guilty of sexual abuse of a child and shall be punished
9 as a court-martial may direct.

10 “(d) AGE OF CHILD.—

11 “(1) UNDER 12 YEARS.—In a prosecution under
12 this section, it need not be proven that the accused
13 knew the age of the other person engaging in the
14 sexual act or lewd act. It is not a defense that the
15 accused reasonably believed that the child had at-
16 tained the age of 12 years.

17 “(2) UNDER 16 YEARS.—In a prosecution under
18 this section, it need not be proven that the accused
19 knew that the other person engaging in the sexual
20 act or lewd act had not attained the age of 16 years,
21 but it is a defense in a prosecution under subsection
22 (b) (sexual assault of a child) or subsection (c) (sex-
23 ual abuse of a child), which the accused must prove
24 by a preponderance of the evidence, that the accused
25 reasonably believed that the child had attained the

1 age of 16 years, if the child had in fact attained at
2 least the age of 12 years.

3 “(e) PROOF OF THREAT.—In a prosecution under
4 this section, in proving that a person made a threat, it
5 need not be proven that the person actually intended to
6 carry out the threat or had the ability to carry out the
7 threat.

8 “(f) MARRIAGE.—In a prosecution under subsection
9 (b) (sexual assault of a child) or subsection (c) (sexual
10 abuse of a child), it is a defense, which the accused must
11 prove by a preponderance of the evidence, that the persons
12 engaging in the sexual act or lewd act were at that time
13 married to each other, except where the accused commits
14 a sexual act upon the person when the accused knows or
15 reasonably should know that the other person is asleep,
16 unconscious, or otherwise unaware that the sexual act is
17 occurring or when the other person is incapable of con-
18 senting to the sexual act due to impairment by any drug,
19 intoxicant, or other similar substance, and that condition
20 was known or reasonably should have been known by the
21 accused.

22 “(g) CONSENT.—Lack of consent is not an element
23 and need not be proven in any prosecution under this sec-
24 tion. A child not legally married to the person committing

1 the sexual act, lewd act, or use of force cannot consent
2 to any sexual act, lewd act, or use of force.

3 “(h) DEFINITIONS.—In this section:

4 “(1) SEXUAL ACT AND SEXUAL CONTACT.—The
5 terms ‘sexual act’ and ‘sexual contact’ have the
6 meanings given those terms in section 920(g) of this
7 title (article 120(g)).

8 “(2) FORCE.—The term ‘force’ means—

9 “(A) the use of a weapon;

10 “(B) the use of such physical strength or
11 violence as is sufficient to overcome, restrain, or
12 injure a child; or

13 “(C) inflicting physical harm.

14 In the case of a parent-child or similar relationship,
15 the use or abuse of parental or similar authority is
16 sufficient to constitute the use of force.

17 “(3) THREATENING OR PLACING THAT CHILD
18 IN FEAR.—The term ‘threatening or placing that
19 child in fear’ means a communication or action that
20 is of sufficient consequence to cause the child to fear
21 that non-compliance will result in the child or an-
22 other person being subjected to the action con-
23 templated by the communication or action.

24 “(4) CHILD.—The term ‘child’ means any per-
25 son who has not attained the age of 16 years.

1 “(5) LEWD ACT.—The term ‘lewd act’ means—

2 “(A) any sexual contact with a child;

3 “(B) intentionally exposing one’s genitalia,
4 anus, buttocks, or female areola or nipple to a
5 child by any means, including via any commu-
6 nication technology, with an intent to abuse,
7 humiliate, or degrade any person, or to arouse
8 or gratify the sexual desire of any person;

9 “(C) intentionally communicating indecent
10 language to a child by any means, including via
11 any communication technology, with an intent
12 to abuse, humiliate, or degrade any person, or
13 to arouse or gratify the sexual desire of any
14 person; or

15 “(D) any indecent conduct, intentionally
16 done with or in the presence of a child, includ-
17 ing via any communication technology, that
18 amounts to a form of immorality relating to
19 sexual impurity which is grossly vulgar, ob-
20 scene, and repugnant to common propriety, and
21 tends to excite sexual desire or deprave morals
22 with respect to sexual relations.”.

23 (c) OTHER SEXUAL MISCONDUCT.—Such chapter
24 (the Uniform Code of Military Justice) is further amended

1 by inserting after section 920b (article 120b), as added
2 by subsection (b), the following new section:

3 **“§ 920c. Art. 120c. Other sexual misconduct**

4 “(a) INDECENT VIEWING, VISUAL RECORDING, OR
5 BROADCASTING.—Any person subject to this chapter who,
6 without legal justification or lawful authorization—

7 “(1) knowingly and wrongfully views the private
8 area of another person, without that other person’s
9 consent and under circumstances in which that other
10 person has a reasonable expectation of privacy;

11 “(2) knowingly photographs, videotapes, films,
12 or records by any means the private area of another
13 person, without that other person’s consent and
14 under circumstances in which that other person has
15 a reasonable expectation of privacy; or

16 “(3) knowingly broadcasts or distributes any
17 such recording that the person knew or reasonably
18 should have known was made under the cir-
19 cumstances proscribed in paragraphs (1) and (2);

20 is guilty of an offense under this section and shall be pun-
21 ished as a court-martial may direct.

22 “(b) FORCIBLE PANDERING.—Any person subject to
23 this chapter who compels another person to engage in an
24 act of prostitution with any person is guilty of forcible

1 pandering and shall be punished as a court-martial may
2 direct.

3 “(c) INDECENT EXPOSURE.—Any person subject to
4 this chapter who intentionally exposes, in an indecent
5 manner, the genitalia, anus, buttocks, or female areola or
6 nipple is guilty of indecent exposure and shall be punished
7 as a court-martial may direct.

8 “(d) DEFINITIONS.—In this section:

9 “(1) ACT OF PROSTITUTION.—The term ‘act of
10 prostitution’ means a sexual act or sexual contact
11 (as defined in section 920(g) of this title (article
12 120(g))) on account of which anything of value is
13 given to, or received by, any person.

14 “(2) PRIVATE AREA.—The term ‘private area’
15 means the naked or underwear-clad genitalia, anus,
16 buttocks, or female areola or nipple.

17 “(3) REASONABLE EXPECTATION OF PRI-
18 VACY.—The term ‘under circumstances in which
19 that other person has a reasonable expectation of
20 privacy’ means—

21 “(A) circumstances in which a reasonable
22 person would believe that he or she could dis-
23 robe in privacy, without being concerned that
24 an image of a private area of the person was
25 being captured; or

1 “(B) circumstances in which a reasonable
2 person would believe that a private area of the
3 person would not be visible to the public.

4 “(4) BROADCAST.—The term ‘broadcast’ means
5 to electronically transmit a visual image with the in-
6 tent that it be viewed by a person or persons.

7 “(5) DISTRIBUTE.—The term ‘distribute’
8 means delivering to the actual or constructive pos-
9 session of another, including transmission by elec-
10 tronic means.

11 “(6) INDECENT MANNER.—The term ‘indecent
12 manner’ means conduct that amounts to a form of
13 immorality relating to sexual impurity which is
14 grossly vulgar, obscene, and repugnant to common
15 propriety, and tends to excite sexual desire or de-
16 prave morals with respect to sexual relations.”.

17 (d) REPEAL OF SODOMY ARTICLE.—Section 925 of
18 such title (article 125 of the Uniform Code of Military
19 Justice) is repealed.

20 (e) CONFORMING AMENDMENTS.—Chapter 47 of
21 such title (the Uniform Code of Military Justice) is further
22 amended as follows:

23 (1) STATUTE OF LIMITATIONS.—Subparagraph
24 (B) of section 843(b)(2) (article 43(b)(2)) is amend-
25 ed—

1 (A) in clause (i), by striking “section 920
2 of this title (article 120)” and inserting “sec-
3 tion 920, 920a, 920b, or 920c of this title (arti-
4 cle 120, 120a, 120b, or 120c)”;

5 (B) by striking clause (iii); and

6 (C) in clause (v)—

7 (i) by striking “indecent assault”;

8 (ii) by striking “rape, or sodomy,”
9 and inserting “or rape,”; and

10 (iii) by striking “or liberties with a
11 child”.

12 (2) MURDER.—Paragraph (4) of section 918
13 (article 118) is amended—

14 (A) by striking “sodomy,”; and

15 (B) by striking “aggravated sexual as-
16 sault,” and all that follows through “with a
17 child,” and inserting “sexual assault, sexual as-
18 sault of a child, aggravated sexual contact, sex-
19 ual abuse of a child,”.

20 (f) CLERICAL AMENDMENTS.—The table of sections
21 at the beginning of subchapter X of such chapter (the Uni-
22 form Code of Military Justice) is amended—

23 (1) by striking the items relating to sections
24 920 and 920a (articles 120 and 120a) and inserting
25 the following new items:

“920. 120. Rape and sexual assault generally.

“920a. 120a. Stalking.
 “920b. 120b. Rape and sexual assault of a child.
 “920c. 120c. Other sexual misconduct.”;

1 and

2 (2) by striking the item relating to section 925
 3 (article 125).

4 (g) EFFECTIVE DATE.—The amendments made by
 5 this section shall take effect on the date of the enactment
 6 of this Act and shall apply with respect to offenses com-
 7 mitted on or after such date.

8 **SEC. 552. AUTHORITY TO COMPEL PRODUCTION OF DOCU-**
 9 **MENTARY EVIDENCE.**

10 (a) SUBPOENA DUCES TECUM.—Section 847 of title
 11 10, United States Code (article 47 of the Uniform Code
 12 of Military Justice), is amended—

13 (1) in subsection (a)(1), by striking “board;”
 14 and inserting “board, or has been duly issued a sub-
 15 poena duces tecum for an investigation, including an
 16 investigation pursuant to section 832(b) of this title
 17 (article 32(b)); and”; and

18 (2) in subsection (c), by striking “or board”
 19 and inserting “board, trial counsel, or convening au-
 20 thority”.

21 (b) REPEAL OF OBSOLETE PROVISIONS RELATING
 22 TO FEES AND MILEAGE PAYABLE TO WITNESSES.—Such
 23 section is further amended—

24 (1) in subsection (a)—

1 (A) by striking paragraph (2); and

2 (B) by redesignating paragraph (3) as
3 paragraph (2); and

4 (2) by striking subsection (d).

5 (c) TECHNICAL AMENDMENTS.—Subsection (a) of
6 such section is further amended by striking “subpenaed”
7 in paragraphs (1) and (2), as redesignated by subsection
8 (b)(1)(B), and inserting “subpoenaed”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply with respect to subpoenas issued
11 after the date of the enactment of this Act.

12 **SEC. 553. PROCEDURES FOR JUDICIAL REVIEW OF CER-**
13 **TAIN MILITARY PERSONNEL DECISIONS.**

14 (a) PROHIBITED PERSONNEL ACTIONS.—Section
15 1034 of title 10, United States Code, is amended—

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

18 “(7) In any case in which the final decision of the
19 Secretary concerned results in denial, in whole or in part,
20 of any requested correction of the member or former mem-
21 ber’s record, the member or former member shall be pro-
22 vided a concise written statement of the factual and legal
23 basis for the decision, together with a statement of the
24 procedure and time for obtaining review of the decision
25 pursuant to section 1560 of this title.”;

1 (2) in subsection (g)—

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

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

6 “(2) A submittal to the Secretary of Defense under
7 paragraph (1) must be made within 90 days of the receipt
8 of the final decision of the Secretary of the military de-
9 partment concerned in the matter. In any case in which
10 the final decision of the Secretary of Defense results in
11 denial, in whole or in part, of any requested correction
12 of the member or former member’s record, the member
13 or former member shall be provided a concise written
14 statement of the basis for the decision, together with a
15 statement of the procedure and time for obtaining review
16 of the decision pursuant to section 1560 of this title.”;

17 (3) by redesignating subsections (h) and (i) as
18 subsections (i) and (j), respectively; and

19 (4) by inserting after subsection (g) the fol-
20 lowing new subsection (h):

21 “(h) JUDICIAL REVIEW.—A decision of the Secretary
22 of Defense under subsection (g) or, in a case in which re-
23 view by the Secretary of Defense under subsection (g) was
24 not sought or in a case arising out of the Coast Guard
25 when the Coast Guard is not operating as a service in the

1 Navy, a decision of the Secretary of a military department
2 or the Secretary of Homeland Security under subsection
3 (f) shall be subject to judicial review only as provided in
4 section 1560 of this title.”.

5 (b) CORRECTION OF MILITARY RECORDS.—Section
6 1552 of such title is amended—

7 (1) by redesignating subsection (g) as sub-
8 section (j); and

9 (2) by inserting after subsection (f) the fol-
10 lowing new subsections:

11 “(g) In any case in which the final decision of the
12 Secretary concerned results in denial, in whole or in part,
13 of any requested correction, the claimant shall be provided
14 a concise written statement of the factual and legal basis
15 for the decision, together with a statement of the proce-
16 dure and time for obtaining review of the decision pursu-
17 ant to section 1560 of this title.

18 “(h) If an application for correction of military
19 records involves a historically significant military event (as
20 defined by the Secretary concerned), or would, if the appli-
21 cation is approved, substantially modify the results of any
22 disciplinary action or promotion decision regarding a gen-
23 eral or flag officer which includes in the remedy a pro-
24 motion by and with the advice and consent of the Senate,
25 the Secretary concerned shall ensure that an advisory

1 opinion is included in the record of the decision that in-
2 cludes a detailed chronology of the events in question and,
3 at a minimum, considers the following information:

4 “(1) A thorough compilation of the information
5 available in the historical record, including testi-
6 mony, contemporary written statements, and all
7 available records which formed the basis for the mili-
8 tary records in question.

9 “(2) The testimony or written views of contem-
10 porary decision makers, if available, regarding the
11 matters raised in the application for relief regarding
12 the military records in question.

13 “(3) A summary of the available evidence for
14 and against the position taken by the applicant.

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

18 (c) JUDICIAL REVIEW.—

19 (1) IN GENERAL.—Chapter 79 of such title is
20 amended by adding at the end the following new sec-
21 tion:

22 **“§ 1560. Judicial review of decisions**

23 “(a) After a final decision is issued pursuant to sec-
24 tion 1552 of this title, or is issued by the Secretary of
25 a military department or the Secretary of Homeland Secu-

1 rity pursuant to section 1034(f) of this title or the Sec-
2 retary of Defense pursuant to section 1034(g) of this title,
3 any person aggrieved by the decision may obtain judicial
4 review.

5 “(b) In exercising its authority under this section, the
6 reviewing court shall review the record and may hold un-
7 lawful and set aside any decision demonstrated by the pe-
8 titioner in the record to be—

9 “(1) arbitrary or capricious;

10 “(2) not based on substantial evidence;

11 “(3) a result of material error of fact or mate-
12 rial administrative error, but only if the petitioner
13 identified to the correction board how the failure to
14 follow procedures substantially prejudiced the peti-
15 tioner’s right to relief, and shows to the reviewing
16 court by a preponderance of the evidence that the
17 error was harmful; or

18 “(4) otherwise contrary to law.

19 “(c) Upon review under this section, the reviewing
20 court shall affirm, modify, vacate, or reverse the decision,
21 or remand the matter, as appropriate.

22 “(d) No judicial review may be made under this sec-
23 tion unless the petitioner shall first have requested a cor-
24 rection under section 1552 of this title, and the Secretary
25 concerned shall have rendered a final decision denying

1 that correction in whole or in part. In a case in which
2 the final decision of the Secretary concerned is subject to
3 review by the Secretary of Defense under section 1034(g)
4 of this title, the petitioner is not required to seek such
5 review by the Secretary of Defense before obtaining judi-
6 cial review under this section. If the petitioner seeks re-
7 view by the Secretary of Defense under section 1034(g)
8 of this title, no judicial review may be made until the Sec-
9 retary of Defense shall have rendered a final decision de-
10 nying that request in whole or in part.

11 “(e) In the case of a final decision described in sub-
12 section (a) made on or after the date of the enactment
13 of the National Defense Authorization Act for Fiscal Year
14 2012, a petition for judicial review under this section must
15 be filed within three years of the date on which the final
16 decision was actually received by the petitioner.

17 “(f) Notwithstanding subsections (a), (b), and (c), a
18 reviewing court does not have jurisdiction to entertain any
19 matter or issue raised in a petition of review under this
20 section that is not justiciable.

21 “(g)(1) In the case of a cause of action arising after
22 the date of the enactment of the National Defense Author-
23 ization Act for Fiscal Year 2012, no court shall have juris-
24 diction to entertain any request for correction of records

1 cognizable under section 1552 of this title, except as pro-
2 vided in this section.

3 “(2) In the case of a cause of action arising after
4 the date of the enactment of the National Defense Author-
5 ization Act for Fiscal Year 2012, except as provided by
6 chapter 153 of title 28 and this chapter, no court shall
7 have jurisdiction over any civil action or claim seeking, in
8 whole or in part, to challenge any decision for which ad-
9 ministrative review is available under section 1552 of this
10 title.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 79 of such title is
13 amended by adding at the end the following new
14 item:

“1560. Judicial review of decisions.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect one year after the date of
17 the enactment of this Act. Such amendments shall apply
18 to all final decisions of the Secretary of Defense under
19 section 1034(g) of title 10, United States Code, and of
20 the Secretary of a military department or the Secretary
21 of Homeland Security under section 1034(f) or 1552 of
22 title 10, United States Code, whether rendered before or
23 after the date of the enactment of this Act. During the
24 period between the date of the enactment of this Act and
25 the date on which the amendments made by this section

1 take effect, in any case in which the final decision of the
2 Secretary of Defense under section 1034 of title 10,
3 United States Code, or the Secretary concerned under sec-
4 tion 1552 of title 10, United States Code, results in denial,
5 in whole or in part, of any requested correction of a record
6 of a member, former member, or claimant, the individual
7 shall be informed in writing of the time for obtaining re-
8 view of the decision pursuant to section 1560 of title 10,
9 United States Code, as provided therein.

10 (e) IMPLEMENTATION.—The Secretaries concerned
11 may prescribe appropriate regulations, and interim guid-
12 ance before prescribing such regulations, to implement the
13 amendments made by this section. In the case of the Sec-
14 retary of a military department, such regulations may not
15 take effect until approved by the Secretary of Defense.

16 (f) CONSTRUCTION.—This section does not affect the
17 authority of any court to exercise jurisdiction over any
18 case which was properly before it before the effective date
19 specified in subsection (d).

20 (g) SECRETARY CONCERNED DEFINED.—In this sec-
21 tion, the term “Secretary concerned” has the meaning
22 given that term in section 101(a)(9) of title 10, United
23 States Code.

1 **SEC. 554. DEPARTMENT OF DEFENSE SUPPORT FOR PRO-**
2 **GRAMS ON PRO BONO LEGAL REPRESENTA-**
3 **TION FOR MEMBERS OF THE ARMED FORCES.**

4 (a) **SUPPORT AUTHORIZED.**—The Secretary of De-
5 fense may provide support to one or more public or private
6 programs designed to facilitate representation by attor-
7 neys who provide pro bono legal assistance of members
8 of the Armed Forces who are in need of such representa-
9 tion.

10 (b) **FINANCIAL SUPPORT.**—

11 (1) **IN GENERAL.**—The support provided a pro-
12 gram under subsection (a) may include financial
13 support of the program.

14 (2) **LIMITATION ON AMOUNT.**—The total
15 amount of financial support provided under sub-
16 section (a) in any fiscal year may not exceed
17 \$500,000.

18 (3) **DETERMINATION.**—The Secretary may not
19 provide financial support under subsection (a) unless
20 the Secretary determines that services available at
21 no cost to the Department of Defense or individual
22 members of the Armed Forces that facilitate rep-
23 resentation by attorneys who provide pro bono legal
24 assistance to members of the Armed Forces who are
25 in need of such assistance are not available.

1 (4) FUNDING.—Amounts for financial support
2 under this section shall be derived from amounts au-
3 thorized to be appropriated for the Department of
4 Defense for operation and maintenance.

5 **Subtitle F—Sexual Assault**
6 **Prevention and Response**

7 **SEC. 561. DIRECTOR OF THE SEXUAL ASSAULT PREVEN-**
8 **TION AND RESPONSE OFFICE.**

9 Section 1611(a) of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (Public Law 111–
11 383; 124 Stat. 4431; 10 U.S.C. 1561 note) is amended
12 by adding before the period at the end of the first sentence
13 the following: “, who shall be appointed from among gen-
14 eral or flag officers of the Armed Forces or employees of
15 the Department of Defense in a comparable Senior Execu-
16 tive Service position”.

17 **SEC. 562. SEXUAL ASSAULT RESPONSE COORDINATORS**
18 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

19 (a) GUIDANCE REQUIRED.—Not later than 60 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall issue guidance to implement the appro-
22 priate recommendations of the Report of the Defense Task
23 Force on Sexual Assault in the Military Services (Decem-
24 ber 2009). Such guidance shall—

1 (1) require the Secretary of each military de-
2 partment to determine (which determination shall be
3 based on the unique mission, military population,
4 and force structure of the applicable Armed Force)
5 the appropriate number of Sexual Assault Response
6 Coordinators and Sexual Assault Victim Advocates
7 to be assigned to deployed and non-deployed military
8 units under the jurisdiction of such Secretary;

9 (2) require that each installation or similar or-
10 ganizational level have at least one Sexual Assault
11 Response Coordinator;

12 (3) establish, or require the Secretary of each
13 military department to establish, credentialing pro-
14 grams for Sexual Assault Response Coordinators
15 and for Sexual Assault Victim Advocates; and

16 (4) ensure that, after October 1, 2013, only
17 members of the Armed Forces on active duty or full-
18 time civilian employees of the Department of De-
19 fense who have obtained the appropriate credentials
20 under a program under paragraph (3) may be as-
21 signed to duty as a Sexual Assault Response Coordi-
22 nator or a Sexual Assault Victim Advocate.

23 (b) REPORT REQUIRED.—Not later than 180 days
24 after the date of the enactment of this Act, the Secretary
25 of Defense shall submit Congress a report on the status

1 of the implementation of the recommendations of the De-
2 fense Task Force on Sexual Assault in the Military Serv-
3 ices. The report shall set forth the anticipated date of the
4 completion of the implementation by each military depart-
5 ment of the guidance issued under subsection (a).

6 **SEC. 563. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL**
7 **ASSISTANCE AND SERVICES OF SEXUAL AS-**
8 **SAULT RESPONSE COORDINATORS AND SEX-**
9 **UAL ASSAULT VICTIM ADVOCATES.**

10 (a) LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL AS-
11 SAULT.—Not later than 60 days after the date of the en-
12 actment of this Act, the Secretaries of the military depart-
13 ments shall prescribe regulations on the provision of legal
14 assistance to victims of sexual assault. Such regulations
15 shall require that legal assistance be provided by military
16 or civilian legal assistance counsel pursuant to section
17 1044 of title 10, United States Code.

18 (b) ASSISTANCE AND REPORTING.—

19 (1) IN GENERAL.—Chapter 80 of title 10,
20 United States Code, is amended by inserting after
21 section 1565a the following new section:

1 **“§ 1565b. Victims of sexual assault: access to legal as-**
2 **sistance and services of Sexual Assault**
3 **Response Coordinators and Sexual As-**
4 **sault Victim Advocates**

5 “(a) AVAILABILITY OF LEGAL ASSISTANCE AND VIC-
6 TIM ADVOCATE SERVICES.—(1) A member of the armed
7 forces who is the victim of a sexual assault may be pro-
8 vided the following:

9 “(A) Legal assistance provided by military or
10 civilian legal assistance counsel pursuant to section
11 1044 of this title.

12 “(B) Assistance provided by a Sexual Assault
13 Response Coordinator.

14 “(C) Assistance provided by a Sexual Assault
15 Victim Advocate.

16 “(2) A member of the armed forces who is the victim
17 of sexual assault shall be informed of the availability of
18 assistance under paragraph (1) as soon as the member
19 seeks assistance from a Sexual Assault Response Coordi-
20 nator, a Sexual Assault Victim Advocate, a military crimi-
21 nal investigator, a victim/witness liaison, or a trial counsel.
22 The member shall also be informed that the legal assist-
23 ance and the services of a Sexual Assault Response Coordi-
24 nator or a Sexual Assault Victim Advocate under para-
25 graph (1) are optional and may be declined, in whole or
26 in part, at any time.

1 “(3) Legal assistance and the services of Sexual As-
2 sault Response Coordinators and Sexual Assault Victim
3 Advocates under paragraph (1) shall be available to a
4 member regardless of whether the member elects unre-
5 stricted or restricted (confidential) reporting of the sexual
6 assault.

7 “(b) RESTRICTED REPORTING.—(1) Under regula-
8 tions prescribed by the Secretary of Defense, a member
9 of the armed forces who is the victim of a sexual assault
10 may elect to confidentially disclose the details of the as-
11 sault to an individual specified in paragraph (2) and re-
12 ceive medical treatment, legal assistance under section
13 1044 of this title, or counseling, without initiating an offi-
14 cial investigation of the allegations.

15 “(2) The individuals specified in this paragraph are
16 the following:

17 “(A) A military legal assistance counsel.

18 “(B) A Sexual Assault Response Coordinator.

19 “(C) A Sexual Assault Victim Advocate.

20 “(D) Healthcare personnel specifically identified
21 in the regulations required by paragraph (1).

22 “(E) A chaplain.”.

23 “(2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 80 of such title is

1 amended by inserting after the item relating to sec-
 2 tion 1565a the following new item:

“1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.”.

3 **SEC. 564. REQUIREMENT FOR PRIVILEGE IN CASES ARISING UNDER UNIFORM CODE OF MILITARY**
 4 **JUSTICE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE CO-**
 5 **ORDINATORS, SEXUAL ASSAULT VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.**

10 Not later than 60 days after the date of the enactment of this Act, the President shall establish in the Manual for Courts-Martial an evidentiary privilege against disclosure of certain communications by victims of sexual assault with Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, and such other persons as the President shall specify for purposes of the privilege.

17 **SEC. 565. EXPEDITED CONSIDERATION AND DECISION-MAKING ON REQUESTS FOR PERMANENT CHANGE**
 18 **OF STATION OR UNIT TRANSFER OF VICTIMS**
 19 **OF SEXUAL ASSAULT.**

21 (a) EXPEDITED CONSIDERATION AND PRIORITY FOR
 22 DECISIONMAKING.—The Secretaries of the military departments shall provide guidance on expedited consideration and decision-making, to the maximum extent prac-

1 ticable, on requests for a permanent change of station or
2 unit transfer submitted by a member of the Armed Forces
3 serving on active duty who was a victim of a sexual as-
4 sault.

5 (b) REGULATIONS.—The Secretaries of the military
6 departments shall prescribe regulations to carry out this
7 section.

8 **SEC. 566. DEPARTMENT OF DEFENSE POLICY AND PROCE-**
9 **DURES ON RETENTION AND ACCESS TO EVI-**
10 **DENCE AND RECORDS RELATING TO SEXUAL**
11 **ASSAULTS INVOLVING MEMBERS OF THE**
12 **ARMED FORCES.**

13 (a) COMPREHENSIVE POLICY ON RETENTION AND
14 ACCESS TO RECORDS.—Not later than February 1, 2013,
15 the Secretary of Defense shall, in consultation with the
16 Secretary of Veterans Affairs, develop a comprehensive
17 policy for the Department of Defense on the retention of
18 and access to evidence and records relating to sexual as-
19 saults involving members of the Armed Forces.

20 (b) OBJECTIVES.—The comprehensive policy required
21 by subsection (a) shall include policies and procedures (in-
22 cluding systems of records) necessary to ensure preserva-
23 tion of records and evidence for periods of time that en-
24 sure that members of the Armed Forces and veterans of
25 military service who were the victims of sexual assault dur-

1 ing military service are able to substantiate claims for vet-
2 erans benefits, to support criminal or civil prosecutions by
3 military or civil authorities, and for such purposes relating
4 to the documentation of the incidence of sexual assault
5 in the Armed Forces as the Secretary of Defense considers
6 appropriate.

7 (c) ELEMENTS.—In developing the comprehensive
8 policy required by subsection (a), the Secretary of Defense
9 shall consider, at a minimum, the following matters:

10 (1) Identification of records, including non-De-
11 partment of Defense records, relating to an incident
12 of sexual assault, that must be retained.

13 (2) Criteria for collection and retention of
14 records.

15 (3) Identification of physical evidence and non-
16 documentary forms of evidence relating to sexual as-
17 saults that must be retained.

18 (4) Length of time records and evidence must
19 be retained, except that the length of time documen-
20 tary evidence, physical evidence and forensic evi-
21 dence must be retained shall be not less than five
22 years.

23 (5) Locations where records must be stored.

1 (6) Media which may be used to preserve
2 records and assure access, including an electronic
3 systems of records.

4 (7) Protection of privacy of individuals named
5 in records and status of records under section 552
6 of title 5, United States Code (commonly referred to
7 as the “Freedom of Information Act”), section 552a
8 of title 5, United States Code (commonly referred to
9 as the “Privacy Act”), and laws related to privilege.

10 (8) Access to records by victims of sexual as-
11 sault, the Department of Veterans Affairs, and oth-
12 ers, including alleged assailants and law enforcement
13 authorities.

14 (9) Responsibilities for record retention by the
15 military departments.

16 (10) Education and training on record retention
17 requirements.

18 (11) Uniform collection of data on the incidence
19 of sexual assaults and on disciplinary actions taken
20 in substantiated cases of sexual assault.

21 (d) UNIFORM APPLICATION TO MILITARY DEPART-
22 MENTS.—The Secretary of Defense shall ensure that, to
23 the maximum extent practicable, the policy developed
24 under subsection (a) is implemented uniformly by the mili-
25 tary departments.

1 **Subtitle G—Defense Dependents’**
2 **Education**

3 **SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
4 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
5 **PENDENTS OF MEMBERS OF THE ARMED**
6 **FORCES AND DEPARTMENT OF DEFENSE CI-**
7 **VILIAN EMPLOYEES.**

8 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
9 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
10 amount authorized to be appropriated for fiscal year 2012
11 by section 301 and available for operation and mainte-
12 nance for Defense-wide activities as specified in the fund-
13 ing table in section 4301, \$25,000,000 shall be available
14 only for the purpose of providing assistance to local edu-
15 cational agencies under subsection (a) of section 572 of
16 the National Defense Authorization Act for Fiscal Year
17 2006 (Public Law 109–163; 20 U.S.C. 7703b).

18 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
19 this section, the term “‘local educational agency’” has the
20 meaning given that term in section 8013(9) of the Ele-
21 mentary and Secondary Education Act of 1965 (20 U.S.C.
22 7713(9)).

1 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
2 **ABILITIES.**

3 Of the amount authorized to be appropriated for fis-
4 cal year 2012 pursuant to section 301 and available for
5 operation and maintenance for Defense-wide activities as
6 specified in the funding table in section 4301, \$5,000,000
7 shall be available for payments under section 363 of the
8 Floyd D. Spence National Defense Authorization Act for
9 Fiscal Year 2001 (as enacted into law by Public Law 106-
10 398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

11 **SEC. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF**
12 **AUTHORITIES ON TRANSITION OF MILITARY**
13 **DEPENDENT STUDENTS AMONG LOCAL EDU-**
14 **CATIONAL AGENCIES.**

15 (a) **ADDITIONAL AUTHORITIES.**—Paragraph (2)(B)
16 of section 574(d) of the John Warner National Defense
17 Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b
18 note) is amended—

19 (1) by inserting “grant assistance” after “To
20 provide”; and

21 (2) by striking “including—“ and all that fol-
22 lows and inserting “including programs on the fol-
23 lowing:

24 “(i) Access to virtual and distance learning
25 capabilities and related applications.

26 “(ii) Training for teachers.

1 “(iii) Academic strategies to increase aca-
2 demic achievement.

3 “(iv) Curriculum development.

4 “(v) Support for practices that minimize
5 the impact of transition and deployment.

6 “(vi) Other appropriate services to improve
7 the academic achievement of such students.”.

8 (b) **THREE-YEAR EXTENSION.**—Paragraph (3) of
9 such section is amended by striking “September 30,
10 2013” and inserting “September 30, 2016”.

11 **Subtitle H—Military Family** 12 **Readiness**

13 **SEC. 576. MODIFICATION OF MEMBERSHIP OF DEPART-** 14 **MENT OF DEFENSE MILITARY FAMILY READI-** 15 **NESS COUNCIL.**

16 Subsection (b) of section 1781a of title 10, United
17 States Code, is amended to read as follows:

18 “(b) **MEMBERS.**—(1) The Council shall consist of the
19 following members:

20 “(A) The Under Secretary of Defense for Per-
21 sonnel and Readiness, who shall serve as chair of the
22 Council and who may designate a representative to
23 chair the council in the Under Secretary’s absence.

24 “(B) The following, who shall be appointed or
25 designated by the Secretary of Defense:

1 “(i) One representative of each of the
2 Army, Navy, Marine Corps, and Air Force,
3 each of whom may be a member of the armed
4 force to be represented, the spouse of such a
5 member, or the parent of such a member, and
6 may represent either the regular component or
7 a reserve component of that armed force.

8 “(ii) One representative of the Army Na-
9 tional Guard or Air National Guard, who may
10 be a member of the National Guard, the spouse
11 of such a member, or the parent of such a
12 member.

13 “(iii) One spouse of a member of each of
14 the Army, Navy, Marine Corps, and Air Force,
15 two of whom shall be the spouse of a regular
16 component member and two of whom shall be
17 the spouse of a reserve component member.

18 “(iv) Three individuals appointed by the
19 Secretary of Defense from among representa-
20 tives of military family organizations, including
21 military family organizations of families of
22 members of the regular components and of fam-
23 ilies of members of the reserve components.

24 “(v) The senior enlisted advisor, or the
25 spouse of a senior enlisted member, from each

1 of the Army, Navy, Marine Corps, and Air
2 Force.

3 “(C) The Director of the Office of Community
4 Support for Military Families with Special Needs.

5 “(2)(A) The term on the Council of the members ap-
6 pointed or designated under clauses (i) and (iii) of para-
7 graph (1)(B) shall be two years and may be renewed by
8 the Secretary of Defense. Representation on the Council
9 under clause (ii) of that paragraph shall rotate between
10 the Army National Guard and Air National Guard every
11 two years on a calendar year basis.

12 “(B) The term on the Council of the members ap-
13 pointed under clause (iv) of paragraph (1)(B) shall be
14 three years.”.

15 **Subtitle I—Other Matters**

16 **SEC. 581. COLD WAR SERVICE MEDAL.**

17 (a) MEDAL AUTHORIZED.—The Secretary of Defense
18 may authorize the issuance by the Secretaries concerned
19 of a service medal, to be known as the “Cold War Service
20 Medal”, to persons eligible to receive the medal under the
21 regulations under subsection (b).

22 (b) REGULATIONS.—

23 (1) IN GENERAL.—The issuance of a Cold War
24 Service Medal under this section shall be subject to
25 regulations prescribed by Secretary of Defense.

1 (2) ELEMENTS.—The regulations shall—

2 (A) provide for an appropriate design for
3 the Cold War Service Medal; and

4 (B) specify the persons eligible to receive
5 the medal.

6 (c) SECRETARIES CONCERNED DEFINED.—In this
7 section, the term “Secretaries concerned” has the meaning
8 given that term in section 101(a)(9) of title 10, United
9 States Code.

10 **SEC. 582. ENHANCEMENT AND IMPROVEMENT OF YELLOW**
11 **RIBBON REINTEGRATION PROGRAM.**

12 (a) INCLUSION OF PROGRAMS OF OUTREACH IN PRO-
13 GRAM.—Subsection (b) of section 582 of the National De-
14 fense Authorization Act for Fiscal Year 2008 (10 U.S.C.
15 10101 note) is amended by inserting “(including programs
16 of outreach)” after “informational events and activities”.

17 (b) RESTATEMENT OF FUNCTIONS OF CENTER FOR
18 EXCELLENCE IN REINTEGRATION AND INCLUSION IN
19 FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN
20 PROGRAMS OF OUTREACH.—Subsection (d)(2) of such
21 section is amended by striking the second, third, and
22 fourth sentences and inserting the following: “The Center
23 shall have the following functions:

24 “(A) To collect and analyze ‘lessons
25 learned’ and suggestions from State National

1 Guard and Reserve organizations with existing
2 or developing reintegration programs.

3 “(B) To assist in developing training aids
4 and briefing materials and training representa-
5 tives from State National Guard and Reserve
6 organizations.

7 “(C) To develop and implement a process
8 for evaluating the effectiveness of the Yellow
9 Ribbon Reintegration Program in supporting
10 the health and well-being of members of the
11 Armed Forces and their families throughout the
12 deployment cycle described in subsection (g).

13 “(D) To develop and implement a process
14 for identifying best practices in the delivery of
15 information and services in programs of out-
16 reach as described in subsection (j).”.

17 (c) STATE-LED PROGRAMS OF OUTREACH.—Such
18 section is further amended by adding at the end the fol-
19 lowing new subsection:

20 “(j) STATE-LED PROGRAMS OF OUTREACH.—The
21 Office for Reintegration Programs may work with the
22 States, whether acting through or in coordination with
23 their National Guard and Reserve organizations, to assist
24 the States and such organizations in developing and car-
25 rying out programs of outreach for members of the Armed

1 Forces and their families to inform and educate them on
2 the assistance and services available to them under the
3 Yellow Ribbon Reintegration Program, including the as-
4 sistance and services described in subsection (h).”.

5 (d) SCOPE OF ACTIVITIES UNDER PROGRAMS OF
6 OUTREACH.—Such section is further amended by adding
7 at the end the following new subsection:

8 “(k) SCOPE OF ACTIVITIES UNDER PROGRAMS OF
9 OUTREACH.—For purposes of this section, the activities
10 and services provided under programs of outreach may in-
11 clude personalized and substantive care coordination serv-
12 ices targeted specifically to individual members of the
13 Armed Forces and their families.”.

14 **SEC. 583. REPORT ON PROCESS FOR EXPEDITED DETER-**
15 **MINATION OF DISABILITY OF MEMBERS OF**
16 **THE ARMED FORCES WITH CERTAIN DIS-**
17 **ABLING CONDITIONS.**

18 (a) IN GENERAL.—Not later than September 1,
19 2012, the Secretary of Defense shall submit to Congress
20 a report setting forth an assessment of the feasibility and
21 advisability of the establishment by the military depart-
22 ments of a process to expedite the determination of dis-
23 ability with respect members of the Armed Forces, includ-
24 ing regular members and members of the reserve compo-
25 nents, who suffer from certain disabling diseases or condi-

1 tions. If the establishment of such a process is considered
2 feasible and advisable, the report shall set forth such rec-
3 ommendations for legislative and administrative action as
4 the Secretary consider appropriate for the establishment
5 of such process.

6 (b) REQUIREMENTS FOR STUDY FOR REPORT.—

7 (1) EVALUATION OF APPROPRIATE ELEMENTS
8 OF SIMILAR FEDERAL PROGRAMS.—In conducting
9 the study required for purposes of the preparation of
10 the report required by subsection (a), the Secretary
11 of Defense shall evaluate elements of programs for
12 expedited determinations of disability that are cur-
13 rently carried out by other departments and agencies
14 of the Federal Government, including the Quick Dis-
15 ability Determination program and the Compas-
16 sionate Allowances program of the Social Security
17 Administration.

18 (2) CONSULTATION.—The Secretary of Defense
19 shall conduct the study in consultation with the Sec-
20 retary of Veterans Affairs.

21 **SEC. 584. REPORT ON THE ACHIEVEMENT OF DIVERSITY**
22 **GOALS FOR THE LEADERSHIP OF THE ARMED**
23 **FORCES.**

24 (a) REPORT REQUIRED.—Not later than one year
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the Committees on Armed Serv-
 2 ices of the Senate and the House of Representatives a re-
 3 port on the achievement of diversity goals for the leader-
 4 ship of the Armed Forces.

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

7 (1) An assessment by each Secretary of a mili-
 8 tary department of progress towards the achieve-
 9 ment of diversity goals for the leadership within
 10 each Armed Force under the jurisdiction of such
 11 Secretary, including the reserve components of such
 12 Armed Force.

13 (2) A discussion of the findings and rec-
 14 ommendations included in the final report of the
 15 Military Leadership Diversity Commission entitled
 16 “From Representation to Inclusion: Diversity Lead-
 17 ership for the 21st Century Military”, and in other
 18 relevant policies, studies, reports, evaluations, and
 19 assessments.

20 **SEC. 585. SPECIFICATION OF PERIOD IN WHICH APPLICA-**
 21 **TION FOR VOTER REGISTRATION OR ABSEN-**
 22 **TEE BALLOT FROM AN OVERSEAS VOTER IS**
 23 **VALID.**

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

1 (1) by inserting “or overseas voter” after “ab-
2 sent uniformed services voter”; and

3 (2) by striking “members of the uniformed
4 services” and inserting “uniformed services voters or
5 overseas voters”.

6 **TITLE VI—COMPENSATION AND**
7 **OTHER PERSONNEL BENEFITS**
8 **Subtitle A—Bonuses and Special**
9 **and Incentive Pays**

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

12 (a) **AUTHORITIES RELATING TO RESERVE**
13 **FORCES.**—The following sections of title 37, United
14 States Code, are amended by striking “December 31,
15 2011” and inserting “December 31, 2012”:

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

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

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

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

1 (5) Section 308h(e), relating to Ready Reserve
2 enlistment and reenlistment bonus for persons with
3 prior service.

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

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

11 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
12 CARE PROFESSIONALS.—The following sections of title
13 10, United States Code, are amended by striking “Decem-
14 ber 31, 2011” and inserting “December 31, 2012”:

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

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

20 (c) TITLE 37 AUTHORITIES RELATING TO HEALTH
21 CARE PROFESSIONALS.—The following sections of title
22 37, United States Code, are amended by striking “Decem-
23 ber 31, 2011” and inserting “December 31, 2012”:

24 (1) Section 302c-1(f), relating to accession and
25 retention bonuses for psychologists.

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

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

5 (4) Section 302g(e), relating to special pay for
6 Selected Reserve health professionals in critically
7 short wartime specialties.

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

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

12 (7) Section 302k(f), relating to accession bonus
13 for medical officers in critically short wartime spe-
14 cialties.

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

18 (9) Section 335(k), relating to bonus and incen-
19 tive pay authorities for officers in health professions.

20 (d) AUTHORITIES RELATING TO NUCLEAR OFFI-
21 CERS.—The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2011” and
23 inserting “December 31, 2012”:

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

4 (2) Section 312b(c), relating to nuclear career
5 accession bonus.

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

8 (4) Section 333(i), relating to special bonus and
9 incentive pay authorities for nuclear officers.

10 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
11 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
12 THORITIES.—The following sections of title 37, United
13 States Code, are amended by striking “December 31,
14 2011” and inserting “December 31, 2012”:

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

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

19 (3) Section 334(i), relating to special aviation
20 incentive pay and bonus authorities for officers.

21 (4) Section 351(h), relating to hazardous duty
22 pay.

23 (5) Section 352(g), relating to assignment pay
24 or special duty pay.

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

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

6 (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-
7 THORITIES.—The following sections of title 37, United
8 States Code, are amended by striking “December 31,
9 2011” and inserting “December 31, 2012”:

10 (1) Section 301b(a), relating to aviation officer
11 retention bonus.

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

14 (3) Section 308(g), relating to reenlistment
15 bonus for active members.

16 (4) Section 309(e), relating to enlistment
17 bonus.

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

20 (6) Section 326(g), relating to incentive bonus
21 for conversion to military occupational specialty to
22 ease personnel shortage.

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

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

3 (g) INCREASED BAH FOR AREAS EXPERIENCING
4 DISASTERS OR SUDDEN INCREASES IN PERSONNEL.—
5 Section 403(b)(7)(E) of title 37, United States Code, is
6 amended by inserting before the period at the end the fol-
7 lowing: “, except that such an increase may be prescribed
8 for the period beginning on January 1, 2012, and ending
9 on December 31, 2012”.

10 **SEC. 612. MODIFICATION OF QUALIFYING PERIOD FOR PAY-**
11 **MENT OF HOSTILE FIRE AND IMMINENT DAN-**
12 **GER SPECIAL PAY AND HAZARDOUS DUTY**
13 **SPECIAL PAY.**

14 (a) HOSTILE FIRE AND IMMINENT DANGER PAY.—
15 Section 310 of title 37, United States Code, is amended—

16 (1) in subsection (a), by striking “for any
17 month or portion of a month” and inserting “for
18 any day or portion of a day”;

19 (2) by striking subsection (b) and inserting the
20 following new subsection (b):

21 “(b) SPECIAL PAY AMOUNT.—The amount of special
22 pay authorized by subsection (a) for a day or portion of
23 a day may not exceed an amount equal to \$225 divided
24 by the number of days of the month in which such day
25 falls.”;

1 (3) in subsection (c)(1), by inserting “for any
2 day (or portion of a day) of” before “not more than
3 three additional months”; and

4 (4) in subsection (d)(2), by striking “any
5 month” and inserting “any day”.

6 (b) HAZARDOUS DUTY PAY.—Section 351(c)(2) of
7 such title is amended by striking “receipt of hazardous
8 duty pay,” and all that follows and inserting “receipt of
9 hazardous duty pay—

10 “(A) in the case of hazardous duty pay
11 payable under paragraph (1) of subsection (a),
12 the Secretary concerned shall prorate the pay-
13 ment amount to reflect the duration of the
14 member’s actual qualifying service during the
15 month; and

16 “(B) in the case of hazardous duty pay
17 payable under paragraph (2) or (3) of sub-
18 section (a), the Secretary concerned may pro-
19 rate the payment amount to reflect the duration
20 of the member’s actual qualifying service during
21 the month.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on October 1, 2011, and shall
24 apply with respect to duty performed on or after that date.

1 **Subtitle B—Consolidation and Re-**
 2 **form of Travel and Transpor-**
 3 **tation Authorities**

4 **SEC. 621. CONSOLIDATION AND REFORM OF TRAVEL AND**
 5 **TRANSPORTATION AUTHORITIES OF THE**
 6 **UNIFORMED SERVICES.**

7 (a) PURPOSE.—This section establishes general trav-
 8 el and transportation provisions for members of the uni-
 9 formed services and other travelers authorized to travel
 10 under official conditions. Recognizing the complexities and
 11 the changing nature of travel, the amendments made by
 12 this section provide the Secretary of Defense and the other
 13 administering Secretaries with the authority to prescribe
 14 and implement travel and transportation policy that is
 15 simple, clear, efficient, and flexible, and that meets mis-
 16 sion and servicemember needs, while realizing cost savings
 17 that should come with a more efficient and less cum-
 18 bersome system for travel and transportation.

19 (b) CONSOLIDATED AUTHORITIES.—Title 37, United
 20 States Code, is amended by inserting after chapter 7 the
 21 following new chapter:

22 **“CHAPTER 8—TRAVEL AND**
 23 **TRANSPORTATION ALLOWANCES**

“Sec.

“SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

“451. Definitions.

- “452. Allowable travel and transportation: general authorities.
- “453. Allowable travel and transportation: specific authorities.
- “454. Travel and transportation: pilot programs.
- “455. Appropriations for travel: may not be used for attendance at certain meetings.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

- “461. Relationship to other travel and transportation authorities.
- “462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.
- “463. Program of compliance; electronic processing of travel claims.
- “464. Regulations.

“SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

- “471. Travel authorities transition expiration date.
- “472. Definitions and other incorporated provisions of chapter 7.
- “474. Travel and transportation allowances: general.
- “474a. Travel and transportation allowances: temporary lodging expenses.
- “474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
- “475. Travel and transportation allowances: per diem while on duty outside the continental United States.
- “475a. Travel and transportation allowances: departure allowances.
- “476. Travel and transportation allowances: dependents; baggage and household effects.
- “476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
- “476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
- “476c. Travel and transportation allowances: members assigned to a vessel under construction.
- “477. Travel and transportation allowances: dislocation allowance.
- “478. Travel and transportation allowances: travel within limits of duty station.
- “478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
- “479. Travel and transportation allowances: house trailers and mobile homes.
- “480. Travel and transportation allowances: miscellaneous categories.
- “481. Travel and transportation allowances: administrative provisions.
- “481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
- “481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
- “481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
- “481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
- “481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
- “481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies.

- “481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.
- “481i. Travel and transportation allowances: parking expenses.
- “481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
- “481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.
- “481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.
- “484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
- “488. Allowance for recruiting expenses.
- “489. Travel and transportation allowances: minor dependent schooling.
- “490. Travel and transportation: dependent children of members stationed overseas.
- “491. Benefits for certain members assigned to the Defense Intelligence Agency.
- “492. Travel and transportation: members escorting certain dependents.
- “494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
- “495. Funeral honors duty: allowance.

1 “SUBCHAPTER I—TRAVEL AND
 2 TRANSPORTATION AUTHORITIES—NEW LAW
 3 **“§ 451. Definitions**

4 “(a) DEFINITIONS RELATING TO PERSONS.—In this
 5 subchapter and subchapter II:

6 “(1) The term ‘administering Secretary’ or ‘ad-
 7 ministering Secretaries’ means the following:

8 “(A) The Secretary of Defense, with re-
 9 spect to the armed forces (including the Coast
 10 Guard when it is operating as a service in the
 11 Navy).

12 “(B) The Secretary of Homeland Security,
 13 with respect to the Coast Guard when it is not
 14 operating as a service in the Navy.

1 “(C) The Secretary of Commerce, with re-
2 spect to the National Oceanic and Atmospheric
3 Administration.

4 “(D) The Secretary of Health and Human
5 Services, with respect to the Public Health
6 Service.

7 “(2) The term ‘authorized traveler’ means a
8 person who is authorized travel and transportation
9 allowances when performing official travel ordered or
10 authorized by the administering Secretary. Such
11 term includes the following:

12 “(A) A member of the uniformed services.

13 “(B) A family member of a member of the
14 uniformed services.

15 “(C) A person acting as an escort or at-
16 tendant for a member or family member who is
17 traveling on official travel or is traveling with
18 the remains of a deceased member.

19 “(D) A person who participates in a mili-
20 tary funeral honors detail.

21 “(E) A Senior Reserve Officers’ Training
22 Corps cadet or midshipman.

23 “(F) An applicant or rejected applicant for
24 enlistment.

1 “(G) Any person whose employment or
2 service is considered directly related to a Gov-
3 ernment official activity or function under regu-
4 lations prescribed under section 464 of this
5 title.

6 “(H) Any other person not covered by sub-
7 paragraphs (A) through (G) who is determined
8 by the administering Secretary pursuant to reg-
9 ulations prescribed under section 464 of this
10 title as warranting the provision of travel bene-
11 fits for purposes of a particular travel incident.

12 “(3) The term ‘family member’, with respect to
13 a member of the uniformed services, means the fol-
14 lowing:

15 “(A) A dependent.

16 “(B) A child, as defined in section
17 401(b)(1) of this title.

18 “(C) A parent, as defined in section
19 401(b)(2) of this title.

20 “(D) A sibling of the member.

21 “(E) A former spouse of the member.

22 “(F) Any person not covered by subpara-
23 graphs (A) through (E) who is in a category
24 specified in regulations prescribed under section
25 464 of this title as having an association, con-

1 nection, or affiliation with a member or the
2 family of a member, including any person spe-
3 cifically designated by a member to receive trav-
4 el benefits for a particular purpose.

5 “(4) The term ‘dependent’, with respect to a
6 member of the uniformed services, has the meaning
7 given that term in section 401(a) of this title.

8 “(b) DEFINITIONS RELATING TO TRAVEL AND
9 TRANSPORTATION ALLOWANCES.—In this subchapter and
10 subchapter II:

11 “(1) The term ‘official travel’ means the fol-
12 lowing:

13 “(A) Military duty or official business per-
14 formed by an authorized traveler away from a
15 duty assignment location or other authorized lo-
16 cation.

17 “(B) Travel performed by an authorized
18 traveler ordered to relocate from a permanent
19 duty station to another permanent duty station.

20 “(C) Travel performed by an authorized
21 traveler ordered to the first permanent duty
22 station, or separated or retired from uniformed
23 service.

24 “(D) Local travel in or around the tem-
25 porary duty or permanent duty station.

1 “(E) Other travel as authorized or ordered
2 by the administering Secretary.

3 “(2) The term ‘actual and necessary expenses’
4 means expenses incurred in fact by an authorized
5 traveler as a reasonable consequence of official trav-
6 el.

7 “(3) The term ‘travel allowances’ means the
8 daily lodging, meals, and other related expenses, in-
9 cluding relocation expenses, incurred by an author-
10 ized traveler while on official travel.

11 “(4) The term ‘transportation allowances’
12 means the costs of temporarily or permanently mov-
13 ing an authorized traveler, the personal property of
14 an authorized traveler, or a combination thereof.

15 “(5) The term ‘transportation-, lodging-, or
16 meals-in-kind’ means transportation, lodging, or
17 meals provided by the Government without cost to
18 an authorized traveler.

19 “(6) The term ‘miscellaneous expenses’ means
20 authorized expenses incurred in addition to author-
21 ized allowances during the performance of official
22 travel by an authorized traveler.

23 “(7) The term ‘personal property’, with respect
24 to transportation allowances, includes baggage, fur-
25 niture, and other household items, clothing, privately

1 owned vehicles, house trailers, mobile homes, and
2 any other personal items that would not otherwise be
3 prohibited by any other provision of law or regula-
4 tion prescribed under section 464 of this title.

5 “(8) The term ‘relocation allowances’ means the
6 costs associated with relocating a member of the
7 uniformed services and the member’s dependents be-
8 tween an old and new temporary or permanent duty
9 assignment location or other authorized location.

10 “(9) The term ‘dislocation allowances’ means
11 the costs associated with relocation of the household
12 of a member of the uniformed services and the mem-
13 ber’s dependents in relation to a change in the mem-
14 ber’s permanent duty assignment location ordered
15 for the convenience of the Government or incident to
16 an evacuation.

17 **“§ 452. Allowable travel and transportation: general**
18 **authorities**

19 “(a) IN GENERAL.—Except as otherwise prohibited
20 by law, a member of the uniformed services or other au-
21 thorized traveler may be provided transportation-, lodging-
22 , or meals-in-kind, or actual and necessary expenses of
23 travel and transportation, for, or in connection with, offi-
24 cial travel under circumstances as specified in regulations
25 prescribed under section 464 of this title.

1 “(b) SPECIFIC CIRCUMSTANCES.—The authority
2 under subsection (a) includes travel under or in connection
3 with, but not limited to, the following circumstances, to
4 the extent specified in regulations prescribed under section
5 464 of this title:

6 “(1) Temporary duty that requires travel be-
7 tween a permanent duty assignment location and an-
8 other authorized temporary duty location, and travel
9 in or around the temporary duty location.

10 “(2) Permanent change of station that requires
11 travel between an old and new temporary or perma-
12 nent duty assignment location or other authorized
13 location.

14 “(3) Temporary duty or assignment relocation
15 related to consecutive overseas tours or in-place-con-
16 secutive overseas tours.

17 “(4) Recruiting duties for the armed forces.

18 “(5) Assignment or detail to another Govern-
19 ment department or agency.

20 “(6) Rest and recuperative leave.

21 “(7) Convalescent leave.

22 “(8) Reenlistment leave.

23 “(9) Reserve component inactive-duty training
24 performed outside the normal commuting distance of
25 the member’s permanent residence.

1 “(10) Ready Reserve muster duty.

2 “(11) Unusual, extraordinary, hardship, or
3 emergency circumstances.

4 “(12) Presence of family members at a military
5 medical facility incident to the illness or injury of
6 members.

7 “(13) Presence of family members at the repa-
8 triation of members held captive.

9 “(14) Presence of non-medical attendants for
10 very seriously or seriously wounded, ill, or injured
11 members.

12 “(15) Attendance at Yellow Ribbon Reintegra-
13 tion Program events.

14 “(16) Missing status, as determined by the Sec-
15 retary concerned under chapter 10 of this title.

16 “(17) Attendance at or participation in inter-
17 national sports competitions described under section
18 717 of title 10.

19 “(c) MATTERS INCLUDED.—Travel and transpor-
20 tation allowances which may be provided under subsection
21 (a) include the following:

22 “(1) Allowances for transportation, lodging, and
23 meals.

1 “(2) Dislocation or relocation allowances paid
2 in connection with a change in a member’s tem-
3 porary or permanent duty assignment location.

4 “(3) Other related miscellaneous expenses.

5 “(d) MODE OF PROVIDING TRAVEL AND TRANSPOR-
6 TATION ALLOWANCES.—Any authorized travel and trans-
7 portation may be provided—

8 “(1) as an actual expense;

9 “(2) as an authorized allowance;

10 “(3) in-kind; or

11 “(4) using a combination of the authorities
12 under paragraphs (1), (2), and (3).

13 “(e) TRAVEL AND TRANSPORTATION ALLOWANCES
14 WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An au-
15 thorized traveler whose travel and transportation order or
16 authorization is canceled, revoked, or modified may be al-
17 lowed actual and necessary expenses or travel and trans-
18 portation allowances in connection with travel performed
19 pursuant to such order or authorization before such order
20 or authorization is cancelled, revoked, or modified.

21 “(f) ADVANCE PAYMENTS.—An authorized traveler
22 may be allowed advance payments for authorized travel
23 and transportation allowances.

1 and household goods, including such expenses when asso-
2 ciated with a self-move.

3 “(2) The authority in paragraph (1) includes the
4 movement and temporary and non-temporary storage of
5 personal property, household goods, and privately owned
6 vehicles (but not to exceed one privately owned vehicle per
7 member household) in connection with the temporary or
8 permanent move between authorized locations.

9 “(3) For movement of household goods, the admin-
10 istering Secretaries shall prescribe weight allowances in
11 regulations under section 464 of this title. The prescribed
12 weight allowances may not exceed 18,000 pounds (includ-
13 ing packing, crating, and household goods in temporary
14 storage), except that the administering Secretary may, on
15 a case-by-case basis, authorize additional weight allow-
16 ances as necessary.

17 “(4) The administering Secretary may prescribe the
18 terms, rates, and conditions that authorize a member of
19 the uniformed services to ship or store a privately owned
20 vehicle.

21 “(5) No carrier, port agent, warehouseman, freight
22 forwarder, or other person involved in the transportation
23 of property may have any lien on, or hold, impound, or
24 otherwise interfere with, the movement of baggage and
25 household goods being transported under this section.

1 “(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—
2 An authorized traveler may be provided travel and trans-
3 portation allowances under this section for unusual, ex-
4 traordinary, hardship, or emergency circumstances, in-
5 cluding circumstances warranting evacuation from a per-
6 manent duty assignment location.

7 “(e) PARTICULAR SEPARATION PROVISIONS.—The
8 administering Secretary may provide travel-in-kind and
9 transportation-in-kind for the following persons in accord-
10 ance with regulations prescribed under section 464 of this
11 title:

12 “(1) A member who is retired, or is placed on
13 the temporary disability retired list, under chapter
14 61 of title 10.

15 “(2) A member who is retired with pay under
16 any other law or who, immediately following at least
17 eight years of continuous active duty with no single
18 break therein of more than 90 days, is discharged
19 with separation pay or is involuntarily released from
20 active duty with separation pay or readjustment pay.

21 “(3) A member who is discharged under section
22 1173 of title 10.

23 “(f) ATTENDANCE AT MEMORIAL CEREMONIES AND
24 SERVICES.—A family member or member of the uni-
25 formed services who attends a deceased member’s repatri-

1 ation, burial, or memorial ceremony or service may be pro-
2 vided travel and transportation allowances to the extent
3 provided in regulations prescribed under section 464 of
4 this title.

5 **“§ 454. Travel and transportation: pilot programs**

6 “(a) PILOT PROGRAMS.—Except as otherwise prohib-
7 ited by law, the Secretary of Defense may conduct pilot
8 programs to evaluate alternative travel and transportation
9 programs, policies, and processes for Department of De-
10 fense authorized travelers. Any such pilot program shall
11 be designed to enhance cost savings or other efficiencies
12 that accrue to the Government and be conducted so as
13 to evaluate one or more of the following:

14 “(1) Alternative methods for performing and
15 reimbursing travel.

16 “(2) Means for limiting the need for travel.

17 “(3) Means for reducing the environmental im-
18 pact of travel.

19 “(b) LIMITATIONS.—(1) Not more than three pilot
20 programs may be carried out under subsection (a) at any
21 one time.

22 “(2) The duration of a pilot program may not exceed
23 four years.

24 “(3) The authority to carry out a pilot program is
25 subject to the availability of appropriated funds.

1 “(c) REPORTS.—(1) Not later than 30 days before
2 the commencement of a pilot program under subsection
3 (a), the Secretary shall submit to the congressional de-
4 fense committees a report on the pilot program. The re-
5 port on a pilot program under this paragraph shall set
6 forth a description of the pilot program, including the fol-
7 lowing:

8 “(A) The purpose of the pilot program.

9 “(B) The duration of the pilot program.

10 “(C) The cost savings or other efficiencies an-
11 ticipated to accrue to the Government under the
12 pilot program.

13 “(2) Not later than 60 days after the completion of
14 a pilot program, the Secretary shall submit to the congres-
15 sional defense committees a report on the pilot program.
16 The report on a pilot program under this paragraph shall
17 set forth the following:

18 “(A) A description of results of the pilot pro-
19 gram.

20 “(B) Such recommendations for legislative or
21 administrative action as the Secretary considers ap-
22 propriate in light of the pilot program.

23 “(d) CONGRESSIONAL DEFENSE COMMITTEES DE-
24 FINED.—In this section, the term ‘congressional defense

1 “(b) EXCEPTION.—The regulations prescribed under
 2 section 464 of this title shall specify procedures for deter-
 3 mining the circumstances under which an exception to re-
 4 payment otherwise required by subsection (a) may be
 5 granted.

6 “(c) EFFECT OF BANKRUPTCY.—An obligation to
 7 repay the United States under this section is, for all pur-
 8 poses, a debt owed the United States. A discharge in bank-
 9 ruptcy under title 11 does not discharge a person from
 10 such debt if the discharge order is entered less than five
 11 years after the date on which the debt was incurred.

12 **“§ 463. Programs of compliance; electronic processing**
 13 **of travel claims**

14 “(a) PROGRAMS OF COMPLIANCE.—The admin-
 15 istering Secretaries shall provide for compliance with the
 16 requirements of this chapter through programs of compli-
 17 ance established and maintained for that purpose.

18 “(b) ELEMENTS.—The programs of compliance
 19 under subsection (a) shall—

20 “(1) minimize the provision of benefits under
 21 this chapter based on inaccurate claims, unauthor-
 22 ized claims, overstated or inflated claims, and mul-
 23 tiple claims for the same benefits through the elec-
 24 tronic verification of travel claims on a near-time
 25 basis and such other means as the administering

1 Secretaries may establish for purposes of the pro-
2 grams of compliance; and

3 “(2) ensure that benefits provided under this
4 chapter do not exceed reasonable or actual and nec-
5 essary expenses of travel claimed or reasonable al-
6 lowances based on commercial travel rates.

7 “(c) ELECTRONIC PROCESSING OF TRAVEL
8 CLAIMS.—(1) By not later than the date that is five years
9 after the date of the enactment of the National Defense
10 Authorization Act for Fiscal Year 2012, any travel claim
11 under this chapter shall be processed electronically.

12 “(2) The administering Secretary, or the Secretary’s
13 designee, may waive the requirement in paragraph (1)
14 with respect to a particular claim in the interests of the
15 department concerned.

16 “(3) The electronic processing of claims under this
17 subsection shall be subject to the regulations prescribed
18 by the Secretary of Defense under section 464 of this title
19 which shall apply uniformly to all members of the uni-
20 formed services and, to the extent practicable, to all other
21 authorized travelers.

22 **“§ 464. Regulations**

23 “This subchapter and subchapter I shall be adminis-
24 tered under terms, rates, conditions, and regulations pre-
25 scribed by the Secretary of Defense in consultation with

1 the other administering Secretaries for members of the
 2 uniformed services. Such regulations shall be uniform for
 3 the Department of Defense and shall apply as uniformly
 4 as practicable to the uniformed services under the jurisdic-
 5 tion of the other administering Secretaries.

6 “SUBCHAPTER III—TRAVEL AND
 7 TRANSPORTATION AUTHORITIES—OLD LAW

8 **“§ 471. Travel authorities transition expiration date**

9 “In this subchapter, the term ‘travel authorities tran-
 10 sition expiration date’ means the last day of the 10-year
 11 period beginning on the first day of the first month begin-
 12 ning after the date of the enactment of the National De-
 13 fense Authorization Act for Fiscal Year 2012.

14 **“§ 472. Definitions and other incorporated provisions**
 15 **of chapter 7**

16 “(a) DEFINITIONS.—The provisions of section 401 of
 17 this title apply to this subchapter.

18 “(b) OTHER PROVISIONS.—The provisions of sections
 19 421 and 423 of this title apply to this subchapter.”.

20 (c) REPEAL OF OBSOLETE AUTHORITY.—Section
 21 411g of title 37, United States Code, is repealed.

22 (d) TRANSFER OF SECTIONS.—

23 (1) TRANSFER TO SUBCHAPTER I.—Section 412
 24 of title 37, United States Code, is transferred to
 25 chapter 8 of such title, as added by subsection (b),

1 inserted after section 454, and redesignated as sec-
 2 tion 455.

3 (2) TRANSFER OF CURRENT CHAPTER 7 AU-
 4 THORITIES TO SUBCHAPTER III.—Sections 404,
 5 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407,
 6 408, 408a, 409, 410, 411, 411a through 411f, 411h
 7 through 411l, 428 through 432, 434, and 435 of
 8 such title are transferred (in that order) to chapter
 9 8 of such title, as added by subsection (b), inserted
 10 after section 472, and redesignated as follows:

Section:	Redesignated Section:
404	474
404a	474a
404b	474b
405	475
405a	475a
406	476
406a	476a
406b	476b
406c	476c
407	477
408	478
408a	478a
409	479
410	480
411	481
411a	481a
411b	481b
411c	481c
411d	481d
411e	481e
411f	481f
411h	481h
411i	481i
411j	481j
411k	481k
411l	481l
428	488
429	489
430	490
432	492
434	494
435	495

1 (3) TRANSFER OF SECTION 554.—Section 554
2 of such title is transferred to chapter 8 of such title,
3 as added by subsection (b), inserted after section
4 4811 (as transferred and redesignated by paragraph
5 (2)), and redesignated as section 484.

6 (e) SUNSET OF OLD-LAW AUTHORITIES.—Provisions
7 of subchapter III of chapter 8 of title 37, United States
8 Code, as transferred and redesignated by paragraphs (2)
9 and (3) of subsection (c), are amended as follows:

10 (1) Section 474 is amended by adding at the
11 end the following new subsection:

12 “(k) No travel and transportation allowance or reim-
13 bursement may be provided under this section for travel
14 that begins after the travel authorities transition expira-
15 tion date.”.

16 (2) Section 474a is amended by adding at the
17 end the following new subsection:

18 “(f) TERMINATION.—No payment or reimbursement
19 may be provided under this section with respect to a
20 change of permanent station for which orders are issued
21 after the travel authorities transition expiration date.”.

22 (3) Section 474b is amended by adding at the
23 end the following new subsection:

24 “(e) TERMINATION.—No payment or reimbursement
25 may be provided under this section with respect to an au-

1 thORIZED absence that begins after the travel authorities
2 transition expiration date.”.

3 (4) Section 475 is amended by adding at the
4 end the following new subsection:

5 “(f) TERMINATION.—During and after the travel au-
6 thorities expiration date, no per diem may be paid under
7 this section for any period.”.

8 (5) Section 475a is amended by adding at the
9 end the following new subsection:

10 “(c) During and after the travel authorities expira-
11 tion date, no allowance under subsection (a) or transpor-
12 tation or reimbursement under subsection (b) may be pro-
13 vided with respect to an authority or order to depart.”.

14 (6) Section 476 is amended by adding at the
15 end the following new subsection:

16 “(n) No transportation, reimbursement, allowance, or
17 per diem may be provided under this section—

18 “(1) with respect to a change of temporary or
19 permanent station for which orders are issued after
20 the travel authorities transition expiration date; or

21 “(2) in a case covered by this section when such
22 orders are not issued, with respect to a movement of
23 baggage or household effects that begins after such
24 date.”.

25 (7) Section 476a is amended—

1 (A) by inserting “(a) AUTHORITY.—” be-
2 fore “Under uniform regulations”; and

3 (B) by adding at the end the following new
4 subsection:

5 “(b) TERMINATION.—No transportation or travel or
6 transportation allowance may be provided under this sec-
7 tion for travel that begins after the travel authorities tran-
8 sition expiration date.”.

9 (8) Section 476b is amended by adding at the
10 end the following new subsection:

11 “(e) No transportation or allowance may be provided
12 under this section for travel that begins after the travel
13 authorities transition expiration date.”.

14 (9) Section 476c is amended by adding at the
15 end the following new subsection:

16 “(e) TERMINATION.—No transportation or allowance
17 may be provided under this section for travel that begins
18 after the travel authorities transition expiration date.”.

19 (10) Section 477 is amended by adding at the
20 end the following new subsection:

21 “(i) TERMINATION.—No dislocation allowance may
22 be paid under this section for a move that begins after
23 the travel authorities transition expiration date.”.

24 (11) Section 478 is amended by adding at the
25 end the following new subsection:

1 “(c) No travel or transportation allowance, payment,
2 or reimbursement may be provided under this section for
3 travel that begins after the travel authorities transition ex-
4 piration date.”.

5 (12) Section 478a(e) is amended by striking
6 “December 31, 2011” and inserting “the travel au-
7 thorities transition expiration date”.

8 (13) Section 479 is amended by adding at the
9 end the following new subsection:

10 “(e) No transportation of a house trailer or mobile
11 home, or storage or payment in connection therewith, may
12 be provided under this section for transportation that be-
13 gins after the travel authorities transition expiration
14 date.”.

15 (14) Section 480 is amended by adding at the
16 end the following new subsection:

17 “(c) No travel or transportation allowance may be
18 provided under this section for travel that begins after the
19 travel authorities transition expiration date.”.

20 (15) Section 481 is amended by adding at the
21 end the following new subsection:

22 “(e) The regulations prescribed under this section
23 shall cease to be in effect as of the travel authorities tran-
24 sition expiration date.”.

1 (16) Section 481a is amended by adding at the
2 end the following new subsection:

3 “(c) No travel and transportation allowance may be
4 provided under this section for travel that is authorized
5 after the travel authorities transition expiration date.”.

6 (17) Section 481b is amended by adding at the
7 end the following new subsection:

8 “(d) TERMINATION.—No travel and transportation
9 allowance may be provided under this section for travel
10 that is authorized after the travel authorities transition
11 expiration date.”.

12 (18) Section 481c is amended by adding at the
13 end the following new subsection:

14 “(c) No transportation may be provided under this
15 section after the travel authorities transition expiration
16 date, and no payment may be made under this section for
17 transportation that begins after that date.”.

18 (19) Section 481d is amended by adding at the
19 end the following new subsection:

20 “(d) No transportation may be provided under this
21 section after the travel authorities transition expiration
22 date.”.

23 (20) Section 481e is amended by adding at the
24 end the following new subsection:

1 “(c) No travel and transportation allowance or reim-
2 bursement may be provided under this section for travel
3 that begins after the travel authorities transition expira-
4 tion date.”.

5 (21) Section 481f is amended by adding at the
6 end the following new subsection:

7 “(h) TERMINATION.—No travel and transportation
8 allowance or reimbursement may be provided under this
9 section for travel that begins after the travel authorities
10 transition expiration date.”.

11 (22) Section 481h is amended by adding at the
12 end the following new subsection:

13 “(e) TERMINATION.—No transportation, allowance,
14 reimbursement, or per diem may be provided under this
15 section for travel that begins after the travel authorities
16 transition expiration date.”.

17 (23) Section 481i is amended by adding at the
18 end the following new subsection:

19 “(c) TERMINATION.—No reimbursement may be pro-
20 vided under this section for expenses incurred after the
21 travel authorities transition expiration date.”.

22 (24) Section 481j is amended by adding at the
23 end the following new subsection:

24 “(e) TERMINATION.—No transportation, allowance,
25 reimbursement, or per diem may be provided under this

1 section for travel that begins after the travel authorities
2 transition expiration date.”.

3 (25) Section 481k is amended by adding at the
4 end the following new subsection:

5 “(e) TERMINATION.—No transportation, allowance,
6 reimbursement, or per diem may be provided under this
7 section for travel that begins after the travel authorities
8 transition expiration date.”.

9 (26) Section 481l is amended by adding at the
10 end the following new subsection:

11 “(e) TERMINATION.—No transportation, allowance,
12 reimbursement, or per diem may be provided under this
13 section for travel that begins after the travel authorities
14 transition expiration date.”.

15 (27) Section 484 is amended by adding at the
16 end the following new subsection:

17 “(k) No transportation, allowance, or reimbursement
18 may be provided under this section for a move that begins
19 after the travel authorities transition expiration date.”.

20 (28) Section 488 is amended—

21 (A) by inserting “(a) AUTHORITY.—” be-
22 fore “In addition”; and

23 (B) by adding at the end the following new
24 subsection:

1 “(b) TERMINATION.—No reimbursement may be pro-
2 vided under this section for expenses incurred after the
3 travel authorities transition expiration date.”.

4 (29) Section 489 is amended—

5 (A) by inserting “(a) AUTHORITY.—” be-
6 fore “In addition”; and

7 (B) by adding at the end the following new
8 subsection:

9 “(b) TERMINATION.—No transportation or allowance
10 may be provided under this section for travel that begins
11 after the travel authorities transition expiration date.”.

12 (30) Section 490 is amended by adding at the
13 end the following new subsection:

14 “(g) TERMINATION.—No transportation, allowance,
15 reimbursement, or per diem may be provided under this
16 section for travel that begins after the travel authorities
17 transition expiration date.”.

18 (31) Section 492 is amended by adding at the
19 end the following new subsection:

20 “(c) No transportation or allowance may be provided
21 under this section for travel that begins after the travel
22 authorities transition expiration date.”.

23 (32) Section 494 is amended by adding at the
24 end the following new subsection:

1 “(d) TERMINATION.—No reimbursement may be pro-
2 vided under this section for expenses incurred after the
3 travel authorities transition expiration date.”.

4 (33) Section 495 is amended by adding at the
5 end the following new subsection:

6 “(e) TERMINATION.—No allowance may be paid
7 under this section for any day after the travel authorities
8 transition expiration date.”.

9 (f) TECHNICAL AND CLERICAL AMENDMENTS.—

10 (1) CHAPTER HEADING.—The heading of chap-
11 ter 7 of such title is amended to read as follows:

12 **“CHAPTER 7—ALLOWANCES OTHER**
13 **THAN TRAVEL AND TRANSPORTATION**
14 **ALLOWANCES”.**

15 (2) TABLE OF CHAPTERS.—The table of chap-
16 ter preceding chapter 1 of such title is amended by
17 striking the item relating to chapter 7 and inserting
18 the following:

 “7. Allowances Other Than Travel and Transportation Allowances 401
 “8. Travel and Transportation Allowances 451”.

19 (3) TABLES OF SECTIONS.—

20 (A) The table of sections at the beginning
21 of chapter 7 of such title is amended by striking
22 the items relating to sections 404 through 412,
23 428 through 432, 434, and 435.

1 (B) The table of sections at the beginning
2 of chapter 9 of such title is amended by striking
3 the item relating to section 554.

4 (4) CROSS-REFERENCES.—

5 (A) Any section of title 10 or 37, United
6 States Code, that includes a reference to a sec-
7 tion of title 37 that is transferred and redesign-
8 dated by subsection (c) is amended so as to
9 conform the reference to the section number of
10 the section as so redesignated.

11 (B) Any reference in a provision of law
12 other than a section of title 10 or 37, United
13 States Code, to a section of title 37 that is
14 transferred and redesignated by subsection (c)
15 is deemed to refer to the section as so redesign-
16 dated.

17 **SEC. 622. TRANSITION PROVISIONS.**

18 (a) IMPLEMENTATION PLAN.—The Secretary of De-
19 fense shall develop a plan to implement subchapters I and
20 II of chapter 8 of title 37, United States Code (as added
21 by section 621(b) of this Act), and to transition all of the
22 travel and transportation programs for members of the
23 uniformed services under chapter 7 of title 37, United
24 States Code, solely to provisions of those subchapters by
25 the end of the transition period.

1 (b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW
2 AUTHORITIES DURING TRANSITION PERIOD.—During the
3 transition period, the Secretary of Defense and the Secre-
4 taries concerned, in using the authorities under sub-
5 chapter III of chapter 8 of title 37, United States Code
6 (as so added), may apply those authorities subject to the
7 terms of such provisions and such modifications as the
8 Secretary of Defense may include in the implementation
9 plan required under subsection (a) or in any subsequent
10 modification to that implementation plan.

11 (c) COORDINATION.—The Secretary of Defense shall
12 prepare the implementation plan under subsection (a) and
13 any modification to that plan under subsection (b) in co-
14 ordination with—

15 (1) the Secretary of Homeland Security, with
16 respect to the Coast Guard;

17 (2) the Secretary of Health and Human Serv-
18 ices, with respect to the commissioned corps of the
19 Public Health Service; and

20 (3) the Secretary of Commerce, with respect to
21 the National Oceanic and Atmospheric Administra-
22 tion.

23 (d) PROGRAM OF COMPLIANCE.—The Secretary of
24 Defense and the other administering Secretaries shall
25 commence the operation of the programs of compliance re-

1 quired by section 463 of title 37, United States Code (as
 2 so added), by not later than one year after the date of
 3 the enactment of this Act.

4 (e) **TRANSITION PERIOD.**—In this section, the term
 5 “transition period” means the 10-year period beginning
 6 on the first day of the first month beginning after the date
 7 of the enactment of this Act.

8 **Subtitle C—Disability, Retired Pay,**
 9 **and Survivor Benefits**

10 **SEC. 631. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY**
 11 **SERVICEMEMBERS’ GROUP LIFE INSURANCE**
 12 **FOR MEMBERS OF THE ARMED FORCES MAR-**
 13 **RIED TO OTHER MEMBERS.**

14 Section 1967(a)(1) of title 38, United States Code,
 15 is amended—

16 (1) in subparagraph (A)(ii), by inserting after
 17 “insurable dependent of the member” the following:
 18 “(other than a dependent who is also a member of
 19 a uniformed service and, because of such member-
 20 ship, automatically insured under this paragraph)”;
 21 and

22 (2) in subparagraph (C)(ii), by inserting after
 23 “insurable dependent of the member” the following:
 24 “(other than a dependent who is also a member of

1 a uniformed service and, because of such member-
2 ship, automatically insured under this paragraph)”.
3

3 **SEC. 632. LIMITATION ON AVAILABILITY OF CERTAIN**
4 **FUNDS PENDING REPORT ON PROVISION OF**
5 **SPECIAL COMPENSATION FOR MEMBERS OF**
6 **THE UNIFORMED SERVICES WITH INJURY OR**
7 **ILLNESS REQUIRING ASSISTANCE IN EVERY-**
8 **DAY LIVING.**

9 (a) LIMITATION ON FUNDS FOR TRAVEL OF
10 USD(PR).—Of the amount authorized to be appropriated
11 for fiscal year 2012 for the Department of Defense for
12 operation and maintenance for defense-wide activities as
13 specified in the funding table in section 4301 and available
14 for purposes of travel of the Office of the Under Secretary
15 of Defense for Personnel and Readiness, not more than
16 50 percent of such amount may be obligated or expended
17 for such purposes until the Under Secretary of Defense
18 for Personnel and Readiness submits to the congressional
19 defense committees a report on the implementation by the
20 Department of Defense of the authorities in section 439
21 of title 37, United States Code, for payment of special
22 compensation for members of the uniformed services with
23 catastrophic injuries or illnesses requiring assistance in ev-
24 eryday living.

1 (b) ELEMENTS.—The report described in subsection
2 (a) shall include a detailed description of the implementa-
3 tion by the Department of the authorities in section 439
4 of title 37, United States Code, including the following:

5 (1) A description of the criteria established pur-
6 suant to such section for the payment of special
7 compensation under that section.

8 (2) An assessment of the training needs of
9 caregivers of members paid special compensation
10 under that section, including—

11 (A) a description of the types of training
12 currently provided;

13 (B) a description of additional types of
14 training that could be provided; and

15 (C) an assessment whether current De-
16 partment programs are adequate to meet such
17 training needs.

18 **SEC. 633. REPEAL OF SENSE OF CONGRESS ON AGE AND**
19 **SERVICE REQUIREMENTS FOR RETIRED PAY**
20 **FOR NON-REGULAR SERVICE.**

21 Section 635 of the Ike Skelton National Defense Au-
22 thorization Act for Fiscal Year 2011 (Public Law 111-
23 383; 124 Stat. 4241) is repealed.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—TRICARE Program**

4 **SEC. 701. ANNUAL COST-OF-LIVING ADJUSTMENT IN EN-**
5 **ROLLMENT FEES IN TRICARE PRIME.**

6 (a) IN GENERAL.—Section 1097a of title 10, United
7 States Code, is amended—

8 (1) by redesignating subsections (c), (d), (e),
9 and (f) as subsections (d), (e), (f), and (g), respec-
10 tively; and

11 (2) by inserting after subsection (b) the fol-
12 lowing new subsection (c):

13 “(c) COST-OF-LIVING ADJUSTMENT IN ENROLLMENT
14 FEE.—(1) Whenever after September 30, 2012, the Sec-
15 retary of Defense increases the retired pay of members
16 and former members of the armed forces pursuant to sec-
17 tion 1401a of this title, the Secretary shall increase the
18 amount of the fee payable for enrollment in TRICARE
19 Prime by an amount equal to the percentage of such fee
20 payable on the day before the date of the increase of such
21 fee that is equal to the percentage increase in such retired
22 pay. In determining the amount of the increase in such
23 retired pay for purposes of this subsection, the Secretary
24 shall use the amount computed pursuant to section
25 1401a(b)(2) of this title. The increase in such fee shall

1 be effective as of January 1 following the date of the in-
2 crease in such retired pay.

3 “(2) The Secretary shall publish in the Federal Reg-
4 ister the amount of the fee payable for enrollment in
5 TRICARE Prime whenever increased pursuant to this
6 subsection.”.

7 (b) CONFORMING AND CLERICAL AMENDMENTS.—

8 (1) HEADING AMENDMENT.—The heading of
9 such section is amended to read as follows:

10 **“§ 1097a. TRICARE Prime: automatic enrollment; en-
11 rollment fee; payment options”.**

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 55 of such title is
14 amended by striking the item relating to section
15 1097a and inserting the following new item:

“1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment op-
tions.”.

16 **SEC. 702. MAINTENANCE OF THE ADEQUACY OF PROVIDER
17 NETWORKS UNDER THE TRICARE PROGRAM.**

18 Section 1097b(a) of title 10, United States Code, is
19 amended by adding at the end the following new para-
20 graph:

21 “(3) In establishing rates and procedures for reim-
22 bursement of providers and other administrative require-
23 ments, including those contained in provider network
24 agreements, the Secretary shall to the extent practicable

1 maintain adequate networks of providers, including insti-
2 tutional, professional, and pharmacy. Network providers
3 under such provider network agreements are not consid-
4 ered subcontractors for purposes of the Federal Acquisi-
5 tion Regulation or any other law.”.

6 **SEC. 703. TRANSITION ENROLLMENT OF UNIFORMED SERV-**
7 **ICES FAMILY HEALTH PLAN MEDICARE-ELI-**
8 **GIBLE RETIREES TO TRICARE FOR LIFE.**

9 Section 724(e) of the National Defense Authorization
10 Act for Fiscal Year 1997 (10 U.S.C. 1073 note) is amend-
11 ed—

12 (1) by striking “If a covered beneficiary” and
13 inserting “(1) Except as provided in paragraph (2),
14 if a covered beneficiary”; and

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

17 “(2) After September 30, 2011, a covered beneficiary
18 (other than a beneficiary under section 1079 of title 10,
19 United States Code) who is also entitled to hospital insur-
20 ance benefits under part A of title XVIII of the Social
21 Security Act due to age may not enroll in the managed
22 care program of a designated provider unless the bene-
23 ficiary was enrolled in that program on September 30,
24 2011.”.

1 **SEC. 704. MODIFICATION OF AUTHORITIES ON SURVEYS ON**
 2 **CONTINUED VIABILITY OF TRICARE STAND-**
 3 **ARD AND TRICARE EXTRA.**

4 (a) SCOPE OF CERTAIN SURVEYS.—Subsection
 5 (a)(3)(A) of section 711 of the National Defense Author-
 6 ization Act for Fiscal Year 2008 (Public Law 110–181;
 7 122 Stat. 190; 10 U.S.C. 1073 note) by striking “2011”
 8 and inserting “2015”.

9 (b) FREQUENCY OF SUBMITTAL OF GAO RE-
 10 VIEWS.—Subsection (b)(2) of such section is amended by
 11 striking “bi-annual basis” and inserting “biennial basis”.

12 **Subtitle B—Other Health Care**
 13 **Benefits**

14 **SEC. 711. TRAVEL FOR ANESTHESIA SERVICES FOR CHILD-**
 15 **BIRTH FOR COMMAND-SPONSORED DEPEND-**
 16 **ENTS OF MEMBERS ASSIGNED TO REMOTE**
 17 **LOCATIONS OUTSIDE THE CONTINENTAL**
 18 **UNITED STATES.**

19 Section 1040(a) of title 10, United States Code, is
 20 amended—

21 (1) by inserting “(1)” after “(a)”; and

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

24 “(2)(A) For purposes of paragraph (1), required
 25 medical attention of a dependent includes, in the case of
 26 a dependent authorized to accompany a member at a loca-

1 tion described in that paragraph, obstetrical anesthesia
2 services for childbirth equivalent to the obstetrical anes-
3 thesia services for childbirth available in a military treat-
4 ment facility in the United States.

5 “(B) In the case of a dependent at a remote location
6 outside the continental United States who elects services
7 described in subparagraph (A) and for whom air transpor-
8 tation would be needed to travel under paragraph (1) to
9 the nearest appropriate medical facility in which adequate
10 medical care is available, the Secretary may authorize the
11 dependent to receive transportation under that paragraph
12 to the continental United States and be treated at the
13 military treatment facility that can provide appropriate
14 obstetrical services that is nearest to the closest port of
15 entry into the continental United States from such remote
16 location.

17 “(C) The second through sixth sentences of para-
18 graph (1) shall apply to a dependent provided transpor-
19 tation by reason of this paragraph.

20 “(D) The total cost incurred by the United States
21 for the provision of transportation and expenses (including
22 per diem) with respect to a dependent by reason of this
23 paragraph may not exceed the cost the United States
24 would otherwise incur for the provision of transportation
25 and expenses with respect to that dependent under para-

1 graph (1) if the transportation and expenses were provided
 2 to that dependent without regard to this paragraph.

3 “(E) The authority under this paragraph shall expire
 4 on September 30, 2016.”.

5 **SEC. 712. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN**
 6 **MEMBERS WITH EXTENSION OF ACTIVE DUTY**
 7 **FOLLOWING ACTIVE DUTY IN SUPPORT OF A**
 8 **CONTINGENCY OPERATION.**

9 Section 1145(a)(4) of title 10, United States Code,
 10 is amended by adding at the end the following new sen-
 11 tence: “For purposes of the preceding sentence, in the case
 12 of a member on active duty as described in subparagraph
 13 (B), (C), or (D) of paragraph (2) who, without a break
 14 in service, is extended on active duty for any reason, the
 15 180-day period shall begin on the date on which the mem-
 16 ber is separated from such extended active duty.”.

17 **SEC. 713. CODIFICATION AND IMPROVEMENT OF PROCE-**
 18 **DURES FOR MENTAL HEALTH EVALUATIONS**
 19 **FOR MEMBERS OF THE ARMED FORCES.**

20 (a) CODIFICATION AND IMPROVEMENT OF PROCE-
 21 DURES.—

22 (1) IN GENERAL.—Chapter 55 of title 10,
 23 United States Code, is amended by inserting after
 24 section 1090 the following new section:

1 **“§ 1090a. Commanding officer and supervisor refer-**
 2 **rals of members for mental health evalua-**
 3 **tions**

4 “(a) REGULATIONS.—The Secretary of Defense shall
 5 prescribe and maintain regulations relating to com-
 6 manding officer and supervisor referrals of members of
 7 the armed forces for mental health evaluations. The regu-
 8 lations shall incorporate the requirements set forth in sub-
 9 sections (b), (c), and (d) and such other matters as the
 10 Secretary considers appropriate.

11 “(b) REDUCTION OF PERCEIVED STIGMA.—The reg-
 12 ulations required by subsection (a) shall, to the greatest
 13 extent possible—

14 “(1) seek to eliminate perceived stigma associ-
 15 ated with seeking and receiving mental health serv-
 16 ices, promoting the use of mental health services on
 17 a basis comparable to the use of other medical and
 18 health services; and

19 “(2) clarify the appropriate action to be taken
 20 by commanders or supervisory personnel who, in
 21 good faith, believe that a subordinate may require a
 22 mental health evaluation.

23 “(c) PROCEDURES FOR INPATIENT EVALUATIONS.—
 24 The regulations required by subsection (a) shall provide
 25 that, when a commander or supervise determines that it

1 is necessary to refer a member of the armed forces for
2 a mental health evaluation—

3 “(1) the mental health evaluation shall only be
4 conducted on an inpatient basis if and when such an
5 evaluation cannot appropriately or reasonably be
6 conducted on an outpatient basis, in accordance with
7 the least restrictive alternative principle; and

8 “(2) only a psychiatrist, or, in cases in which
9 a psychiatrist is not available, another mental health
10 professional or a physician, may admit the member
11 pursuant to the referral for a mental health evalua-
12 tion to be conducted on an inpatient basis.

13 “(d) PROHIBITION ON USE OF REFERRALS FOR
14 MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST
15 WHISTLEBLOWERS.—(1) The regulations required by sub-
16 section (a) shall provide that no person may refer a mem-
17 ber of the armed forces for a mental health evaluation as
18 a reprisal for making or preparing a lawful communication
19 of the type described in section 1034(e)(2) of this title,
20 and applicable regulations. For purposes of this sub-
21 section, such communication also shall include a commu-
22 nication to any appropriate authority in the chain of com-
23 mand of the member.

24 “(2) Such regulations shall provide that a referral for
25 a mental health evaluation by a commander or supervisor,

1 when taken as a reprisal for a communication referred to
2 in paragraph (1), may be the basis for a proceeding under
3 section 892 of this title (article 92 of the Uniform Code
4 of Military Justice). Persons not subject to chapter 47 of
5 this title (the Uniform Code of Military Justice) who fail
6 to comply with the provisions of this section are subject
7 to adverse administrative action.

8 “(3)(A) No person may restrict a member of the
9 armed forces in communicating with an Inspector General,
10 attorney, member of Congress, or others about the referral
11 of a member of the armed forces for a mental health eval-
12 uation.

13 “(B) Subparagraph (A) does not apply to a commu-
14 nication that is unlawful.

15 “(e) DEFINITIONS.—In this section:

16 “(1) The term ‘Inspector General’ means the
17 following:

18 “(A) An Inspector General appointed
19 under the Inspector General Act of 1978 (5
20 U.S.C. App.).

21 “(B) An officer of the armed forces as-
22 signed or detailed under regulations of the Sec-
23 retary concerned to serve as an Inspector Gen-
24 eral at any command level in one of the armed
25 forces.

1 “(2) The term ‘mental health professional’
2 means a psychiatrist or clinical psychologist, a per-
3 son with a doctorate in clinical social work, or a psy-
4 chiatric clinical nurse specialist.

5 “(3) The term ‘mental health evaluation’ means
6 a psychiatric examination or evaluation, a psycho-
7 logical examination or evaluation, an examination for
8 psychiatric or psychological fitness for duty, or any
9 other means of assessing the state of mental health
10 of a member of the armed forces.

11 “(4) The term ‘least restrictive alternative prin-
12 ciple’ means a principle under which a member of
13 the armed forces committed for hospitalization and
14 treatment shall be placed in the most appropriate
15 and therapeutic available setting—

16 “(A) that is no more restrictive than is
17 conducive to the most effective form of treat-
18 ment; and

19 “(B) in which treatment is available and
20 the risks of physical injury or property damage
21 posed by such placement are warranted by the
22 proposed plan of treatment.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 55 of such title is

1 amended by inserting after the item relating to sec-
 2 tion 1090 the following new item:

“1090a. Commanding officer and supervisor referrals of members for mental health evaluations.”.

3 (b) CONFORMING REPEAL.—Section 546 of the Na-
 4 tional Defense Authorization Act for Fiscal Year 1993
 5 (Public Law 102–484; 106 Stat. 2416; 10 U.S.C. 1074
 6 note) is repealed.

7 **Subtitle C—Health Care** 8 **Administration**

9 **SEC. 721. EXPANSION OF STATE LICENSURE EXCEPTIONS**

10 **FOR CERTAIN MENTAL HEALTH-CARE PRO-**
 11 **FESSIONALS.**

12 Section 1094(d) of title 10, United States Code, is
 13 amended—

14 (1) in paragraph (1)—

15 (A) by inserting “(A)” after “(1)”; and

16 (B) by adding at the end the following new
 17 subparagraph:

18 “(B) Notwithstanding any law regarding the licen-
 19 sure of health care providers, a health-care professional
 20 described in paragraph (4) may perform the duties relat-
 21 ing to mental health care specified in the regulations
 22 under subparagraph (B) of that paragraph at any location
 23 in any State, the District of Columbia, or a Common-
 24 wealth, territory or possession of the United States, re-

1 gardless of where such health-care professional or the pa-
2 tient are located, so long as the practice is within the scope
3 of the authorized Federal duties specified in that subpara-
4 graph.”;

5 (2) in paragraphs (2) and (3), by striking
6 “paragraph (1)” and inserting “paragraph (1)(A)”;
7 and

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

10 “(4) A health-care professional referred to in para-
11 graph (1)(B) is a member of the armed forces, civilian
12 employee of the Department of Defense, personal services
13 contractor under section 1091 of this title, or other health-
14 care professional credentialed and privileged at a Federal
15 health care institution or location specially designated by
16 the Secretary for purposes of that paragraph who—

17 “(A) has a current license to practice medicine,
18 osteopathic medicine, or another health profession;
19 and

20 “(B) is performing such authorized duties relat-
21 ing to mental health care for the Department of De-
22 fense as the Secretary shall prescribe in regulations
23 for purposes of this paragraph.”.

1 **SEC. 722. CLARIFICATION ON CONFIDENTIALITY OF MED-**
2 **ICAL QUALITY ASSURANCE RECORDS.**

3 (a) **IN GENERAL.**—Section 1102(j) of title 10, United
4 States Code, is amended—

5 (1) in paragraph (1), by striking “any activity
6 carried out” and inserting “any peer review activity
7 carried out”; and

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

10 “(4) The term ‘peer review’ means an assess-
11 ment of professional performance by professionally-
12 equivalent health care providers.”.

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 subsection (a) shall take effect on January 1, 2012.

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

5 **Subtitle A—Provisions Relating to**
6 **Major Defense Acquisition Pro-**
7 **grams**

8 **SEC. 801. WAIVER OF REQUIREMENTS RELATING TO NEW**
9 **MILESTONE APPROVAL FOR CERTAIN MAJOR**
10 **DEFENSE ACQUISITION PROGRAMS EXPERI-**
11 **ENCING CRITICAL COST GROWTH DUE TO**
12 **CHANGE IN QUANTITY PURCHASED.**

13 Section 2433a(c) of title 10, United States Code, is
14 amended by adding at the end the following new para-
15 graph:

16 “(3)(A) The requirements of subparagraphs (B) and
17 (C) of paragraph (1) shall not apply to a program or sub-
18 program if—

19 “(i) the Milestone Decision Authority deter-
20 mines in writing, on the basis of a cost assessment
21 and root cause analysis conducted pursuant to sub-
22 section (a), that—

23 “(I) but for a change in the quantity of
24 items to be purchased under the program or
25 subprogram, the program acquisition unit cost

1 or procurement unit cost for the program or
2 subprogram would not have increased by a per-
3 centage equal to or greater than the cost
4 growth thresholds for the program or subpro-
5 gram set forth in subparagraph (B); and

6 “(II) the change in quantity of items de-
7 scribed in subclause (I) was not made as a re-
8 sult of an increase in program cost, a delay in
9 the program, or a problem meeting program re-
10 quirements;

11 “(ii) the Secretary determines in writing that
12 the cost to the Department of Defense of complying
13 with such requirements is likely to exceed the bene-
14 fits to the Department of complying with such re-
15 quirements; and

16 “(iii) the Secretary submits to Congress, before
17 the end of the 60-day period beginning on the day
18 the Selected Acquisition Report containing the infor-
19 mation described in section 2433(g) of this title is
20 required to be submitted under section 2432(f) of
21 this title—

22 “(I) a copy of the written determination
23 under clause (i) and an explanation of the basis
24 for the determination; and

1 “(II) a copy of the written determination
2 under clause (ii) and an explanation of the
3 basis for the determination.

4 “(B) The cost growth thresholds specified in this sub-
5 paragraph are as follows:

6 “(i) In the case of a major defense acquisition
7 program or designated major defense subprogram, a
8 percentage increase in the program acquisition unit
9 cost for the program or subprogram of—

10 “(I) 5 percent over the program acquisi-
11 tion unit cost for the program or subprogram
12 as shown in the current Baseline Estimate for
13 the program or subprogram; and

14 “(II) 10 percent over the program acquisi-
15 tion unit cost for the program or subprogram
16 as shown in the original Baseline Estimate for
17 the program or subprogram.

18 “(ii) In the case of a major defense acquisition
19 program or designated major defense subprogram
20 that is a procurement program, a percentage in-
21 crease in the procurement unit cost for the program
22 or subprogram of—

23 “(I) 5 percent over the procurement unit
24 cost for the program or subprogram as shown

1 in the current Baseline Estimate for the pro-
2 gram or subprogram; and

3 “(II) 10 percent over the procurement unit
4 cost for the program or subprogram as shown
5 in the original Baseline Estimate for the pro-
6 gram or subprogram.”.

7 **SEC. 802. MODIFICATION OF CERTAIN REQUIREMENTS OF**
8 **THE WEAPON SYSTEMS ACQUISITION RE-**
9 **FORM ACT OF 2009.**

10 (a) REPEAL OF CERTIFICATION OF COMPLIANCE OF
11 CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS
12 WITH ACTIONS ON TREATMENT OF SYSTEMIC PROBLEMS
13 BEFORE MILESTONE APPROVAL.—Subsection (c) of sec-
14 tion 204 of the Weapon Systems Acquisition Reform Act
15 of 2009 (Public Law 111–23; 123 Stat. 1723; 10 U.S.C.
16 2366a note) is repealed.

17 (b) WAIVER OF REQUIREMENT TO REVIEW PRO-
18 GRAMS RECEIVING WAIVER OR CERTAIN CERTIFICATION
19 REQUIREMENTS.—Section 2366b(d) of title 10, United
20 States Code, is amended by adding the following new
21 paragraph:

22 “(3) The requirement in paragraph (2)(B) shall not
23 apply to a program for which a certification was required
24 pursuant to section 2433a(e) of this title if the milestone
25 decision authority—

1 “(A) determines in writing that—

2 “(i) the program has reached a stage in
3 the acquisition process at which it would not be
4 practicable to meet the certification component
5 that was waived; and

6 “(ii) the milestone decision authority has
7 taken appropriate alternative actions to address
8 the underlying purposes of such certification
9 component; and

10 “(B) submits the written determination, and an
11 explanation of the basis for the determination, to the
12 congressional defense committees.”.

13 **SEC. 803. ASSESSMENT, MANAGEMENT, AND CONTROL OF**
14 **OPERATING AND SUPPORT COSTS FOR**
15 **MAJOR WEAPON SYSTEMS.**

16 (a) **GUIDANCE REQUIRED.**—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall issue guidance on actions to be taken to
19 assess, manage, and control Department of Defense costs
20 for the operation and support of major weapon systems.

21 (b) **ELEMENTS.**—The guidance required by sub-
22 section (a) shall, at a minimum—

23 (1) require the military departments to retain
24 each estimate of operating and support costs that is
25 developed at any time during the life cycle of a

1 major weapon system, together with supporting doc-
2 umentation used to develop the estimate;

3 (2) require the military departments to update
4 estimates of operating and support costs periodically
5 throughout the life cycle of a major weapon system,
6 to determine whether preliminary information and
7 assumptions remain relevant and accurate, and iden-
8 tify and record reasons for variances;

9 (3) establish standard requirements for the col-
10 lection of data on operating and support costs for
11 major weapon systems and require the military de-
12 partments to revise their Visibility and Management
13 of Operating and Support Costs (VAMOSC) systems
14 to ensure that they collect complete and accurate
15 data in compliance with such requirements and
16 make such data available in a timely manner;

17 (4) establish standard requirements for the col-
18 lection and reporting of data on operating and sup-
19 port costs for major weapon systems by contractors
20 performing weapon system sustainment functions in
21 an appropriate format, and develop contract clauses
22 to ensure that contractors comply with such require-
23 ments;

24 (5) require the military departments—

1 (A) to collect and retain data from oper-
2 ational and developmental testing and evalua-
3 tion on the reliability and maintainability of
4 major weapon systems; and

5 (B) to use such data to inform system de-
6 sign decisions, provide insight into sustainment
7 costs, and inform estimates of operating and
8 support costs for such systems;

9 (6) require the military departments to ensure
10 that sustainment factors are fully considered at key
11 life cycle management decision points and that ap-
12 propriate measures are taken to reduce operating
13 and support costs by influencing system design early
14 in development, developing sound sustainment strat-
15 egies, and addressing key drivers of costs;

16 (7) require the military departments to conduct
17 an independent logistics assessment of each major
18 weapon system prior to key acquisition decision
19 points (including milestone decisions) to identify fea-
20 tures that are likely to drive future operating and
21 support costs, changes to system design that could
22 reduce such costs, and effective strategies for man-
23 aging such costs;

24 (8) include—

1 (A) reliability metrics for major weapon
2 systems; and

3 (B) requirements on the use of metrics
4 under subparagraph (A) as triggers—

5 (i) to conduct further investigation
6 and analysis into drivers of those metrics;
7 and

8 (ii) to develop strategies for improving
9 reliability, availability, and maintainability
10 of such systems at an affordable cost; and

11 (9) require the military departments to conduct
12 periodic reviews of operating and support costs of
13 major weapon systems after such systems achieve
14 initial operational capability to identify and address
15 factors resulting in growth in operating and support
16 costs and adapt support strategies to reduce such
17 costs.

18 (c) RETENTION OF DATA ON OPERATING AND SUP-
19 PORT COSTS.—

20 (1) IN GENERAL.—The Director of Cost Assess-
21 ment and Program Evaluation shall be responsible
22 for developing and maintaining a database on oper-
23 ating and support estimates, supporting documenta-
24 tion, and actual operating and support costs for
25 major weapon systems.

1 (2) SUPPORT.—The Secretary of Defense shall
2 ensure that the Director, in carrying out such re-
3 sponsibility—

4 (A) promptly receives the results of all cost
5 estimates and cost analyses conducted by the
6 military departments with regard to operating
7 and support costs of major weapon systems;

8 (B) has timely access to any records and
9 data of the military departments (including
10 classified and proprietary information) that the
11 Director considers necessary to carry out such
12 responsibility; and

13 (C) with the concurrence of the Under Sec-
14 retary of Defense for Acquisition, Technology,
15 and Logistics, may direct the military depart-
16 ments to collect and retain information nec-
17 essary to support the database.

18 (d) MAJOR WEAPON SYSTEM DEFINED.—In this sec-
19 tion, the term “major weapon system” has the meaning
20 given that term in section 2379(f) of title 10, United
21 States Code.

1 **SEC. 804. CLARIFICATION OF RESPONSIBILITY FOR COST**
2 **ANALYSES AND TARGETS FOR CONTRACT NE-**
3 **GOTIATION PURPOSES.**

4 Section 2334(e) of title 10, United States Code, is
5 amended—

6 (1) by redesignating paragraphs (2), (3), and
7 (4) as paragraphs (3), (4), and (5), respectively;

8 (2) in paragraph (1)—

9 (A) by striking “shall provide that—” and
10 all that follows through “cost estimates” and
11 inserting “shall provide that cost estimates”;
12 and

13 (B) by striking “; and” and inserting a pe-
14 riod;

15 (3) by redesignating subparagraph (B) as para-
16 graph (2) and indenting such paragraph two ems
17 from the left margin;

18 (4) in paragraph (2) as redesignated by para-
19 graph (3) of this section, by striking “cost analyses
20 and targets” and inserting “The Under Secretary of
21 Defense for Acquisition, Technology, and Logistics
22 shall, in consultation with the Director of Cost As-
23 sessment and Program Evaluation, develop policies,
24 procedures, and guidance to ensure that cost anal-
25 yses and targets”;

1 (5) in paragraph (3), as redesignated by para-
2 graph (1) of this section, by striking “issued by the
3 Director of Cost Assessment and Program Evalua-
4 tion” and inserting “issued by the Under Secretary
5 of Defense for Acquisition, Technology, and Logis-
6 tics under paragraph (2)”; and

7 (6) in paragraph (5), as redesignated by para-
8 graph (1) of this section, by striking “paragraph
9 (3)” and inserting “paragraph (4)”.

10 **SEC. 805. MODIFICATION OF REQUIREMENTS FOR GUID-**
11 **ANCE ON MANAGEMENT OF MANUFAC-**
12 **TURING RISK IN MAJOR DEFENSE ACQUISI-**
13 **TION PROGRAMS.**

14 Section 812(b) of the Ike Skelton National Defense
15 Authorization Act for Fiscal Year 2011 (Public Law 111–
16 383; 124 Stat. 4264; 10 U.S.C. 2430 note) is amended—

17 (1) by striking “manufacturing readiness lev-
18 els” each place it appears and inserting “manufac-
19 turing readiness levels or other manufacturing readi-
20 ness standards”;

21 (2) by redesignating paragraphs (4) and (5) as
22 paragraphs (5) and (6), respectively; and

23 (3) by inserting after paragraph (3) the fol-
24 lowing new paragraph (4):

1 “(4) provide for the tailoring of manufacturing
2 readiness levels or other manufacturing readiness
3 standards to address the unique characteristics of
4 specific industry sectors or weapon system port-
5 folios;”.

6 **SEC. 806. MANAGEMENT OF DEVELOPMENTAL TEST AND**
7 **EVALUATION FOR MAJOR DEFENSE ACQUI-**
8 **SITION PROGRAMS.**

9 (a) CHIEF DEVELOPMENTAL TESTER.—Section
10 820(a) of the John Warner National Defense Authoriza-
11 tion Act for Fiscal Year 2007 (Public Law 109–364; 120
12 Stat. 2330), as amended by section 805(c) of the National
13 Defense Authorization Act for Fiscal Year 2010 (Public
14 Law 110–181; 123 Stat. 2403), is further amended—

15 (1) by redesignating paragraph (6) as para-
16 graph (7); and

17 (2) by inserting after paragraph (5) the fol-
18 lowing new paragraph (6):

19 “(6) Chief developmental tester.”.

20 (b) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL
21 TESTER AND LEAD DEVELOPMENTAL TEST AND EVAL-
22 UATION ORGANIZATION.—Section 139b of title 10, United
23 States Code, is amended—

24 (1) by redesignating subsections (c), (d), and
25 (e) as subsections (d), (e), and (f), respectively; and

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

3 “(c) SUPPORT OF MDAPS BY CHIEF DEVELOP-
4 MENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND
5 EVALUATION ORGANIZATION.—

6 “(1) SUPPORT.—The Secretary of Defense shall
7 require that each major defense acquisition program
8 be supported by—

9 “(A) a chief developmental tester; and

10 “(B) a governmental test agency, serving
11 as lead developmental test and evaluation orga-
12 nization for the program.

13 “(2) RESPONSIBILITIES OF CHIEF DEVELOP-
14 MENTAL TESTER.—The chief developmental tester
15 for a major defense acquisition program shall be re-
16 sponsible for—

17 “(A) coordinating the planning, manage-
18 ment, and oversight of all developmental test
19 and evaluation activities for the program;

20 “(B) maintaining insight into contractor
21 activities under the program and overseeing the
22 test and evaluation activities of other partici-
23 pating government activities under the pro-
24 gram; and

1 “(C) helping program managers make
2 technically informed, objective judgments about
3 contractor developmental test and evaluation re-
4 sults under the program.

5 “(3) RESPONSIBILITIES OF LEAD DEVELOP-
6 MENTAL TEST AND EVALUATION ORGANIZATION.—
7 The lead developmental test and evaluation organi-
8 zation for a major defense acquisition program shall
9 be responsible for—

10 “(A) providing technical expertise on test-
11 ing and evaluation issues to the chief develop-
12 mental tester for the program;

13 “(B) conducting developmental testing and
14 evaluation activities for the program, as di-
15 rected by the chief developmental tester; and

16 “(C) assisting the chief developmental
17 tester in providing oversight of contractors
18 under the program and in reaching technically
19 informed, objective judgments about contractor
20 developmental test and evaluation results under
21 the program.”.

1 **SEC. 807. ASSESSMENT OF RISK ASSOCIATED WITH DEVEL-**
2 **OPMENT OF MAJOR WEAPON SYSTEMS TO BE**
3 **PROCURED UNDER COOPERATIVE PROJECTS**
4 **WITH FRIENDLY FOREIGN COUNTRIES.**

5 (a) ASSESSMENT OF RISK REQUIRED.—

6 (1) IN GENERAL.—Not later than two days
7 after the President transmits a certification to Con-
8 gress pursuant to section 27(f) of the Arms Export
9 Control Act (22 U.S.C. 2767(f)) regarding a pro-
10 posed cooperative project agreement that is expected
11 to result in the award of a Department of Defense
12 contract for the engineering and manufacturing de-
13 velopment of a major weapon system, the Secretary
14 of Defense shall submit to the Chairmen of the
15 Committees on Armed Services of the Senate and
16 the House of Representatives a report setting forth
17 a risk assessment of the proposed cooperative
18 project.

19 (2) PREPARATION.—The Secretary shall pre-
20 pare each report required by paragraph (1) in con-
21 sultation with the Under Secretary of Defense for
22 Acquisition, Technology, and Logistics, the Assistant
23 Secretary of Defense for Research and Engineering,
24 and the Director of Cost Assessment and Program
25 Evaluation of the Department of Defense.

1 (b) ELEMENTS.—The risk assessment on a coopera-
2 tive project under subsection (a) shall include the fol-
3 lowing:

4 (1) An assessment of the design, technical,
5 manufacturing, and integration risks associated with
6 developing and procuring the weapon system to be
7 procured under the cooperative project.

8 (2) A statement identifying any termination li-
9 ability that would be incurred under the development
10 contract to be entered into under subsection (a)(1),
11 and a statement of the extent to which such termi-
12 nation liability would not be fully funded by appro-
13 priations available or sought in the fiscal year in
14 which the agreement for the cooperative project is
15 signed on behalf of the United States.

16 (3) An assessment of the advisability of incur-
17 ring any unfunded termination liability identified
18 under paragraph (2) given the risks identified in the
19 assessment under paragraph (1).

20 (4) A listing of which, if any, requirements as-
21 sociated with the oversight and management of a
22 major defense acquisition program (as prescribed
23 under Department of Defense Instruction 5000.02
24 or related authorities) will be waived, or in any way
25 modified, in carrying out the development contract

1 to be entered into under (a)(1), and a full expla-
2 nation why such requirements need to be waived or
3 modified.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “engineering and manufacturing
6 development” has the meaning given that term in
7 Department of Defense Instruction 5000.02.

8 (2) The term “major weapon system” has the
9 meaning given that term in section 2379(f) of title
10 10, United States Code.

11 **Subtitle B—Acquisition Policy and** 12 **Management**

13 **SEC. 821. INCLUSION OF DATA ON CONTRACTOR PERFORM-** 14 **ANCE IN PAST PERFORMANCE DATABASES** 15 **FOR SOURCE SELECTION DECISIONS.**

16 (a) STRATEGY ON INCLUSION REQUIRED.—Not later
17 than 180 days after the date of the enactment of this Act,
18 the Under Secretary of Defense for Acquisition, Tech-
19 nology, and Logistics shall develop a strategy for ensuring
20 that timely, accurate, and complete information on con-
21 tractor performance is included in past performance data-
22 bases used for making source selection decisions.

23 (b) ELEMENTS.—The strategy required by subsection
24 (a) shall, at a minimum—

1 (1) establish standards for the timeliness and
2 completeness of past performance submissions for
3 purposes of databases described in subsection (a);

4 (2) assign responsibility and management ac-
5 countability for the completeness of past perform-
6 ance submissions for such purposes; and

7 (3) ensure that past performance submissions
8 for such purposes are consistent with award fee eval-
9 uations in cases where such evaluations have been
10 conducted.

11 (c) CONTRACTOR COMMENTS.—Not later than 180
12 days after the date of the enactment of this Act, the Under
13 Secretary of Defense for Acquisition, Technology, and Lo-
14 gistics shall revise the Defense Supplement to the Federal
15 Acquisition Regulation to require the following:

16 (1) That agency evaluations of contractor past
17 performance are included in the relevant past per-
18 formance database as soon as such evaluations are
19 completed.

20 (2) That affected contractors are notified in a
21 timely manner when such agency evaluations are en-
22 tered into such database.

23 (3) That such contractors are afforded a rea-
24 sonable opportunity to submit comments, rebutting
25 statements, or additional information pertaining to

1 such agency evaluations for inclusion in such data-
2 base.

3 (d) **COMPTROLLER GENERAL REPORT.**—Not later
4 than 18 months after the date of the enactment of this
5 Act, the Comptroller General of the United States shall
6 submit to the congressional defense committees a report
7 on the actions taken by the Under Secretary of Defense
8 for Acquisition, Technology, and Logistics pursuant to
9 this section, including an assessment of the extent to
10 which such actions have achieved the objectives of this sec-
11 tion.

12 **SEC. 822. IMPLEMENTATION OF RECOMMENDATIONS OF**
13 **DEFENSE SCIENCE BOARD TASK FORCE ON**
14 **SERVICE CONTRACTING.**

15 (a) **PLAN FOR IMPLEMENTATION.**—Not later than
16 180 days after the date of the enactment of this Act, the
17 Under Secretary of Defense for Acquisition, Technology,
18 and Logistics shall, acting pursuant to the Under Sec-
19 retary's responsibility under section 2330 of title 10,
20 United States Code, develop a plan for implementing the
21 recommendations of the Defense Science Board Task
22 Force on Improvements to Service Contracting.

23 (b) **ELEMENTS.**—The plan developed pursuant to
24 subsection (a) shall include, to the extent determined ap-

1 appropriate by the Under Secretary for Acquisition, Tech-
2 nology, and Logistics, the following:

3 (1) A meaningful taxonomy to track services,
4 which can be built into the inventory of contract
5 services required by section 2330a(c) of title 10,
6 United States Code.

7 (2) Standards, definitions, and performance
8 measures for each portfolio of contract services
9 which can be used for the purposes of performance
10 assessments conducted pursuant to section 2548 of
11 title 10, United States Code, and independent man-
12 agement reviews conducted pursuant to section 808
13 of the National Defense Authorization Act for Fiscal
14 Year 2008 (Public Law 110–181; 122 Stat. 215; 10
15 U.S.C. 2330 note).

16 (3) Meaningful incentives to service contractors
17 for high performance at low cost, consistent with the
18 objectives of the Better Buying Power Initiative es-
19 tablished by the Under Secretary.

20 (4) Improved means of communication between
21 the Government and the services contracting indus-
22 try in the process of developing requirements for
23 services contracts.

1 (5) Clear guidance for defense acquisition per-
2 sonnel on the use of appropriate contract types for
3 particular categories of services contracts.

4 (6) Formal certification and training require-
5 ments for services acquisition personnel, consistent
6 with the requirements of sections 1723 and 1724 of
7 title 10, United States Code.

8 (7) Appropriate emphasis on the recruiting and
9 training of services acquisition personnel, consistent
10 with the strategic workforce plan developed pursuant
11 to section 115b of title 10, United States Code, and
12 the funds available through the Department of De-
13 fense Acquisition Workforce Development Fund es-
14 tablished pursuant to section 1705 of title 10,
15 United States Code.

16 (8) Policies and guidance on career development
17 for services acquisition personnel, consistent with the
18 requirements of sections 1722a and 1722b of title
19 10, United States Code.

20 (9) Actions to ensure that the military depart-
21 ments dedicate portfolio-specific commodity man-
22 agers to coordinate the procurement of key cat-
23 egories of contract services, as required by section
24 2330(b)(3)(C) of title 10, United States Code.

1 (10) Actions to ensure that the Department of
2 Defense conducts realistic exercises and training
3 that account for services contracting during contin-
4 gency operations, as required by section 2333(e) of
5 title 10, United States Code.

6 (c) COMPTROLLER GENERAL REPORT.—Not later
7 than 18 months after the date of the enactment of this
8 Act, the Comptroller General of the United States shall
9 submit to the congressional defense committees a report
10 on the following:

11 (1) The actions taken by the Under Secretary
12 of Defense for Acquisition, Technology, and Logis-
13 tics to carry out the requirements of this section.

14 (2) The actions taken by the Under Secretary
15 to carry out the requirements of section 2330 of title
16 10, United States Code.

17 (3) The actions taken by the military depart-
18 ments to carry out the requirements of section 2330
19 of title 10, United States Code.

20 (4) The extent to which the actions described in
21 paragraphs (1), (2), and (3) have resulted in the im-
22 proved acquisition and management of contract serv-
23 ices.

1 **SEC. 823. TEMPORARY LIMITATION ON AGGREGATE AN-**
2 **NUAL AMOUNT AVAILABLE FOR CONTRACT**
3 **SERVICES.**

4 (a) **LIMITATION.**—Except as provided in subsection
5 (b), the total amount obligated by the Department of De-
6 fense for contract services in fiscal year 2012 or 2013 may
7 not exceed the total amount requested for the Department
8 for contract services in the budget of the President for
9 fiscal year 2010 (as submitted to Congress pursuant to
10 section 1105(b) of title 31, United States Code) adjusted
11 for net transfers from funding for overseas contingency
12 operations.

13 (b) **EXCEPTION.**—Notwithstanding the limitation in
14 subsection (a), the total amount obligated by the Depart-
15 ment for contract services in fiscal year 2012 or 2013 may
16 exceed the amount otherwise provided pursuant to sub-
17 section (a) by an amount elected by the Secretary that
18 is not greater than the cost of any increase in such fiscal
19 year in the number of civilian billets at the Department
20 that has been approved by the Secretary over the number
21 of such billets at the Department in fiscal year 2010.

22 (c) **GUIDANCE.**—Not later than 60 days after the
23 date of the enactment of this Act, the Secretary shall issue
24 guidance to the military departments and the Defense
25 Agencies on implementation of this section during fiscal

1 years 2012 and 2013. The guidance shall, at a min-
2 imum—

3 (1) establish a negotiation objective that labor
4 rates and overhead rates in any contract or task
5 order for contract services with an estimated value
6 in excess of \$10,000,000 awarded to a contractor in
7 fiscal year 2012 or 2013 shall not exceed labor rates
8 and overhead rates paid to the contractor for con-
9 tract services in fiscal year 2010;

10 (2) require the Secretaries of the military de-
11 partments and the heads of the Defense Agencies to
12 approve in writing any contract or task order for
13 contract services with an estimated value in excess
14 of \$10,000,000 awarded to a contractor in fiscal
15 year 2012 or 2013 that provides for continuing serv-
16 ices at an annual cost that exceeds the annual cost
17 paid by the military department or Defense Agency
18 concerned for the same or similar services in fiscal
19 year 2010;

20 (3) require the Secretaries of the military de-
21 partments and the heads of the Defense Agencies to
22 eliminate any contractor positions identified by the
23 military department or Defense Agency concerned as
24 being responsible for the performance of inherently
25 governmental functions;

1 (4) require the Secretaries of the military de-
2 partments and the heads of the Defense Agencies to
3 reduce by 10 percent per fiscal year in each of fiscal
4 years 2012 and 2013 the funding of the military de-
5 partment or Defense Agency concerned for—

6 (A) staff augmentation contracts; and

7 (B) contracts for the performance of func-
8 tions closely associated with inherently govern-
9 mental functions; and

10 (5) assign responsibility to the management of-
11 ficials designated pursuant to section 2330 of title
12 10, United States Code, and section 812(b) of the
13 National Defense Authorization Act for Fiscal Year
14 2006 (Public Law 109–163; 119 Stat. 3378; 10
15 U.S.C. 2330 note) to provide oversight and ensure
16 the implementation of the requirements of this sec-
17 tion during fiscal years 2012 and 2013.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “contract services” has the mean-
20 ing given that term in section 235 of title 10, United
21 States Code, except that the term does not include
22 services that are funded out of amounts available for
23 overseas contingency operations.

24 (2) The term “function closely associated with
25 inherently governmental functions” has the meaning

1 given that term in section 2383(b)(3) of title 10,
2 United States Code.

3 (3) The term “staff augmentation contracts”
4 means contracts for personnel who are subject to the
5 direction of a government official other than the con-
6 tracting officer for the contract, including, but not
7 limited to, contractor personnel who perform per-
8 sonal services contracts (as that term is defined in
9 section 2330a(g)(5) of title 10, United States Code).

10 (4) The term “transfers from funding for over-
11 seas contingency operations” means amounts funded
12 out of amounts available for overseas contingency
13 operations in fiscal year 2010 that are funded out
14 of amounts other than amounts so available in fiscal
15 year 2012 or 2013.

16 **SEC. 824. ANNUAL REPORT ON SINGLE-AWARD TASK AND**
17 **DELIVERY ORDER CONTRACTS.**

18 (a) ANNUAL REPORT.—

19 (1) IN GENERAL.—Paragraph (2) of section
20 817(d) of the Bob Stump National Defense Author-
21 ization Act for Fiscal Year 2003 (Public Law 107–
22 314; 116 Stat. 2611; 10 U.S.C. 2306a note) is
23 amended—

24 (A) in subparagraph (A), by striking
25 “and” at the end;

1 (B) in subparagraph (B), by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(C) with respect to any determination pursu-
6 ant to section 2304a(d)(3)(D) of title 10, United
7 States Code, that because of exceptional cir-
8 cumstances it is necessary in the public interest to
9 award a task or delivery order contract with an esti-
10 mated value in excess of \$100,000,000 to a single
11 source, an explanation of the basis for the deter-
12 mination.”.

13 (2) CONFORMING AMENDMENT.—The heading
14 of such section is amended by striking “WITH PRICE
15 OR VALUE GREATER THAN \$15,000,000”.

16 (b) REPEAL OF CASE-BY-CASE REPORTING RE-
17 QUIREMENT.—Section 2304a(d)(3) of title 10, United
18 States Code, is amended—

19 (1) by striking subparagraph (B);

20 (2) by striking “(A)”;

21 (3) by redesignating clauses (i), (ii), (iii), and
22 (iv) as subparagraphs (A), (B), (C), and (D), respec-
23 tively, of paragraph (1); and

1 (4) in subparagraph (B), as redesignated by
2 paragraph (3), by redesignating subclauses (I) and
3 (II) as clauses (i) and (ii), respectively.

4 **SEC. 825. INCORPORATION OF CORROSION PREVENTION**
5 **AND CONTROL INTO REQUIREMENTS APPLI-**
6 **CABLE TO DEVELOPMENT AND ACQUISITION**
7 **OF WEAPON SYSTEMS.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Under Secretary
10 of Defense for Acquisition, Technology, and Logistics, in
11 consultation with the Director of Corrosion Policy and
12 Oversight, shall, for purposes of ensuring that corrosion
13 prevention and control are addressed early in the develop-
14 ment and acquisition of weapon systems—

15 (1) identify and disseminate throughout the De-
16 partment of Defense recommendations from the
17 2010 Corrosion Evaluation of the F-22 Raptor and
18 F-35 Lightning II Joint Strike Fighter that are ap-
19 plicable Department-wide;

20 (2) commence implementation of any modifica-
21 tions of policies and practices that the Under Sec-
22 retary considers appropriate in light of such rec-
23 ommendations to improve corrosion prevention and
24 control in new weapon systems; and

1 (3) establish a process for monitoring and as-
2 sessing the effectiveness of the actions taken by the
3 Department pursuant to paragraph (2) to improve
4 corrosion prevention and control in new weapon sys-
5 tems.

6 (b) PLAN.—In carrying out subsection (a), the Under
7 Secretary of Defense for Acquisition, Technology, and Lo-
8 gistics shall develop a plan to achieve, to the extent and
9 in a manner the Under Secretary determines to be feasible
10 and appropriate, the following:

11 (1) Investment in research and development
12 that increases the understanding of corrosion on ma-
13 terials and processes for weapon systems.

14 (2) Development and dissemination of expertise
15 on corrosion in the acquisition programs for weapon
16 systems and in the processes for developing require-
17 ments for weapon systems.

18 (3) Reestablishment of appropriate military
19 specifications and standards regarding corrosion re-
20 sistance in weapon systems.

21 (4) Establishment of new test protocols and
22 methodologies with respect to corrosion in new mate-
23 rials and processes for weapon systems.

24 (5) Development of contract language, metrics,
25 and incentives to improve the emphasis on corrosion

1 prevention and control and the effects of corrosion
2 on life cycle costs in weapon systems.

3 (6) Development of a corrosion-focused design
4 decision methodology to support acquisition pro-
5 grams for weapon systems when required to evaluate
6 alternative designs and help quantify future oper-
7 ation and sustainment costs.

8 (c) CORROSION CONTROL IN CERTAIN FIGHTER AIR-
9 CRAFT PROGRAMS.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the
12 Under Secretary of Defense for Acquisition, Tech-
13 nology, and Logistics shall—

14 (A) identify in the Corrosion Evaluation
15 referred to in subsection (a) specific rec-
16 ommendations on corrosion prevention and con-
17 trol that are applicable to the F-22 Raptor air-
18 craft and to the F-35 Lightning II Joint Strike
19 Fighter aircraft;

20 (B) commence implementation of appro-
21 priate actions to put the recommendations de-
22 scribed in subparagraph (A) into effect; and

23 (C) establish and implement processes for
24 monitoring and assessing the effectiveness of

1 the actions put into effect under subparagraph
2 (B).

3 (2) ACTIONS ON F-22 RAPTOR AIRCRAFT.—The
4 actions implemented under paragraph (1) with re-
5 spect to the F-22 Raptor aircraft shall include a
6 plan and actions to manage cumulative corrosion
7 damage to F-22 Raptor aircraft in order to mitigate
8 long-term structural risk to such aircraft.

9 (3) ACTIONS ON F-35 LIGHTNING II JOINT
10 STRIKE FIGHTER AIRCRAFT.—The actions imple-
11 mented under paragraph (1) with respect to the F-
12 35 Lightning II Joint Strike Fighter aircraft shall
13 include actions as follows:

14 (A) The updating of the F-35 Corrosion
15 Prevention and Control Plan with lessons
16 learned from corrosion prevention and control
17 for the F-22 Raptor aircraft, guidelines for
18 conducting trade studies, and appropriate test
19 and verification methods.

20 (B) Planning for a full climatic test earlier
21 in the acquisition schedule, and ensuring that—

22 (i) such test robustly addresses the ef-
23 fects of severe wet weather, temperature
24 extremes, and high humidity; and

1 (ii) enclosed areas of the aircraft are
2 opened and inspected for water or moisture
3 intrusion.

4 (C) Developing an appropriate corrosion
5 risk mitigation follow-on plan, including the
6 management of the corrosion risk of parts
7 qualified by similarity.

8 (D) Expanding the involvement of the
9 Naval Air Systems Command (NAVAIR) corro-
10 sion testing capability and the Air Force Re-
11 serve Laboratory (AFRL) low observable test-
12 ing capability as a means to independently test
13 and assess materials and components.

14 (E) Reconsidering the selection of mate-
15 rials and coating for corrosion risks.

16 (F) Specifying responsibility for manage-
17 ment of the Autonomic Logistics Information
18 System (ALIS) link with the Aircraft Struc-
19 tural Integrity Program (ASIP).

20 (G) Ensuring that the officials covered by
21 subparagraph (F) are involved in the develop-
22 ment of the Autonomic Logistics Information
23 System and are capable of receiving and ana-
24 lyzing the information to support the Aircraft

1 Structural Integrity Program sustainment ac-
2 tivity.

3 (d) CORROSION CERTIFICATION AND ASSESSMENT
4 FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall revise Department of De-
8 fense Instruction 5000.02 to ensure that the Mile-
9 stone Decision Authority for a major defense acqui-
10 sition program is required to consider issues of cor-
11 rosion and materials degradation for the purpose of
12 any certification under sections 2366a and 2366b of
13 title 10, United States Code.

14 (2) TEST AND EVALUATION.—In carrying out
15 section 2399 of title 10, United States Code, the Di-
16 rector of Operational Test and Evaluation shall—

17 (A) consider corrosion, environmental se-
18 verity, and duration in the adequacy of oper-
19 ational test and evaluation plans;

20 (B) include in the annual report under
21 subsection (g) of that section an assessment of
22 the adequacy of the consideration of material
23 degradation and corrosion in each major de-
24 fense acquisition program.

1 **SEC. 826. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
2 **PROGRAMS.**

3 No amounts authorized to be appropriated by this
4 Act may be obligated or expended to implement or carry
5 out any program that creates a price evaluation adjust-
6 ment as described in section 2323(e)(3) of title 10, United
7 States Code, or any other authority, that is inconsistent
8 with the holdings in the following:

9 (1) Adarand Constructors, Inc. v. Peña, 515
10 U.S. 200 (1995).

11 (2) Rothe Development Corporation. v. Depart-
12 ment of Defense, 545 F.3d 1023 (2008).

13 **Subtitle C—Amendments Relating**
14 **to General Contracting Authori-**
15 **ties, Procedures, and Limita-**
16 **tions**

17 **SEC. 841. TREATMENT FOR TECHNICAL DATA PURPOSES**
18 **OF INDEPENDENT RESEARCH AND DEVELOP-**
19 **MENT AND BID AND PROPOSAL COSTS.**

20 (a) TREATMENT.—Section 2320(a) of title 10,
21 United States Code, is amended—

22 (1) in paragraph (2)(E), by striking “the re-
23 spective rights” and inserting “the Government may
24 use, modify, release, reproduce, perform, display, or
25 disclose the data pertaining to such item or process
26 within the Government without restriction, but may

1 release or disclose the data outside the Government
2 only for Government purposes. The respective
3 rights”;

4 (2) in paragraph (3), by striking “and shall
5 specify that amounts spent for independent research
6 and development and bid and proposal costs shall
7 not be considered to be Federal funds for the pur-
8 poses of paragraph (2)(B), but shall be considered
9 to be Federal funds for the purposes of paragraph
10 (2)(A)”;

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

13 “(4)(A) Except as provided in subparagraph (B),
14 amounts spent for independent research and development
15 and bid and proposal costs shall not be treated as Federal
16 funds for the purposes of this section.

17 “(B) An item or process that is developed in whole
18 or in part with amounts described in subparagraph (A)
19 shall be treated as having been developed in part with Fed-
20 eral funds and in part at private expense in the following
21 circumstances:

22 “(i) In the case of an item or process for which
23 the total amount of costs referred to in subpara-
24 graph (A) allocable to contracts other than Federal
25 contracts and any other contractor funds expended

1 is less than 10 percent of the total funds provided
2 for the development of such item or process (includ-
3 ing all sources of Federal funding).

4 “(ii) In the case an item or process that is inte-
5 grated into a major system for which the rights in
6 technical data are otherwise described under para-
7 graph (2)(A) or (2)(E) and for which—

8 “(I) the total amount of such costs allo-
9 cable to contracts other than Federal contracts
10 and any other contractor funds expended is less
11 than 50 percent of the total funds provided for
12 the development of such item or process (in-
13 cluding all sources of Federal funding); or

14 “(II) such item or process cannot be seg-
15 regated from other elements of the major sys-
16 tem in a practicable manner in order to allow
17 the system to be procured using competition.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on January 7, 2011, imme-
20 diately after the enactment of section 824(b)(2) of the Ike
21 Skelton National Defense Authorization Act for Fiscal
22 Year 2011 (Public Law 111–383; 124 Stat. 4269), to
23 which such amendments relate.

1 **SEC. 842. EXTENSION TO ALL MANAGEMENT EMPLOYEES**
2 **OF APPLICABILITY OF THE SENIOR EXECU-**
3 **TIVE BENCHMARK COMPENSATION AMOUNT**
4 **FOR PURPOSES OF ALLOWABLE COST LIM-**
5 **TATIONS UNDER GOVERNMENT CONTRACTS.**

6 (a) COVERED EXECUTIVES.—

7 (1) COSTS NOT ALLOWABLE.—Subsection
8 (e)(1)(P) of section 2324 of title 10, United States
9 Code, is amended by striking “senior executives”
10 and inserting “executives”.

11 (2) COVERED EXECUTIVES.—Subsection (1)(5)
12 of such section is amended—

13 (A) by striking “The term ‘senior execu-

14 tives’” and inserting “The term ‘executives’”;

15 and

16 (B) by striking “the five most highly com-

17 pensated employees” and inserting “all employ-

18 ees serving”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section—

21 (1) shall be implemented in the Federal Acqui-

22 sition Regulation not later than 180 days after the

23 date of the enactment of this Act; and

24 (2) shall apply with respect to costs of com-

25 pensation incurred on or after January 1, 2012,

26 under contracts covered by section 2324 of title 10,

1 United States Code, that are entered into before, on,
2 or after the date of the enactment of this Act.

3 **SEC. 843. COVERED CONTRACTS FOR PURPOSES OF RE-**
4 **QUIREMENTS ON CONTRACTOR BUSINESS**
5 **SYSTEMS.**

6 Paragraph (3) of section 893(f) of the Ike Skelton
7 National Defense Authorization Act for Fiscal Year 2011
8 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302
9 note) is amended to read as follows:

10 “(3) The term ‘covered contract’ means a con-
11 tract that is subject to the cost accounting standards
12 promulgated pursuant to section 1502 of title 41,
13 United States Code, that could be affected if the
14 data produced by a contractor business system has
15 a significant deficiency.”.

16 **SEC. 844. COMPLIANCE WITH DEFENSE PROCUREMENT RE-**
17 **QUIREMENTS FOR PURPOSES OF INTERNAL**
18 **CONTROLS OF NON-DEFENSE AGENCIES FOR**
19 **PROCUREMENTS ON BEHALF OF THE DE-**
20 **PARTMENT OF DEFENSE.**

21 Section 801(d) of the National Defense Authorization
22 Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amend-
23 ed by striking “with the requirements” and all that follows
24 and inserting “with the following:

1 “(1) The Federal Acquisition Regulation and
2 other laws and regulations that apply to procure-
3 ments of property and services by Federal agencies.

4 “(2) Laws and regulations (including applicable
5 Department of Defense financial management regu-
6 lations) that apply to procurements of property and
7 services made by the Department of Defense
8 through other Federal agencies.”.

9 **SEC. 845. PROHIBITION ON COLLECTION OF POLITICAL IN-**
10 **FORMATION.**

11 (a) IN GENERAL.—Chapter 137 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new section:

14 **“§ 2335. Prohibition on collection of political informa-**
15 **tion**

16 “(a) PROHIBITION ON REQUIRING SUBMISSION OF
17 POLITICAL INFORMATION.—The head of an agency may
18 not require a contractor to submit political information re-
19 lated to the contractor or a subcontractor at any tier, or
20 any partner, officer, director, or employee of the con-
21 tractor or subcontractor—

22 “(1) as part of a solicitation, request for bid,
23 request for proposal, or any other form of commu-
24 nication designed to solicit offers in connection with

1 the award of a contract for procurement of property
2 or services;

3 “(2) during the course of contract performance
4 as part of the process associated with modifying a
5 contract or exercising a contract option; or

6 “(3) any time prior to contract completion and
7 final contract closeout.

8 “(b) SCOPE.—The prohibition under this section ap-
9 plies to the procurement of commercial items, the procure-
10 ment of commercial-off-the-shelf-items, and the non-com-
11 mercial procurement of supplies, property, services, and
12 manufactured items, irrespective of contract vehicle, in-
13 cluding contracts, purchase orders, task or deliver orders
14 under indefinite delivery/indefinite quantity contracts,
15 blanket purchase agreements, and basic ordering agree-
16 ments.

17 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed as—

19 “(1) waiving, superseding, restricting, or lim-
20 iting the application of the Federal Election Cam-
21 paign Act of 1971 (2 U.S.C. 431 et seq.) or pre-
22 venting Federal regulatory or law enforcement agen-
23 cies from collecting or receiving information author-
24 ized by law; or

1 “(2) precluding the Defense Contract Audit
2 Agency from accessing and reviewing certain infor-
3 mation, including political information, for the pur-
4 pose of identifying unallowable costs and admin-
5 istering cost principles established pursuant to sec-
6 tion 2324 of this title.

7 “(d) DEFINITIONS.—In this section:

8 “(1) CONTRACTOR.—The term ‘contractor’ in-
9 cludes contractors, bidders, and offerors, and indi-
10 viduals and legal entities who would reasonably be
11 expected to submit offers or bids for Federal Gov-
12 ernment contracts.

13 “(2) POLITICAL INFORMATION.—The term ‘po-
14 litical information’ means information relating to po-
15 litical spending, including any payment consisting of
16 a contribution, expenditure, independent expendi-
17 ture, or disbursement for an electioneering commu-
18 nication that is made by the contractor, any of its
19 partners, officers, directors or employees, or any of
20 its affiliates or subsidiaries to a candidate or on be-
21 half of a candidate for election for Federal office, to
22 a political committee, to a political party, to a third
23 party entity with the intention or reasonable expect-
24 ation that it would use the payment to make inde-
25 pendent expenditures or electioneering communica-

1 tions, or that is otherwise made with respect to any
 2 election for Federal office, party affiliation, and vot-
 3 ing history. Each of the terms ‘contribution’, ‘ex-
 4 penditure’, ‘independent expenditure’, ‘candidate’,
 5 ‘election’, ‘electioneering communication’, and ‘Fed-
 6 eral office’ has the meaning given the term in the
 7 Federal Campaign Act of 1971 (2 U.S.C. 431 et
 8 seq.).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of chapter 137 of such title is amended
 11 by inserting after the item relating to section 2334 the
 12 following new item:

“2335. Prohibition on collection of political information.”.

13 **SEC. 846. WAIVER OF “BUY AMERICAN” REQUIREMENT FOR**
 14 **PROCUREMENT OF COMPONENTS OTHER-**
 15 **WISE PRODUCIBLE OVERSEAS WITH SPE-**
 16 **CIALTY METAL NOT PRODUCED IN THE**
 17 **UNITED STATES.**

18 Section 2533b of title 10, United States Code, is
 19 amended—

20 (1) by redesignating subsections (l) and (m) as
 21 subsections (m) and (n), respectively; and

22 (2) by inserting after subsection (k) the fol-
 23 lowing new subsection (l):

24 “(l) ADDITIONAL WAIVER AUTHORITY.—(1) The
 25 Secretary of Defense may waive the requirement of sub-

1 section (a) with regard to the procurement of a component
2 containing specialty metal if the Secretary determines
3 that, in the absence of the waiver, the component will be
4 produced overseas and will contain specialty metal not
5 melted or produced in the United States.

6 “(2) The Secretary shall establish a process to review
7 petitions for waivers under this subsection by interested
8 persons. The process shall include an opportunity for com-
9 ment by persons engaged in melting or producing specialty
10 metals in the United States.

11 “(3) The authority to grant a waiver under para-
12 graph (1) may be delegated to any civilian official in the
13 Department of Defense or a military department who is
14 appointed by the President, by and with the advice and
15 consent of the Senate.”.

16 **SEC. 847. COMPTROLLER GENERAL OF THE UNITED**
17 **STATES REPORTS ON NONCOMPETITIVE AND**
18 **ONE-OFFER CONTRACTS AWARDED BY THE**
19 **DEPARTMENT OF DEFENSE.**

20 (a) REPORTS REQUIRED.—Not later than March 31
21 of each of 2013, 2014, and 2015, the Comptroller General
22 of the United States shall submit to the Committees on
23 Armed Services of the Senate and the House of Represent-
24 atives a report setting forth a review and assessment by
25 the Comptroller General of the noncompetitive contracts

1 and one-offer contracts awarded by the Department of De-
2 fense during the preceding fiscal year.

3 (b) ELEMENTS.—Each report under subsection (a)
4 shall include the following:

5 (1) The number of noncompetitive contracts
6 awarded by the Department of Defense during the
7 fiscal year covered by such report, and the percent-
8 age of such number to the total number of contracts
9 awarded by the Department during such fiscal year.

10 (2) A description of the competition exceptions
11 that served as the basis for the award of such non-
12 competitive contracts.

13 (3) An assessment of the adequacy of the jus-
14 tification and approvals issued under section 2304(f)
15 of title 10, United States Code, in support of such
16 noncompetitive contracts.

17 (4) The number of one-offer contracts awarded
18 by the Department during the fiscal year covered by
19 such report, and the percentage of such number to
20 the total number of contracts awarded by the De-
21 partment during such fiscal year.

22 (5) An assessment of the extent to which such
23 one-offer contracts were awarded in compliance with
24 applicable Department guidance on one-offer con-
25 tracts.

1 (6) An assessment whether the contracting
2 practices of the Department during the fiscal year
3 covered by such report were in keeping with the ob-
4 jective of promoting full and open competition in the
5 award of contracts in excess of the simplified acqui-
6 sition threshold.

7 (c) DEFINITIONS.—In this section:

8 (1) The term “competitive procedures” has the
9 meaning given that term in section 2302(2) of title
10 10, United States Code.

11 (2) The term “noncompetitive contract” means
12 a contract awarded through other than competitive
13 procedures.

14 (3) The term “one-offer contract” means a con-
15 tract awarded after receiving a bid from only one
16 qualified vendor.

17 **Subtitle D—Provisions Relating to**
18 **Wartime Contracting**

19 **SEC. 861. PROHIBITION ON CONTRACTING WITH THE**
20 **ENEMY IN THE UNITED STATES CENTRAL**
21 **COMMAND THEATER OF OPERATIONS.**

22 (a) PROHIBITION.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall revise the Department of Defense

1 Supplement to the Federal Acquisition Regulation to
2 authorize the head of a contracting activity, pursu-
3 ant to a request from the Commander of the United
4 States Central Command under subsection (c)(2)—

5 (A) to restrict the award of Department of
6 Defense contracts, grants, or cooperative agree-
7 ments that the head of the contracting activity
8 determines in writing would provide funding di-
9 rectly or indirectly to a person or entity that
10 has been identified by the Commander of the
11 United States Central Command as actively
12 supporting an insurgency or otherwise actively
13 opposing United States or coalition forces in a
14 contingency operation in the United States Cen-
15 tral Command theater of operations;

16 (B) to terminate for default any Depart-
17 ment contract, grant, or cooperative agreement
18 upon a written determination by the head of the
19 contracting activity that the contractor, or the
20 recipient of the grant or cooperative agreement,
21 has failed to exercise due diligence to ensure
22 that none of the funds received under the con-
23 tract, grant, or cooperative agreement are pro-
24 vided directly or indirectly to a person or entity
25 who is actively supporting an insurgency or oth-

1 otherwise actively opposing United States or coal-
2 tion forces in a contingency operation in the
3 United States Central Command theater of op-
4 erations; or

5 (C) to void in whole or in part any Depart-
6 ment contract, grant, or cooperative agreement
7 upon a written determination by the head of the
8 contracting activity that the contract, grant, or
9 cooperative agreement provides funding directly
10 or indirectly to a person or entity that has been
11 identified by the Commander of the United
12 States Central Command as actively supporting
13 an insurgency or otherwise actively opposing
14 United States or coalition forces in a contin-
15 gency operation in the United States Central
16 Command theater of operations.

17 (2) TREATMENT AS VOID.—For purposes of
18 this section:

19 (A) A contract, grant, or cooperative
20 agreement that is void is unenforceable as con-
21 trary to public policy.

22 (B) A contract, grant, or cooperative
23 agreement that is void in part is unenforceable
24 as contrary to public policy with regard to a

1 segregable task or effort under the contract,
2 grant, or cooperative agreement.

3 (b) CONTRACT CLAUSE.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of the enactment of this Act, the Secretary
6 shall revise the Department of Defense Supplement
7 to the Federal Acquisition Regulation to require
8 that—

9 (A) the clause described in paragraph (2)
10 shall be included in each covered contract,
11 grant, and cooperative agreement of the De-
12 partment that is awarded on or after the date
13 of the enactment of this Act; and

14 (B) to the maximum extent practicable,
15 each covered contract, grant, and cooperative
16 agreement of the Department that is awarded
17 before the date of the enactment of this Act
18 shall be modified to include the clause described
19 in paragraph (2).

20 (2) CLAUSE DESCRIBED.—The clause described
21 in this paragraph is a clause that—

22 (A) requires the contractor, or the recipi-
23 ent of the grant or cooperative agreement, to
24 exercise due diligence to ensure that none of the
25 funds received under the contract, grant, or co-

1 operative agreement are provided directly or in-
2 directly to a person or entity who is actively
3 supporting an insurgency or otherwise actively
4 opposing United States or coalition forces in a
5 contingency operation; and

6 (B) notifies the contractor, or the recipient
7 of the grant or cooperative agreement, of the
8 authority of the head of the contracting activity
9 to terminate or void the contract, grant, or co-
10 operative agreement, in whole or in part, as
11 provided in subsection (a).

12 (3) COVERED CONTRACT, GRANT, OR COOPERA-
13 TIVE AGREEMENT.—In this subsection, the term
14 “covered contract, grant, or cooperative agreement”
15 means a contract, grant, or cooperative agreement
16 with an estimated value in excess of \$100,000 that
17 will be performed in the United States Central Com-
18 mand theater of operations.

19 (c) IDENTIFICATION OF CONTRACTS WITH SUP-
20 PORTERS OF THE ENEMY.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of the enactment of this Act, the Secretary,
23 acting through the Commander of the United States
24 Central Command, shall establish a program to use
25 available intelligence to review persons and entities

1 who receive United States funds through contracts,
2 grants, and cooperative agreements performed in the
3 United States Central Command theater of oper-
4 ations and identify any such persons and entities
5 who are actively supporting an insurgency or other-
6 wise actively opposing United States or coalition
7 forces in a contingency operation.

8 (2) NOTICE TO CONTRACTING ACTIVITIES.—If
9 the Commander of the United States Central Com-
10 mand, acting pursuant to the program required by
11 paragraph (1), identifies a person or entity as ac-
12 tively supporting an insurgency or otherwise actively
13 opposing United States or coalition forces in a con-
14 tingency operation, the Commander may notify the
15 head of a contracting activity in writing of such
16 identification and request that the head of the con-
17 tracting activity exercise the authority provided in
18 subsection (a) with regard to any contracts, grants,
19 or cooperative agreements that provide funding di-
20 rectly or indirectly to the person or entity.

21 (3) PROTECTION OF CLASSIFIED INFORMA-
22 TION.—Classified information relied upon by the
23 Commander of the United States Central Command
24 to make an identification in accordance with this
25 subsection may not be disclosed to a contractor or

1 a recipient of a grant or cooperative agreement with
2 respect to which an action is taken pursuant to the
3 authority provided in subsection (a), or to their rep-
4 resentatives, in the absence of a protective order
5 issued by a court of competent jurisdiction estab-
6 lished under Article III of the Constitution of the
7 United States that specifically addresses the condi-
8 tions upon which such classified information may be
9 so disclosed.

10 (d) NONDELEGATION OF RESPONSIBILITIES.—

11 (1) CONTRACT ACTIONS.—The authority pro-
12 vided by subsection (a) to restrict, terminate, or void
13 contracts, grants, and cooperative agreements may
14 not be delegated below the level of the head of a con-
15 tracting activity.

16 (2) IDENTIFICATION OF SUPPORT OF ENEMY.—

17 The authority to make an identification under sub-
18 section (c)(1) may not be delegated below the level
19 of the Commander of the United States Central
20 Command.

21 (e) CONTRACTS, GRANTS, AND COOPERATIVE
22 AGREEMENTS OF OTHER FEDERAL AGENCIES.—This sec-
23 tion shall not be construed to preclude the issuance of a
24 government-wide regulation—

1 (1) extending the authority in subsection (a) to
2 the heads of contracting agencies outside the De-
3 partment; or

4 (2) requiring the insertion of a contract clause
5 similar to the clause described by subsection (b)(2)
6 into contracts, grants, and cooperative agreements
7 awarded by Federal agencies other than the Depart-
8 ment.

9 (f) REPORTS.—Not later than March 1 of each of
10 2013, 2014, and 2015, the Secretary shall submit to the
11 congressional defense committees a report on the use of
12 the authority provided by this section in the preceding cal-
13 endar year. Each report shall identify, for the calendar
14 year covered by such report, each instance in which the
15 Department of Defense exercised the authority to restrict,
16 terminate, or void contracts, grants, and cooperative
17 agreements pursuant to subsection (a) and explain the
18 basis for the action taken. Any report under this sub-
19 section may be submitted in classified form.

20 (g) OTHER DEFINITION.—In this section, the term
21 “contingency operation” has the meaning given that term
22 in section 101(a)(13) of title 10, United States Code.

23 (h) SUNSET.—The authority to restrict, terminate, or
24 void contracts, grants, and cooperative agreements pursu-
25 ant to subsection (a) shall cease to be effective on the date

1 that is three years after the date of the enactment of this
2 Act.

3 **SEC. 862. ADDITIONAL ACCESS TO CONTRACTOR AND SUB-**
4 **CONTRACTOR RECORDS IN THE UNITED**
5 **STATES CENTRAL COMMAND THEATER OF**
6 **OPERATIONS.**

7 (a) DEPARTMENT OF DEFENSE CONTRACTS,
8 GRANTS, AND COOPERATIVE AGREEMENTS.—

9 (1) IN GENERAL.—Not later than 30 days after
10 the date of the enactment of this Act, the Secretary
11 of Defense shall revise the Department of Defense
12 Supplement to the Federal Acquisition Regulation to
13 require that—

14 (A) the clause described in paragraph (2)
15 shall be included in each covered contract,
16 grant, and cooperative agreement of the De-
17 partment of Defense that is awarded on or
18 after the date of the enactment of this Act; and

19 (B) to the maximum extent practicable,
20 each covered contract, grant, and cooperative
21 agreement of the Department that is awarded
22 before the date of the enactment of this Act
23 shall be modified to include the clause described
24 in paragraph (2).

1 (2) CLAUSE.—The clause described in this
2 paragraph is a clause authorizing the Secretary,
3 upon a written determination pursuant to paragraph
4 (3), to examine any records of the contractor, the re-
5 cipient of a grant or cooperative agreement, or any
6 subcontractor or subgrantee under such contract,
7 grant, or cooperative agreement to the extent nec-
8 essary to ensure that funds available under the con-
9 tract, grant, or cooperative agreement—

10 (A) are not subject to extortion or corrup-
11 tion; and

12 (B) are not provided directly or indirectly
13 to persons or entities that are actively sup-
14 porting an insurgency or otherwise actively op-
15 posing United States or coalition forces in a
16 contingency operation.

17 (3) WRITTEN DETERMINATION.—The authority
18 to examine records pursuant to the contract clause
19 described in paragraph (2) may be exercised only
20 upon a written determination by the contracting offi-
21 cer or comparable official responsible for a grant or
22 cooperative agreement, upon a finding by the Com-
23 mander of the United States Central Command, that
24 there is reason to believe that funds available under
25 the contract, grant, or cooperative agreement con-

1 cerned may have been subject to extortion or corrup-
2 tion or may have been provided directly or indirectly
3 to persons or entities that are actively supporting an
4 insurgency or otherwise actively opposing United
5 States or coalition forces in a contingency operation.

6 (4) FLOWDOWN.—A clause described in para-
7 graph (2) shall also be required in any subcontract
8 or subgrant under a covered contract, grant, or co-
9 operative agreement if the subcontract or subgrant
10 has an estimated value in excess of \$100,000.

11 (b) CONTRACTS, GRANTS, AND COOPERATIVE
12 AGREEMENTS OF OTHER FEDERAL AGENCIES.—This sec-
13 tion shall not be construed to preclude the issuance of a
14 government-wide regulation requiring the insertion of a
15 clause similar to the clause described by subsection (a)(2)
16 into contracts, grants, and cooperative agreements award-
17 ed by Federal agencies other than the Department of De-
18 fense.

19 (c) REPORTS.—Not later than March 1 of each of
20 2013, 2014, and 2015, the Secretary shall submit to the
21 congressional defense committees a report on the use of
22 the authority provided by this section in the preceding cal-
23 endar year. Each report shall identify, for the calendar
24 year covered by such report, each instance in which the
25 Department of Defense exercised the authority provided

1 under this section to examine records, explain the basis
2 for the action taken, and summarize the results of any
3 examination of records so undertaken, Any report under
4 this subsection may be submitted in classified form.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “contingency operation” has the
7 meaning given that term in section 101(a)(13) of
8 title 10, United States Code.

9 (2) The term “covered contract, grant, or coop-
10 erative agreement” means a contract, grant, or co-
11 operative agreement with an estimated value in ex-
12 cess of \$100,000 that will be performed in the
13 United States Central Command theater of oper-
14 ations in support of a contingency operation.

15 (e) SUNSET.—

16 (1) IN GENERAL.—The clause described by sub-
17 section (a)(2) shall not be required in any contract,
18 grant, or cooperative agreement that is awarded
19 after the date that is three years after the date of
20 the enactment of this Act.

21 (2) CONTINUING EFFECT OF CLAUSES IN-
22 CLUDED BEFORE SUNSET.—Any clause described by
23 subsection (a)(2) that is included in a contract,
24 grant, or cooperative agreement pursuant this sec-

1 tion before the date specified in paragraph (1) shall
2 remain in effect in accordance with its terms.

3 **SEC. 863. JOINT URGENT OPERATIONAL NEEDS FUND TO**
4 **RAPIDLY MEET URGENT OPERATIONAL**
5 **NEEDS.**

6 (a) ESTABLISHMENT OF FUND.—

7 (1) IN GENERAL.—Chapter 131 of title 10,
8 United States Code, is amended by inserting after
9 section 2216 the following new section:

10 **“§ 2216a. Rapidly meeting urgent needs: Joint Urgent**
11 **Operational Needs Fund**

12 “(a) ESTABLISHMENT.—There is established in the
13 Treasury an account to be known as the ‘Joint Urgent
14 Operational Needs Fund’ (in this section referred to as
15 the ‘Fund’).

16 “(b) ELEMENTS.—The Fund shall consist of the fol-
17 lowing:

18 “(1) Amounts appropriated to the Fund.

19 “(2) Amounts transferred to the Fund.

20 “(3) Any other amounts made available to the
21 Fund by law.

22 “(c) USE OF FUNDS.—(1) Amounts in the Fund shall
23 be available to the Secretary of Defense for capabilities
24 that are determined by the Secretary, pursuant to the re-
25 view process required by section 804(b) of the Ike Skelton

1 National Defense Authorization Act for Fiscal Year 2011
2 (10 U.S.C. 2302 note), to be suitable for rapid fielding
3 in response to urgent operational needs.

4 “(2) The Secretary shall establish a merit-based proc-
5 ess for identifying equipment, supplies, services, training,
6 and facilities suitable for funding through the Fund.

7 “(3) Nothing in this section shall be interpreted to
8 require or enable any official of the Department of De-
9 fense to provide funding under this section pursuant to
10 a congressional earmark, as defined in clause 9 of Rule
11 XXI of the Rules of the House of Representatives, or a
12 congressionally directed spending item, as defined in para-
13 graph 5 of Rule XLIV of the Standing Rules of the Sen-
14 ate.

15 “(d) TRANSFER AUTHORITY.—(1) Amounts in the
16 Fund may be transferred by the Secretary of Defense
17 from the Fund to any of the following accounts of the De-
18 partment of Defense to accomplish the purpose stated in
19 subsection (c):

20 “(A) Operation and maintenance accounts.

21 “(B) Procurement accounts.

22 “(C) Research, development, test, and evalua-
23 tion accounts.

24 “(2) Upon determination by the Secretary that all or
25 part of the amounts transferred from the Fund under

1 paragraph (1) are not necessary for the purpose for which
2 transferred, such amounts may be transferred back to the
3 Fund.

4 “(3) The transfer of an amount to an account under
5 the authority in paragraph (1) shall be deemed to increase
6 the amount authorized for such account by an amount
7 equal to the amount so transferred.

8 “(4) The transfer authority provided by paragraphs
9 (1) and (2) is in addition to any other transfer authority
10 available to the Department of Defense by law.

11 “(e) SUNSET.—The authority to make expenditures
12 or transfers from the Fund shall expire on the last day
13 of the third fiscal year that begins after the date of the
14 enactment of the National Defense Authorization Act for
15 Fiscal Year 2012.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 131 of such title
18 is amended by inserting after the item relating to
19 section 2216 the following new item:

“2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.”.

20 (b) LIMITATION ON COMMENCEMENT OF EXPENDI-
21 TURES FROM FUND.—No expenditure may be made from
22 the Joint Urgent Operational Needs Fund established by
23 section 2216a of title 10, United States Code (as added
24 by subsection (a)), until the Secretary of Defense certifies
25 to the congressional defense committees that the Secretary

1 has developed and implemented an expedited review pro-
2 cess in compliance with the requirements of section 804
3 of the Ike Skelton National Defense Authorization Act for
4 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256;
5 10 U.S.C. 2302 note).

6 **SEC. 864. INCLUSION OF ASSOCIATED SUPPORT SERVICES**
7 **IN RAPID ACQUISITION AND DEPLOYMENT**
8 **PROCEDURES FOR SUPPLIES.**

9 (a) INCLUSION.—Section 806 of the Bob Stump Na-
10 tional Defense Authorization Act for Fiscal Year 2003 (10
11 U.S.C. 2302 note) is amended by striking “supplies” each
12 place it appears (other than subsections (a)(1)(B) and (f))
13 and inserting “supplies and associated support services”.

14 (b) DEFINITION.—Such section is further amended
15 by adding at the end the following new subsection:

16 “(g) ASSOCIATED SUPPORT SERVICES DEFINED.—In
17 this section, the term ‘associated support services’ means
18 training, operation, maintenance, and support services
19 needed in connection with the deployment of supplies to
20 be acquired pursuant to the authority of this section. The
21 term does not include functions that are inherently gov-
22 ernmental or otherwise exempted from private sector per-
23 formance.”.

24 (c) LIMITATION ON AVAILABILITY OF AUTHORITY.—
25 The authority to acquire associated support services pur-

1 suant to section 806 of the Bob Stump National Defense
2 Authorization Act for Fiscal Year 2003, as amended by
3 this section, shall not take effect until the Secretary of
4 Defense certifies to the congressional defense committees
5 that the Secretary has developed and implemented an ex-
6 pedited review process in compliance with the require-
7 ments of section 804 of the Ike Skelton National Defense
8 Authorization Act for Fiscal Year 2011 (Public Law 111-
9 383; 124 Stat. 4256; 10 U.S.C. 2302 note).

10 **SEC. 865. REACH-BACK CONTRACTING AUTHORITY FOR OP-**
11 **ERATION ENDURING FREEDOM AND OPER-**
12 **ATION NEW DAWN.**

13 (a) **AUTHORITY TO DESIGNATE LEAD CONTRACTING**
14 **ACTIVITY.**—The Under Secretary of Defense for Acquisi-
15 tion, Technology, and Logistics may designate a single
16 contracting activity inside the United States to act as the
17 lead contracting activity with authority for use of domestic
18 capabilities in support of overseas contracting for Oper-
19 ation Enduring Freedom and Operation New Dawn. The
20 contracting activity so designated shall be known as the
21 “lead reach-back contracting authority” for such oper-
22 ations.

23 (b) **LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-**
24 **UNITED-STATES-THRESHOLDS.**—The head of the con-
25 tracting authority designated pursuant to subsection (a)

1 may, when awarding a contract inside the United States
2 for performance in the theater of operations for Operation
3 Enduring Freedom or Operation New Dawn, use the over-
4 seas increased micro-purchase threshold and the overseas
5 increased simplified acquisition threshold in the same
6 manner and to the same extent as if the contract were
7 to be awarded and performed outside the United States.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “overseas increased micro-pur-
10 chase threshold” means the amount specified in
11 paragraph (1)(B) of section 1903(b) of title 41,
12 United States Code.

13 (2) The term “overseas increased simplified ac-
14 quisition threshold” means the amount specified in
15 paragraph (2)(B) of section 1903(b) of title 41,
16 United States Code.

17 **SEC. 866. INCLUSION OF CONTRACTOR SUPPORT REQUIRE-**
18 **MENTS IN DEPARTMENT OF DEFENSE PLAN-**
19 **NING DOCUMENTS.**

20 (a) ELEMENTS IN QDR REPORTS TO CONGRESS.—
21 Section 118(d) of title 10, United States Code, is amend-
22 ed—

23 (1) in paragraph (4)—

24 (A) in subparagraph (D), by striking
25 “and” at the end;

1 (B) in subparagraph (E), by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(F) the roles and responsibilities that
6 would be discharged by contractors.”;

7 (2) in paragraph (6), by striking “manpower
8 and sustainment” and inserting “manpower,
9 sustainment, and contractor support”; and

10 (3) in paragraph (8), by inserting “, and the
11 scope of contractor support,” after “Defense Agen-
12 cies”.

13 (b) CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESS-
14 MENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.—

15 (1) ASSESSMENTS UNDER CONTINGENCY PLAN-
16 NING.—Paragraph (3) of subsection (a) of section
17 153 of such title is amended—

18 (A) by redesignating subparagraphs (C)
19 and (D) as subparagraphs (D) and (E), respec-
20 tively; and

21 (B) by inserting after subparagraph (B)
22 the following new subparagraph (C):

23 “(C) Identifying the support functions that are
24 likely to require contractor performance under those

1 contingency plans, and the risks associated with the
2 assignment of such functions to contractors.”.

3 (2) ASSESSMENTS UNDER ADVICE ON REQUIRE-
4 MENTS, PROGRAMS, AND BUDGET.—Paragraph
5 (4)(E) of such subsection is amended by inserting
6 “and contractor support” after “area of manpower”.

7 (3) ASSESSMENTS FOR BIENNIAL REVIEW OF
8 NATIONAL MILITARY STRATEGY.—Subsection (d) of
9 such section is amended—

10 (A) in paragraph (2), by adding at the end
11 the following new subparagraph:

12 “(I) Assessment of the requirements for con-
13 tractor support of the armed forces in conducting
14 peacetime training, peacekeeping, overseas contin-
15 gency operations, and major combat operations, and
16 the risks associated with such support.”; and

17 (B) in paragraph (3)(B), by striking “and
18 the levels of support from allies and other
19 friendly nations” and inserting “the levels of
20 support from allies and other friendly nations,
21 and the levels of contractor support”.

1 **Subtitle E—Other Matters**

2 **SEC. 881. EXTENSION OF AVAILABILITY OF FUNDS IN THE**
3 **DEFENSE ACQUISITION WORKFORCE DEVEL-**
4 **OPMENT FUND.**

5 (a) EXTENSION OF AVAILABILITY.—Section
6 1705(e)(6) of title 10, United States Code, is amended
7 by striking “under subsection (d)(2)” and inserting
8 “(whether by credit in accordance with subsection (d)(2),
9 by transfer pursuant to subsection (d)(3), by direct appro-
10 priation, or by deposit)”.

11 (b) PROSPECTIVE APPLICABILITY.—The amendment
12 made by subsection (a) shall not apply to funds appro-
13 priated before the date of the enactment of this Act.

14 (c) NATURE OF AVAILABILITY.—Such section is fur-
15 ther amended by striking “expenditure” and inserting
16 “obligation”.

17 **SEC. 882. MODIFICATION OF DELEGATION OF AUTHORITY**
18 **TO MAKE DETERMINATIONS ON ENTRY INTO**
19 **COOPERATIVE RESEARCH AND DEVELOP-**
20 **MENT AGREEMENTS WITH NATO AND OTHER**
21 **FRIENDLY ORGANIZATIONS AND COUNTRIES.**

22 Section 2350a(b)(2) of title 10, United States Code,
23 is amended by striking “and to one other official of the
24 Department of Defense” and inserting “, the Under Sec-
25 retary of Defense for Acquisition, Technology, and Logis-

1 ties, and the Principal Deputy Under Secretary of Defense
2 for Acquisition, Technology, and Logistics”.

3 **SEC. 883. RATE OF PAYMENT FOR AIRLIFT SERVICES**
4 **UNDER THE CIVIL RESERVE AIR FLEET PRO-**
5 **GRAM.**

6 (a) RATE OF PAYMENT.—

7 (1) IN GENERAL.—Chapter 931 of title 10,
8 United States Code, is amended by inserting after
9 section 9511 the following new section:

10 **“§ 9511a. Civil Reserve Air Fleet contracts: payment**
11 **rate**

12 “(a) AUTHORITY.—The Secretary of Defense shall
13 determine a fair and reasonable rate of payment for airlift
14 services provided to the Department of Defense by air car-
15 riers who are participants in the Civil Reserve Air Fleet
16 program. Such rate of payment shall be determined in ac-
17 cordance with—

18 “(1) the methodology and ratemaking proce-
19 dures in effect on the date of the enactment of the
20 National Defense Authorization Act for Fiscal Year
21 2012; and

22 “(2) such other procedures as the Secretary
23 may prescribe by regulation.

24 “(b) REGULATIONS.—The Secretary shall prescribe
25 regulations for purposes of subsection (a). Such regula-

1 tions shall include a process for modifying the ratemaking
 2 methodology referred to in paragraph (1) of that sub-
 3 section. The Secretary may exclude from the applicability
 4 of such regulations any airlift services contract made
 5 through the use of competitive procedures.

6 “(c) COMMITMENT OF AIRCRAFT AS BUSINESS FAC-
 7 TOR.—The Secretary may, in determining the quantity of
 8 business to be received under an airlift services contract
 9 for which the rate of payment is determined in accordance
 10 with subsection (a), use as a factor the relative amount
 11 of airlift capability committed by each air carrier to the
 12 Civil Reserve Air Fleet.

13 “(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift
 14 services contract for which the rate of payment is deter-
 15 mined in accordance with subsection (a) shall not be sub-
 16 ject to the provisions of section 2306a of this title or to
 17 the provisions of subsections (a) and (b) of section 1502
 18 of title 41.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
 20 tions at the beginning of chapter 931 of such title
 21 is amended by inserting after the item relating to
 22 section 9511 the following new item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”.

23 (b) INITIAL REGULATIONS.—Regulations shall be
 24 prescribed under section 9511a(b) of title 10, United

1 States Code (as added by subsection (a)), not later than
2 180 days after the date of the enactment of this Act.

3 **SEC. 884. CLARIFICATION OF DEPARTMENT OF DEFENSE**
4 **AUTHORITY TO PURCHASE RIGHT-HAND**
5 **DRIVE PASSENGER SEDAN VEHICLES AND**
6 **ADJUSTMENT OF THRESHOLD FOR INFLA-**
7 **TION.**

8 (a) CLARIFICATION OF AUTHORITY.—Section
9 2253(a)(2) of title 10, United States Code, is amended
10 by striking “at a cost of not more than \$30,000 each”
11 and inserting “, but at a cost of not more than \$40,000
12 each for passenger sedans”.

13 (b) ADJUSTMENT FOR INFLATION.—The Department
14 of Defense representative to the Federal Acquisition Regu-
15 latory Council established under section 1302 of title 41,
16 United States Code, shall ensure that the threshold estab-
17 lished in section 2253 of title 10, United States Code, for
18 the acquisition of right-hand drive passenger sedans is in-
19 cluded on the list of dollar thresholds that are subject to
20 adjustment for inflation in accordance with the require-
21 ments of section 1908 of title 41, United States Code, and
22 is adjusted pursuant to such provision, as appropriate.

1 **SEC. 885. EXTENSION AND EXPANSION OF SMALL BUSINESS**
2 **PROGRAMS OF THE DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) **EXTENSION OF SBIR PROGRAM.**—Section
5 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2))
6 is amended by striking “September 30, 2010” and insert-
7 ing “September 30, 2018”.

8 (b) **EXTENSION OF STTR PROGRAM.**—Section
9 9(n)(1)(A)(ii) of the Small Business Act (15 U.S.C.
10 638(n)(1)(A)(ii)) is amended by striking “2010” and in-
11 serting “2018”.

12 (c) **EXTENSION AND EXPANSION OF COMMER-**
13 **CIALIZATION PILOT PROGRAM.**—Section 9(y) of the Small
14 Business Act (15 U.S.C. 638(y)) is amended—

15 (1) in paragraphs (1), (2), and (4), by inserting
16 “and the Small Business Technology Transfer Pro-
17 gram” after “Small Business Innovation Research
18 Program”; and

19 (2) in paragraph (6), by striking “2010” and
20 inserting “2018”.

21 **SEC. 886. THREE-YEAR EXTENSION OF TEST PROGRAM FOR**
22 **NEGOTIATION OF COMPREHENSIVE SMALL**
23 **BUSINESS SUBCONTRACTING PLANS.**

24 (a) **THREE-YEAR EXTENSION.**—Subsection (e) of
25 section 834 of the National Defense Authorization Act for
26 Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is

1 amended by striking “September 30, 2011” and inserting
2 “September 30, 2014”.

3 (b) **ADDITIONAL REPORT.**—Subsection (f) of such
4 section is amended by inserting “and March 1, 2012,”
5 after “March 1, 1994,”.

6 **SEC. 887. FIVE-YEAR EXTENSION OF DEPARTMENT OF DE-**
7 **FENSE MENTOR-PROTEGE PROGRAM.**

8 Section 831(j) of the National Defense Authorization
9 Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-
10 ed—

11 (1) in paragraph (1), by striking “September
12 30, 2010” and inserting “September 30, 2015”; and

13 (2) in paragraph (2), by striking “September
14 30, 2013” and inserting “September 30, 2018”.

15 **SEC. 888. REPORT ON ALTERNATIVES FOR THE PROCURE-**
16 **MENT OF FIRE-RESISTANT AND FIRE-RE-**
17 **TARDANT FIBER AND MATERIALS FOR THE**
18 **PRODUCTION OF MILITARY PRODUCTS.**

19 (a) **FINDINGS.**—Congress makes the following find-
20 ings:

21 (1) Vehicle and aircraft fires remain a signifi-
22 cant force protection and safety threat for the mem-
23 bers of the Armed Forces, whether deployed in sup-
24 port of ongoing military operations or while training
25 for future deployment.

1 (2) Since 2003, the United States Army Insti-
2 tute of Surgical Research, the sole burn center with-
3 in the Department of Defense, has admitted and
4 treated more than 800 combat casualties with burn
5 injuries. The probability of this type of injury re-
6 mains extremely high with continued operations in
7 Iraq and the surge of forces into Afghanistan and
8 the associated increase in combat operations.

9 (3) Advanced fiber products currently in use to
10 protect first responders such as fire fighters and fac-
11 tory and refinery personnel in the United States
12 steel and fuel refinery industries may provide great-
13 er protection against burn injuries to members of
14 the Armed Forces.

15 (b) REPORT.—Not later than February 28, 2012, the
16 Secretary of Defense shall submit to the Committee on
17 Armed Services of the Senate and the Committee on
18 Armed Services of the House of Representatives a report
19 on fire-resistant and fire-retardant fibers and materials
20 for the production of military products. The report shall
21 include the following:

22 (1) An identification of the fire-resistance or
23 fire-retardant properties or capabilities of fibers and
24 materials (whether domestic or foreign) currently
25 used for the production of military products that re-

1 quire such properties or capabilities (including in-
2 clude uniforms, protective equipment, firefighting
3 equipment, lifesaving equipment, and life support
4 equipment), and an assessment of the sufficiency,
5 adequacy, availability, and cost of such fibers and
6 materials for that purpose.

7 (2) An identification of the fire-resistance or
8 fire-retardant properties or capabilities of fibers and
9 materials (whether domestic or foreign) otherwise
10 available in the United States that are suitable for
11 use in the production of military products that re-
12 quire such properties or capabilities, and an assess-
13 ment of the sufficiency, adequacy, availability, and
14 cost of such fibers and materials for that purpose.

15 **TITLE IX—DEPARTMENT OF DE-**
16 **FENSE ORGANIZATION AND**
17 **MANAGEMENT**

18 **Subtitle A—Department of Defense**
19 **Management**

20 **SEC. 901. QUALIFICATIONS FOR APPOINTMENTS TO THE**
21 **POSITION OF DEPUTY SECRETARY OF DE-**
22 **FENSE.**

23 Section 132(a) of title 10, United States Code, is
24 amended by inserting after the first sentence the following
25 new sentence: “The Deputy Secretary shall be appointed

1 from among persons most highly qualified for the position
2 by reason of background and experience, including persons
3 with appropriate management experience.”.

4 **SEC. 902. DESIGNATION OF DEPARTMENT OF DEFENSE**
5 **SENIOR OFFICIAL WITH PRINCIPAL RESPON-**
6 **SIBILITY FOR AIRSHIP PROGRAMS.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Secretary of Defense shall—

9 (1) designate a senior official of the Depart-
10 ment of Defense as the official with principal re-
11 sponsibility for the airship programs of the Depart-
12 ment; and

13 (2) set forth the responsibilities of that senior
14 official with respect to such programs.

15 **SEC. 903. MEMORANDA OF AGREEMENT ON SYNCHRONI-**
16 **ZATION OF ENABLING CAPABILITIES OF GEN-**
17 **ERAL PURPOSE FORCES WITH THE REQUIRE-**
18 **MENTS OF SPECIAL OPERATIONS FORCES.**

19 By not later than 180 days after the date of the en-
20 actment of this Act, each Secretary of a military depart-
21 ment shall enter into a memorandum of agreement with
22 the Commander of the United States Special Operations
23 Command establishing procedures by which the avail-
24 ability of the enabling capabilities of the general purpose
25 forces of the Armed Forces under the jurisdiction of such

1 Secretary will be synchronized with the training and de-
2 ployment cycle of special operations forces under the
3 United States Special Operations Command.

4 **SEC. 904. ENHANCEMENT OF ADMINISTRATION OF THE**
5 **UNITED STATES AIR FORCE INSTITUTE OF**
6 **TECHNOLOGY.**

7 (a) IN GENERAL.—Chapter 901 of title 10, United
8 States Code, is amended by inserting after section 9314a
9 the following new section:

10 **“§ 9314b. United States Air Force Institute of Tech-**
11 **nology: administration**

12 “(a) COMMANDANT.—

13 “(1) SELECTION.—The Commandant of the
14 United States Air Force Institute of Technology
15 shall be selected by the Secretary of the Air Force.

16 “(2) ELIGIBILITY.—The Commandant shall be
17 one of the following:

18 “(A) An officer of the Air Force on active
19 duty in a grade not below the grade of colonel
20 who possesses such qualifications as the Sec-
21 retary considers appropriate and is assigned or
22 detailed to such position.

23 “(B) A member of the Senior Executive
24 Service or a civilian individual, including an in-
25 dividual who was retired from the Air Force in

1 a grade not below brigadier general, who has
2 the qualifications appropriate for the position of
3 Commandant and is selected by the Secretary
4 as the best qualified from among candidates for
5 the position in accordance with a process and
6 criteria determined by the Secretary.

7 “(3) TERM FOR CIVILIAN COMMANDANT.—An
8 individual selected for the position of Commandant
9 under paragraph (2)(B) shall serve in that position
10 for a term of not more than five years and may be
11 continued in that position for an additional term of
12 up to five years.

13 “(b) PROVOST AND ACADEMIC DEAN.—

14 “(1) IN GENERAL.—There is established at the
15 United States Air Force Institute of Technology the
16 civilian position of Provost and Academic Dean who
17 shall be appointed by the Secretary.

18 “(2) TERM.—An individual appointed to the po-
19 sition of Provost and Academic Dean shall serve in
20 that position for a term of five years.

21 “(3) COMPENSATION.—The individual serving
22 as Provost and Academic Dean is entitled to such
23 compensation for such service as the Secretary shall
24 prescribe for purposes of this section, but not more

1 than the rate of compensation authorized for level
2 IV of the Executive Schedule.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 901 of such title is amended
5 by inserting after the item relating to section 9314a the
6 following new item:

“9314b. United States Air Force Institute of Technology: administration.”.

7 **SEC. 905. DEFENSE LABORATORY MATTERS.**

8 (a) REPEAL OF SUNSET ON DIRECT HIRE AUTHOR-
9 ITY AT PERSONNEL DEMONSTRATION LABORATORIES.—
10 Section 1108 of the Duncan Hunter National Defense Au-
11 thorization Act for Fiscal Year 2009 (10 U.S.C. 1580
12 prec. note) is amended by striking subsection (e).

13 (b) REPEAL OF SUNSET ON MECHANISMS TO PRO-
14 VIDE FUNDS FOR LABORATORIES FOR RESEARCH AND
15 DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MIS-
16 SIONS.—Section 219 of the Duncan Hunter National De-
17 fense Authorization Act for Fiscal Year 2009 (10 U.S.C.
18 2358 note) is amended by striking subsection (c).

19 (c) REPEAL OF SUNSET ON AUTHORITY FOR UN-
20 SPECIFIED MINOR MILITARY CONSTRUCTION FOR LAB-
21 ORATORY REVITALIZATION.—Section 2805(d) of title 10,
22 United States Code, is amended by striking paragraph (5).

23 (d) ASSESSMENT OF MILITARY CONSTRUCTION RE-
24 QUIRED FOR LABORATORY REVITALIZATION AND RECAPI-
25 TALIZATION.—

1 (1) ASSESSMENT REQUIRED.—The Secretary of
2 Defense shall conduct an assessment of the current
3 requirements of the defense laboratories for the re-
4 vitalization and recapitalization of their infrastructure
5 in order to identify required military construction.

6 (2) ELEMENTS.—The assessment required by
7 paragraph (1) shall—

8 (A) identify the military construction re-
9 quirements of the defense laboratories described
10 in paragraph (1) that cannot be met by current
11 authorities for unspecified minor military con-
12 struction; and

13 (B) establish for each Armed Force a
14 prioritized list of military construction projects
15 to meet the requirements described in subpara-
16 graph (A), and identify among the projects so
17 listed each project previously submitted to a
18 military construction review panel and the
19 length of time such project has remained
20 unaddressed.

21 (3) REPORTS.—

22 (A) STATUS REPORT.—Not later than 180
23 days after the date of the enactment of this
24 Act, the Secretary shall submit to the congres-
25 sional defense committees a report describing

1 the current status of the assessment required
2 by paragraph (1).

3 (B) FINAL REPORT.—Not later than one
4 year after the date of the enactment of this Act,
5 the Secretary shall submit to the congressional
6 defense committees a report on the assessment.

7 The report shall set forth the following:

8 (i) The results of the assessment.

9 (ii) Such recommendations for legisla-
10 tive or administrative action as the Sec-
11 retary considers appropriate in light of the
12 results of the assessment.

13 (4) DEFENSE LABORATORY DEFINED.—In this
14 subsection, the term “defense laboratory” means a
15 laboratory (as that term is defined in section
16 2805(d)(4) of title 10, United States Code) that is
17 owned by the United States and under the jurisdic-
18 tion of the Secretary of a military department.

19 **SEC. 906. ASSESSMENT OF DEPARTMENT OF DEFENSE AC-**
20 **CESS TO NON-UNITED STATES CITIZENS WITH**
21 **SCIENTIFIC AND TECHNICAL EXPERTISE**
22 **VITAL TO THE NATIONAL SECURITY INTER-**
23 **ESTS.**

24 (a) ASSESSMENT REQUIRED.—The Secretary of De-
25 fense shall conduct an assessment of current and potential

1 mechanisms to permit the Department of Defense to em-
2 ploy non-United States citizens with critical scientific and
3 technical skills that are vital to the national security inter-
4 ests of the United States.

5 (b) ELEMENTS.—The assessment required by sub-
6 section (a) shall include the following:

7 (1) An identification of the critical scientific
8 and technical skills that are vital to the national se-
9 curity interests of the United States and are antici-
10 pated to be in short supply over the next 10 years,
11 and an identification of the military positions and ci-
12 vilian positions of the Department of Defense that
13 require such skills.

14 (2) An identification of mechanisms and incen-
15 tives for attracting persons who are non-United
16 States citizens with such skills to such positions, in-
17 cluding the expedited extension of United States citi-
18 zenship.

19 (3) An identification and assessment of any
20 concerns associated with the provision of security
21 clearances to such persons.

22 (4) An identification and assessment of any
23 concerns associated with the employment of such
24 persons in civilian positions in the United States de-
25 fense industrial base, including in positions in which

1 United States citizenship, a security clearance, or
2 both are a condition of employment.

3 (c) REPORTS.—

4 (1) STATUS REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall submit to the congressional defense com-
7 mittees a report describing the current status of the
8 assessment required by subsection (a).

9 (2) FINAL REPORT.—Not later than one year
10 after the date of the enactment of this Act, the Sec-
11 retary shall submit to the congressional defense com-
12 mittees a report on the assessment. The report shall
13 set forth the following:

14 (A) The results of the assessment.

15 (B) Such recommendations for legislative
16 or administrative action as the Secretary con-
17 siders appropriate in light of the results of the
18 assessment.

19 **Subtitle B—Space Activities**

20 **SEC. 911. COMMERCIAL SPACE LAUNCH COOPERATION.**

21 (a) IN GENERAL.—Chapter 135 of title 10, United
22 States Code, is amended by adding at the end the fol-
23 lowing new section:

1 **“§ 2275. Commercial space launch cooperation**

2 “(a) AUTHORITY.—The Secretary of Defense may, to
3 assist the Secretary of Transportation in carrying out re-
4 sponsibilities set forth in titles 49 and 51 with respect to
5 private sector involvement in commercial space activities
6 and public-private partnerships pertaining to space trans-
7 portation infrastructure, take such actions as the Sec-
8 retary considers to be in the best interests of the Federal
9 Government to do the following:

10 “(1) Maximize the use of the capacity of the
11 space transportation infrastructure of the Depart-
12 ment of Defense by the private sector in the United
13 States.

14 “(2) Maximize the effectiveness and efficiency
15 of the space transportation infrastructure of the De-
16 partment of Defense.

17 “(3) Reduce the cost of services provided by the
18 Department of Defense related to space transpor-
19 tation infrastructure at launch support facilities and
20 space recovery support facilities.

21 “(4) Encourage commercial space activities by
22 enabling investment in the space transportation in-
23 frastructure of the Department of Defense by cov-
24 ered entities.

25 “(5) Foster cooperation between the Depart-
26 ment of Defense and covered entities.

1 “(b) AUTHORITY FOR CONTRACTS AND OTHER
2 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
3 FRASTRUCTURE.—The Secretary of Defense—

4 “(1) may enter into a contract or other agree-
5 ment with a covered entity to provide to the covered
6 entity support and services related to the space
7 transportation infrastructure of the Department of
8 Defense; and

9 “(2) upon the request of that covered entity,
10 may include such support and services in the space
11 launch and reentry range support requirements of
12 the Department of Defense if—

13 “(A) the Secretary determines that the in-
14 clusion of such support and services in such re-
15 quirements—

16 “(i) is in the best interests of the Fed-
17 eral Government;

18 “(ii) does not interfere with the re-
19 quirements of the Department of Defense;
20 and

21 “(iii) does not compete with the com-
22 mercial space activities of other covered en-
23 tities, unless that competition is in the na-
24 tional security interests of the United
25 States; and

1 “(B) any commercial requirement included
2 in a contract or other agreement entered into
3 under this subsection has full non-Federal fund-
4 ing before the execution of the contract or other
5 agreement.

6 “(c) CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The Secretary of Defense
8 may enter into contracts or other agreements with
9 covered entities on a cooperative and voluntary basis
10 to accept contributions of funds, services, and equip-
11 ment to carry out this section.

12 “(2) USE OF CONTRIBUTIONS.—Any funds,
13 services, or equipment accepted by the Secretary
14 under this subsection—

15 “(A) may be used only for the objectives
16 specified in this section in accordance with
17 terms of use set forth in the contract or other
18 agreement entered into under this subsection;
19 and

20 “(B) shall be managed by the Secretary in
21 accordance with regulations of the Department
22 of Defense.

23 “(3) REQUIREMENTS WITH RESPECT TO
24 AGREEMENTS.—A contract or other agreement en-
25 tered into under this subsection shall address terms

1 of use, ownership, and disposition of the funds, serv-
2 ices, or equipment contributed pursuant to the con-
3 tract or other agreement.

4 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
5 COUNT.—

6 “(1) ESTABLISHMENT.—There is established in
7 the Treasury of the United States a special account
8 to be known as the ‘Defense Cooperation Space
9 Launch Account’.

10 “(2) CREDITING OF FUNDS.—Funds received
11 by the Secretary of Defense under subsection (c)
12 shall be credited to the Defense Cooperation Space
13 Launch Account and shall be available until ex-
14 pended without further authorization or appropria-
15 tion only for the objectives specified in this section.

16 “(e) ANNUAL REPORT.—Not later than January 31
17 of each year, the Secretary of Defense shall submit to the
18 congressional defense committees a report on the funds,
19 services, and equipment accepted and used by the Sec-
20 retary under this section during the previous fiscal year.

21 “(f) DEFINITIONS.—In this section:

22 “(1) COVERED ENTITY.—The term ‘covered en-
23 tity’ means a non-Federal entity that—

1 “(A) is organized under the laws of the
2 United States or of any jurisdiction within the
3 United States; and

4 “(B) is engaged in commercial space ac-
5 tivities.

6 “(2) LAUNCH SUPPORT FACILITIES.—The term
7 ‘launch support facilities’ has the meaning given
8 that term in section 50501(7) of title 51.

9 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
10 The term ‘space recovery support facilities’ has the
11 meaning given that term in section 50501(11) of
12 title 51.

13 “(4) SPACE TRANSPORTATION INFRASTRUC-
14 TURE.—The term ‘space transportation infrastruc-
15 ture’ has the meaning given that term in section
16 50501(12) of title 51.”.

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

 “2275. Commercial space launch cooperation.”.

20 (c) REGULATIONS.—The Secretary of Defense shall
21 prescribe regulations relating to the activities of the De-
22 partment of Defense under section 2275 of title 10,
23 United States Code, as added by subsection (a).

1 **SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR**
2 **BLOCKS OF SPACE VEHICLES AS MAJOR SUB-**
3 **PROGRAMS SUBJECT TO ACQUISITION RE-**
4 **PORTING REQUIREMENTS.**

5 Section 2430a(a)(1) of title 10, United States Code,
6 is amended—

7 (1) by inserting “(A)” before “If the Secretary
8 of Defense determines”; and

9 (2) by adding at the end the following new sub-
10 paragraph:

11 “(B) If the Secretary of Defense determines that a
12 major defense acquisition program to purchase space vehi-
13 cles requires the delivery of space vehicles in two or more
14 increments or blocks, the Secretary may designate each
15 such increment or block as a major subprogram for the
16 purposes of acquisition reporting under this chapter.”.

17 **SEC. 913. REVIEW TO IDENTIFY INTERFERENCE WITH NA-**
18 **TIONAL SECURITY GLOBAL POSITIONING**
19 **SYSTEM RECEIVERS BY COMMERCIAL COM-**
20 **MUNICATIONS SERVICES.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the reliable provision of precision navigation
24 and timing signals by Global Positioning System sat-
25 ellites owned and operated by the Department of
26 Defense is critical to the economy, public health and

1 safety, and the national security of the United
2 States;

3 (2) any interference with the signals of the
4 Global Positioning System satellites or the various
5 receivers that use those signals would be extraor-
6 dinarily disruptive; and

7 (3) the Federal Communications Commission
8 should ensure that the signals of Global Positioning
9 System satellites can be received without interrup-
10 tion or interference.

11 (b) REVIEW.—Not later than 90 days after the date
12 of the enactment of this Act, and every 90 days thereafter
13 until the termination date described in subsection (d), the
14 Secretary of Defense shall conduct a review—

15 (1) to assess the ability of national security
16 Global Positioning System receivers to receive the
17 signals of Global Positioning System satellites with-
18 out interruption or interference; and

19 (2) to determine if commercial communications
20 services are causing or will cause widespread or
21 harmful interference with national security Global
22 Positioning System receivers.

23 (c) NOTIFICATION TO CONGRESS.—

24 (1) IN GENERAL.—If the Secretary determines
25 under subsection (b)(2) that commercial communica-

1 tions services are causing or will cause widespread or
2 harmful interference with national security Global
3 Positioning System receivers, the Secretary shall
4 promptly submit to the congressional defense com-
5 mittees a report notifying those committees of the
6 interference.

7 (2) ELEMENTS.—The report required by para-
8 graph (1) shall include the following:

9 (A) A list and description of the national
10 security Global Positioning System receivers
11 that are being or are expected to be interfered
12 with by commercial communications services.

13 (B) A description of the source of, and the
14 entity causing or expected to cause, the inter-
15 ference with those receivers.

16 (C) A description of the manner in which
17 that source or entity is causing or is expected
18 to cause the interference.

19 (D) A description of the magnitude of
20 harm caused or expected to be caused by the in-
21 terference.

22 (E) A description of the duration of and
23 the conditions and circumstances under which
24 the interference is occurring or is expected to
25 occur.

1 (F) A description of the impact of the in-
2 terference on the national security interests of
3 the United States.

4 (G) A description of the plans of the Sec-
5 retary to address, alleviate, or mitigate the in-
6 terference or the harm caused or expected to be
7 caused by the interference.

8 (d) TERMINATION DATE DESCRIBED.—The require-
9 ment that the Secretary conduct the review under sub-
10 section (b) and submit the report under subsection (c)
11 shall terminate on the earlier of—

12 (1) the date that is 2 years after the date of the
13 enactment of this Act; or

14 (2) the date on which the Secretary—

15 (A) determines that there is no widespread
16 or harmful interference with national security
17 Global Positioning System receivers by commer-
18 cial communication services; and

19 (B) notifies the congressional defense com-
20 mittees of that determination.

1 **Subtitle C—Intelligence Matters**

2 **SEC. 921. EXPANSION OF AUTHORITY FOR EXCHANGES OF**
3 **MAPPING, CHARTING, AND GEODETIC DATA**
4 **TO INCLUDE NONGOVERNMENTAL ORGANI-**
5 **ZATIONS AND ACADEMIC INSTITUTIONS.**

6 (a) BROADENING OF AUTHORITY.—Section 454 of
7 title 10, United States Code, is amended—

8 (1) by inserting “(a) FOREIGN COUNTRIES AND
9 INTERNATIONAL ORGANIZATIONS.—” before “The
10 Secretary of Defense”; and

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

13 “(b) NONGOVERNMENTAL ORGANIZATIONS AND ACA-
14 DEMIC INSTITUTIONS.—The Secretary may authorize the
15 National Geospatial-Intelligence Agency to exchange or
16 furnish mapping, charting, and geodetic data, supplies,
17 and services relating to areas outside of the United States
18 to a nongovernmental organization or an academic institu-
19 tion engaged in geospatial information research or produc-
20 tion of such areas pursuant to an agreement for the pro-
21 duction or exchange of such data.”.

22 (b) CONFORMING AMENDMENTS.—

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

1 **“§ 454. Exchange of mapping, charting, and geodetic**
 2 **data with foreign countries, international**
 3 **organizations, nongovernmental organi-**
 4 **zations, and academic institutions”.**

5 (2) TABLE OF SECTIONS.—The table of sections
 6 at the beginning of subchapter II of chapter 22 of
 7 such title is amended by striking the item relating
 8 to section 454 and inserting the following new item:

“454. Exchange of mapping, charting, and geodetic data with foreign countries,
 international organizations, nongovernmental organizations,
 and academic institutions.”.

9 **SEC. 922. FACILITIES FOR INTELLIGENCE COLLECTION OR**
 10 **SPECIAL OPERATIONS ACTIVITIES ABROAD.**

11 Section 2682 of title 10, United States Code, is
 12 amended—

13 (1) by inserting “(a) MAINTENANCE AND RE-
 14 PAIR.—” before “The maintenance and repair”;

15 (2) by designating the second sentence as sub-
 16 section (b), realigning such subsection so as to be in-
 17 dented two ems from the left margin, and inserting
 18 “JURISDICTION.—” before “A real property facil-
 19 ity”; and

20 (3) by adding at the end the following new sub-
 21 section:

22 “(c) FACILITIES FOR INTELLIGENCE COLLECTION
 23 OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary
 24 of Defense may maintain and repair, and may exercise ju-

1 jurisdiction over, a real property facility if necessary to pro-
2 vide security for authorized intelligence collection or spe-
3 cial operations activities abroad undertaken by the De-
4 partment of Defense.”.

5 **SEC. 923. OZONE WIDGET FRAMEWORK.**

6 (a) MECHANISM FOR INTERNET PUBLICATION OF IN-
7 FORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS
8 AND APPLICATIONS.—The Director of the Defense Infor-
9 mation Systems Agency shall implement a mechanism to
10 publish and maintain on the public Internet the Applica-
11 tion Programming Interface specifications, a developer’s
12 toolkit, source code, and such other information on, and
13 resources for, the Ozone Widget Framework (OWF) as the
14 Director considers necessary to permit individuals and
15 companies to develop, integrate, and test analysis tools
16 and applications for use by the Department of Defense
17 and the elements of the intelligence community.

18 (b) PROCESS FOR VOLUNTARY CONTRIBUTION OF
19 IMPROVEMENTS BY PRIVATE SECTOR.—In addition to the
20 requirement under subsection (a), the Director shall also
21 establish a process by which private individuals and com-
22 panies may voluntarily contribute the following:

23 (1) Improvements to the source code and docu-
24 mentation for the Ozone Widget Framework.

1 (2) Alternative or compatible implementations
2 of the published Application Programming Interface
3 specifications for the Framework.

4 (c) ENCOURAGEMENT OF USE AND DEVELOP-
5 MENT.—The Director shall, whenever practicable, encour-
6 age and foster the use, support, development, and en-
7 hancement of the Ozone Widget Framework by the com-
8 puter industry and commercial information technology
9 vendors, including the development of tools that are com-
10 patible with the Framework.

11 **SEC. 924. PLAN FOR INCORPORATION OF ENTERPRISE**
12 **QUERY AND CORRELATION CAPABILITY INTO**
13 **THE DEFENSE INTELLIGENCE INFORMATION**
14 **ENTERPRISE.**

15 (a) PLAN REQUIRED.—

16 (1) IN GENERAL.—The Under Secretary of De-
17 fense for Intelligence shall develop a plan for the in-
18 corporation of an enterprise query and correlation
19 capability into the Defense Intelligence Information
20 Enterprise (D2IE).

21 (2) ELEMENTS.—The plan required by para-
22 graph (1) shall—

23 (A) include an assessment of all the cur-
24 rent and planned advanced query and correla-
25 tion systems which operate on large centralized

1 databases that are deployed or to be deployed
2 in elements of the Defense Intelligence Informa-
3 tion Enterprise; and

4 (B) determine where duplication can be
5 eliminated, how use of these systems can be ex-
6 panded, whether these systems can be operated
7 collaboratively, and whether they can and
8 should be integrated with the enterprisewide
9 query and correlation capability required pursu-
10 ant to paragraph (1).

11 (b) PILOT PROGRAM.—

12 (1) IN GENERAL.—The Under Secretary shall
13 conduct a pilot program to demonstrate an
14 enterprisewide query and correlation capability
15 through the Defense Intelligence Information Enter-
16 prise program.

17 (2) PURPOSE.—The purpose of the pilot pro-
18 gram shall be to demonstrate the capability of an
19 enterprisewide query and correlation system to
20 achieve the following:

21 (A) To conduct complex, simultaneous que-
22 ries by a large number of users and analysts
23 across numerous, large distributed data stores
24 with response times measured in seconds.

1 (B) To be scaled up to operate effectively
2 on all the data holdings of the Defense Intel-
3 ligence Information Enterprise.

4 (C) To operate across multiple levels of se-
5 curity with data guards.

6 (D) To operate effectively on both
7 unstructured data and structured data.

8 (E) To extract entities, resolve them, and
9 (as appropriate) mask them to protect sources
10 and methods, privacy, or both.

11 (F) To control access to data by means of
12 on-line electronic user credentials, profiles, and
13 authentication.

14 (c) REPORT.—Not later than November 1, 2012, the
15 Under Secretary shall submit to the appropriate commit-
16 tees of Congress a report on the actions undertaken by
17 the Under Secretary to carry out this section. The report
18 shall set forth the plan developed under subsection (a) and
19 a description and assessment of the pilot program con-
20 ducted under subsection (b).

21 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
22 FINED.—In this section, the term “appropriate commit-
23 tees of Congress” means—

1 (1) the Committee on Armed Services, the
2 Committee on Appropriations, and the Select Com-
3 mittee on Intelligence of the Senate; and

4 (2) the Committee on Armed Services, the
5 Committee on Appropriations, and the Permanent
6 Select Committee on Intelligence of the House of
7 Representatives.

8 **Subtitle D—Cybersecurity Matters**

9 **SEC. 931. STRATEGY TO ACQUIRE CAPABILITIES TO DE-** 10 **TECT PREVIOUSLY UNKNOWN CYBER AT-** 11 **TACKS.**

12 (a) IN GENERAL.—The Secretary of Defense shall
13 develop and implement a plan to augment the cybersecu-
14 rity strategy of the Department of Defense through the
15 acquisition of advanced capabilities to discover and isolate
16 penetrations and attacks that were previously unknown
17 and for which signatures have not been developed for in-
18 corporation into computer intrusion detection and preven-
19 tion systems and anti-virus software systems.

20 (b) CAPABILITIES.—

21 (1) NATURE OF CAPABILITIES.—The capabili-
22 ties to be acquired under the plan required by sub-
23 section (a) shall—

24 (A) be adequate to enable well-trained ana-
25 lysts to discover the sophisticated attacks con-

1 ducted by nation-state adversaries that are cat-
2 egorized as “advanced persistent threats”;

3 (B) be appropriate for—

4 (i) endpoints or hosts;

5 (ii) network-level gateways operated
6 by the Defense Information Systems Agen-
7 cy where the Department of Defense net-
8 work connects to the public Internet; and

9 (iii) global networks owned and oper-
10 ated by private sector Tier 1 Internet
11 Service Providers;

12 (C) at the endpoints or hosts, add new dis-
13 covery capabilities to the Host-Based Security
14 System of the Department, including capabili-
15 ties such as—

16 (i) automatic blocking of unauthorized
17 software programs and accepting approved
18 and vetted programs;

19 (ii) constant monitoring of all key
20 computer attributes, settings, and oper-
21 ations (such as registry keys, operations
22 running in memory, security settings,
23 memory tables, event logs, and files); and

1 (iii) automatic baselining and remedi-
2 ation of altered computer settings and
3 files;

4 (D) at the network-level gateways and in-
5 ternal network peering points, include the
6 sustainment and enhancement of a system that
7 is based on full-packet capture, session recon-
8 struction, extended storage, and advanced ana-
9 lytic tools, by—

10 (i) increasing the number and skill
11 level of the analysts assigned to query
12 stored data, whether by contracting for se-
13 curity services, hiring and training Govern-
14 ment personnel, or both; and

15 (ii) increasing the capacity of the sys-
16 tem to handle the rates for data flow
17 through the gateways and the storage re-
18 quirements specified by the United States
19 Cyber Command; and

20 (E) include the behavior-based threat de-
21 tection capabilities of Tier 1 Internet Service
22 Providers and other companies that operate on
23 the global Internet.

24 (2) SOURCE OF CAPABILITIES.—The capabili-
25 ties to be acquired shall, to the maximum extent

1 practicable, be acquired from commercial sources. In
2 making decisions on the procurement of such capa-
3 bilities from among competing commercial and Gov-
4 ernment providers, the Secretary shall take into con-
5 sideration the needs of other departments and agen-
6 cies of the Federal Government, State and local gov-
7 ernments, and critical infrastructure owned and op-
8 erated by the private sector for unclassified, afford-
9 able, and sustainable commercial solutions.

10 (c) INTEGRATION AND MANAGEMENT OF DISCOVERY
11 CAPABILITIES.—The plan required by subsection (a) shall
12 include mechanisms for improving the standardization, or-
13 ganization, and management of the security information
14 and event management systems that are widely deployed
15 across the Department of Defense to improve the ability
16 of United States Cyber Command to understand and con-
17 trol the status and condition of Department networks, in-
18 cluding mechanisms to ensure that the security informa-
19 tion and event management systems of the Department
20 receive and correlate data collected and analyses con-
21 ducted at the host or endpoint, at the network gateways,
22 and by Internet Service Providers in order to discover new
23 attacks reliably and rapidly.

24 (d) PROVISION FOR CAPABILITY DEMONSTRA-
25 TIONS.—The plan required by subsection (a) shall provide

1 for the conduct of demonstrations, pilot projects, and
2 other tests on cyber test ranges and operational networks
3 in order to determine and verify that the capabilities to
4 be acquired pursuant to the plan are effective, practical,
5 and affordable.

6 (e) REPORT.—Not later than April 1, 2012, the Sec-
7 retary shall submit to the congressional defense commit-
8 tees a report on the plan required by subsection (a). The
9 report shall set forth the plan and include a comprehensive
10 description of the actions being undertaken by the Depart-
11 ment to implement the plan.

12 **SEC. 932. PROGRAM IN SUPPORT OF DEPARTMENT OF DE-**
13 **FENSE POLICY ON SUSTAINING AND EXPAND-**
14 **ING INFORMATION SHARING.**

15 (a) PROGRAM REQUIRED.—The Secretary of Defense
16 shall carry out a program to support the policy of the De-
17 partment of Defense on sustaining and expanding infor-
18 mation sharing which program shall provide for the adop-
19 tion and improvement of technical and procedural capa-
20 bilities to detect and prevent personnel without authoriza-
21 tion from acquiring and exporting information from classi-
22 fied networks.

23 (b) CAPABILITIES.—Options for the technical and
24 procedural capabilities to be adopted and improved under

1 the program required by subsection (a) shall include, but
2 not be limited to, capabilities for the following:

3 (1) Disabling the removable media ports of
4 computers, whether physically or electronically.

5 (2) In the case of computers authorized to write
6 to removable media, requiring systems administrator
7 approval for transfers of data.

8 (3) Electronic monitoring and reporting of com-
9 pliance with policies on downloading of information
10 to removable media, and of attempts to circumvent
11 such policies.

12 (4) Using public-key infrastructure-based iden-
13 tity authentication and user profiles to control infor-
14 mation access and use.

15 (5) Electronic auditing and reporting of user
16 activities to deter and detect unauthorized activities.

17 (6) Using data-loss-prevention and data-rights
18 management technology to prevent the unauthorized
19 export of information from a network or to render
20 the information unusable in the event of unauthor-
21 ized export.

22 (7) Appropriately implementing and integrating
23 such capabilities to enable efficient management and
24 operations, and effective protection of information,

1 without impairing the work of analysts and users of
2 networks.

3 (c) PROGRAM WITHIN BROADER APPROACH TO CY-
4 BERSECURITY CHALLENGES.—In developing the program
5 required by subsection (a), the Secretary—

6 (1) shall take into account that the prevention
7 of security breaches from personnel operating from
8 inside Department networks substantially overlaps
9 with the prevention of cyber attacks (including pre-
10 vention of theft of information and intellectual prop-
11 erty and the destruction of information and network
12 functionality); and

13 (2) should make decisions about the utility and
14 affordability of capabilities under subsection (b) for
15 purposes of the program in full contemplation of the
16 broad range of cybersecurity challenges facing the
17 Department.

18 (d) BUDGET MATTERS.—The budget justification
19 documents for the budget of the President for each fiscal
20 year after fiscal year 2012, as submitted to Congress pur-
21 suant to section 1105 of title 31, United States Code, shall
22 set forth information on the program required by sub-
23 section (a), including the following:

24 (1) The amount requested for such fiscal year
25 for the program.

1 (2) A description of the objectives and scope of
2 the program for such fiscal year, including manage-
3 ment objectives and program milestones and per-
4 formance metrics for such fiscal year.

5 **TITLE X—GENERAL PROVISIONS**

6 **Subtitle A—Financial Matters**

7 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

8 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

9 (1) **AUTHORITY.**—Upon determination by the
10 Secretary of Defense that such action is necessary in
11 the national interest, the Secretary may transfer
12 amounts of authorizations made available to the De-
13 partment of Defense in this division for fiscal year
14 2012 between any such authorizations for that fiscal
15 year (or any subdivisions thereof). Amounts of au-
16 thorizations so transferred shall be merged with and
17 be available for the same purposes as the authoriza-
18 tion to which transferred.

19 (2) **LIMITATION.**—Except as provided in para-
20 graph (3), the total amount of authorizations that
21 the Secretary may transfer under the authority of
22 this section may not exceed \$5,000,000,000.

23 (3) **EXCEPTION FOR TRANSFERS BETWEEN**
24 **MILITARY PERSONNEL AUTHORIZATIONS.**—A trans-
25 fer of funds between military personnel authoriza-

1 tions under title IV shall not be counted toward the
2 dollar limitation in paragraph (2).

3 (b) LIMITATIONS.—The authority provided by this
4 section to transfer authorizations—

5 (1) may only be used to provide authority for
6 items that have a higher priority than the items
7 from which authority is transferred; and

8 (2) may not be used to provide authority for an
9 item that has been denied authorization by Con-
10 gress.

11 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
12 transfer made from one account to another under the au-
13 thority of this section shall be deemed to increase the
14 amount authorized for the account to which the amount
15 is transferred by an amount equal to the amount trans-
16 ferred.

17 (d) NOTICE TO CONGRESS.—The Secretary shall
18 promptly notify Congress of each transfer made under
19 subsection (a).

20 **SEC. 1002. DEFENSE BUSINESS SYSTEMS.**

21 (a) AVAILABILITY OF FUNDS FOR DEFENSE BUSI-
22 NESS SYSTEM PROGRAMS.—

23 (1) CONDITIONS FOR OBLIGATION.—Subsection
24 (a) of section 2222 of title 10, United States Code,
25 is amended to read as follows:

1 “(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR
2 COVERED DEFENSE BUSINESS SYSTEM PROGRAMS.—Ap-
3 propriated and nonappropriated funds available to the De-
4 partment of Defense may not be obligated for a covered
5 defense business system program unless—

6 “(1) the appropriate chief management officer
7 for the defense business system program has—

8 “(A) determined that—

9 “(i) the defense business system pro-
10 gram is in compliance with the enterprise
11 architecture developed under subsection
12 (c); and

13 “(ii) appropriate business process re-
14 engineering efforts have been undertaken
15 to ensure that—

16 “(I) the business process to be
17 supported by the defense business sys-
18 tem program will be as streamlined
19 and efficient as practicable; and

20 “(II) the need to tailor commer-
21 cial-off-the-shelf systems to meet
22 unique requirements or incorporate
23 unique interfaces has been eliminated
24 or reduced to the maximum extent
25 practicable; or

1 “(B) waived the requirement in subpara-
2 graph (A) on the basis of a determination by
3 the chief management officer that—

4 “(i) the defense business system pro-
5 gram is necessary to achieve a critical na-
6 tional security capability or address a crit-
7 ical requirement in an area such as safety
8 or security; or

9 “(ii) the defense business system pro-
10 gram is necessary to prevent a significant
11 adverse effect on a project that is needed
12 to achieve an essential capability, taking
13 into consideration the alternative solutions
14 for preventing such adverse effect;

15 “(2) the determination or waiver of the chief
16 management officer under paragraph (1) has been
17 reviewed, approved, and certified by an appropriate
18 investment review board established under sub-
19 section (g); and

20 “(3) the certification by the investment review
21 board under paragraph (2) has been approved by the
22 Defense Business Systems Management Com-
23 mittee.”.

24 (2) TREATMENT OF CERTAIN OBLIGATIONS OF
25 FUNDS.—Subsection (b) of such section is amended

1 by striking “business system” and all that follows
2 through “such subsection” and inserting “covered
3 defense business system program that has not been
4 certified or approved in accordance with subsection
5 (a)”.

6 (b) ENTERPRISE ARCHITECTURE.—

7 (1) IN GENERAL.—Subsection (c) of such sec-
8 tion is amended—

9 (A) in paragraph (1), by inserting “,
10 known as the defense business enterprise archi-
11 tecture,” after “an enterprise architecture”;
12 and

13 (B) in paragraph (2), by striking “the en-
14 terprise architecture for defense business sys-
15 tems” and inserting “the defense business en-
16 terprise architecture”.

17 (2) COMPOSITION.—Subsection (d) of such sec-
18 tion is amended—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “all” and inserting “applicable law, includ-
22 ing”; and

23 (ii) in subparagraph (B), by inserting
24 “business and” before “financial informa-
25 tion”;

1 (B) in paragraph (2), by inserting “per-
2 formance measures,” after “data standards,”;
3 and

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

6 “(3) A target systems environment, aligned to
7 the business enterprise architecture, for each of the
8 major business processes conducted by the Depart-
9 ment of Defense, as determined by the Chief Man-
10 agement Officer of the Department of Defense.”.

11 (3) TRANSITION PLAN.—Subsection (e) of such
12 section is amended—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A), by striking
15 “The acquisition strategy for” and insert-
16 ing “A listing of the”; and

17 (ii) in subparagraph (B)—

18 (I) by striking “defense business
19 systems as of December 2, 2002” and
20 inserting “existing defense business
21 systems”; and

22 (II) by striking the comma before
23 “that will”; and

24 (B) in paragraph (2), by striking “Each of
25 the strategies under paragraph (1)” and insert-

1 ing “For each system listed under paragraph
2 (1), the transition plan”.

3 (c) RESPONSIBLE SENIOR OFFICIALS AND CHIEF
4 MANAGEMENT OFFICERS.—Subsection (f) of such section
5 is amended—

6 (1) by striking all the matter preceding sub-
7 paragraph (A) of paragraph (1) and inserting the
8 following:

9 “(f) DESIGNATION OF SENIOR OFFICIALS AND
10 CHIEF MANAGEMENT OFFICERS.—(1) For purposes of
11 subsection (g), the appropriate senior Department of De-
12 fense official for the functions and activities supported by
13 a covered defense business system is as follows:”;

14 (2) in such paragraph (1), as so amended—

15 (A) by striking “shall be responsible and
16 accountable for” each place it appears and in-
17 serting “, in the case of”;

18 (B) in subparagraph (D), by striking “As-
19 sistant Secretary of Defense for Networks and
20 Information Integration and the”; and

21 (C) in subparagraph (E), by striking
22 “Deputy Secretary of Defense” and all that fol-
23 lows through “responsible for” and inserting
24 “Deputy Chief Management Officer of the De-
25 partment of Defense, in the case of”; and

1 (3) in paragraph (2)—

2 (A) in the matter preceding subparagraph

3 (A)—

4 (i) by striking “subsection (a)” and
5 inserting “subsections (a) and (g)”; and

6 (ii) by striking “modernization” and
7 inserting “program”;

8 (B) in subparagraph (D), by inserting “the
9 Director of such Defense Agency, unless other-
10 wise approved by” before “the Deputy Chief
11 Management Officer”; and

12 (C) in subparagraph (E), by inserting “the
13 designee of” before “the Deputy Chief Manage-
14 ment Officer”.

15 (d) INVESTMENT REVIEW.—Subsection (g) of such
16 section is amended—

17 (1) by striking paragraph (1) and inserting the
18 following new paragraph (1):

19 “(1) The Secretary of Defense, acting through the
20 Chief Management Officer of the Department of Defense,
21 shall establish, by not later than March 15, 2012, an in-
22 vestment review board and investment management proc-
23 ess, consistent with section 11312 of title 40, to review
24 the planning, design, acquisition, development, deploy-
25 ment, operation, maintenance, modernization, and project

1 cost benefits and risks of covered defense business system
2 programs. The investment review process so established
3 shall specifically address the requirements of subsection
4 (a).”; and

5 (2) in paragraph (2)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “systems” and inserting “sys-
8 tem programs”;

9 (B) in subparagraph (A), by striking “de-
10 fense business system” and all that follows
11 through “as an investment” and inserting “cov-
12 ered defense business system program, in ac-
13 cordance with the requirements of subsection
14 (a),”;

15 (C) in subparagraph (B), by striking
16 “every defense business system” and all that
17 follows and inserting “covered defense business
18 system programs, grouped in portfolios of de-
19 fense business systems;”;

20 (D) by striking subparagraph (C) and in-
21 serting the following new subparagraph (C):

22 “(C) Representation on each investment review
23 board by appropriate officials from among the Office
24 of the Secretary of Defense, the armed forces, the
25 combatant commands, the Joint Chiefs of Staff, and

1 the Defense Agencies, including representatives of
2 each of the following:

3 “(i) The appropriate chief management of-
4 ficer for the defense business system under re-
5 view.

6 “(ii) The appropriate senior Department of
7 Defense official for the functions and activities
8 supported by the defense business system under
9 review.

10 “(iii) The Chief Information Officer of the
11 Department of Defense.”; and

12 (E) in subparagraph (D), by striking “in-
13 vestments” and inserting “programs”.

14 (e) BUDGET INFORMATION.—Subsection (h) of such
15 section is amended—

16 (1) in paragraph (1), by inserting “program”
17 after “defense business system”;

18 (2) in paragraph (2)—

19 (A) in the matter preceding subparagraph
20 (A), by striking “such system” and inserting
21 “such program”; and

22 (B) in subparagraph (A), by striking “the
23 system” and inserting “the system covered by
24 such program”;

1 (3) by striking paragraph (3) and inserting the
2 following new paragraph (3):

3 “(3) For each such program, an identification
4 of the appropriate chief management officer and
5 senior Department of Defense official designated
6 under subsection (f).”; and

7 (4) in paragraph (4), by striking “such system”
8 both places it appears and inserting “such pro-
9 gram”.

10 (f) REPORTS TO CONGRESS.—Subsection (i) of such
11 section is amended—

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

13 (A) by striking “2005 through 2013” and
14 inserting “2012 through 2016”;

15 (B) by striking the second sentence; and

16 (C) by striking “Subsequent reports” and
17 inserting “Each report”;

18 (2) by striking “modernizations” each place it
19 appears in paragraphs (1) and (2) and inserting
20 “programs”;

21 (3) by striking paragraph (3) and inserting the
22 following new paragraph (3):

23 “(3) identify any covered defense business sys-
24 tem program for which a waiver was granted under
25 subsection (a)(1)(B) during the preceding fiscal

1 year, and set forth the reasons for each such waver;
2 and”; and

3 (4) in paragraph (4), by striking “moderniza-
4 tion efforts” and inserting “programs”.

5 (g) DEFINITIONS.—Subsection (j) of such section is
6 amended—

7 (1) by striking paragraphs (1) and (3);

8 (2) by redesignating paragraphs (2), (4), (5),
9 and (6) as paragraphs (1), (3), (4), and (5), respec-
10 tively; and

11 (3) by inserting after paragraph (1), as redesign-
12 ated by paragraph (2) of this subsection, the fol-
13 lowing new paragraph (2):

14 “(2) The term ‘covered defense business system
15 program’ means any program as follows:

16 “(A) A program for the acquisition or de-
17 velopment of a new defense business system
18 with a total cost in excess of \$1,000,000.

19 “(B) A program for any significant modi-
20 fication or enhancement of an existing defense
21 business system with a total cost in excess of
22 \$1,000,000.

23 “(C) A program for the operation and
24 maintenance of an existing defense business
25 system, if the estimated cost of operation and

1 maintenance of such system exceeds \$1,000,000
2 over the period of the current future-years de-
3 fense program submitted to Congress under
4 section 221 of this title.”.

5 **SEC. 1003. MODIFICATION OF AUTHORITIES ON CERTIFI-**
6 **CATION AND CREDENTIAL STANDARDS FOR**
7 **FINANCIAL MANAGEMENT POSITIONS IN THE**
8 **DEPARTMENT OF DEFENSE.**

9 (a) IN GENERAL.—Section 1599d of title 10, United
10 States Code, is amended to read as follows:

11 **“§ 1599d. Financial management positions: authority**
12 **to prescribe professional certification**
13 **and credential standards**

14 “(a) AUTHORITY TO PRESCRIBE PROFESSIONAL
15 CERTIFICATION AND CREDENTIAL STANDARDS.—The
16 Secretary of Defense may prescribe professional certifi-
17 cation and credential standards for financial management
18 positions within the Department of Defense, including re-
19 quirements for formal education and requirements for cer-
20 tifications that individuals have met predetermined quali-
21 fications set by an agency of Government or by an indus-
22 try or professional group. Any such professional certifi-
23 cation or credential standard shall be prescribed as a De-
24 partment regulation.

1 “(b) WAIVER.—The Secretary may waive any stand-
2 ard prescribed under subsection (a) whenever the Sec-
3 retary determines such a waiver to be appropriate.

4 “(c) APPLICABILITY.—(1) Except as provided in
5 paragraph (2), the Secretary may, in the Secretary’s dis-
6 cretion—

7 “(A) require that a standard prescribed under
8 subsection (a) apply immediately to all personnel
9 holding financial management positions designated
10 by the Secretary; or

11 “(B) delay the imposition of such a standard
12 for a reasonable period to permit persons holding fi-
13 nancial management positions so designated time to
14 comply.

15 “(2) A formal education requirement prescribed
16 under subsection (a) shall not apply to any person em-
17 ployed by the Department in a financial management posi-
18 tion before the standard is prescribed.

19 “(d) DISCHARGE OF AUTHORITY.—The Secretary
20 shall prescribe any professional certification or credential
21 standards under subsection (a) through the Under Sec-
22 retary of Defense (Comptroller), in consultation with the
23 Under Secretary of Defense for Personnel and Readiness.

24 “(e) REPORTS.—Not later than one year after the ef-
25 fective date of any regulations prescribed under subsection

1 (a), or any significant modification of such regulations,
2 the Secretary shall, in conjunction with the Director of
3 the Office of Personnel Management, submit to Congress
4 a report setting forth the plans of the Secretary to provide
5 training to appropriate Department personnel to meet any
6 new professional certification or credential standard under
7 such regulations or modification.

8 “(f) FINANCIAL MANAGEMENT POSITION DE-
9 FINED.—In this section, the term ‘financial management
10 position’ means a position or group of positions (including
11 civilian and military positions), as designated by the Sec-
12 retary for purposes of this section, that perform, super-
13 vise, or manage work of a fiscal, financial management,
14 accounting, auditing, cost or budgetary nature, or that re-
15 quire the performance of financial management related
16 work.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 81 of such title is amended
19 by striking the item relating to section 1599d and insert-
20 ing the following new item:

“1599d. Financial management positions: authority to prescribe professional
certification and credential standards.”.

1 **SEC. 1004. DEPOSIT OF REIMBURSED FUNDS UNDER RECIP-**
2 **ROCAL FIRE PROTECTION AGREEMENTS.**

3 (a) IN GENERAL.—Section 5(b) of the Act of May
4 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d(b)),
5 is amended to read as follows:

6 “(b) Notwithstanding subsection (a), all sums re-
7 ceived as reimbursements for costs incurred by any De-
8 partment of Defense activity for fire protection rendered
9 pursuant to this Act shall be credited to the same appro-
10 priation or fund from which the expenses were paid or,
11 if the period of availability for obligation for that appro-
12 priation has expired, to the appropriation or fund that is
13 currently available to the activity for the same purpose.
14 Amounts so credited shall be subject to the same provi-
15 sions and restrictions as the appropriation or account to
16 which credited.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall apply with respect to reimbursements for
19 expenditures of funds appropriated after the date of the
20 enactment of this Act.

1 **Subtitle B—Counter-Drug**
2 **Activities**

3 **SEC. 1011. FIVE-YEAR EXTENSION AND MODIFICATION OF**
4 **AUTHORITY OF DEPARTMENT OF DEFENSE**
5 **TO PROVIDE ADDITIONAL SUPPORT FOR**
6 **COUNTERDRUG ACTIVITIES OF OTHER GOV-**
7 **ERNMENTAL AGENCIES.**

8 (a) **FIVE-YEAR EXTENSION.**—Subsection (a) of sec-
9 tion 1004 of the National Defense Authorization Act for
10 Fiscal Year 1991 (10 U.S.C. 374 note) is amended by
11 striking “During fiscal years 2002 through 2011” and in-
12 serting “Until September 30, 2016”.

13 (b) **COVERAGE OF TRIBAL LAW ENFORCEMENT**
14 **AGENCIES.**—

15 (1) **IN GENERAL.**—Such section is further
16 amended—

17 (A) in subsection (a)—

18 (i) in the matter preceding paragraph
19 (1), by inserting “tribal,” after “local,”;
20 and

21 (ii) in paragraph (2), by striking
22 “State or local” both places it appears and
23 insert “State, local, or tribal”; and

24 (B) in subsection (b)—

1 (i) in paragraph (1), by striking
2 “State or local” and inserting “State,
3 local, or tribal”;

4 (ii) in paragraph (4), by striking
5 “State, or local” and inserting “State,
6 local, or tribal”; and

7 (iii) in paragraph (5), by striking
8 “State and local” and inserting “State,
9 local, and tribal”.

10 (2) TRIBAL GOVERNMENT DEFINED.—Such sec-
11 tion is further amended by adding at the end the fol-
12 lowing new subsection:

13 “(i) DEFINITIONS RELATING TO TRIBAL GOVERN-
14 MENTS.—In this section:

15 “(1) The term ‘Indian tribe’ has the meaning
16 given the term in section 4 of the Indian Self-Deter-
17 mination and Education Assistance Act (25 U.S.C.
18 450b).

19 “(2) The term ‘tribal government’ means the
20 governing body of an Indian tribe.”.

1 **SEC. 1012. FIVE-YEAR EXTENSION AND EXPANSION OF AU-**
2 **THORITY TO PROVIDE ADDITIONAL SUPPORT**
3 **FOR COUNTER-DRUG ACTIVITIES OF CER-**
4 **TAIN FOREIGN GOVERNMENTS.**

5 (a) IN GENERAL.—Subsection (a)(2) of section 1033
6 of the National Defense Authorization Act for Fiscal Year
7 1998 (Public Law 105–85; 111 Stat. 1881), as most re-
8 cently amended by section 1014(a) of the Ike Skelton Na-
9 tional Defense Authorization Act for Fiscal Year 2011
10 (Public Law 111–383; 124 Stat. 4337), is further amend-
11 ed by striking “2012” and inserting “2017”.

12 (b) MAXIMUM AMOUNT OF SUPPORT.—Section (e)(2)
13 of such section, as so amended, is further amended—

14 (1) by striking “\$75,000,000” and inserting
15 “\$100,000,000”; and

16 (2) by striking “2012” and inserting “2017”.

17 (c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-
18 CEIVE SUPPORT.—Subsection (b) of such section, as most
19 recently amended by section 1024(b) of the Duncan Hun-
20 ter National Defense Authorization Act for Fiscal Year
21 2009 (Public Law 110–417; 122 Stat. 4587), is further
22 amended by adding at the end the following new para-
23 graphs:

24 “(23) Government of Benin.

25 “(24) Government of Cape Verde.

26 “(25) Government of The Gambia.

- 1 “(26) Government of Ghana.
2 “(27) Government of Guinea.
3 “(28) Government of Ivory Coast.
4 “(29) Government of Jamaica.
5 “(30) Government of Liberia.
6 “(31) Government of Mauritania.
7 “(32) Government of Nicaragua.
8 “(33) Government of Nigeria.
9 “(34) Government of Sierra Leone.
10 “(35) Government of Togo.”.

11 **SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES**
12 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**
13 **TIVITIES.**

14 Section 1022(a) of the Floyd D. Spence National De-
15 fense Authorization Act for Fiscal Year 2001 (as enacted
16 into law by Public Law 106–398; 114 Stat. 1654A–255),
17 as most recently amended by the section 1013 of the Ike
18 Skelton National Defense Authorization Act for Fiscal
19 Year 2011 (Public Law 111–383; 124 Stat. 4347), is fur-
20 ther amended by striking “February 15, 2011” and in-
21 serting “February 15, 2012”.

1 **SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK**
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
3 **FORCEMENT AGENCIES CONDUCTING**
4 **COUNTER-TERRORISM ACTIVITIES.**

5 (a) **EXTENSION.**—Section 1022(b) of the National
6 Defense Authorization Act for Fiscal Year 2004 (10
7 U.S.C. 371 note) is amended by striking “2011” and in-
8 serting “2012”.

9 (b) **LIMITATION ON EXERCISE OF AUTHORITY.**—The
10 authority in section 1022 of the National Defense Author-
11 ization Act for Fiscal Year 2004, as amended by sub-
12 section (a), may not be exercised after September 30,
13 2011, unless the Secretary of Defense certifies to Con-
14 gress, in writing, that the Department of Defense is in
15 compliance with the provisions of paragraph (2) of sub-
16 section (d) of such section, as added by section 1012(b)
17 of the Ike Skelton National Defense Authorization Act for
18 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346).

19 **SEC. 1015. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
20 **FIED COUNTERDRUG AND COUNTERTER-**
21 **RORISM CAMPAIGN IN COLOMBIA.**

22 Section 1021(a)(1) of the Ronald W. Reagan Na-
23 tional Defense Authorization Act for Fiscal Year 2005
24 (Public Law 108–375; 118 Stat. 2042), as most recently
25 amended by section 1011 of the Ike Skelton National De-
26 fense Authorization Act for Fiscal Year 2011 (Public Law

1 111–383; 124 Stat. 4346), is further amended by striking
2 “2011” and inserting “2012”.

3 **Subtitle C—Naval Vessels and**
4 **Shipyards**

5 **SEC. 1021. LIMITATION ON AVAILABILITY OF FUNDS FOR**
6 **PLACING MARITIME PREPOSITIONING SHIP**
7 **SQUADRONS ON REDUCED OPERATING STA-**
8 **TUS.**

9 No amounts authorized to be appropriated by this
10 Act may be obligated or expended to place a Maritime
11 Prepositioning Ship squadron, or any component thereof,
12 on reduced operating status until the later of the fol-
13 lowing:

14 (1) The date on which the Commandant of the
15 Marine Corps submits to the congressional defense
16 committees a report setting forth an assessment of
17 the impact on military readiness of the plans of the
18 Navy for placing such Maritime Prepositioning Ship
19 squadron, or component thereof, on reduced oper-
20 ating status.

21 (2) The date on which the Chief of Naval Oper-
22 ations submits to the congressional defense commit-
23 tees a report that—

24 (A) describes the plans of the Navy for
25 placing such Maritime Prepositioning Ship

1 squadron, or component thereof, on reduced op-
2 erating status; and

3 (B) sets forth comments of the Chief of
4 Naval Operations on the assessment described
5 in paragraph (1).

6 (3) The date on which the Secretary of Defense
7 certifies to the congressional defense committees
8 that the risks to readiness of placing such Maritime
9 Prepositioning squadron, or component thereof, on
10 reduced operating status are acceptable.

11 **SEC. 1022. MODIFICATION OF CONDITIONS ON STATUS OF**
12 **RETIRED AIRCRAFT CARRIER EX-JOHN F.**
13 **KENNEDY.**

14 Section 1011(c)(2) of the John Warner National De-
15 fense Authorization Act for Fiscal Year 2007 (Public Law
16 109–364; 120 Stat. 2374) is amended by striking “shall
17 require” and all that follows and inserting “may, notwith-
18 standing paragraph (1), demilitarize the vessel in prepara-
19 tion for the transfer.”.

20 **SEC. 1023. AUTHORITY TO PROVIDE INFORMATION FOR**
21 **MARITIME SAFETY OF FORCES AND HYDRO-**
22 **GRAPHIC SUPPORT.**

23 (a) **AUTHORITY.**—Part IV of subtitle C of title 10,
24 United States Code, is amended by adding at the end the
25 following new chapter:

1 are each amended by inserting after the item relating to
 2 chapter 667 the following new item:

“669. Maritime Safety of Forces 7921”.

3 **Subtitle D—Detainee Matters**

4 **SEC. 1031. AUTHORITY TO DETAIN UNPRIVILEGED ENEMY**
 5 **BELLIGERENTS CAPTURED PURSUANT TO**
 6 **THE AUTHORIZATION FOR USE OF MILITARY**
 7 **FORCE.**

8 (a) **IN GENERAL.**—The Armed Forces of the United
 9 States are authorized to detain covered persons captured
 10 in the course of hostilities authorized by the Authorization
 11 for Use of Military Force (Public Law 107–40) as
 12 unprivileged enemy belligerents pending disposition under
 13 the law of war.

14 (b) **COVERED PERSONS.**—A covered person under
 15 this section is any person, including but not limited to per-
 16 sons for whom detention is required under section 1032,
 17 as follows:

18 (1) A person who planned, authorized, com-
 19 mitted, or aided the terrorist attacks that occurred
 20 on September 11, 2001, or harbored those respon-
 21 sible for those attacks.

22 (2) A person who was a part of or substantially
 23 supported al-Qaeda, the Taliban, or associated forces
 24 that are engaged in hostilities against the United
 25 States or its coalition partners, including any person

1 who has committed a belligerent act or has directly
2 supported such hostilities in aid of such enemy
3 forces.

4 (c) DISPOSITION UNDER LAW OF WAR.—The dis-
5 position of a person under the law of war as described
6 in subsection (a) may include the following:

7 (1) Long-term detention under the law of war
8 without trial until the end of hostilities against the
9 nations, organizations, and persons subject to the
10 Authorization for Use of Military Force.

11 (2) Trial under chapter 47A of title 10, United
12 States Code (as amended by the Military Commis-
13 sions Act of 2009 (title XVIII of Public Law 111-
14 84)).

15 (3) Transfer for trial by an alternative court or
16 competent tribunal having lawful jurisdiction.

17 (4) Transfer to the custody or control of the
18 person's country of origin, any other foreign coun-
19 try, or any other foreign entity.

20 (d) CONSTITUTIONAL LIMITATION ON APPLICA-
21 BILITY TO UNITED STATES PERSONS.—The authority to
22 detain a person under this section does not extend to the
23 detention of citizens or lawful resident aliens of the United
24 States on the basis of conduct taking place within the

1 United States except to the extent permitted by the Con-
2 stitution of the United States.

3 **SEC. 1032. REQUIRED MILITARY CUSTODY FOR MEMBERS**
4 **OF AL-QAEDA AND AFFILIATED ENTITIES.**

5 (a) CUSTODY PENDING DISPOSITION UNDER LAW OF
6 WAR.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (4), the Armed Forces of the United States
9 shall hold a person described in paragraph (2) in
10 military custody as an unprivileged enemy bellig-
11 erent pending disposition under the law of war.

12 (2) APPLICABILITY TO AL-QAEDA AND AFFILI-
13 ATED ENTITIES.—The requirement in paragraph (1)
14 shall apply to any covered person under section
15 1031(b) who is determined to be—

16 (A) a member of, or part of, al-Qaeda or
17 an affiliated entity; and

18 (B) a participant in the course of planning
19 or carrying out an attack or attempted attack
20 against the United States or its coalition part-
21 ners.

22 (3) DISPOSITION UNDER LAW OF WAR.—For
23 purposes of this subsection, the disposition of a per-
24 son under the law of war has the meaning given in
25 section 1031(c), except that no transfer otherwise

1 described in paragraph (4) of that section shall be
2 made unless consistent with the requirements of sec-
3 tion 1033.

4 (4) WAIVER FOR NATIONAL SECURITY.—The
5 Secretary of Defense may, in consultation with the
6 Secretary of State and the Director of National In-
7 telligence, waive the requirement of paragraph (1) if
8 the Secretary submits to Congress a certification in
9 writing that such a waiver is in the national security
10 interests of the United States.

11 (b) REQUIREMENT INAPPLICABLE TO UNITED
12 STATES CITIZENS.—The requirement to detain a person
13 in military custody under this section does not extend to
14 citizens of the United States.

15 (c) EFFECTIVE DATE.—This section shall take effect
16 on the date of the enactment of this Act, and shall apply
17 with respect to persons described in subsection (a)(2) who
18 are taken into the custody or brought under the control
19 of the United States on or after that date.

1 **SEC. 1033. PERMANENT REQUIREMENTS FOR CERTIFI-**
2 **CATIONS RELATING TO THE TRANSFER OF**
3 **DETAINEES AT UNITED STATES NAVAL STA-**
4 **TION, GUANTANAMO BAY, CUBA, TO FOREIGN**
5 **COUNTRIES AND OTHER FOREIGN ENTITIES.**

6 (a) CERTIFICATION REQUIRED PRIOR TO TRANS-
7 FER.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2) and subsection (d), the Secretary of De-
10 fense may not use any amounts authorized to be ap-
11 propriated or otherwise available to the Department
12 of Defense to transfer any individual detained at
13 Guantanamo to the custody or control of the individ-
14 ual's country of origin, any other foreign country, or
15 any other foreign entity unless the Secretary sub-
16 mits to Congress the certification described in sub-
17 section (b) not later than 30 days before the trans-
18 fer of the individual.

19 (2) EXCEPTION.—Paragraph (1) shall not
20 apply to any action taken by the Secretary to trans-
21 fer any individual detained at Guantanamo to effec-
22 tuate—

23 (A) an order affecting the disposition of
24 the individual that is issued by a court or com-
25 petent tribunal of the United States having law-

1 ful jurisdiction (which the Secretary shall notify
2 Congress of promptly after issuance); or

3 (B) a pre-trial agreement entered in a mili-
4 tary commission case prior to the date of the
5 enactment of this Act.

6 (b) CERTIFICATION.—A certification described in this
7 subsection is a written certification made by the Secretary
8 of Defense, with the concurrence of the Secretary of State
9 and in consultation with the Director of National Intel-
10 ligence, that the government of the foreign country or the
11 recognized leadership of the foreign entity to which the
12 individual detained at Guantanamo is to be transferred—

13 (1) is not a designated state sponsor of ter-
14 rorism or a designated foreign terrorist organization;

15 (2) maintains control over each detention facil-
16 ity in which the individual is to be detained if the
17 individual is to be housed in a detention facility;

18 (3) is not, as of the date of the certification,
19 facing a threat that is likely to substantially affect
20 its ability to exercise control over the individual;

21 (4) has taken or agreed to take effective actions
22 to ensure that the individual cannot take action to
23 threaten the United States, its citizens, or its allies
24 in the future;

1 (5) has taken or agreed to take such actions as
2 the Secretary of Defense determines are necessary to
3 ensure that the individual cannot engage or re-
4 engage in any terrorist activity; and

5 (6) has agreed to share with the United States
6 any information that—

7 (A) is related to the individual or any asso-
8 ciates of the individual; and

9 (B) could affect the security of the United
10 States, its citizens, or its allies.

11 (c) PROHIBITION IN CASES OF PRIOR CONFIRMED
12 RECIDIVISM.—

13 (1) PROHIBITION.—Except as provided in para-
14 graph (2) and subsection (d), the Secretary of De-
15 fense may not use any amounts authorized to be ap-
16 propriated or otherwise made available to the De-
17 partment of Defense to transfer any individual de-
18 tained at Guantanamo to the custody or control of
19 the individual's country of origin, any other foreign
20 country, or any other foreign entity if there is a con-
21 firmed case of any individual who was detained at
22 United States Naval Station, Guantanamo Bay,
23 Cuba, at any time after September 11, 2001, who
24 was transferred to such foreign country or entity
25 and subsequently engaged in any terrorist activity.

1 (2) EXCEPTION.—Paragraph (1) shall not
2 apply to any action taken by the Secretary to trans-
3 fer any individual detained at Guantanamo to effec-
4 tuate—

5 (A) an order affecting the disposition of
6 the individual that is issued by a court or com-
7 petent tribunal of the United States having law-
8 ful jurisdiction (which the Secretary shall notify
9 Congress of promptly after issuance); or

10 (B) a pre-trial agreement entered in a mili-
11 tary commission case prior to the date of the
12 enactment of this Act.

13 (d) NATIONAL SECURITY WAIVER.—

14 (1) IN GENERAL.—The Secretary of Defense
15 may waive the applicability to a detainee transfer of
16 a certification requirement specified in paragraph
17 (4) or (5) of subsection (b) or the prohibition in sub-
18 section (c) if the Secretary, with the concurrence of
19 the Secretary of State and in consultation with the
20 Director of National Intelligence, determines that—

21 (A) alternative actions will be taken to ad-
22 dress the underlying purpose of the requirement
23 or requirements to be waived;

24 (B) in the case of a waiver of paragraph
25 (4) or (5) of subsection (b), it is not possible

1 to certify that the risks addressed in the para-
2 graph to be waived have been completely elimi-
3 nated, but the actions to be taken under sub-
4 paragraph (A) will substantially mitigate such
5 risks with regard to the individual to be trans-
6 ferred;

7 (C) in the case of a waiver of subsection
8 (c), the Secretary has considered any confirmed
9 case in which an individual who was transferred
10 to the country subsequently engaged in terrorist
11 activity, and the actions to be taken under sub-
12 paragraph (A) will substantially mitigate the
13 risk of recidivism with regard to the individual
14 to be transferred; and

15 (D) the transfer is in the national security
16 interests of the United States.

17 (2) REPORTS.—Whenever the Secretary makes
18 a determination under paragraph (1), the Secretary
19 shall submit to the congressional defense commit-
20 tees, not later than 30 days before the transfer of
21 the individual concerned the following:

22 (A) A copy of the determination and the
23 waiver concerned.

24 (B) A statement of the basis for the deter-
25 mination, including—

1 (i) an explanation why the transfer is
2 in the national security interests of the
3 United States; and

4 (ii) in the case of a waiver of para-
5 graph (4) or (5) of subsection (b), an ex-
6 planation why it is not possible to certify
7 that the risks addressed in the paragraph
8 to be waived have been completely elimi-
9 nated.

10 (C) A summary of the alternative actions
11 to be taken to address the underlying purpose
12 of, and to mitigate the risks addressed in, the
13 paragraph or subsection to be waived.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “individual detained at Guanta-
16 namo” means any individual located at United
17 States Naval Station, Guantanamo Bay, Cuba, as of
18 October 1, 2009, who—

19 (A) is not a citizen of the United States or
20 a member of the Armed Forces of the United
21 States; and

22 (B) is—

23 (i) in the custody or under the control
24 of the Department of Defense; or

1 (ii) otherwise under detention at
2 United States Naval Station, Guantanamo
3 Bay, Cuba.

4 (2) The term “foreign terrorist organization”
5 means any organization so designated by the Sec-
6 retary of State under section 219 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1189).

8 (f) REPEAL OF SUPERSEDED AUTHORITY.—Section
9 1033 of the Ike Skelton National Defense Authorization
10 Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.
11 4351) is repealed.

12 **SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
13 **OR MODIFY FACILITIES IN THE UNITED**
14 **STATES TO HOUSE DETAINEES TRANS-**
15 **FERRED FROM UNITED STATES NAVAL STA-**
16 **TION, GUANTANAMO BAY, CUBA.**

17 (a) IN GENERAL.—No amounts authorized to be ap-
18 propriated or otherwise made available to the Department
19 of Defense may be used to construct or modify any facility
20 in the United States, its territories, or possessions to
21 house any individual detained at Guantanamo for the pur-
22 poses of detention or imprisonment in the custody or
23 under the control of the Department of Defense unless
24 authorized by Congress.

1 (b) EXCEPTION.—The prohibition in subsection (a)
2 shall not apply to any modification of facilities at United
3 States Naval Station, Guantanamo Bay, Cuba.

4 (c) INDIVIDUAL DETAINED AT GUANTANAMO DE-
5 FINED.—In this section, the term “individual detained at
6 Guantanamo” has the meaning given that term in section
7 1033(e)(1).

8 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section
9 1034 of the Ike Skelton National Defense Authorization
10 Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.
11 4353) is amended by striking subsections (a) and (b).

12 **SEC. 1035. PROCEDURES FOR ANNUAL DETENTION REVIEW**
13 **OF INDIVIDUALS DETAINED AT UNITED**
14 **STATES NAVAL STATION, GUANTANAMO BAY,**
15 **CUBA.**

16 (a) PROCEDURES REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the appropriate commit-
19 tees of Congress a report setting forth procedures for im-
20 plementing the periodic review process required by Execu-
21 tive Order No. 13567 for individuals detained at United
22 States Naval Station, Guantanamo Bay, Cuba, pursuant
23 to the Authorization for Use of Military Force (Public
24 Law 107–40).

1 (b) COVERED MATTERS.—The procedures submitted
2 under subsection (a) shall, at a minimum—

3 (1) clarify that the purpose of the periodic re-
4 view process is not to determine the legality of any
5 detainee’s law of war detention, but to make discre-
6 tionary determinations whether or not a detainee
7 represents a continuing threat to the security of the
8 United States;

9 (2) clarify that the Secretary of Defense is re-
10 sponsible for any final decision to release or transfer
11 an individual detained in military custody at United
12 States Naval Station, Guantanamo Bay, Cuba, pur-
13 suant to the Executive Order referred to in sub-
14 section (a), and that in making such a final decision,
15 the Secretary shall consider the recommendation of
16 a periodic review board or review committee estab-
17 lished pursuant to such Executive Order, but shall
18 not be bound by any such recommendation; and

19 (3) ensure that appropriate consideration is
20 given to factors addressing the need for continued
21 detention of the detainee, including—

22 (A) the likelihood the detainee will resume
23 terrorist activity if transferred or released;

24 (B) the likelihood the detainee will reestab-
25 lish ties with al-Qaeda, the Taliban, or associ-

1 thORIZED by the Authorization for Use of Military Force
2 (Public Law 107–40) for purposes of section 1031.

3 (b) ELEMENTS OF PROCEDURES.—The procedures
4 required by this section shall provide for the following in
5 the case of any unprivileged enemy belligerent who will
6 be held in long-term detention under the law of war pursu-
7 ant to the Authorization for Use of Military Force:

8 (1) A military judge shall preside at pro-
9 ceedings for the determination of status of an
10 unprivileged enemy belligerent.

11 (2) An unprivileged enemy belligerent may, at
12 the election of the belligerent, be represented by
13 military counsel at proceedings for the determination
14 of status of the belligerent.

15 (c) REPORT ON MODIFICATION OF PROCEDURES.—
16 The Secretary of Defense shall submit to the appropriate
17 committees of Congress a report on any modification of
18 the procedures submitted under this section. The report
19 on any such modification shall be so submitted not later
20 than 60 days before the date on which such modification
21 goes into effect.

22 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
23 FINED.—In this section, the term “appropriate commit-
24 tees of Congress” means—

1 (1) the Committee on Armed Services and the
2 Select Committee on Intelligence of the Senate; and

3 (2) the Committee on Armed Services and the
4 Permanent Select Committee on Intelligence of the
5 House of Representatives.

6 **SEC. 1037. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN**
7 **TRIAL OF CAPITAL OFFENSE BY MILITARY**
8 **COMMISSION.**

9 (a) CLARIFICATION OF RIGHT.—Section 949m(b)(2)
10 of title 10, United States Code, is amended—

11 (1) in subparagraph (C), by inserting before the
12 semicolon the following: “, or a guilty plea was ac-
13 cepted and not withdrawn prior to announcement of
14 the sentence in accordance with section 949i(b) of
15 this title”; and

16 (2) in subparagraph (D), by inserting “on the
17 sentence” after “vote was taken”.

18 (b) PRE-TRIAL AGREEMENTS.—Section 949i of such
19 title is amended by adding at the end the following new
20 subsection:

21 “(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty
22 made by the accused that is accepted by a military judge
23 under subsection (b) and not withdrawn prior to an-
24 nouncement of the sentence may form the basis for an
25 agreement reducing the maximum sentence approved by

1 the convening authority, including the reduction of a sen-
 2 tence of death to a lesser punishment, or that the case
 3 will be referred to a military commission under this chap-
 4 ter without seeking the penalty of death. Such an agree-
 5 ment may provide for terms and conditions in addition to
 6 a guilty plea by the accused in order to be effective.

7 “(2) A plea agreement under this subsection may not
 8 provide for a sentence of death imposed by a military
 9 judge alone. A sentence of death may only be imposed by
 10 the votes of all members of a military commission concur-
 11 ring in the sentence of death as provided in section
 12 949m(b)(2)(D) of this title.”.

13 **Subtitle E—Miscellaneous** 14 **Authorities and Limitations**

15 **SEC. 1041. MANAGEMENT OF DEPARTMENT OF DEFENSE IN-** 16 **STALLATIONS.**

17 (a) SECRETARY OF DEFENSE AUTHORITY.—Chapter
 18 159 of title 10, United States Code, is amended by insert-
 19 ing after section 2671 the following new section:

20 **“§ 2672. Protection of property**

21 “(a) IN GENERAL.—The Secretary of Defense shall
 22 protect the buildings, grounds, and property that are
 23 under the jurisdiction, custody, or control of the Depart-
 24 ment of Defense and the persons on that property.

25 “(b) OFFICERS AND AGENTS.—

1 “(1) DESIGNATION.—(A) The Secretary may
2 designate military or civilian personnel of the De-
3 partment of Defense as officers and agents to per-
4 form the functions of the Secretary under subsection
5 (a), including, with regard to civilian officers and
6 agents, duty in areas outside the property specified
7 in that subsection to the extent necessary to protect
8 that property and persons on that property.

9 “(B) A designation under subparagraph (A)
10 may be made by individual, by position, by installa-
11 tion, or by such other category of personnel as the
12 Secretary determines appropriate.

13 “(C) In making a designation under subpara-
14 graph (A) with respect to any category of personnel,
15 the Secretary shall specify each of the following:

16 “(i) The personnel or positions to be in-
17 cluded in the category.

18 “(ii) Which authorities provided for in
19 paragraph (2) may be exercised by personnel in
20 that category.

21 “(iii) In the case of civilian personnel in
22 that category—

23 “(I) which authorities provided for in
24 paragraph (2), if any, are authorized to be

1 exercised outside the property specified in
2 subsection (a); and

3 “(II) with respect to the exercise of
4 any such authorities outside the property
5 specified in subsection (a), the cir-
6 cumstances under which coordination with
7 law enforcement officials outside of the De-
8 partment of Defense should be sought in
9 advance.

10 “(D) The Secretary may make a designation
11 under subparagraph (A) only if the Secretary deter-
12 mines, with respect to the category of personnel to
13 be covered by that designation, that—

14 “(i) the exercise of each specific authority
15 provided for in paragraph (2) to be delegated to
16 that category of personnel is necessary for the
17 performance of the duties of the personnel in
18 that category and such duties cannot be per-
19 formed as effectively without such authorities;
20 and

21 “(ii) the necessary and proper training for
22 the authorities to be exercised is available to
23 the personnel in that category.

24 “(2) POWERS.—Subject to subsection (h) and
25 to the extent specifically authorized by the Sec-

1 retary, while engaged in the performance of official
2 duties pursuant to this section, an officer or agent
3 designated under this subsection may—

4 “(A) enforce Federal laws and regulations
5 for the protection of persons and property;

6 “(B) carry firearms;

7 “(C) make arrests—

8 “(i) without a warrant for any offense
9 against the United States committed in the
10 presence of the officer or agent; or

11 “(ii) for any felony cognizable under
12 the laws of the United States if the officer
13 or agent has reasonable grounds to believe
14 that the person to be arrested has com-
15 mitted or is committing a felony;

16 “(D) serve warrants and subpoenas issued
17 under the authority of the United States; and

18 “(E) conduct investigations, on and off the
19 property in question, of offenses that may have
20 been committed against property under the ju-
21 risdiction, custody, or control of the Depart-
22 ment of Defense or persons on such property.

23 “(c) REGULATIONS.—

24 “(1) IN GENERAL.—The Secretary may pre-
25 scribe regulations, including traffic regulations, nec-

1 essary for the protection and administration of prop-
2 erty under the jurisdiction, custody, or control of the
3 Department of Defense and persons on that prop-
4 erty. The regulations may include reasonable pen-
5 alties, within the limits prescribed in paragraph (2),
6 for violations of the regulations. The regulations
7 shall be posted and remain posted in a conspicuous
8 place on the property to which they apply.

9 “(2) PENALTIES.—A person violating a regula-
10 tion prescribed under this subsection shall be fined
11 under title 18, imprisoned for not more than 30
12 days, or both.

13 “(d) LIMITATION ON DELEGATION OF AUTHORITY.—
14 The authority of the Secretary of Defense under sub-
15 sections (b) and (c) may be exercised only by the Secretary
16 or Deputy Secretary of Defense.

17 “(e) DISPOSITION OF PERSONS ARRESTED.—A per-
18 son who is arrested pursuant to authority exercised under
19 subsection (b) may not be held in a military confinement
20 facility, other than in the case of a person who is subject
21 to chapter 47 of this title (the Uniform Code of Military
22 Justice).

23 “(f) FACILITIES AND SERVICES OF OTHER AGEN-
24 CIES.—In implementing this section, when the Secretary
25 determines it to be economical and in the public interest,

1 the Secretary may utilize the facilities and services of Fed-
2 eral, State, tribal, and local law enforcement agencies,
3 with the consent of those agencies, and may reimburse
4 those agencies for the use of their facilities and services.

5 “(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—

6 For the protection of property under the jurisdiction, cus-
7 tody, or control of the Department of Defense and persons
8 on that property, the Secretary may enter into agreements
9 with Federal agencies and with State, tribal, and local
10 governments to obtain authority for civilian officers and
11 agents designated under this section to enforce Federal
12 laws and State, tribal, and local laws concurrently with
13 other Federal law enforcement officers and with State,
14 tribal, and local law enforcement officers.

15 “(h) ATTORNEY GENERAL APPROVAL.—The powers
16 granted pursuant to subsection (b)(2) to officers and
17 agents designated under subsection (b)(1) shall be exer-
18 cised in accordance with guidelines approved by the Attor-
19 ney General.

20 “(i) LIMITATION ON STATUTORY CONSTRUCTION.—

21 Nothing in this section shall be construed—

22 “(1) to preclude or limit the authority of any
23 Federal law enforcement agency;

24 “(2) to restrict the authority of the Secretary of
25 Homeland Security or of the Administrator of Gen-

1 eral Services to promulgate regulations affecting
 2 property under the custody and control of that Sec-
 3 retary or the Administrator, respectively;

4 “(3) to expand or limit section 21 of the Inter-
 5 nal Security Act of 1950 (50 U.S.C. 797);

6 “(4) to affect chapter 47 of this title; or

7 “(5) to restrict any other authority of the Sec-
 8 retary of Defense or the Secretary of a military de-
 9 partment.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of such chapter is amended by inserting
 12 after the item relating to section 2671 the following new
 13 item:

“2672. Protection of property.”.

14 **SEC. 1042. AMENDMENTS RELATING TO THE MILITARY**
 15 **COMMISSIONS ACT OF 2009.**

16 (a) REFERENCE TO HOW CHARGES ARE MADE.—
 17 Section 949a(b)(2)(C) of title 10, United States Code, is
 18 amended by striking “preferred” in clauses (i) and (ii) and
 19 inserting “sworn”.

20 (b) JUDGES OF UNITED STATES COURT OF MILI-
 21 TARY COMMISSION REVIEW.—Section 949b(b) of such
 22 title is amended—

23 (1) in paragraph (1)(A), by striking “a military
 24 appellate judge or other duly appointed judge under
 25 this chapter on” and inserting “a judge on”;

1 (2) in paragraph (2), by striking “a military
2 appellate judge on” and inserting “a judge on”; and

3 (3) in paragraph (3)(B), by striking “an appel-
4 late military judge or a duly appointed appellate
5 judge on” and inserting “a judge on”.

6 (c) PANELS OF UNITED STATES COURT OF MILI-
7 TARY COMMISSION REVIEW.—Section 950f(a) of such title
8 is amended by striking “appellate military judges” in the
9 second sentence and inserting “judges on the Court”.

10 (d) REVIEW OF FINAL JUDGMENTS BY UNITED
11 STATES COURT OF APPEALS FOR THE D.C. CIRCUIT.—

12 (1) CLARIFICATION OF MATTER SUBJECT TO
13 REVIEW.—Subsection (a) of section 950g of such
14 title is amended by inserting “as affirmed or set
15 aside as incorrect in law by” after “where applica-
16 ble,”.

17 (2) CLARIFICATION ON TIME FOR SEEKING RE-
18 VIEW.—Subsection (c) of such section is amended—

19 (A) in the matter preceding paragraph (1),
20 by striking “by the accused” and all that fol-
21 lows through “which—” and inserting “in the
22 Court of Appeals—”;

23 (B) in paragraph (1)—

1 (i) by inserting “not later than 20
2 days after the date on which” after “(1)”;
3 and

4 (ii) by striking “on the accused or on
5 defense counsel” and inserting “on the
6 parties”; and

7 (C) in paragraph (2)—

8 (i) by inserting “if” after “(2)”; and

9 (ii) by inserting before the period the
10 following: “, not later than 20 days after
11 the date on which such notice is sub-
12 mitted”.

13 **SEC. 1043. DEPARTMENT OF DEFENSE AUTHORITY TO**
14 **CARRY OUT PERSONNEL RECOVERY RE-**
15 **INTEGRATION AND POST-ISOLATION SUP-**
16 **PORT ACTIVITIES.**

17 (a) IN GENERAL.—Chapter 53 of title 10, United
18 States Code, is amended by inserting after section 1056
19 the following new section:

20 **“§ 1056a. Reintegration of recovered Department of**
21 **Defense personnel; post-isolation support**
22 **activities for other recovered personnel**

23 “(a) REINTEGRATION AND SUPPORT AUTHORIZED.—
24 The Secretary of Defense may carry out the following:

1 “(1) Reintegration activities for recovered per-
2 sons who are Department of Defense personnel.

3 “(2) Post-isolation support activities for or on
4 behalf of other recovered persons who are officers or
5 employees of the United States Government, military
6 or civilian officers or employees of an allied or coal-
7 ition partner of the United States, or other United
8 States or foreign nationals.

9 “(b) ACTIVITIES AUTHORIZED.—(1) The activities
10 authorized by subsection (a) for or on behalf of a recov-
11 ered person may include the following:

12 “(A) The provision of food, clothing, necessary
13 medical support, and essential sundry items for the
14 recovered person.

15 “(B) In accordance with regulations prescribed
16 by the Secretary of Defense, travel and transpor-
17 tation allowances for not more than three family
18 members, or other designated individuals, deter-
19 mined by the commander or head of a military med-
20 ical treatment facility to be beneficial for the re-
21 integration of the recovered person and whose pres-
22 ence may contribute to improving the physical and
23 mental health of the recovered person.

24 “(C) Transportation or reimbursement for
25 transportation in connection with the attendance of

1 the recovered person at events or functions deter-
2 mined by the commander or head of a military med-
3 ical treatment facility to contribute to the physical
4 and mental health of the recovered person.

5 “(2) Medical support may be provided under para-
6 graph (1)(A) to a recovered person who is not a member
7 of the armed forces for not more than 20 days.

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘post-isolation support’, in the
10 case of a recovered person, means—

11 “(A) the debriefing of the recovered person
12 following a separation as described in para-
13 graph (2);

14 “(B) activities to promote or support the
15 physical and mental health of the recovered per-
16 son following such a separation; and

17 “(C) other activities to facilitate return of
18 the recovered person to military or civilian life
19 as expeditiously as possible following such a
20 separation.

21 “(2) The term ‘recovered person’ means an in-
22 dividual who is returned alive from separation
23 (whether as an individual or a group) while partici-
24 pating in or in association with a United States-
25 sponsored military activity or mission in which the

1 individual was detained in isolation or held in cap-
 2 tivity by a hostile entity.

3 “(3) The term ‘reintegration’, in the case of a
 4 recovered person, means—

5 “(A) the debriefing of the recovered person
 6 following a separation as described in para-
 7 graph (2);

8 “(B) activities to promote or support for
 9 the physical and mental health of the recovered
 10 person following such a separation; and

11 “(C) other activities to facilitate return of
 12 the recovered person to military duty or em-
 13 ployment with the Department of Defense as
 14 expeditiously as possible following such a sepa-
 15 ration.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 53 of such title is amended
 18 by inserting after the item relating to section 1056 the
 19 following new item:

“1056a. Reintegration of recovered Department of Defense personnel; post-isola-
 tion support activities for other recovered personnel.”.

20 **SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMA-**
 21 **TION ACT OF CERTAIN SENSITIVE NATIONAL**
 22 **SECURITY INFORMATION.**

23 (a) CRITICAL INFRASTRUCTURE INFORMATION.—
 24 The Secretary of Defense may exempt Department of De-

1 fense critical infrastructure information from disclosure
2 under section 552 of title 5, United States Code, upon
3 a written determination that the disclosure of such infor-
4 mation would reveal vulnerabilities in such infrastructure
5 that, if exploited, could result in the disruption, degrada-
6 tion, or destruction of Department of Defense operations,
7 property, or facilities. Critical infrastructure information
8 covered by a written determination under this subsection
9 that is provided to a State or local government to assist
10 first responders in the event that emergency assistance
11 should be required shall be deemed to remain under the
12 control of the Department of Defense.

13 (b) MILITARY FLIGHT OPERATIONS QUALITY ASSUR-
14 ANCE SYSTEM.—The Secretary of Defense may exempt in-
15 formation contained in any data file of the Military Flight
16 Operations Quality Assurance system of a military depart-
17 ment from disclosure under section 552 of title 5, United
18 States Code, upon a written determination that the dislo-
19 sure of such information in the aggregate (or when com-
20 bined with other information already in the public domain
21 or subject to public release pursuant to such section 552)
22 would reveal sensitive information regarding the tactics,
23 techniques, procedures, processes, or operational and
24 maintenance capabilities of military combat aircraft, units,
25 or aircrews. Information covered by a written determina-

1 tion under this subsection shall be exempt from disclosure
2 under such section 552 even when such information is con-
3 tained in a data file that is not exempt in its entirety from
4 such disclosure.

5 (c) DELEGATION.—The Secretary of Defense may
6 delegate the authority to make a determination under sub-
7 section (a) or (b) to any civilian official in the Department
8 of Defense or a military department who is appointed by
9 the President, by and with the advice and consent of the
10 Senate.

11 (d) TRANSPARENCY REQUIREMENT.—Each deter-
12 mination under subsection (a) or (b) shall be made in writ-
13 ing and accompanied by a statement of the basis for the
14 determination. All such determinations and statements of
15 basis shall be available to the public, upon request,
16 through the office of the Assistant Secretary of Defense
17 for Public Affairs.

18 (e) DEFINITIONS.—In this section:

19 (1) The term “Department of Defense critical
20 infrastructure information” means sensitive but un-
21 classified information related to critical infrastruc-
22 ture or protected systems owned or operated by or
23 on behalf of the Department of Defense, including
24 vulnerability assessments prepared by or on behalf
25 of the Department, explosives safety information (in-

1 cluding storage and handling), and other site-specific
2 information on or relating to installation security.

3 (2) The term “data file” means a file of the
4 Military Flight Operations Quality Assurance system
5 that contains information acquired or generated by
6 the Military Flight Operations Quality Assurance
7 system, including the following:

8 (A) Any data base containing raw Military
9 Flight Operations Quality Assurance data.

10 (B) Any analysis or report generated by
11 the Military Flight Operations Quality Assur-
12 ance system or which is derived from Military
13 Flight Operations Quality Assurance data.

14 **SEC. 1045. CLARIFICATION OF AIRLIFT SERVICE DEFINI-**
15 **TIONS RELATING TO THE CIVIL RESERVE AIR**
16 **FLEET.**

17 (a) CLARIFICATION.—Section 41106 of title 49,
18 United States Code, is amended—

19 (1) by striking “transport category aircraft” in
20 subsections (a)(1), (b), and (c) and inserting
21 “CRAF-eligible aircraft”; and

22 (2) in subsection (c), by striking “that has air-
23 craft in the civil reserve air fleet” and inserting “re-
24 ferred to in subsection (a)”.

1 (2) assist such ministry or organization in
2 building core institutional capacity, competencies,
3 and capabilities to manage defense-related processes.

4 (b) TERMINATION OF AUTHORITY.—

5 (1) IN GENERAL.—The authority of the Sec-
6 retary of Defense to assign civilian employees under
7 the program under subsection (a) terminates at the
8 close of September 30, 2014.

9 (2) CONTINUATION OF ASSIGNMENTS.—Any as-
10 ssignment of a civilian employee under subsection (a)
11 before the date specified in paragraph (1) may con-
12 tinue after that date, but only using funds available
13 for fiscal year 2012, 2013, or 2014.

14 (c) ANNUAL REPORT.—Not later than December 30
15 each year through 2014, the Secretary of Defense shall
16 submit to the Committee on Armed Services of the Senate
17 and the Committee on Armed Services of the House of
18 Representatives a report on activities under the program
19 under subsection (a) during the preceding fiscal year.
20 Each report shall include, for the fiscal year covered by
21 such report, the following:

22 (1) A list of the defense ministries and inter-
23 national peace and security organizations to which
24 civilian employees were assigned under the program.

1 (2) A statement of the number of such employ-
2 ees so assigned.

3 (3) A statement of the duration of the various
4 assignments of such employees.

5 (4) A brief description of the activities carried
6 out such by such employees pursuant to such assign-
7 ments.

8 (5) A statement of the cost of each such assign-
9 ment.

10 (d) **COMPTROLLER GENERAL REPORT.**—Not later
11 than December 30, 2013, the Comptroller General of the
12 United States shall submit to the committees of Congress
13 specified in subsection (c) a report setting forth an assess-
14 ment of the effectiveness of the advisory services provided
15 by civilian employees assigned under the program under
16 subsection (a) as of the date of the report in meeting the
17 purposes of the program.

18 **SEC. 1047. NET ASSESSMENT OF NUCLEAR FORCE LEVELS**
19 **REQUIRED WITH RESPECT TO CERTAIN PRO-**
20 **POSALS TO REDUCE THE NUCLEAR WEAPONS**
21 **STOCKPILE OF THE UNITED STATES.**

22 (a) **IN GENERAL.**—If, on or after the date of the en-
23 actment of this Act, the President makes a proposal de-
24 scribed in subsection (b), the President shall—

1 (1) conduct a net assessment of the current and
2 proposed nuclear forces of the United States and of
3 other countries that possess nuclear weapons to de-
4 termine whether the nuclear forces of the United
5 States are anticipated to be capable of meeting the
6 objectives of the United States with respect to nu-
7 clear deterrence, extended deterrence, assurance of
8 allies, and defense; and

9 (2) as soon as practicable after the date on
10 which the President makes such a proposal, submit
11 that assessment to the congressional defense com-
12 mittees.

13 (b) PROPOSAL DESCRIBED.—

14 (1) IN GENERAL.—A proposal described in this
15 subsection is a proposal—

16 (A) to reduce the number of deployed nu-
17 clear weapons of the United States to a level
18 that is lower than the level described in the
19 Treaty between the United States of America
20 and the Russian Federation on Measures for
21 the Further Reduction and Limitation of Stra-
22 tegic Offensive Arms, signed at Prague April 8,
23 2010; or

24 (B) except as provided in paragraph (2), to
25 reduce, in a calendar year before 2022, the

1 number of non-deployed nuclear weapons held
2 by the United States as a hedge.

3 (2) EXCEPTION FOR ROUTINE STOCKPILE
4 STEWARDSHIP ACTIVITIES.—The requirement to
5 conduct the net assessment under subsection (a)
6 does not apply with respect to a proposal described
7 in paragraph (1)(B) to reduce the number of non-
8 deployed nuclear weapons held by the United States
9 if that reduction is associated with routine stockpile
10 stewardship activities.

11 (3) HEDGE DEFINED.—For purposes of para-
12 graph (1)(B), the term “hedge” means the retention
13 of non-deployed nuclear weapons in both the active
14 and inactive nuclear weapons stockpiles to respond
15 to a technical failure in the stockpile or a change in
16 the geopolitical environment.

17 **SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION AND RE-**
18 **PORT ON THE TROOPS-TO-TEACHERS PRO-**
19 **GRAM.**

20 (a) FISCAL YEAR 2012 ADMINISTRATION.—Notwith-
21 standing section 2302(c) of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 6672(c)), the
23 Secretary of Defense may administer the Troops-to-
24 Teachers Program during fiscal year 2012. Amounts au-
25 thorized to be appropriated for the Department of Defense

1 by this Act shall be available to the Secretary of Defense
2 for that purpose.

3 (b) REPORT.—Not later than April 1, 2012, the Sec-
4 retary of Defense and the Secretary of Education shall
5 jointly submit to the appropriate committees of Congress
6 a report on the Troops-to-Teachers Program. The report
7 shall include the following:

8 (1) A summary of the funding of the Troops-
9 to-Teachers Program since its inception and pro-
10 jected funding of the program during the period cov-
11 ered by the future-years defense program submitted
12 to Congress during 2011.

13 (2) The number of past participants in the
14 Troops-to-Teachers Program by year, the number of
15 past participants who have fulfilled, and have not
16 fulfilled, their service obligation under the program,
17 and the number of waivers of such obligations (and
18 the reasons for such waivers).

19 (3) A discussion and assessment of the current
20 and anticipated effects of recent economic cir-
21 cumstances in the United States, and cuts nation-
22 wide in State and local budgets, on the ability of
23 participants in the Troops-to-Teachers Program to
24 obtain teaching positions.

1 (4) A discussion of the youth education goals in
2 the Troops-to-Teachers Program and the record of
3 the program to date in producing teachers in high-
4 need and other eligible schools.

5 (5) An assessment of the extent to which the
6 Troops-to-Teachers Program achieves its purpose as
7 a military transition assistance program and, in par-
8 ticular, as transition assistance program for mem-
9 bers of the Armed Forces who are nearing retire-
10 ment or who are voluntarily or involuntarily sepa-
11 rating from military service.

12 (6) An assessment of the performance of the
13 Troops-to-Teachers Program in providing qualified
14 teachers to high-need public schools, and reasons for
15 expanding the program to additional school districts.

16 (7) A discussion and assessment of the advis-
17 ability of the administration of the Troops-to-Teach-
18 ers Program by the Department of Education in
19 consultation with the Department of Defense.

20 (c) DEFINITIONS.—In this section:

21 (1) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—The term “appropriate committees of Con-
23 gress” means—

1 (A) the Committees on Armed Services
2 and Health, Education, Labor, and Pensions of
3 the Senate; and

4 (B) the Committees on Armed Services
5 and Education and Labor of the House of Rep-
6 resentatives.

7 (2) TROOPS-TO-TEACHERS PROGRAM.—The
8 term “Troops-to-Teachers Program” means the
9 Troops-to-Teachers Program authorized by chapter
10 A of subpart 1 of part C of title II of the Elemen-
11 tary and Secondary Education Act of 1965 (20
12 U.S.C. 6671 et seq.).

13 **Subtitle F—Repeal and Modifica-** 14 **tion of Reporting Requirements**

15 **PART I—REPEAL OF REPORTING REQUIREMENTS**

16 **SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER** 17 **TITLE 10, UNITED STATES CODE.**

18 Title 10, United States Code, is amended as follows:

19 (1) Section 127a(a) is amended—

20 (A) by striking paragraph (3); and

21 (B) by redesignating paragraph (4) as
22 paragraph (3).

23 (2) Section 184 is amended by striking sub-
24 section (h).

25 (3)(A) Section 427 is repealed.

1 (B) The table of sections at the beginning of
2 subchapter I of chapter 21 is amended by striking
3 the item relating to section 427.

4 (4) Section 437 is amended by striking sub-
5 section (c).

6 (5)(A) Section 483 is repealed.

7 (B) The table of sections at the beginning of
8 chapter 23 is amended by striking the item relating
9 to section 483.

10 (6)(A) Section 484 is repealed.

11 (B) The table of sections at the beginning of
12 chapter 23 is amended by striking the item relating
13 to section 484.

14 (7)(A) Section 485 is repealed.

15 (B) The table of sections at the beginning of
16 chapter 23 is amended by striking the item relating
17 to section 485.

18 (8)(A) Section 486 is repealed.

19 (B) The table of sections at the beginning of
20 chapter 23 is amended by striking the item relating
21 to section 486.

22 (9)(A) Section 487 is repealed.

23 (B) The table of sections at the beginning of
24 chapter 23 is amended by striking the item relating
25 to section 487.

1 (10) Section 983(e)(1) is amended—

2 (A) by striking the comma after “Sec-
3 retary of Education” and inserting “and”; and

4 (B) by striking “, and to Congress”.

5 (11) Section 1781b is amended by striking sub-
6 section (d).

7 (12) Section 2010 is amended—

8 (A) by striking subsection (b); and

9 (B) by redesignating subsections (c), (d),
10 and (e) as subsections (b), (c), and (d), respec-
11 tively.

12 (13) Section 2244a(c) is amended by striking
13 the second sentence.

14 (14)(A) Section 2282 is repealed.

15 (B) The table of sections at the beginning of
16 chapter 136 is amended by striking the item relating
17 to section 2282.

18 (15) Section 2350a(g) is amended by striking
19 paragraph (3).

20 (16) Section 2410m is amended by striking
21 subsection (c).

22 (17) Section 2485(a) is amended—

23 (A) by striking “(1)”; and

24 (B) by striking paragraph (2).

1 (18) Section 2493 is amended by striking sub-
2 section (g).

3 (19) Section 2515 is amended by striking sub-
4 section (d).

5 (20)(A) Section 2582 is repealed.

6 (B) the table of sections at the beginning of
7 chapter 153 is amended by striking the item relating
8 to section 2582.

9 (21) Section 2583 is amended—

10 (A) by striking subsection (f); and

11 (B) by redesignating subsection (g) as sub-
12 section (f).

13 (22) Section 2688 is amended—

14 (A) in subsection (a)—

15 (i) by striking “(1)” before “The Sec-
16 retary of a military department”; and

17 (ii) by striking paragraphs (2) and
18 (3);

19 (B) in subsection (d)(2), by striking the
20 second sentence;

21 (C) by striking subsection (f); and

22 (D) in subsection (h), by striking the last
23 sentence.

24 (23)(A) Section 2706 is repealed.

1 (B) The table of sections at the beginning of
2 chapter 160 is amended by striking the item relating
3 to section 2706.

4 (24)(A) Section 2815 is repealed.

5 (B) The table of sections at the beginning of
6 subchapter I of chapter 169 is amended by striking
7 the item relating to section 2815.

8 (25) Section 2825(c)(1) is amended—

9 (A) by inserting “and” at the end of sub-
10 paragraph (A);

11 (B) by striking the semicolon at the end of
12 subparagraph (B) and inserting a period; and

13 (C) by striking subparagraphs (C) and
14 (D).

15 (26) Section 2826 is amended—

16 (A) by striking “(a) LOCAL COM-
17 PARABILITY.—”; and

18 (B) by striking subsection (b).

19 (27) Section 2827 is amended—

20 (A) by striking “(a) Subject to subsection
21 (b), the Secretary” and inserting “The Sec-
22 retary”; and

23 (B) by striking subsection (b).

24 (28) Section 2836 is amended—

25 (A) in subsection (b)—

1 (i) by striking “(1)” before “The Sec-
2 retary of a military department”; and

3 (ii) by striking paragraph (2);

4 (B) by striking subsection (f); and

5 (C) by redesignating subsection (g) as sub-
6 section (f).

7 (29) Section 2837(c) is amended—

8 (A) by striking “(1)” after “OPPORTUNI-
9 TIES.—”; and

10 (B) by striking paragraph (2).

11 (30) Section 2854a is amended by striking sub-
12 section (c).

13 (31) Section 2861 is amended by striking sub-
14 section (d).

15 (32)(A) Section 7296 is repealed.

16 (B) The table of sections at the beginning of
17 chapter 633 is amended by striking the item relating
18 to section 7296.

19 (33)(A) Section 10504 is repealed.

20 (B) The table of sections at the beginning of
21 chapter 1011 is amended by striking the item relat-
22 ing to section 10504.

23 (34) Section 12302(b) is amended by striking
24 the last sentence.

25 (35)(A) Section 16137 is repealed.

1 (B) The table of sections at the beginning of
2 chapter 1606 is amended by striking the item relat-
3 ing to section 16137.

4 **SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER**
5 **ANNUAL DEFENSE AUTHORIZATION ACTS.**

6 (a) FISCAL YEAR 2010.—The National Defense Au-
7 thorization Act for Fiscal Year 2010 (Public Law 111–
8 84) is amended as follows:

9 (1) Section 219 (123 Stat. 2228) is amended
10 by striking subsection (c).

11 (2) Section 1113(e)(1) (123 Stat. 2502) is
12 amended by striking “, which information shall be”
13 and all that follows through “semiannual basis”.

14 (3) Section 1245 (123 Stat. 2542) is repealed.

15 (b) FISCAL YEAR 2009.—Section 1504 of The Dun-
16 can Hunter National Defense Authorization Act for Fiscal
17 Year 2009 (10 U.S.C. 2358 note) is amended by striking
18 subsection (c).

19 (c) FISCAL YEAR 2008.—The National Defense Au-
20 thorization Act for Fiscal Year 2008 (Public Law 110–
21 181) is amended as follows:

22 (1) Section 885 (10 U.S.C. 2304 note) is
23 amended—

24 (A) in subsection (a), by striking the last
25 sentence of paragraph (2); and

1 (B) in subsection (b), by striking “the date
2 of the enactment of this Act” both places it ap-
3 pears and inserting “January 28, 2008”.

4 (2) Section 2864 (10 U.S.C. 2911 note) is re-
5 pealed.

6 (d) FISCAL YEAR 2007.—The John Warner National
7 Defense Authorization Act for Fiscal Year 2007 (Public
8 Law 109–364) is amended as follows:

9 (1) Section 347 (10 U.S.C. 221 note) is re-
10 pealed.

11 (2) Section 731 (10 U.S.C. 1095c note) is
12 amended—

13 (A) by striking subsection (d); and

14 (B) by redesignating subsection (e) as sub-
15 section (d).

16 (3) Section 732 (10 U.S.C. 1073 note) is
17 amended by striking subsection (d).

18 (4) Section 1231 (22 U.S.C. 2776a) is repealed.

19 (5) Section 1402 (10 U.S.C. 113 note) is re-
20 pealed

21 (e) FISCAL YEAR 2006.—Section 716 of the National
22 Defense Authorization Act for Fiscal Year 2006 (10
23 U.S.C. 1073 note) is amended—

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

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

3 (f) FISCAL YEAR 2005.—The Ronald W. Reagan Na-
4 tional Defense Authorization Act for Fiscal Year 2005
5 (Public Law 108–375) is amended as follows:

6 (1) Section 731 (10 U.S.C. 1074 note) is
7 amended by striking subsection (c).

8 (2) Section 1041 (10 U.S.C. 229 note) is re-
9 pealed.

10 (g) FISCAL YEAR 2004.—The National Defense Au-
11 thorization Act for Fiscal Year 2004 (Public Law 108–
12 136) is amended as follows:

13 (1) Section 586 (117 Stat. 1493) is repealed.

14 (2) Section 812 (117 Stat. 1542) is amended
15 by striking subsection (c).

16 (3) Section 1601(d) (10 U.S.C. 2358 note) is
17 amended—

18 (A) by striking paragraph (5); and

19 (B) by redesignating paragraphs (6) and
20 (7) as paragraphs (5) and (6), respectively.

21 (h) FISCAL YEAR 2003.—Section 221 of the Bob
22 Stump National Defense Authorization Act for Fiscal
23 Year 2003 (10 U.S.C. 2431 note) is repealed.

24 (i) FISCAL YEAR 2002.—Section 232 of the National
25 Defense Authorization Act for Fiscal Year 2002 (10

1 U.S.C. 2431 note) is amended by striking subsections (c)
2 and (d).

3 (j) FISCAL YEAR 2001.—The Floyd D. Spence Na-
4 tional Defense Authorization Act for Fiscal Year 2001 (as
5 enacted into law by Public Law 106–398) is amended as
6 follows:

7 (1) Section 374 (10 U.S.C. 2851 note) is re-
8 pealed.

9 (2) Section 1212 (114 Stat. 1654A–326) is
10 amended by striking subsections (c) and (d).

11 (3) Section 1213 (114 Stat. 1654A–327) is re-
12 pealed.

13 (k) FISCAL YEAR 2000.—The National Defense Au-
14 thorization Act for Fiscal Year 2000 (Public Law 106–
15 65) is amended as follows:

16 (1) Section 723 (10 U.S.C. 1071 note) is
17 amended—

18 (A) in subsection (d)—

19 (i) by striking paragraph (5); and

20 (ii) by redesignating paragraphs (6)

21 and (7) as paragraphs (5) and (6), respec-

22 tively; and

23 (B) by striking subsection (e).

24 (2) Section 1025 (10 U.S.C. 113 note) is re-
25 pealed.

1 (3) Section 1035 (113 Stat. 753), as amended
2 by section 1211 of the Floyd D. Spence National
3 Defense Authorization Act for Fiscal Year 2001 (as
4 enacted into law by Public Law 106–398; 114 Stat.
5 1654A–325), is repealed.

6 (l) FISCAL YEAR 1999.—Section 1101 of the Strom
7 Thurmond National Defense Authorization Act for Fiscal
8 Year 1999 (5 U.S.C. 3104 note) is amended by striking
9 subsection (g).

10 (m) FISCAL YEAR 1998.—The National Defense Au-
11 thorization Act for Fiscal Year 1998 (Public Law 105–
12 85) is amended as follows:

13 (1) Section 234 (50 U.S.C. 2367) is repealed.

14 (2) Section 349 (10 U.S.C. 2702 note) is
15 amended by striking subsection (e).

16 (3) Section 743 (111 Stat. 1817) is amended
17 by striking subsection (f).

18 (n) FISCAL YEAR 1997.—Section 218 of the National
19 Defense Authorization Act for Fiscal Year 1997 (Public
20 Law 104–201; 110 Stat. 2455) is repealed.

21 (o) FISCAL YEARS 1992 AND 1993.—Section 2868
22 of the National Defense Authorization Act for Fiscal
23 Years 1992 and 1993 (10 U.S.C. 2802 note) is repealed.

1 (p) FISCAL YEAR 1991.—Section 831 of the National
2 Defense Authorization Act for Fiscal Year 1991 (10
3 U.S.C. 2302 note) is amended—

4 (1) by striking subsection (l); and

5 (2) by redesignating subsection (m) as sub-
6 section (1).

7 **SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER**
8 **OTHER LAWS.**

9 (a) TITLE 37.—Section 402a of title 37, United
10 States Code, is amended—

11 (1) by striking subsection (f); and

12 (2) by redesignating subsections (g) and (h) as
13 subsections (f) and (g), respectively.

14 (b) TITLE 38.—Section 3020 of title 38, United
15 States Code, is amended—

16 (1) by striking subsection (l); and

17 (2) by redesignating subsection (m) as sub-
18 section (1).

19 (c) NATIONAL AND COMMUNITY SERVICE ACT OF
20 1990.—Section 172 of the National and Community Serv-
21 ice Act of 1990 (42 U.S.C. 12632) is amended by striking
22 subsection (e).

1 **PART II—MODIFICATION OF EXISTING**
2 **REPORTING REQUIREMENTS**

3 **SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS**
4 **UNDER TITLE 10, UNITED STATES CODE.**

5 Title 10, United States Code, is amended as follows:

6 (1) Section 113(j) is amended—

7 (A) in paragraph (1)—

8 (i) by striking subparagraphs (A) and

9 (C);

10 (ii) by redesignating subparagraph

11 (B) as subparagraph (A); and

12 (iii) by inserting after subparagraph

13 (A), as redesignated by clause (ii), the fol-

14 lowing new subparagraph (B):

15 “(B) The amount of direct and indirect support
16 for the stationing of United States forces provided
17 by each host nation.”;

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

19 (C) by redesignating paragraph (3) as
20 paragraph (2).

21 (2)(A) Section 115b is amended—

22 (i) in subsection (a)—

23 (I) in the subsection caption, by strik-
24 ing “ANNUAL” and inserting “BIENNIAL”;

25 and

1 (II) by striking “on an annual basis”
2 and inserting “in every even-numbered
3 year”; and

4 (ii) in subsection (b)(1)(A), by striking
5 “during the seven-year period following the year
6 in which the plan is submitted” and inserting
7 “during the five-year period corresponding to
8 the current future-years defense plan under sec-
9 tion 221 of this title”.

10 (B)(i) The heading of such section is amended
11 to read as follows:

12 **“§ 115b. Biennial strategic workforce plan”.**

13 (ii) The table of sections at the beginning of
14 chapter 2 is amended by striking the item relating
15 to section 115b and inserting the following new
16 item:

“115b. Biennial strategic workforce plan.”.

17 (3) Section 116 is amended—

18 (A) by redesignating subsection (b) as sub-
19 section (c); and

20 (B) by inserting after subsection (a) the
21 following new subsection (b):

22 “(b) The Secretary may submit the report required
23 by subsection (a) by including the materials required in
24 the report as an exhibit to the defense authorization re-

1 quest submitted pursuant to section 113a of this title in
2 the fiscal year concerned.”.

3 (4) Section 127b(f) is amended by striking
4 “December 1” and inserting “February 1”.

5 (5) Section 138c(e)(4) is amended—

6 (A) by striking “Not later than 10 days”
7 and all that follows through “title 31,” and in-
8 serting “Not later than March 31 in any year;”;
9 and

10 (B) by striking “that fiscal year” and in-
11 serting “the fiscal year beginning in the year in
12 which such report is submitted”.

13 (6)(A) Section 228 is amended—

14 (i) in subsection (a)—

15 (I) by striking “QUARTERLY RE-
16 PORT.—” and inserting “BIANNUAL RE-
17 PORT.—”;

18 (II) by striking “a quarterly report”
19 and inserting “a biannual report”; and

20 (III) by striking “fiscal-year quarter”
21 and inserting “two fiscal-year quarters”;
22 and

23 (ii) in subsection (c)—

24 (I) by striking “(1)”;

1 (II) by striking “a quarter of a fiscal
 2 year after the first quarter of that fiscal
 3 year” and inserting “the second two fiscal-
 4 year quarters of a fiscal year”;

5 (III) by striking “the first quarter of
 6 that fiscal year” and inserting “the first
 7 two fiscal-year quarters of that fiscal
 8 year”; and

9 (IV) by striking paragraph (2).

10 (B)(i) The heading of such section is amended
 11 to read as follows:

12 **“§ 228. Biannual reports on allocation of funds within**
 13 **operation and maintenance budget sub-**
 14 **activities”.**

15 (ii) The table of sections at the beginning of
 16 chapter 9 is amended by striking the item relating
 17 to section 228 and inserting the following new item:

“228. Biannual reports on allocation of funds within operation and maintenance
 budget subactivities.”.

18 (7) Subsection (f) of section 408 is amended to
 19 read as follows:

20 “(f) CONGRESSIONAL OVERSIGHT.—Whenever the
 21 Secretary of Defense provides assistance to a foreign na-
 22 tion under this section, the Secretary shall submit to the
 23 congressional defense committees a report on the assist-
 24 ance provided. Each such report shall identify the nation

1 to which the assistance was provided and include a de-
 2 scription of the type and amount of the assistance pro-
 3 vided.”.

4 (8)(A) Section 488—

5 (i) in subsection (a), by striking “Every
 6 other year” and inserting “Every fourth year”;

7 (ii) in subsection (b), by striking “an even-
 8 numbered fiscal year” and inserting “every
 9 other even-numbered fiscal year beginning with
 10 fiscal year 2012”; and

11 (iii) by adding at the end the following new
 12 subsection:

13 “(c) BIENNIAL NOTICE ON CHANGES TO STRATEGIC
 14 PLAN.—If the Secretary modifies a strategic plan under
 15 subsection (a) during the two-year period beginning on the
 16 date of its submittal to Congress under subsection (b), the
 17 Secretary shall submit to Congress a written notice on the
 18 modifications at the end of such two-year period.”.

19 (B)(i) The heading of such section is amended
 20 to read as follows:

21 “§ 488. **Management of electromagnetic spectrum:**
 22 **quadrennial strategic plan”.**

23 (ii) The table of sections at the beginning of
 24 chapter 23 is amended by striking the item relating
 25 to section 488 and inserting the following new item:

“488. Management of electromagnetic spectrum: quadrennial strategic plan.”.

1 (9) Section 490(b)(1) is amended by inserting
2 “through 2014” after “every even-numbered year”.

3 (10) Section 2401(h) is amended—

4 (A) by striking “only if—” and all that fol-
5 lows through “of the proposed” and inserting
6 “only if the Secretary has notified the congres-
7 sional defense committees of the proposed”;

8 (B) by striking paragraph (2);

9 (C) by redesignating subparagraphs (A),
10 (B), and (C) as paragraphs (1), (2), and (3),
11 respectively, and realigning those paragraphs so
12 as to be indented two ems from the left margin;
13 and

14 (D) by striking “; and” at the end of para-
15 graph (3), as so redesignated, and inserting a
16 period.

17 (11) Section 2482(d)(1) is amended by insert-
18 ing “in the United States” after “commissary
19 store”.

20 (12) Section 2608(e)(1) is amended—

21 (A) by striking “each quarter” and insert-
22 ing “the second quarter and the fourth quar-
23 ter”; and

24 (B) by striking “the preceding quarter”
25 and inserting “the preceding two quarters”.

1 (13) Section 2645(d) is amended by striking
2 “\$1,000,000” and inserting “\$10,000,000”.

3 (14) Section 2803(b) is amended by striking
4 “21-day period” and inserting “seven-day period”.

5 (15) Section 2811(d) is amended by striking
6 “\$7,500,000” and inserting “\$10,000,000”.

7 (16) Section 9514(c) is amended by striking
8 “\$1,000,000” and inserting “\$10,000,000”.

9 (17) Section 10541(a) is amended by striking
10 “February 15” and inserting “April 15”.

11 (18) Section 10543(c)(3) is amended by strik-
12 ing “15 days” and inserting “90 days”.

13 **SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS**

14 **UNDER OTHER TITLES OF THE UNITED**
15 **STATES CODE.**

16 (a) TITLE 32.—Section 908(a) of title 32, United
17 States Code, is amended by striking “After the end of each
18 fiscal year,” and inserting “After the end of any fiscal
19 year during which any assistance was provided or activi-
20 ties were carried out under this chapter,”.

21 (b) TITLE 37.—Section 316a(f) of title 37, United
22 States Code, is amended by striking “January 1, 2010”
23 and inserting “April 1, 2012”.

1 **SEC. 1068. MODIFICATION OF REPORTING REQUIREMENTS**
2 **UNDER ANNUAL DEFENSE AUTHORIZATION**
3 **ACTS.**

4 (a) FISCAL YEAR 2010.—Section 121(e) of the Na-
5 tional Defense Authorization Act for Fiscal Year 2010
6 (Public Law 111–84; 123 Stat. 2212) is amended by strik-
7 ing paragraph (5).

8 (b) FISCAL YEAR 2008.—The National Defense Au-
9 thorization Act for Fiscal Year 2008 (Public Law 110–
10 181) is amended as follows:

11 (1) Section 958 (122 Stat. 297) is amended—

12 (A) in subsection (a), by striking “240
13 days after the date of the enactment of this
14 Act” and inserting “June 30, 2012”; and

15 (B) in subsection (d), by striking “Decem-
16 ber 31, 2013” and inserting “June 30, 2014”.

17 (2) Section 1107 (10 U.S.C. 2358 note) is
18 amended—

19 (A) in subsection (d)—

20 (i) by striking “beginning with March
21 1, 2008,”; and

22 (ii) by inserting “a report containing”
23 after “to Congress”; and

24 (B) in subsection (e)—

25 (i) in paragraph (1), by striking “Not
26 later than” and all that follows through

1 “the information” and inserting “The Sec-
2 retary shall include in each report under
3 subsection (d) the information”; and

4 (ii) in paragraph (2), by striking
5 “under this subsection” and inserting
6 “under subsection (d)”.

7 (3) Section 1674(c) (122 Stat. 483) is amend-
8 ed—

9 (A) by striking “After submission” and all
10 the follows through “that patients,” and insert-
11 ing “Patients,”; and

12 (B) by striking “have not been moved or
13 disestablished until” and inserting “may not be
14 moved or disestablished until the Secretary of
15 Defense has certified to the congressional de-
16 fense committees that”.

17 (c) FISCAL YEAR 2007.—Subsection (a) of section
18 1104 of the John Warner National Defense Authorization
19 Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is
20 amended to read as follows:

21 “(a) REPORTS ON DETAILS AND FELLOWSHIPS OF
22 LONG DURATION.—Whenever a member of the Armed
23 Forces or a civilian employee of the Department of De-
24 fense serves continuously in the Legislative Branch for
25 more than 12 consecutive months in one or a combination

1 of covered legislative details or fellowships, the Secretary
2 of Defense shall submit to the congressional defense com-
3 mittees, within 90 days, and quarterly thereafter for as
4 long as the service continues, a report on the service of
5 the member or employee.”.

6 (d) FISCAL YEAR 2001.—Section 1308(c) of the
7 Floyd D. Spence National Defense Authorization Act for
8 Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

9 (1) by striking paragraph (7); and

10 (2) by redesignating paragraph (8) as para-
11 graph (7).

12 (e) FISCAL YEAR 2000.—The National Defense Au-
13 thorization Act for Fiscal Year 2000 (Public Law 106-
14 65) is amended as follows:

15 (1) Section 1202(b)(11) (10 U.S.C. 113 note)
16 is amended by adding at the end the following new
17 subparagraph:

18 “(G) The Secretary’s certification whether
19 or not any military-to-military exchange or con-
20 tact was conducted during the period covered
21 by the report in violation of section 1201(a).”.

22 (2) Section 1201 (10 U.S.C. 168 note) is
23 amended by striking subsection (d).

1 **SEC. 1069. MODIFICATION OF REPORTING REQUIREMENTS**
2 **UNDER OTHER LAWS.**

3 (a) **SMALL BUSINESS ACT.**—Section 9 of the Small
4 Business Act (15 U.S.C. 638) is amended—

5 (1) in subsection (b)(7), by inserting “and in-
6 cluding an accounting of funds, initiatives, and out-
7 comes under the Commercialization Pilot Program”
8 after “and (o)(15),”; and

9 (2) in subsection (y), by striking paragraph (5).

10 (b) **UNIFORMED AND OVERSEAS CITIZENS ABSEN-**
11 **TEE VOTING ACT.**—Section 105A(b) The Uniformed and
12 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
13 4a(b)) is amended—

14 (1) in the subsection heading, by striking “AN-
15 NUAL REPORT” and inserting “BIENNIAL REPORT”;

16 (2) in the matter preceding paragraph (1)—

17 (A) by striking “March 31 of each year”
18 and inserting “September 30 of each odd-num-
19 bered year”; and

20 (B) by striking “the following information”
21 and inserting “the following information with
22 respect to the Federal election held during the
23 preceding calendar year”; and

24 (3) in paragraph (3), by striking “In the case
25 of” and all that follows through “a description” and
26 inserting “A description”.

1 (c) IMPLEMENTING RECOMMENDATIONS OF THE 9/
 2 11 COMMISSION ACT OF 2007.—Section 1821(b)(2) of the
 3 Implementing Recommendations of the 9/11 Commission
 4 Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the
 5 first sentence by striking “of each year” and inserting “of
 6 each even-numbered year”.

7 **Subtitle G—Other Study and**
 8 **Report Matters**

9 **SEC. 1071. MODIFICATION OF DATES OF COMPTROLLER**
 10 **GENERAL OF THE UNITED STATES REVIEW**
 11 **OF EXECUTIVE AGREEMENT ON JOINT MED-**
 12 **ICAL FACILITY DEMONSTRATION PROJECT,**
 13 **NORTH CHICAGO AND GREAT LAKES, ILLI-**
 14 **NOIS.**

15 Section 1701(e)(1) of the National Defense Author-
 16 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
 17 Stat. 2568) is amended by striking “and annually there-
 18 after” and inserting “not later than two years after the
 19 execution of the executive agreement, and not later than
 20 September 30, 2015”.

21 **SEC. 1072. REPORT ON PLAN TO IMPLEMENT ORGANIZA-**
 22 **TIONAL GOALS RECOMMENDED IN THE NA-**
 23 **TIONAL SECURITY STRATEGY-2010.**

24 (a) FINDINGS.—Congress makes the following find-
 25 ings:

1 (1) An urgent need exists to transform the
2 United States national security system in order to
3 employ all elements of national power effectively and
4 efficiently to meet the challenges of the 21st century
5 security environment.

6 (2) The Quadrennial Defense Review Inde-
7 pendent Panel emphasized this need in its July 2010
8 report, writing that “the Panel notes with extreme
9 concern that our current Federal Government struc-
10 tures—both executive and legislative, and in par-
11 ticular those related to security—were fashioned in
12 the 1940s and, at best, they work imperfectly
13 today. . . . A new approach is needed”.

14 (3) The National Security Strategy—May 2010
15 calls for such a transformation of the United States
16 national security system through its identification of
17 organizational changes already underway, its rec-
18 ommendation of additional organizational changes to
19 be undertaken, and its commitment to strengthening
20 national capacity through a whole-of-government ap-
21 proach.

22 (4) The realization of these organizational goals
23 can best be assured by the preparation of a report
24 by the President on progress being made on organi-
25 zational changes already underway and on an imple-

1 mentation plan for the organizational changes newly
2 recommended in the National Security Strategy.

3 (b) PLAN TO IMPLEMENT RECOMMENDATIONS RE-
4 QUIRED.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the
7 President shall submit to the appropriate commit-
8 tees of Congress a report setting forth a plan to im-
9 plement the organizational goals recommended in
10 the National Security Strategy—May 2010.

11 (2) ELEMENTS.—The report required under
12 this subsection shall include the following:

13 (A) A progress report identifying each or-
14 ganizational change identified by the National
15 Security Strategy as already underway, includ-
16 ing for each such change the following:

17 (i) The goal such organizational
18 change seeks to achieve.

19 (ii) The actions required of the Execu-
20 tive Branch to achieve such goal.

21 (iii) The actions required of Congress
22 to achieve such goal.

23 (iv) The preferred sequencing of the
24 executive and legislative actions specified
25 under clauses (ii) and (iii).

1 (v) The preferred timetable for such
2 executive and legislative actions and for
3 achievement of such goal.

4 (vi) The progress that has already
5 been achieved toward such goal, and the
6 obstacles that have been encountered.

7 (B) An implementation plan addressing
8 each organizational change newly recommended
9 by the National Security Strategy, including for
10 each such change the following:

11 (i) The goal such organizational
12 change seeks to achieve.

13 (ii) The actions required of the Execu-
14 tive Branch to achieve such goal.

15 (iii) The actions required of Congress
16 to achieve such goal.

17 (iv) The preferred sequencing of the
18 executive and legislative actions specified
19 under clauses (ii) and (iii).

20 (v) The preferred timetable for such
21 executive and legislative actions and for
22 achievement of such goal.

23 (c) ANNUAL UPDATE.—Not later than December 1
24 in each year following the year in which the report re-
25 quired by subsection (b) is submitted, the President shall

1 submit to the appropriate committees of Congress an up-
2 date of the report setting forth a description of the fol-
3 lowing:

4 (1) The progress made in achieving each orga-
5 nizational goal covered by the report required by
6 subsection (b).

7 (2) The modifications necessary to the plan re-
8 quired by subsection (b) in light of the experience of
9 the Executive Branch in implementing the plan.

10 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
11 FINED.—In this section, the term “appropriate commit-
12 tees of Congress” means—

13 (1) the Committee on Armed Services, Com-
14 mittee on Foreign Relations, Committee on Home-
15 land Security and Government Affairs, Committee
16 on the Budget, Committee on the Judiciary, Com-
17 mittee on Appropriations, and Select Committee on
18 Intelligence of the Senate; and

19 (2) the Committee on Armed Services, Com-
20 mittee on Foreign Affairs, Committee on Homeland
21 Security, Committee on the Budget, Committee on
22 the Judiciary, Committee on Oversight and Govern-
23 ment Reform, Committee on Appropriations, and
24 Permanent Select Committee on Intelligence of the
25 House of Representatives.

1 **SEC. 1073. BIENNIAL ASSESSMENT OF AND REPORT ON DE-**
2 **LIVERY PLATFORMS FOR NUCLEAR WEAPONS**
3 **AND THE NUCLEAR COMMAND AND CONTROL**
4 **SYSTEM.**

5 (a) IN GENERAL.—The Secretary of Defense shall,
6 in each odd-numbered year beginning with calendar year
7 2013, conduct an assessment of the safety, security, reli-
8 ability, sustainability, performance, and military effective-
9 ness of each type of platform for the delivery of nuclear
10 weapons and of the nuclear command and control system
11 of the United States.

12 (b) REPORT REQUIRED.—Not later than March 1 of
13 each odd-numbered year beginning with calendar year
14 2013, the Secretary of Defense shall submit to the con-
15 gressional defense committees a report on the assessment
16 conducted under subsection (a) that includes the following:

17 (1) The results of the assessment.

18 (2) An identification and assessment of any
19 gaps or shortfalls in the capabilities of the platforms
20 or the system described in subsection (a).

21 (3) An identification and assessment of any
22 risks with respect to whether any of those platforms
23 or that system will meet the mission or capability re-
24 quirements of those platforms or that system, as the
25 case may be.

1 (4) Recommendations of the Secretary of De-
2 fense with respect to measures to mitigate any gaps
3 or shortfalls identified under paragraph (2) and any
4 risks identified under paragraph (3).

5 (c) CONSULTATIONS.—The Secretary of Defense
6 shall consult with the Commander of the United States
7 Strategic Command in conducting assessments under sub-
8 section (a) and preparing reports under subsection (b).

9 **SEC. 1074. ANNUAL REPORT ON THE NUCLEAR WEAPONS**
10 **STOCKPILE OF THE UNITED STATES.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) In response to a question for the record
14 from a March 29, 2011, hearing of the Committee
15 on Armed Services of the Senate, General C. Robert
16 Kehler stated, “The stockpile under New START is
17 appropriately sized to meet our deterrence require-
18 ments and manage risk associated with our aging
19 systems and infrastructure. A recapitalized nuclear
20 infrastructure could also support potential reduc-
21 tions in the future non-deployed stockpile.”.

22 (2) In response to an additional question for
23 the record from that hearing, General Kehler stated,
24 “Completion of critical stockpile sustainment activi-
25 ties and restoration of [the National Nuclear Secu-

1 rity Administration’s] production infrastructure
2 could enable future reductions in the quantity of
3 non-deployed warheads currently held to mitigate
4 weapon and infrastructure risk.”.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) sustained investments in the nuclear weap-
8 ons stockpile and the nuclear security complex are
9 needed to ensure a reliable nuclear deterrent; and

10 (2) such investments could enable additional fu-
11 ture reductions in the hedge stockpile.

12 (c) REPORT REQUIRED.—Not later than March 1,
13 2012, and annually thereafter, the Secretary of Defense
14 shall submit to the congressional defense committees a re-
15 port on the nuclear weapons stockpile of the United States
16 that includes the following:

17 (1) An accounting of the weapons in the stock-
18 pile as of the end of the fiscal year preceding the
19 submission of the report that includes deployed and
20 non-deployed weapons, including each category of
21 non-deployed weapon.

22 (2) The planned force levels for each category
23 of nuclear weapon over the course of the future-
24 years defense program submitted to Congress under
25 section 221 of title 10, United States Code, for the

1 fiscal year following the fiscal year in which the re-
2 port is submitted.

3 **SEC. 1075. NUCLEAR EMPLOYMENT STRATEGY OF THE**
4 **UNITED STATES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that any future modification to the nuclear employ-
7 ment strategy of the United States should maintain or en-
8 hance the ability of the nuclear forces of the United States
9 to support the goals of the United States with respect to
10 nuclear deterrence, extended deterrence, and assurances
11 for allies, and the defense of the United States.

12 (b) REPORTS ON MODIFICATION OF STRATEGY.—

13 (1) IN GENERAL.—Chapter 23 title 10, United
14 States Code, is amended by adding at the end the
15 following new section:

16 **“§ 491. Nuclear employment strategy of the United**
17 **States: reports on modification of strat-**
18 **egy**

19 “Not later than 30 days after the date on which the
20 President issues a nuclear employment strategy of the
21 United States that differs from the nuclear employment
22 strategy of the United States then in force, the President
23 shall submit to Congress a report setting forth the fol-
24 lowing:

1 “(1) A description of the modifications to nu-
2 clear employment strategy of the United States
3 made by the strategy so issued.

4 “(2) An assessment of effects of such modifica-
5 tion for the nuclear posture of the United States.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 23 of such title is
8 amended by adding at the end the following new
9 item:

“491. Nuclear employment strategy of the United States: reports on modifica-
tion of strategy.”.

10 **SEC. 1076. STUDY ON THE RECRUITMENT, RETENTION, AND**
11 **DEVELOPMENT OF CYBERSPACE EXPERTS.**

12 (a) STUDY.—The Secretary of Defense shall conduct
13 an independent study examining the availability of mili-
14 tary and civilian personnel for Department of Defense de-
15 fensive and offensive cyberspace operations, identifying
16 any gaps in meeting personnel needs, and recommending
17 available mechanisms to fill such gaps, including perma-
18 nent and temporary positions.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act, the Sec-
22 retary of Defense shall submit to the congressional
23 defense committees a report containing the results of
24 the study conducted under subsection (a).

1 (2) MATTERS TO BE COVERED.—The report re-
2 quired under paragraph (1) shall include the fol-
3 lowing elements:

4 (A) A statement of capabilities and num-
5 ber of cyberspace operations personnel required
6 to meet the defensive and offensive cyberspace
7 operation requirements of the Department of
8 Defense.

9 (B) An assessment of the sufficiency of the
10 numbers and types of personnel available for
11 cyberspace operations, including an assessment
12 of the balance of military personnel, Depart-
13 ment of Defense civilian employees, and con-
14 tractor positions, and the availability of per-
15 sonnel with expertise in matters related to
16 cyberspace operations from outside of the De-
17 partment of Defense.

18 (C) A description of the obstacles to ade-
19 quate recruitment and retention of such per-
20 sonnel.

21 (D) An exploration of the various recruit-
22 ing, training, and affiliation mechanisms, such
23 as the reserve components, including the indi-
24 vidual ready reserves, the civilian expeditionary
25 workforce, corporate and university partner-

1 ships, the Reserve Officers' Training Corps,
2 and civilian auxiliaries to address challenges to
3 recruitment, retention, and training.

4 (E) A description of incentives that enable
5 and encourage individuals with cyber skills from
6 outside the Department of Defense to affiliate
7 with the Armed Forces and civilian employees
8 of the Department of Defense through other
9 types of service agreements, as well as obstacles
10 that discourage cyberspace experts and the De-
11 partment of Defense from implementing new
12 organizational constructs.

13 (F) Identification of legal, policy, or ad-
14 ministrative impediments to attracting and re-
15 taining cyberspace operations personnel.

16 (G) Recommendations for legislative or
17 policy changes necessary to increase the avail-
18 ability of cyberspace operations personnel.

19 (3) SUBMISSION OF COMMENTS.—The Sec-
20 retary of Defense shall include with the report sub-
21 mitted under paragraph (1) comments on the find-
22 ings and recommendations contained in the report,
23 including comments from the Secretaries of each of
24 the military departments.

1 (c) CYBERSPACE OPERATIONS PERSONNEL DE-
2 FINED.—In this section, the term “cyberspace operations
3 personnel” refers to members of the Armed Forces and
4 civilian employees of the Department of Defense involved
5 with the operations and maintenance of a computer net-
6 work connected to the global information grid, as well as
7 offensive, defensive, and exploitation functions of such a
8 network.

9 **SEC. 1077. REPORTS ON RESOLUTION RESTRICTIONS ON**
10 **THE COMMERCIAL SALE OR DISSEMINATION**
11 **OF ELETRO-OPTICAL IMAGERY COLLECTED**
12 **BY SATELLITES.**

13 (a) SECRETARY OF COMMERCE REPORT.—

14 (1) REPORT REQUIRED.—Not later than April
15 15, 2012, the Secretary of Commerce shall submit
16 to Congress a report setting forth the results of a
17 comprehensive review of current restrictions on the
18 resolution of electro-optical (EO) imagery collected
19 from satellites that commercial companies may sell
20 or disseminate. The report shall include such rec-
21 ommendations for legislative or administrative action
22 as the Secretary considers appropriate in light of the
23 results of the review.

24 (2) CONSIDERATIONS.—In conducting the re-
25 view required for purposes of the report under para-

1 graph (1), the Secretary shall take into consider-
2 ation the following:

3 (A) Increases in sales of commercial sat-
4 ellite imagery that would result from a relax-
5 ation of resolution restrictions, and the ensuing
6 benefit to the United States Government, com-
7 merce, and academia from an expanding market
8 in satellite imagery.

9 (B) Current and anticipated deployments
10 of satellites built in foreign countries that can
11 or will be able to collect imagery at a resolution
12 greater than .5 meter resolution, and the sale
13 or dissemination of such imagery.

14 (C) The lead-time involved in securing fi-
15 nancing, designing, building, and launching the
16 new satellite imagery collection capabilities that
17 would be required to enable United States com-
18 mercial satellite companies to match current
19 and anticipated foreign satellite imagery collec-
20 tion capabilities.

21 (D) Inconsistencies between the current
22 resolution restrictions on the sale or dissemina-
23 tion of imagery collected by United States com-
24 mercial companies, the availability of higher
25 resolution imagery from foreign sources, and

1 the National Space Policy of the United States,
2 released by the President on June 28, 2010.

3 (E) The lack of restrictions on the sale or
4 dissemination of high-resolution imagery col-
5 lected by aircraft.

6 (F) The utility that higher resolution im-
7 agery would bring to the United States Armed
8 Forces, the production of military geo-spatial
9 information, intelligence analysis, cooperation
10 with allies, scientific research efforts, and do-
11 mestic disaster monitoring and relief.

12 (b) INTELLIGENCE ASSESSMENT.—

13 (1) ASSESSMENT REQUIRED.—Not later than
14 15 days after the date of the enactment of this Act,
15 the Director of National Intelligence and the Under
16 Secretary of Defense for Intelligence shall jointly
17 submit to the appropriate committees of Congress a
18 report setting forth an assessment of the benefits
19 and risks of relaxing current resolution restrictions
20 on the electro-optical imagery from satellites that
21 commercial United States companies may sell or dis-
22 seminate, together with recommendations for means
23 of protecting national security related information in
24 the event of the relaxation of such resolution restric-
25 tions.

1 (2) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term “appro-
3 priate committees of Congress” means—

4 (A) the Committee on Armed Services, the
5 Committee on Appropriations, and the Select
6 Committee on Intelligence of the Senate; and

7 (B) the Committee on Armed Services, the
8 Committee on Appropriations, and the Perma-
9 nent Select Committee on Intelligence of the
10 House of Representatives.

11 **SEC. 1078. REPORT ON INTEGRATION OF UNMANNED AER-**
12 **IAL SYSTEMS INTO THE NATIONAL AIRSPACE**
13 **SYSTEM.**

14 (a) REPORT REQUIRED.—Not later than 90 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall, in consultation with the Administrator
17 of the Federal Aviation Administration and on behalf of
18 the UAS Executive Committee, submit to the appropriate
19 committees of Congress a report setting forth the fol-
20 lowing:

21 (1) A description and assessment of the rate of
22 progress in integrating unmanned aircraft systems
23 into the national airspace system.

24 (2) An assessment of the potential for one or
25 more pilot program or programs on such integration

1 at certain test ranges to increase that rate of
2 progress.

3 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Armed Services, the
7 Committee on Commerce, Science, and Transpor-
8 tation, and the Committee on Appropriations of the
9 Senate; and

10 (2) the Committee on Armed Services, the
11 Committee on Transportation and Infrastructure,
12 the Committee on Science, Space, and Technology,
13 and the Committee on Appropriations of the House
14 of Representatives.

15 **SEC. 1079. STUDY ON UNITED STATES FORCE POSTURE IN**
16 **EAST ASIA AND THE PACIFIC REGION.**

17 (a) INDEPENDENT ASSESSMENT.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall commission an independent assessment of
20 America’s security interests in East Asia and the
21 Pacific region. The assessment shall be conducted by
22 an independent, non-governmental institute which is
23 described in section 501(c)(3) of the Internal Rev-
24 enue Code of 1986 and exempt from tax under sec-
25 tion 501(a) of such Code, and has recognized cre-

1 dentials and expertise in national security and mili-
2 tary affairs with ready access to policy experts
3 throughout the country and from the region.

4 (2) ELEMENTS.—The assessment conducted
5 pursuant to paragraph (1) shall include the fol-
6 lowing elements:

7 (A) A review of current and emerging
8 United States national security interests in the
9 East Asia and Pacific region.

10 (B) A review of current United States mili-
11 tary force posture and deployment plans, with
12 an emphasis on the current plans for United
13 States force realignments in Okinawa and
14 Guam.

15 (C) Options for the realignment of United
16 States forces in the region to respond to new
17 opportunities presented by allies and partners.

18 (D) The views of noted policy leaders and
19 regional experts, including military commanders
20 in the region.

21 (b) REPORT.—Not later than 90 days after the date
22 of the enactment of this Act, the designated private entity
23 shall provide an unclassified report, with a classified
24 annex, containing its findings to the Secretary of Defense.
25 Not later than 90 days after the date of receipt of the

1 report, the Secretary of Defense shall transmit the report
2 to the congressional defense committees, together with
3 such comments on the report as the Secretary considers
4 appropriate.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
6 amounts authorized to be appropriated under section 301
7 for operation and maintenance for Defense-wide activities,
8 up to \$1,000,000, shall be made available for the comple-
9 tion of the study required under this section.

10 **Subtitle H—Other Matters**

11 **SEC. 1081. REDESIGNATION OF PSYCHOLOGICAL OPER-** 12 **ATIONS AS MILITARY INFORMATION SUP-** 13 **PORT OPERATIONS IN TITLE 10, UNITED** 14 **STATES CODE, TO CONFORM TO DEPART-** 15 **MENT OF DEFENSE USAGE.**

16 Title 10, United States Code, is amended as follows:

17 (1) In section 167(j), by striking paragraph (6)
18 and inserting the following new paragraph:

19 “(6) Military information support operations.”.

20 (2) Section 2011(d)(1) is amended by striking
21 “psychological operations” and inserting “military
22 information support operations”.

1 **SEC. 1082. TERMINATION OF REQUIREMENT FOR APPOINT-**
2 **MENT OF CIVILIAN MEMBERS OF NATIONAL**
3 **SECURITY EDUCATION BOARD BY AND WITH**
4 **THE ADVICE AND CONSENT OF THE SENATE.**

5 (a) **TERMINATION.**—Subsection (b)(7) of section 803
6 of the David L. Boren National Security Education Act
7 of 1991 (50 U.S.C. 1903) is amended by striking “by and
8 with the advice and consent of the Senate,”.

9 (b) **TECHNICAL AMENDMENT.**—Subsection (c) of
10 such section is amended by striking “subsection (b)(6)”
11 and inserting “subsection (b)(7)”.

12 **SEC. 1083. REDESIGNATION OF INDUSTRIAL COLLEGE OF**
13 **THE ARMED FORCES AS THE DWIGHT D. EI-**
14 **SENHOWER SCHOOL FOR NATIONAL SECU-**
15 **RITY AND RESOURCE STRATEGY.**

16 (a) **REDESIGNATION.**—The Industrial College of the
17 Armed Forces is hereby renamed the “Dwight D. Eisen-
18 hower School for National Security and Resource Strat-
19 egy”.

20 (b) **CONFORMING AMENDMENT.**—Paragraph (2) of
21 section 2165(b) of title 10, United States Code, is amend-
22 ed to read as follows:

23 “(2) The Dwight D. Eisenhower School for Na-
24 tional Security and Resource Strategy.”.

25 (c) **REFERENCES.**—Any reference to the Industrial
26 College of the Armed Forces in any law, regulation, map,

1 document, record, or other paper of the United States
2 shall be deemed to be a reference to the Dwight D. Eisen-
3 hower School for National Security and Resource Strat-
4 egy.

5 **SEC. 1084. DESIGNATION OF FISHER HOUSE FOR THE FAMI-**
6 **LIES OF THE FALLEN AND MEDITATION PA-**
7 **VILION, DOVER AIR FORCE BASE, DELAWARE,**
8 **AS A FISHER HOUSE.**

9 The Fisher House for the Families of the Fallen and
10 Meditation Pavilion at Dover Air Force Base, Delaware,
11 is hereby designated as a Fisher House for purposes of
12 section 2493 of title 10, United States Code.

13 **SEC. 1085. SENSE OF SENATE ON APPLICATION OF MORA-**
14 **TORIUM ON EARMARKS TO THIS ACT.**

15 It is the sense of the Senate that the moratorium on
16 congressionally-directed spending items in the Senate, and
17 on congressional earmarks in the House of Representa-
18 tives, should be fully enforced in this Act.

19 **SEC. 1086. TECHNICAL AMENDMENT RELATING TO RESPON-**
20 **SIBILITIES OF DEPUTY ASSISTANT SEC-**
21 **RETARY OF DEFENSE FOR MANUFACTURING**
22 **AND INDUSTRIAL BASE POLICY.**

23 Section 139e(b)(12) of title 10, United States Code,
24 is amended by striking “titles I and II” and inserting “ti-
25 tles I and III”.

1 **SEC. 1087. TECHNICAL AMENDMENT.**

2 Section 382 of title 10, United States Code, is
 3 amended by striking “biological or chemical” each place
 4 it appears in subsections (a) and (b).

5 **TITLE XI—CIVILIAN PERSONNEL**
 6 **MATTERS**

7 **SEC. 1101. AUTHORITY OF THE SECRETARIES OF THE MILI-**
 8 **TARY DEPARTMENTS TO EMPLOY UP TO 10**
 9 **PERSONS WITHOUT PAY.**

10 Section 1583 of title 10, United States Code, is
 11 amended in the first sentence—

12 (1) by inserting “and the Secretaries of the
 13 military departments” after “the Secretary of De-
 14 fense”; and

15 (2) by inserting “each” after “may”.

16 **SEC. 1102. EXTENSION OF ELIGIBILITY TO CONTINUE FED-**
 17 **ERAL EMPLOYEE HEALTH BENEFITS FOR**
 18 **CERTAIN EMPLOYEES OF THE DEPARTMENT**
 19 **OF DEFENSE.**

20 (a) EXTENSION FOR DEPARTMENT OF DEFENSE.—
 21 Subparagraph (B) of section 8905a(d)(4) of title 5,
 22 United States Code, is amended—

23 (1) in clause (i), by striking “December 31,
 24 2011” and inserting “October 1, 2015”; and

25 (2) in clause (ii)—

1 (A) by striking “February 1, 2012” and
2 inserting “February 1, 2016”; and

3 (B) by striking “December 31, 2011” and
4 inserting “the date specified in clause (i)”.

5 (b) TECHNICAL AMENDMENT TO DELETE OBSOLETE
6 AUTHORITY APPLICABLE TO DEPARTMENT OF EN-
7 ERGY.—Subparagraph (A) of such section is amended by
8 striking “, or the Department of Energy due to a reduc-
9 tion in force resulting from the establishment of the Na-
10 tional Nuclear Security Administration”.

11 **SEC. 1103. AUTHORITY FOR WAIVER OF RECOVERY OF CER-**
12 **TAIN PAYMENTS PREVIOUSLY MADE UNDER**
13 **CIVILIAN EMPLOYEES VOLUNTARY SEPARA-**
14 **TION INCENTIVE PROGRAM.**

15 (a) AUTHORITY FOR WAIVER.—Subject to subsection
16 (c), the Secretary of Defense may waive the requirement
17 under subsection (f)(6)(B) of section 9902 of title 5,
18 United States Code, for repayment to the Department of
19 Defense of a voluntary separation incentive payment made
20 under subsection (f)(1) of that section in the case of an
21 employee or former employee of the Department of De-
22 fense described in subsection (b).

23 (b) PERSONS COVERED.—Subsection (a) applies to
24 any employee or former employee of the Department of
25 Defense—

1 (1) who during the period beginning on April 1,
2 2004, and ending on March 1, 2008, received a vol-
3 untary separation incentive payment under sub-
4 section (f)(1) of section 9902 of title 5, United
5 States Code;

6 (2) who was reappointed to a position in the
7 Department of Defense to support a declared na-
8 tional emergency related to terrorism or a natural
9 disaster during the period beginning on June 1,
10 2004, and ending on March 1, 2008; and

11 (3) with respect to whom the Secretary deter-
12 mines—

13 (A) that the employee or former employee,
14 before accepting the reappointment referred to
15 in paragraph (2), received a representation
16 from an officer or employee of the Department
17 of Defense that recovery of the amount of the
18 payment referred to in paragraph (1) would not
19 be required or would be waived; and

20 (B) that the employee or former employee
21 reasonably relied on that representation when
22 accepting reappointment.

23 (c) REQUIRED DETERMINATION.—The Secretary of
24 Defense may grant a waiver under subsection (a) in the
25 case of any individual only if the Secretary determines

1 that recovery of the amount of the payment otherwise re-
2 quired would be against equity and good conscience be-
3 cause of the circumstances of that individual's reemploy-
4 ment after receiving a voluntary separation incentive pay-
5 ment.

6 (d) TREATMENT OF PRIOR REPAYMENTS.—The Sec-
7 retary of Defense may, pursuant to a determination under
8 subsection (c) specific to an individual, provide for reim-
9 bursement to that individual for any amount the indi-
10 vidual has previously repaid to the United States for a
11 voluntary separation incentive payment covered by this
12 section. The reimbursement shall be paid either from the
13 appropriations into which the repayment was deposited,
14 if such appropriations remain available, or from appro-
15 priations currently available for the purposes of the appro-
16 priation into which the repayment was deposited.

17 (e) EXPIRATION OF AUTHORITY.—The authority to
18 grant a waiver under this section shall expire on December
19 31, 2012.

20 **SEC. 1104. PERMANENT EXTENSION AND EXPANSION OF EX-**
21 **PERIMENTAL PERSONNEL PROGRAM FOR**
22 **SCIENTIFIC AND TECHNICAL PERSONNEL.**

23 (a) PERMANENT EXTENSION.—Section 1101 of the
24 Strom Thurmond National Defense Authorization Act for
25 Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

1 (1) in subsection (a), by striking “During the
2 program period” and all that follows through “use
3 of the” and inserting “The Secretary of Defense
4 may carry out a program to use the”; and

5 (2) by striking subsections (e), (f), and (g).

6 (b) EXPANSION OF AVAILABILITY OF PERSONNEL
7 MANAGEMENT AUTHORITY.—Subsection (b)(1) of such
8 section is amended—

9 (1) in subparagraph (A), by striking “40” and
10 inserting “50”;

11 (2) in subparagraph (C), by striking “and” at
12 the end;

13 (3) in subparagraph (D), by adding “and” at
14 the end; and

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

17 “(E) not more than a total of 10 scientific and
18 engineering positions in the Office of the Director of
19 Operational Test and Evaluation;”.

1 **SEC. 1105. MODIFICATION OF BENEFICIARY DESIGNATION**
2 **AUTHORITIES FOR DEATH GRATUITY PAY-**
3 **ABLE UPON DEATH OF A UNITED STATES**
4 **GOVERNMENT EMPLOYEE IN SERVICE WITH**
5 **THE ARMED FORCES.**

6 (a) AUTHORITY TO DESIGNATE MORE THAN 50
7 PERCENT OF DEATH GRATUITY TO UNRELATED PER-
8 SONS.—

9 (1) IN GENERAL.—Paragraph (4) of section
10 8102a(d) of title 5, United States Code, is amend-
11 ed—

12 (A) by striking the first sentence and in-
13 serting “A person covered by this section may
14 designate another person to receive an amount
15 payable under this section.”; and

16 (B) in the second sentence, by striking “up
17 to the maximum of 50 percent”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall take effect on the date of en-
20 actment of this Act and apply to the payment of a
21 death gratuity based on any death occurring on or
22 after that date.

23 (b) NOTICE TO SPOUSE OF DESIGNATION OF AN-
24 OTHER PERSON TO RECEIVE PORTION OF DEATH GRA-
25 TUITY.—Such section is further amended by adding at the
26 end the following new paragraph:

1 “(6) If a person covered by this section has a
2 spouse, but designates a person other than the
3 spouse to receive all or a portion of the amount pay-
4 able under this section, the head of the agency, or
5 other entity, in which that person is employed shall
6 provide notice of the designation to the spouse.”.

7 **SEC. 1106. TWO-YEAR EXTENSION OF DISCRETIONARY AU-**
8 **THORITY TO GRANT ALLOWANCES, BENE-**
9 **FITS, AND GRATUITIES TO PERSONNEL ON**
10 **OFFICIAL DUTY IN A COMBAT ZONE.**

11 Paragraph (2) of section 1603(a) of the Emergency
12 Supplemental Appropriations Act for Defense, the Global
13 War on Terror, and Hurricane Recovery, 2006 (Public
14 Law 109–234; 120 Stat. 443), as added by section 1102
15 of the Duncan Hunter National Defense Authorization
16 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
17 4616), is amended by striking “fiscal years 2009, 2010,
18 and 2011” and inserting “fiscal years 2009 through
19 2013”.

1 **SEC. 1107. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
2 **ANNUAL LIMITATION ON PREMIUM PAY AND**
3 **AGGREGATE LIMITATION ON PAY FOR FED-**
4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
5 **SEAS.**

6 Effective January 1, 2012, section 1101(a) of the
7 Duncan Hunter National Defense Authorization Act for
8 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),
9 as most recently amended by section 1103 of the Ike Skel-
10 ton National Defense Authorization Act for Fiscal Year
11 2011 (Public Law 111–383; 124 Stat. 4382), is further
12 amended by striking “through 2011” and inserting
13 “through 2012”.

14 **TITLE XII—MATTERS RELATING**
15 **TO FOREIGN NATIONS**
16 **Subtitle A—Assistance and**
17 **Training**

18 **SEC. 1201. EXPANSION OF SCOPE OF HUMANITARIAN**
19 **DEMING ASSISTANCE AUTHORITY TO IN-**
20 **CLUDE STOCKPILED CONVENTIONAL MUNI-**
21 **TIONS.**

22 (a) **EXPANSION.**—Section 407 of title 10, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting “and
2 stockpiled conventional munitions assistance”
3 after “humanitarian demining assistance”;

4 (B) in paragraph (2), by inserting “and
5 stockpiled conventional munitions assistance”
6 after “Humanitarian demining assistance”; and

7 (C) in paragraph (3)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “or stockpiled con-
10 ventional munitions assistance” after “hu-
11 manitarian demining assistance”; and

12 (ii) in subparagraph (A), by inserting
13 “, or stockpiled conventional munitions, as
14 applicable,” after “explosive remnants of
15 war”;

16 (2) in subsection (b)—

17 (A) in paragraph (1), by inserting “and
18 stockpiled conventional munitions assistance”
19 after “humanitarian demining assistance”; and

20 (B) in paragraph (2), by inserting “or
21 stockpiled conventional munitions assistance”
22 after “humanitarian demining assistance”;

23 (3) in subsection (c)—

1 (A) in paragraph (1), by inserting “or
2 stockpiled conventional munitions assistance”
3 after “humanitarian demining assistance”; and

4 (B) in paragraph (2)(B)—

5 (i) by inserting “or stockpiled conven-
6 tional munitions activities” after “humani-
7 tarian demining activities”; and

8 (ii) by inserting “, or stockpiled con-
9 ventional munitions, as applicable,” after
10 “explosive remnants of war”; and

11 (4) in subsection (d), by inserting “or stock-
12 piled conventional munitions assistance” after “hu-
13 manitarian demining assistance” each place it ap-
14 pears.

15 (b) DEFINITIONS.—Subsection (e) of such section is
16 amended to read as follows:

17 “(e) DEFINITIONS.—In this section:

18 “(1) HUMANITARIAN DEMINING ASSISTANCE.—
19 The term ‘humanitarian demining assistance’, as it
20 relates to training and support, means detection and
21 clearance of landmines and other explosive remnants
22 of war.

23 “(2) STOCKPILED CONVENTIONAL MUNITIONS
24 ASSISTANCE.—The term ‘stockpiled conventional
25 munitions assistance’, as it relates to support of hu-

1 humanitarian assistance efforts, means training and
 2 support in the disposal, demilitarization, physical se-
 3 curity, and stockpile management of potentially dan-
 4 gerous stockpiles of explosive ordnance.

5 “(3) INCLUDED ACTIVITIES.—The terms in
 6 paragraphs (1) and (2) include activities related to
 7 the furnishing of education, training, and technical
 8 assistance with respect to explosive safety, the detec-
 9 tion and clearance of landmines and other explosive
 10 remnants of war, and the disposal, demilitarization,
 11 physical security, and stockpile management of po-
 12 tentially dangerous stockpiles of explosive ord-
 13 nance.”.

14 (c) CLERICAL AMENDMENTS.—

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

17 “§ 407. **Humanitarian demining assistance and stock-**
 18 **piled conventional munitions assistance:**
 19 **authority; limitations”.**

20 (2) TABLE OF SECTIONS.—The table of sections
 21 at the beginning of chapter 20 of such title is
 22 amended by striking the item relating to section 407
 23 and inserting the following new item:

“407. Humanitarian demining assistance and stockpiled conventional munitions
 assistance: authority; limitations.”.

1 **SEC. 1202. ONE-YEAR EXTENSION AND MODIFICATION OF**
2 **AUTHORITIES APPLICABLE TO COM-**
3 **MANDERS' EMERGENCY RESPONSE PRO-**
4 **GRAM.**

5 (a) ONE-YEAR EXTENSION OF AUTHORITY.—

6 (1) IN GENERAL.—Subsection (a) of section
7 1202 of the National Defense Authorization Act for
8 Fiscal Year 2006 (Public Law 109–163; 119 Stat.
9 3455), as most recently amended by section 1212 of
10 the Ike Skelton National Defense Authorization Act
11 for Fiscal Year 2011 (Public Law 111–383; 124
12 Stat. 4389), is further amended—

13 (A) in the subsection heading, by striking
14 “FISCAL YEAR 2011” and inserting “FISCAL
15 YEAR 2012”;

16 (B) by striking “fiscal year 2011, from”
17 and inserting “fiscal year 2012”; and

18 (C) by striking “operation and mainte-
19 nance” and all that follows and inserting “oper-
20 ation and maintenance, not to exceed
21 \$400,000,000 may be used by the Secretary of
22 Defense to provide funds for the Commanders’
23 Emergency Response Program in Afghani-
24 stan.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect on October 1,
3 2011.

4 (b) EXTENSION OF DUE DATE FOR QUARTERLY RE-
5 PORTS TO CONGRESS.—Subsection (b)(1) of such section,
6 as most recently amended by section 1222 of the National
7 Defense Authorization Act for Fiscal Year 2010 (Public
8 Law 111–84; 123 Stat. 2518), is further amended by
9 striking “30 days” and inserting “45 days”.

10 (c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Such
11 section, as so amended by section 1212 of the Ike Skelton
12 National Defense Authorization Act for Fiscal Year 2011,
13 is further amended—

14 (1) by redesignating subsection (i) as subsection
15 (j); and

16 (2) by inserting after subsection (h) the fol-
17 lowing new subsection (i):

18 “(i) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The
19 Secretary of Defense may accept cash contributions from
20 any person, foreign government, or international organiza-
21 tion for the purposes specified in subsection (a). Funds
22 received by the Secretary may be credited to the operation
23 and maintenance account from which funds are made
24 available to carry out the authority in subsection (a), and

1 may be used for such purposes until expended in addition
2 to the funds specified in that subsection.”.

3 **SEC. 1203. THREE-YEAR EXTENSION OF TEMPORARY AU-**
4 **THORITY TO USE ACQUISITION AND CROSS-**
5 **SERVICING AGREEMENTS TO LEND MILITARY**
6 **EQUIPMENT FOR PERSONNEL PROTECTION**
7 **AND SURVIVABILITY.**

8 Section 1202(e) of the John Warner National De-
9 fense Authorization Act for Fiscal Year 2007 (Public Law
10 109–364; 120 Stat. 2413), as most recently amended by
11 section 1204(b) of the Duncan Hunter National Defense
12 Authorization Act for Fiscal Year 2009 (Public Law 110–
13 417; 122 Stat. 4623), is further amended by striking
14 “September 30, 2011” and inserting “September 30,
15 2014”.

16 **SEC. 1204. CONDITIONAL EXTENSION AND MODIFICATION**
17 **OF AUTHORITY TO BUILD THE CAPACITY OF**
18 **COUNTER TERRORISM FORCES OF YEMEN.**

19 (a) EXTENSION.—Subsection (a) of section 1205 of
20 the Ike Skelton National Defense Authorization Act for
21 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4387)
22 is amended by striking “fiscal year 2011” and inserting
23 “fiscal years 2011 and 2012”.

24 (b) ASSISTANCE THROUGH MINOR MILITARY CON-
25 STRUCTION.—Subsection (b) of such section is amended—

1 (1) in paragraph (1), by inserting “and minor
2 military construction” before the period at the end;

3 (2) by redesignating paragraph (3) as para-
4 graph (4); and

5 (3) by inserting after paragraph (2) the fol-
6 lowing new paragraph (3):

7 “(3) LIMITATIONS ON MINOR MILITARY CON-
8 STRUCTION.—Minor military construction may be
9 provided under subsection (a) only after September
10 30, 2011. The total amount that may be obligated
11 and expended on such construction in any fiscal year
12 may not exceed \$10,000,000. Minor military con-
13 struction may not be provided under subsection (a)
14 in the city of Sana’a or in the Sana’a Governate,
15 Yemen.”.

16 (c) FUNDING.—Subsection (c) of that section is
17 amended by striking “by section 301” and all that follows
18 through “for fiscal year 2011” and inserting “for the fis-
19 cal year concerned for operation and maintenance (other
20 than operation and maintenance for overseas contingency
21 operations)”.

22 (d) CONDITION ON USE OF AUTHORITIES.—

23 (1) NOTICE AND WAIT.—An authority specified
24 in paragraph (2) may not be used until 60 days
25 after the date on which the Secretary of Defense

1 and the Secretary of State jointly certify, in writing,
2 to the appropriate committees of Congress that the
3 use of such authority is important to the national se-
4 curity interests of the United States. The certifi-
5 cation on an authority shall include the following:

6 (A) The reasons why the use of such au-
7 thority is important to the national security in-
8 terests of the United States.

9 (B) A justification for the provision of as-
10 sistance pursuant to such authority.

11 (C) An acknowledgment by the Secretary
12 of Defense and the Secretary of State that they
13 have received assurance from the Government
14 of Yemen that any assistance provided pursuant
15 to such authority will be utilized in manner con-
16 sistent with subsection (b)(2) of the applicable
17 section.

18 (2) COVERED AUTHORITIES.—The authorities
19 referred to in this paragraph are the following:

20 (A) The authority in section 1205 of the
21 Ike Skelton National Defense Authorization Act
22 for Fiscal Year 2011, as amended by this sec-
23 tion.

24 (B) The authority in section 1206 of the
25 National Defense Authorization Act for Fiscal

1 Year 2006 (Public Law 109–163; 119 Stat.
2 2456), as amended.

3 (3) APPROPRIATE COMMITTEES OF CONGRESS
4 DEFINED.—In this subsection, the term “appro-
5 priate committees of Congress” means the commit-
6 tees of Congress specified in section 1205(d)(2) of
7 the Ike Skelton National Defense Authorization Act
8 for Fiscal Year 2011.

9 **SEC. 1205. EXTENSION OF AUTHORITY FOR SUPPORT OF**
10 **SPECIAL OPERATIONS TO COMBAT TER-**
11 **RORISM.**

12 (a) EXTENSION.—Subsection (h) of section 1208 of
13 the Ronald W. Reagan National Defense Authorization
14 Act for Fiscal Year 2005 (Public Law 108–375), as most
15 recently amended by section 1208(e) of the Duncan Hun-
16 ter National Defense Authorization Act for Fiscal Year
17 2009 (Public Law 110–417; 122 Stat. 4626), is further
18 amended by striking “2013” and inserting “2017”.

19 (b) CLARIFICATION OF LIMITATION ON FUNDING.—
20 Subsection (g) of such section, as amended by section
21 1202(b) of the National Defense Authorization Act for
22 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364),
23 is further amended—

24 (1) by striking “each fiscal year” and inserting
25 “any fiscal year”; and

1 (2) by striking “pursuant to title XV of this
2 Act” and inserting “for that fiscal year”.

3 **SEC. 1206. LIMITATION ON AVAILABILITY OF FUNDS FOR**
4 **AUTHORITIES RELATING TO PROGRAM TO**
5 **BUILD THE CAPACITY OF FOREIGN MILITARY**
6 **FORCES.**

7 Of the funds available for fiscal year 2012 for build-
8 ing the capacity of foreign military forces under section
9 1206 of the National Defense Authorization Act for Fiscal
10 Year 2006 (Public Law 109–163; 119 Stat. 3456), as
11 most recently amended by section 1207 of the Ike Skelton
12 National Defense Authorization Act for Fiscal Year 2011
13 (Public Law 111–383; 124 Stat. 4389), not more than
14 \$100,000,000 may be obligated and expended until the
15 Secretary of Defense and the Secretary of State submit
16 the report required by section 1237 of the Duncan Hunter
17 National Defense Authorization Act for Fiscal Year 2009
18 (Public Law 110–417; 122 Stat. 4642).

19 **SEC. 1207. GLOBAL SECURITY CONTINGENCY FUND.**

20 (a) **ESTABLISHMENT.**—There is established on the
21 books of the Treasury of the United States an account
22 to be known as the “Global Security Contingency Fund”.

23 (b) **AUTHORITY.**—Amounts in the Fund shall be
24 available to either the Secretary of State or the Secretary
25 of Defense, notwithstanding any other provision of law,

1 to provide assistance to countries designated by the Sec-
2 retary of State, with the concurrence of the Secretary of
3 Defense, for purposes of this section, as follows:

4 (1) Assistance under this section may be pro-
5 vided to enhance the capabilities of a foreign coun-
6 try's national military forces, and other national se-
7 curity forces that conduct border and maritime secu-
8 rity, internal security, and counterterrorism oper-
9 ations, as well as the government agencies respon-
10 sible for such forces, to—

11 (A) conduct border and maritime security,
12 internal defense, and counterterrorism oper-
13 ations; and

14 (B) participate in or support military, sta-
15 bility, or peace support operations consistent
16 with United States foreign policy and national
17 security interests.

18 (2) Assistance may be provided for the justice
19 sector (including law enforcement and prisons), rule
20 of law programs, and stabilization efforts in those
21 cases in which the Secretary of State, in consulta-
22 tion with the Secretary of Defense, determines that
23 conflict or instability in a country or region chal-
24 lenges the existing capability of civilian providers to
25 deliver such assistance.

1 (c) TYPES OF ASSISTANCE.—

2 (1) AUTHORIZED ELEMENTS.—A program to
3 provide the assistance under subsection (b)(1) may
4 include the provision of equipment, supplies, and
5 training.

6 (2) REQUIRED ELEMENTS.—A program to pro-
7 vide the assistance under subsection (b)(1) shall in-
8 clude elements that promote—

9 (A) observance of and respect for human
10 rights and fundamental freedoms; and

11 (B) respect for legitimate civilian authority
12 within that country.

13 (d) LIMITATIONS.—

14 (1) ASSISTANCE OTHERWISE PROHIBITED BY
15 LAW.—The Secretary of Defense and the Secretary
16 of State may not use the authority provided under
17 subsection (b) to provide any type of assistance that
18 is otherwise prohibited by any provision of law.

19 (2) LIMITATION ON ELIGIBLE COUNTRIES.—
20 The Secretary of Defense and the Secretary of State
21 may not use the authority provided under subsection
22 (b) to provide assistance to any foreign country that
23 is otherwise prohibited from receiving such type of
24 assistance under any other provision of law.

1 (e) FORMULATION AND APPROVAL OF ASSISTANCE
2 PROGRAMS.—

3 (1) SECURITY PROGRAMS.—The Secretary of
4 State and the Secretary of Defense shall jointly for-
5 mulate assistance programs under subsection (b)(1).
6 Assistance programs to be carried out pursuant to
7 subsection (b)(1) shall be approved by the Secretary
8 of State, with the concurrence of the Secretary of
9 Defense, prior to implementation.

10 (2) JUSTICE SECTOR AND STABILIZATION PRO-
11 GRAMS.—The Secretary of State, in consultation
12 with the Secretary of Defense, shall formulate assist-
13 ance programs under subsection (b)(2). Assistance
14 programs to be carried out under the authority in
15 subsection (b)(2) shall be approved by the Secretary
16 of State, with the concurrence of the Secretary of
17 Defense, prior to implementation.

18 (f) RELATION TO OTHER AUTHORITIES.—The au-
19 thority to provide assistance under this section is in addi-
20 tion to any other authority to provide assistance to foreign
21 nations. The administrative authorities of the Foreign As-
22 sistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be
23 available to the Secretary of State with respect to funds
24 made available to carry out this section.

25 (g) TRANSFER AUTHORITY.—

1 (1) FOREIGN ASSISTANCE AND OTHER
2 FUNDS.—Funds available to the Department of
3 State for foreign assistance may be transferred to
4 the Fund by the Secretary of State. Funds available
5 to the Department of Defense may be transferred to
6 the Fund by the Secretary of Defense in accordance
7 with established procedures for reprogramming
8 under section 1001 of this Act and successor provi-
9 sions of law. Amounts transferred under this para-
10 graph shall be merged with funds made available
11 under this section and remain available until ex-
12 pended as provided in subsection (i) for the purposes
13 specified in subsection (b).

14 (2) LIMITATION.—The total amount of funds
15 appropriated and transferred to the Fund in any fis-
16 cal year shall not exceed \$300,000,000. This limita-
17 tion does not apply to amounts contributed to the
18 Fund under subsection (h).

19 (3) TRANSFERS TO OTHER ACCOUNTS.—Funds
20 made available to carry out assistance activities ap-
21 proved pursuant to subsection (c) may be trans-
22 ferred to accounts under the following authorities:

23 (A) Section 1206 of the National Defense
24 Authorization Act for Fiscal Year 2006 (Public
25 Law 109–163; 119 Stat. 3456; relating to pro-

1 gram to build the capacity of foreign military
2 forces).

3 (B) Section 23 of the Arms Export Control
4 Act (22 U.S.C. 2763; relating to foreign mili-
5 tary financing program).

6 (C) Section 481 of the Foreign Assistance
7 Act of 1961 (22 U.S.C. 2291; relating to inter-
8 national narcotics control and law enforcement).

9 (D) Chapter 5 of part II of the Foreign
10 Assistance Act of 1961 (22 U.S.C. 2347 et seq.;
11 relating to international military education and
12 training program).

13 (E) Chapter 8 of part II of the Foreign
14 Assistance Act of 1961 (22 U.S.C. 2349aa et
15 seq.; relating to antiterrorism assistance).

16 (F) Complex Crises Fund of the Foreign
17 Assistance Act of 1961 (title III of the Depart-
18 ment of State, Foreign Operations, and Related
19 Programs Appropriations Act, 2010 (division F
20 of Public Law 111–117; 123 Stat. 3327)).

21 (4) ADDITIONAL AUTHORITIES.—The transfer
22 authorities in paragraphs (1) and (3) are in addition
23 to any other transfer authority available to the De-
24 partment of State or the Department of Defense.

1 (5) EFFECT ON AUTHORIZATION AMOUNTS.—A
2 transfer of an amount to an account under the au-
3 thority provided in paragraph (3) shall be deemed to
4 increase the amount authorized for such account by
5 an amount equal to the amount transferred.

6 (h) AUTHORITY TO ACCEPT GIFTS.—The Secretary
7 of State may use money, funds, property, and services ac-
8 cepted pursuant to the authority of section 635(d) of the
9 Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to
10 fulfill the purposes of subsection (b).

11 (i) AVAILABILITY OF FUNDS.—Amounts in the Fund
12 shall remain available until September 30, 2015.

13 (j) CONGRESSIONAL NOTIFICATION.—

14 (1) SECURITY PROGRAMS.—Not less than 15
15 days before initiating activities under a program of
16 assistance under subsection (b)(1), the Secretary of
17 Defense, with the concurrence of the Secretary of
18 State, shall notify the specified congressional com-
19 mittees of the program to be initiated.

20 (2) JUSTICE SECTOR AND STABILIZATION PRO-
21 GRAMS.—Not less than 15 days before initiating ac-
22 tivities under a program of assistance under sub-
23 section (b)(2), the Secretary of State, with the con-
24 currence of the Secretary of Defense, shall notify the

1 specified congressional committees of the program to
2 be initiated.

3 (3) EXERCISE OF TRANSFER AUTHORITY.—Not
4 less than 15 days before a transfer under the au-
5 thority of subsection (g), the Secretary of State and
6 the Secretary of Defense shall jointly notify the
7 specified congressional committees of the transfer of
8 funds into the Fund.

9 (k) REPORTING REQUIREMENT.—The Secretary of
10 State and the Secretary of Defense jointly shall provide
11 a report quarterly to the specified congressional commit-
12 tees on obligations of funds or transfers into the Fund
13 made during the preceding quarter.

14 (l) SPECIFIED CONGRESSIONAL COMMITTEES.—In
15 this section, the term “specified congressional commit-
16 tees” means—

17 (1) the Committee on Armed Services, the
18 Committee on Foreign Affairs, and the Committee
19 on Appropriations of the House of Representatives;
20 and

21 (2) the Committee on Armed Services, the
22 Committee on Foreign Relations, and the Committee
23 on Appropriations of the Senate.

24 (m) EXPIRATION.—The authority provided under
25 this section may not be exercised after September 30,

1 2014, except with respect to amounts appropriated or
2 transferred to the Fund prior to such date, which can con-
3 tinue to be obligated and expended as provided in sub-
4 section (i).

5 (n) ADMINISTRATIVE EXPENSES.—Amounts in the
6 Fund may be used for necessary administrative expenses.

7 **SEC. 1208. AUTHORITY TO BUILD THE CAPACITY OF CER-**
8 **TAIN COUNTERTERRORISM FORCES OF EAST**
9 **AFRICAN COUNTRIES.**

10 (a) AUTHORITY.—The Secretary of Defense may,
11 with the concurrence of the Secretary of State, provide
12 assistance during fiscal years 2012 and 2013 as follows:

13 (1) To enhance the capacity of the national
14 military forces, security agencies serving a similar
15 defense function, and border security forces of
16 Djibouti, Ethiopia, and Kenya to conduct counter-
17 terrorism operations against al Qaeda, al Qaeda af-
18 filiates, and al Shabaab.

19 (2) To enhance the capacity of national military
20 forces participating in the African Union Mission in
21 Somalia to conduct counterterrorism operations de-
22 scribed in paragraph (1).

23 (b) TYPES OF ASSISTANCE.—

24 (1) AUTHORIZED ELEMENTS.—Assistance
25 under subsection (a) may include the provision of

1 equipment, supplies, training, and minor military
2 construction.

3 (2) REQUIRED ELEMENTS.—Assistance under
4 subsection (a) shall be provided in a manner that
5 promotes—

6 (A) observance of and respect for human
7 rights and fundamental freedoms; and

8 (B) respect for legitimate civilian authority
9 in the country receiving such assistance.

10 (3) ASSISTANCE OTHERWISE PROHIBITED BY
11 LAW.—The Secretary of Defense may not use the
12 authority in subsection (a) to provide any type of as-
13 sistance described in this subsection that is other-
14 wise prohibited by any provision of law.

15 (c) FUNDING.—

16 (1) IN GENERAL.—Of the amount authorized to
17 be appropriated for each of fiscal years 2012 and
18 2103 for the Department of Defense for operation
19 and maintenance (other than operation and mainte-
20 nance for overseas contingency operations),
21 \$75,000,000 may be utilized to provide assistance
22 under subsection (a).

23 (2) AVAILABILITY OF FUNDS FOR ASSISTANCE
24 ACROSS FISCAL YEARS.—Amounts available under
25 this subsection for the authority in subsection (a)

1 for a fiscal year may be used for assistance under
2 that authority that begins in such fiscal year but
3 ends in the next fiscal year.

4 (d) NOTICE TO CONGRESS.—

5 (1) IN GENERAL.—Not later than 30 days be-
6 fore providing assistance under subsection (a), the
7 Secretary of Defense shall submit to the committees
8 of Congress specified in paragraph (2) a notice set-
9 ting forth the assistance to be provided, including
10 the types of such assistance, the budget for such as-
11 sistance, and the completion date for the provision
12 of such assistance.

13 (2) COMMITTEES OF CONGRESS.—The commit-
14 tees of Congress specified in this paragraph are—

15 (A) the Committee on Armed Services, the
16 Committee on Foreign Relations, and the Com-
17 mittee on Appropriations of the Senate; and

18 (B) the Committee on Armed Services, the
19 Committee on Foreign Affairs, and the Com-
20 mittee on Appropriations of the House of Rep-
21 resentatives.

1 **SEC. 1209. SUPPORT OF FORCES PARTICIPATING IN OPER-**
2 **ATIONS TO DISARM THE LORD'S RESISTANCE**
3 **ARMY.**

4 (a) **AUTHORITY.**—Pursuant to the policy established
5 by the Lord's Resistance Army Disarmament and North-
6 ern Uganda Recovery Act of 2009 (Public Law 111–172;
7 124 Stat. 1209), the Secretary of Defense may, with the
8 concurrence of Secretary of State, provide logistic support,
9 supplies, and services and intelligence support for forces
10 participating in operations to mitigate and eliminate the
11 threat posed by the Lord's Resistance Army as follows:

- 12 (1) The national military forces of Uganda.
- 13 (2) The national military forces of any other
14 country determined by the Secretary of Defense,
15 with the concurrence of the Secretary of State, to be
16 participating in such operations.

17 (b) **PARTICIPATION OF UNITED STATES PER-**
18 **SONNEL.**—No United States Armed Forces personnel,
19 United States civilian employees, or United States civilian
20 contractor personnel may participate in combat operations
21 in connection with the provision of support under sub-
22 section (a), except for the purpose of acting in self-defense
23 or of rescuing any United States citizen (including any
24 member of the United States Armed Forces, any United
25 States civilian employee, or any United States civilian con-
26 tractor).

1 (c) FUNDING.—Of the amount authorized to be ap-
2 propriated for the Department of Defense for each of fis-
3 cal years 2012 and 2013 for operation and maintenance,
4 not more than \$35,000,000 may be utilized in each such
5 fiscal year to provide support under subsection (a).

6 (d) LIMITATIONS.—

7 (1) IN GENERAL.—The Secretary of Defense
8 may not use the authority in subsection (a) to pro-
9 vide any type of support that is otherwise prohibited
10 by any provision of law.

11 (2) ELIGIBLE COUNTRIES.—The Secretary of
12 Defense may not use the authority in subsection (a)
13 to provide support to any foreign country that is
14 otherwise prohibited from receiving such type of sup-
15 port under any other provision of law.

16 (e) NOTICE TO CONGRESS ON ELIGIBLE COUN-
17 TRIES.—The Secretary of Defense may not provide sup-
18 port under subsection (a) for the national military forces
19 of a country determined to be eligible for such support
20 under that subsection until the Secretary notifies the ap-
21 propriate committees of Congress of the eligibility of the
22 country for such support.

23 (f) NOTICE TO CONGRESS ON SUPPORT TO BE PRO-
24 VIDED.—Not later than 5 days after the date on which
25 funds are obligated to provide support under subsection

1 (a), the Secretary of Defense shall submit to the appro-
2 priate committees of Congress a notice setting forth the
3 following:

4 (1) The type of support to be provided.

5 (2) The national military forces to be sup-
6 ported.

7 (3) The objectives of such support.

8 (4) The estimated cost of such support.

9 (5) The intended duration of such support.

10 (g) QUARTERLY REPORTS TO CONGRESS.—The Sec-
11 retary of State and the Secretary of Defense shall jointly
12 submit to the appropriate committees of Congress on a
13 quarterly basis a report on the obligation of funds under
14 this section during the preceding quarter.

15 (h) DEFINITIONS.—In this section:

16 (1) The term “appropriate committees of Con-
17 gress” means—

18 (A) the Committee on Armed Services, the
19 Committee on Foreign Relations, and the Com-
20 mittee on Appropriations of the Senate; and

21 (B) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Com-
23 mittee on Appropriations of the House of Rep-
24 resentatives.

1 (2) The term “logistic support, supplies, and
2 services” has the meaning given that term in section
3 2350(1) of title 10, United States Code.

4 (i) EXPIRATION.—The authority provided under this
5 section may not be exercised after September 30, 2013.

6 **Subtitle B—Matters Relating to**
7 **Iraq, Afghanistan, and Pakistan**

8 **SEC. 1221. EXTENSION AND MODIFICATION OF LOGISTICAL**
9 **SUPPORT FOR COALITION FORCES SUP-**
10 **PORTING OPERATIONS IN IRAQ AND AFGHAN-**
11 **ISTAN.**

12 (a) EXTENSION.—Section 1234 of the National De-
13 fense Authorization Act for Fiscal Year 2008 (Public Law
14 110–181; 122 Stat. 394), as amended by section 1218 of
15 the Ike Skelton National Defense Authorization Act for
16 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4394),
17 is further amended by striking “fiscal year 2011” each
18 place it appears and inserting “fiscal year 2012”.

19 (b) AMOUNT OF FUNDS AVAILABLE.—Subsection (d)
20 of such section is amended by striking “\$400,000,000”
21 and inserting “\$450,000,000”.

22 (c) ADDITIONAL LIMITATION ON AVAILABILITY OF
23 FUNDS.—Of the funds available for logistical support
24 under such section during fiscal year 2012, not more than
25 \$200,000,000 may be obligated and expended until the

1 Secretary of Defense submits the report required by sec-
2 tion 1234 of the Ike Skelton National Defense Authoriza-
3 tion Act for Fiscal Year 2011 (124 Stat. 4397).

4 **SEC. 1222. ONE-YEAR EXTENSION OF AUTHORITY TO**
5 **TRANSFER DEFENSE ARTICLES AND PRO-**
6 **VIDE DEFENSE SERVICES TO THE MILITARY**
7 **AND SECURITY FORCES OF IRAQ AND AF-**
8 **GHANISTAN.**

9 (a) EXTENSION OF AUTHORITY.—Subsection (h) of
10 section 1234 of the National Defense Authorization Act
11 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
12 2532), as amended by section 1214 of the Ike Skelton Na-
13 tional Defense Authorization Act for Fiscal Year 2011
14 (Public Law 111–383; 124 Stat. 4391), is further amend-
15 ed by striking “December 31, 2011” and inserting “De-
16 cember 31, 2012”.

17 (b) QUARTERLY REPORTS.—Subsection (f)(1) of
18 such section, as so amended, is further amended by strik-
19 ing “and every 90 days thereafter through March 31,
20 2012” and inserting “every 90 days thereafter through
21 March 31, 2012, and at the end of each calendar quarter,
22 if any, thereafter through March 31, 2013, in which the
23 authority in subsection (a) is implemented”.

1 **SEC. 1223. ONE-YEAR EXTENSION OF AUTHORITIES APPLI-**
2 **CABLE TO THE PAKISTAN COUNTERINSUR-**
3 **GENCY FUND.**

4 (a) ONE-YEAR EXTENSION.—Subsection (h) of sec-
5 tion 1224 of the National Defense Authorization Act for
6 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521),
7 as amended by section 1220(a) of the Ike Skelton Na-
8 tional Defense Authorization Act for Fiscal Year 2011
9 (Public Law 111–383; 124 Stat. 4395), is further amend-
10 ed by striking “September 30, 2011” both places it ap-
11 pears and inserting “September 30, 2012”.

12 (b) CLARIFICATION OF SOURCE OF FUNDS FOR
13 FUND.—Subsection (a)(1)(A) of such section is amended
14 by striking “for fiscal year 2009”.

15 **SEC. 1224. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
16 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
17 **AFGHANISTAN.**

18 Section 1216 of the Ike Skelton National Defense
19 Authorization Act for Fiscal Year 2011 (Public Law 111–
20 383; 124 Stat. 4392) is amended—

21 (1) in subsection (a), by striking “fiscal year
22 2011” and inserting “in each of fiscal years 2011
23 and 2012”; and

24 (2) in subsection (e), by striking “December 31,
25 2011” and inserting “December 31, 2012”.

1 **SEC. 1225. MODIFICATION OF AUTHORITY ON PROGRAM TO**
2 **DEVELOP AND CARRY OUT INFRASTRUCTURE**
3 **PROJECTS IN AFGHANISTAN.**

4 (a) FUNDING.—Subsection (f) of section 1217 of the
5 Ike Skelton National Defense Authorization Act for Fiscal
6 Year 2011 (Public Law 111–383; 124 Stat. 4393; 22
7 U.S.C. 7513 note) is amended—

8 (1) in paragraph (1), by inserting “or 2012”
9 after “fiscal year 2011”; and

10 (2) in paragraph (2), by striking “until Sep-
11 tember 30, 2012.” and inserting “as follows:

12 “(A) In the case of funds for fiscal year
13 2011, until September 30, 2012.

14 “(B) In the case of funds for fiscal year
15 2012, until September 30, 2013.”.

16 (b) NOTICE TO CONGRESS.—Subsection (g) of such
17 section is amended by striking “30 days” and inserting
18 “15 days”.

19 **SEC. 1226. ONE-YEAR EXTENSION OF AUTHORITY FOR RE-**
20 **IMBURSEMENT OF CERTAIN COALITION NA-**
21 **TIONS FOR SUPPORT PROVIDED TO UNITED**
22 **STATES MILITARY OPERATIONS.**

23 (a) EXTENSION.—Subsection (a) of section 1233 of
24 the National Defense Authorization Act for Fiscal Year
25 2008 (Public Law 110–181; 122 Stat. 393), as amended
26 by section 1223 of the National Defense Authorization Act

1 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
2 2519) and section 1213 of the Ike Skelton National De-
3 fense Authorization Act for Fiscal Year 2011 (Public Law
4 111–383; 12 Stat. 4391), is further amended by striking
5 “by section 1510 of the Ike Skelton National Defense Au-
6 thorization Act for Fiscal Year 2011” and inserting “for
7 fiscal year 2012 for overseas contingency operations”.

8 (b) LIMITATION ON AMOUNT AVAILABLE.—Sub-
9 section (d)(1) of such section, as so amended, is further
10 amended—

11 (1) by striking “fiscal year 2010 or 2011” and
12 inserting “fiscal year 2012”; and

13 (2) by striking “\$1,600,000,000” and inserting
14 “\$1,750,000,000”.

15 (c) TECHNICAL AMENDMENT.—Subsection (c)(2) of
16 such section, as so amended, is further amended by insert-
17 ing a comma after “Budget”.

18 (d) EXTENSION OF NOTICE REQUIREMENT RELAT-
19 ING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT
20 PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the Na-
21 tional Defense Authorization Act for Fiscal Year 2008
22 (122 Stat. 393), as most recently amended by section
23 1213(d) of the Ike Skelton National Defense Authoriza-
24 tion Act for Fiscal Year 2011, is further amended by

1 striking “September 30, 2012” and inserting “September
2 30, 2013”.

3 **SEC. 1227. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON**
4 **AFGHANISTAN.**

5 (a) REPORT ON PROGRESS TOWARD SECURITY AND
6 STABILITY IN AFGHANISTAN.—Section 1230(a) of the
7 National Defense Authorization Act for Fiscal Year 2008
8 (Public Law 110–181; 122 Stat. 385), as most recently
9 amended by section 1231 of the Ike Skelton National De-
10 fense Authorization Act for Fiscal Year 2011 (Public Law
11 111–383; 124 Stat. 4395), is further amended by striking
12 “2012” and inserting “2014”.

13 (b) REPORT ON UNITED STATES PLAN FOR SUS-
14 TAINING AFGHANISTAN NATIONAL SECURITY FORCES.—
15 Section 1231(a) of the National Defense Authorization
16 Act for Fiscal Year 2008 (122 Stat. 390), as amended
17 by section 1232 of the Ike Skelton National Defense Au-
18 thorization Act for Fiscal Year 2011 (124 Stat. 4395),
19 is further amended by striking “2012” and inserting
20 “2014”.

1 **SEC. 1228. AUTHORITY TO SUPPORT OPERATIONS AND AC-**
2 **TIVITIES OF THE OFFICE OF SECURITY CO-**
3 **OPERATION IN IRAQ.**

4 (a) **AUTHORITY.**—The Secretary of Defense may sup-
5 port United States Government transition activities in
6 Iraq by providing funds for the following:

7 (1) Operations and activities of the Office of
8 Security Cooperation in Iraq.

9 (2) Operations and activities of security assist-
10 ance teams in Iraq.

11 (b) **TYPES OF SUPPORT.**—The operations and activi-
12 ties for which the Secretary may provide funds under the
13 authority in subsection (a) may include life support, trans-
14 portation and personal security, and minor construction
15 and renovation of facilities.

16 (c) **LIMITATION ON AMOUNT.**—The total amount of
17 funds provided under the authority in subsection (a) in
18 fiscal year 2012 may not exceed \$524,000,000.

19 (d) **SOURCE OF FUNDS.**—Funds for purposes of sub-
20 section (a) for fiscal year 2012 shall be derived from
21 amounts available for that fiscal year for operation and
22 maintenance for the Air Force.

23 (e) **COVERAGE OF COSTS OF OSCI IN CONNECTION**
24 **WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERV-**
25 **ICES TO IRAQ.**—The President shall ensure that any letter
26 of offer for the sale to Iraq of any defense articles or de-

1 fense services issued after the date of the enactment of
2 this Act includes, consistent with the provisions of the
3 Arms Export Control Act (22 U.S.C. 2751 et seq.),
4 charges for administrative services sufficient to recover
5 the pro rata costs of operations and activities of the Office
6 of Security Cooperation in Iraq and associated security as-
7 sistance teams in Iraq in connection with such sale.

8 **SEC. 1229. BENCHMARKS TO EVALUATE THE PROGRESS**
9 **BEING MADE TOWARD THE TRANSITION OF**
10 **SECURITY RESPONSIBILITIES FOR AFGHANI-**
11 **STAN TO THE GOVERNMENT OF AFGHANI-**
12 **STAN.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) October 7, 2011, will mark the 10-year an-
16 niversary of the start of Operation Enduring Free-
17 dom in Afghanistan.

18 (2) Military operations in Afghanistan have cost
19 United States taxpayers more than
20 \$300,000,000,000 to date.

21 (3) As of June 6, 2011, 1,599 members of the
22 United States Armed Forces have lost their lives in
23 support of Operation Enduring Freedom in Afghani-
24 stan and more than 11,000 have been wounded.

1 (4) On December 1, 2009, at a speech at the
2 United States Military Academy at West Point, New
3 York, President Barack Obama stated that the
4 United States would begin the transfer of United
5 States Armed Forces out of Afghanistan in July
6 2011 with the pace of reductions to be based upon
7 conditions on the ground.

8 (5) In the December 2010 Afghanistan-Paki-
9 stan Annual Review, President Obama reaffirmed
10 that the core goal of the United States strategy in
11 Afghanistan is to disrupt, dismantle, and defeat al
12 Qaeda.

13 (6) In January 2010, participants at the Lon-
14 don Conference pledged to develop a plan for phased
15 transition to Afghan security lead. The North Atlan-
16 tic Treaty Organization (NATO) and foreign min-
17 isters of the constituent elements of the Inter-
18 national Security Assistance Force (ISAF) endorsed
19 the Joint Framework for Transition in April 2010,
20 and President Obama and President Karzai of Af-
21 ghanistan committed to the process in a May 2010
22 joint statement.

23 (7) At the Kabul Conference in July 2010, the
24 international community expressed its support for
25 the objective of President Karzai that the Afghani-

1 stan National Security Forces (ANSF) should lead
2 and conduct all military operations in all provinces
3 in Afghanistan by the end of 2014, support that was
4 later re-affirmed by North Atlantic Treaty Organiza-
5 tion and International Security Assistance Force
6 member nations at the Lisbon Summit in November
7 2010.

8 (8) On May 1, 2011, in support of the goal to
9 disrupt, dismantle, and defeat al Qaeda, President
10 Obama authorized a United States operation that
11 killed Osama bin Laden, leader of al Qaeda. While
12 the impact of his death on al Qaeda remains to be
13 seen, Secretary of Defense Robert Gates called the
14 death of bin Laden a “game changer” in a speech
15 on May 6, 2011.

16 (b) BENCHMARKS REQUIRED.—The President shall
17 establish, and may update from time to time, a com-
18 prehensive set of benchmarks to evaluate progress being
19 made toward the objective of transitioning and transfer-
20 ring lead security responsibilities in Afghanistan to the
21 Government of Afghanistan by December 31, 2014.

22 (c) SUBMITTAL TO CONGRESS.—The President shall
23 include the most current set of benchmarks established
24 pursuant to subsection (a) with each report on progress
25 toward security and stability in Afghanistan that is sub-

1 mitted to Congress under sections 1230 and 1231 of the
2 National Defense Authorization Act for Fiscal Year 2008
3 (Public Law 110–181; 122 Stat. 385, 390).

4 **Subtitle C—Reports and Other** 5 **Matters**

6 **SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION** 7 **IN OPERATIONALIZING THE AFRICAN STAND-** 8 **BY FORCE.**

9 (a) **REPORT REQUIRED.**—Not later than 180 days
10 after the date of the enactment of this Act, the Under
11 Secretary of Defense for Policy shall submit to the Com-
12 mittees on Armed Services of the Senate and the House
13 of Representatives a report on the progress of the African
14 Union in operationalizing the African Standby Force.

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

17 (1) An assessment of the existing personnel
18 strengths and capabilities of each of the five regional
19 brigades of the African Standby Force and their bri-
20 gade-level headquarters.

21 (2) An assessment of the specific capacity-
22 building needs of the African Standby Force, includ-
23 ing with respect to supply management, information
24 management, strategic planning, and other critical
25 components.

1 (3) A description of the functionality of the
2 supply depots of each brigade referred to in para-
3 graph (1), and current information on existing
4 stocks of each such brigade.

5 (4) An assessment of the capacity of the Afri-
6 can Union to manage the African Standby Force.

7 (5) An assessment of inter-organizational co-
8 ordination on assistance to the African Union and
9 the African Standby Force between multilateral do-
10 nors, including the United Nations, the European
11 Union, and the North Atlantic Treaty Organization.

12 (6) An assessment of the capacity of the Afri-
13 can Union to absorb additional international assist-
14 ance toward the development of a fully functional
15 African Standby Force.

16 **SEC. 1242. COMPTROLLER GENERAL OF THE UNITED**
17 **STATES REPORT ON THE NATIONAL GUARD**
18 **STATE PARTNERSHIP PROGRAM.**

19 (a) REPORT REQUIRED.—Not later than March 31,
20 2012, the Comptroller General of the United States shall
21 submit to the Committee on Armed Services of the Senate
22 and the Committee on Armed Services of the House of
23 Representatives a report on the National Guard State
24 Partnership Program.

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

3 (1) A summary of the sources of funds for the
4 State Partnership Program over the last five years.

5 (2) An analysis of the types and frequency of
6 activities performed by participants in the State
7 Partnership Program.

8 (3) A description of the objectives of the State
9 Partnership Program and the manner in which ob-
10 jectives under the program are established and co-
11 ordinated with the Office of the Secretary of De-
12 fense, the geographic combatant commands, United
13 States Country Teams, and other departments and
14 agencies of the United States Government.

15 (4) A description of the manner in which the
16 Department of Defense selects and designates par-
17 ticular State and foreign country partnerships under
18 the State Partnership Program.

19 (5) A description of the manner in which the
20 Department measures the effectiveness of the activi-
21 ties under the State Partnership Program in meet-
22 ing the objectives of the program.

23 (6) An assessment by the Comptroller General
24 of the United States of the effectiveness of the ac-

1 activities under the State Partnership Program in
2 meeting the objectives of the program.

3 **TITLE XIII—COOPERATIVE**
4 **THREAT REDUCTION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
8 Duction Programs.—For purposes of section 301 and
9 other provisions of this Act, Cooperative Threat Reduction
10 programs are the programs specified in section 1501 of
11 the National Defense Authorization Act for Fiscal Year
12 1997 (50 U.S.C. 2632 note).

13 (b) FISCAL YEAR 2012 COOPERATIVE THREAT RE-
14 Duction Funds Defined.—As used in this title, the
15 term “fiscal year 2012 Cooperative Threat Reduction
16 funds” means the funds appropriated pursuant to the au-
17 thorization of appropriations in section 301 and made
18 available by the funding table in section 4301 for Coopera-
19 tive Threat Reduction programs.

20 (c) AVAILABILITY OF FUNDS.—Funds appropriated
21 pursuant to the authorization of appropriations in section
22 301 and made available by the funding table in section
23 4301 for Cooperative Threat Reduction programs shall be
24 available for obligation for fiscal years 2012, 2013, and
25 2014.

1 **SEC. 1302. FUNDING ALLOCATIONS.**

2 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
3 \$508,219,000 authorized to be appropriated to the De-
4 partment of Defense for fiscal year 2012 in section 301
5 and made available by the funding table in section 4301
6 for Cooperative Threat Reduction programs, the following
7 amounts may be obligated for the purposes specified:

8 (1) For strategic offensive arms elimination,
9 \$63,221,000.

10 (2) For chemical weapons destruction,
11 \$9,804,000.

12 (3) For global nuclear security, \$121,143,000.

13 (4) For cooperative biological engagement,
14 \$259,470,000.

15 (5) For proliferation prevention, \$28,080,000.

16 (6) For threat reduction engagement,
17 \$2,500,000.

18 (7) For other assessments/administrative sup-
19 port, \$24,001,000.

20 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
21 FUNDS FOR OTHER PURPOSES.—No fiscal year 2012 Co-
22 operative Threat Reduction funds may be obligated or ex-
23 pended for a purpose other than a purpose listed in para-
24 graphs (1) through (7) of subsection (a) until 15 days
25 after the date that the Secretary of Defense submits to
26 Congress a report on the purpose for which the funds will

1 be obligated or expended and the amount of funds to be
2 obligated or expended. Nothing in the preceding sentence
3 shall be construed as authorizing the obligation or expend-
4 iture of fiscal year 2012 Cooperative Threat Reduction
5 funds for a purpose for which the obligation or expendi-
6 ture of such funds is specifically prohibited under this title
7 or any other provision of law.

8 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
9 AMOUNTS.—

10 (1) IN GENERAL.—Subject to paragraph (2), in
11 any case in which the Secretary of Defense deter-
12 mines that it is necessary to do so in the national
13 interest, the Secretary may obligate amounts appro-
14 priated for fiscal year 2012 for a purpose listed in
15 paragraphs (1) through (7) of subsection (a) in ex-
16 cess of the specific amount authorized for that pur-
17 pose.

18 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
19 tion of funds for a purpose stated in paragraphs (1)
20 through (7) of subsection (a) in excess of the specific
21 amount authorized for such purpose may be made
22 using the authority provided in paragraph (1) only
23 after—

24 (A) the Secretary submits to Congress no-
25 tification of the intent to do so together with a

1 complete discussion of the justification for
2 doing so; and

3 (B) 15 days have elapsed following the
4 date of the notification.

5 **SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISH-**
6 **MENT OF CENTERS OF EXCELLENCE IN**
7 **COUNTRIES OUTSIDE OF THE FORMER SO-**
8 **VIET UNION.**

9 Not more than \$500,000 of the fiscal year 2012 Co-
10 operative Threat Reduction funds may be obligated or ex-
11 pended to establish a center of excellence in a country that
12 is not a state of the former Soviet Union until the date
13 that is 15 days after the date on which the Secretary of
14 Defense submits to the congressional defense committees
15 a report that includes the following:

16 (1) An identification of the country in which
17 the center will be located.

18 (2) A description of the purpose for which the
19 center will be established.

20 (3) The agreement under which the center will
21 operate.

22 (4) A funding plan for the center, including—

23 (A) the amount of funds to be provided by
24 the government of the country in which the cen-
25 ter will be located; and

1 (B) the percentage of the total cost of es-
2 tablishing and operating the center the funds
3 described in subparagraph (A) will cover.

4 **TITLE XIV—OTHER**
5 **AUTHORIZATIONS**
6 **Subtitle A—Military Programs**

7 **SEC. 1401. WORKING CAPITAL FUNDS.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2012 for the use of the Armed Forces and other
10 activities and agencies of the Department of Defense for
11 providing capital for working capital and revolving funds,
12 as specified in the funding table in section 4401.

13 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2012 for the National Defense Sealift Fund,
16 as specified in the funding table in section 4401.

17 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

18 Funds are hereby authorized to be appropriated for
19 the Department of Defense for fiscal year 2012 for ex-
20 penses, not otherwise provided for, for the Defense Health
21 Program, as specified in the funding table in section 4401.

22 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
23 **TION, DEFENSE.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
25 are hereby authorized to be appropriated for the Depart-

1 ment of Defense for fiscal year 2012 for expenses, not oth-
2 erwise provided for, for Chemical Agents and Munitions
3 Destruction, Defense, as specified in the funding table in
4 section 4401.

5 (b) USE.—Amounts authorized to be appropriated
6 under subsection (a) are authorized for—

7 (1) the destruction of lethal chemical agents
8 and munitions in accordance with section 1412 of
9 the Department of Defense Authorization Act, 1986
10 (50 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. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
15 **TIVITIES, DEFENSE-WIDE.**

16 Funds are hereby authorized to be appropriated for
17 the Department of Defense for fiscal year 2012 for ex-
18 penses, not otherwise provided for, for Drug Interdiction
19 and Counter-Drug Activities, Defense-wide, as specified in
20 the funding table in section 4401.

21 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2012 for ex-
24 penses, not otherwise provided for, for the Office of the

1 Inspector General of the Department of Defense, as speci-
2 fied in the funding table in section 4401.

3 **Subtitle B—National Defense**
4 **Stockpile**

5 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
6 **STOCKPILE FUNDS.**

7 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
8 cal year 2012, the National Defense Stockpile Manager
9 may obligate up to \$50,107,320 of the funds in the Na-
10 tional Defense Stockpile Transaction Fund established
11 under subsection (a) of section 9 of the Strategic and Crit-
12 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
13 authorized uses of such funds under subsection (b)(2) of
14 such section, including the disposal of hazardous materials
15 that are environmentally sensitive.

16 (b) ADDITIONAL OBLIGATIONS.—The National De-
17 fense Stockpile Manager may obligate amounts in excess
18 of the amount specified in subsection (a) if the National
19 Defense Stockpile Manager notifies Congress that extraor-
20 dinary or emergency conditions necessitate the additional
21 obligations. The National Defense Stockpile Manager may
22 make the additional obligations described in the notifica-
23 tion after the end of the 45-day period beginning on the
24 date on which Congress receives the notification.

1 (c) LIMITATIONS.—The authorities provided by this
 2 section shall be subject to such limitations as may be pro-
 3 vided in appropriations Acts.

4 **SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES**
 5 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
 6 **FROM THE NATIONAL DEFENSE STOCKPILE.**

7 Section 3402(b) of the National Defense Authoriza-
 8 tion Act for Fiscal Year 2000 (Public Law 106–65; 50
 9 U.S.C. 98d note), as most recently amended by section
 10 1412 of the Ike Skelton National Defense Authorization
 11 Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.
 12 4412), is further amended by striking “\$730,000,000 by
 13 the end of fiscal year 2013” in paragraph (5) and insert-
 14 ing “\$830,000,000 by the end of fiscal year 2016”.

15 **Subtitle C—Armed Forces**
 16 **Retirement Home**

17 **PART I—AUTHORIZATION OF APPROPRIATIONS**

18 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS.**

19 There is hereby authorized to be appropriated for fis-
 20 cal year 2012 from the Armed Forces Retirement Home
 21 Trust Fund the sum of \$67,700,000 for the operation of
 22 the Armed Forces Retirement Home.

1 **PART II—ARMED FORCES RETIREMENT HOME**

2 **AUTHORITIES**

3 **SEC. 1422. AMENDMENT OF ARMED FORCES RETIREMENT**

4 **HOME ACT OF 1991.**

5 Except as otherwise expressly provided, whenever in
6 this part an amendment or repeal is expressed in terms
7 of an amendment to, or a repeal of, a section or other
8 provision, the reference shall be considered to be made to
9 a section or other provision of the Armed Forces Retire-
10 ment Home Act of 1991 (title XV of Public Law 101-
11 510; 24 U.S.C. 401 et seq.).

12 **SEC. 1423. ANNUAL VALIDATION OF MULTIYEAR ACCREDI-**

13 **TATION.**

14 (a) IN GENERAL.—Section 1511(g) (24 U.S.C.
15 411(g)) is amended—

16 (1) by inserting “(1)” before “The Chief Oper-
17 ating Officer shall”; and

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

20 “(2)(A) If the Chief Operating Officer secures ac-
21 creditation for a facility of the Retirement Home (or for
22 any aspect of a facility of the Retirement Home) that is
23 effective for a period of more than one year, for each year
24 after the first year for which such accreditation is in ef-
25 fect, the Chief Operating Officer shall seek to obtain, from
26 the organization that awarded the accreditation, a valida-

1 tion of the accreditation. The requirement in the preceding
2 sentence shall not apply with respect to a facility of the
3 Retirement Home for any year for which the Inspector
4 General of the Department of Defense conducts an inspec-
5 tion of that facility under section 1518(b).

6 “(B) In carrying out subparagraph (A) with respect
7 to validation of an accreditation, the Chief Operating Offi-
8 cer may substitute another nationally recognized civilian
9 accrediting organization if the organization that awarded
10 the accreditation is not available.”.

11 (b) CONFORMING AMENDMENT.—The heading of
12 such section is amended by inserting “AND ANNUAL VALI-
13 DATION” after “ACCREDITATION”.

14 **SEC. 1424. CLARIFICATION OF DUTIES OF SENIOR MEDICAL**
15 **ADVISOR.**

16 Section 1513A(c) (24 U.S.C. 413a(c)) is amended—

17 (1) in paragraph (3)—

18 (A) by striking “and inspect” after “Peri-
19 odically visit”; and

20 (B) by inserting before the period the fol-
21 lowing: “and review medical reports, inspec-
22 tions, and records audits to make sure appro-
23 priate follow-up has been made”; and

24 (2) by striking paragraphs (4) and (5).

1 **SEC. 1425. REPLACEMENT OF LOCAL BOARDS OF TRUSTEES**
2 **FOR EACH FACILITY WITH SINGLE ADVISORY**
3 **COUNCIL.**

4 (a) ESTABLISHMENT OF AFRH ADVISORY COUN-
5 CIL.—Section 1516 (24 U.S.C. 416) is amended to read
6 as follows:

7 **“SEC. 1516. ADVISORY COUNCIL.**

8 “(a) ESTABLISHMENT.—The Retirement Home shall
9 have an Advisory Council, to be known as the ‘Armed
10 Forces Retirement Home Advisory Council’. The Advisory
11 Council shall serve the interests of both facilities of the
12 Retirement Home.

13 “(b) COMPOSITION; TERMS OF SERVICE.—(1) The
14 Advisory Council shall consist of at least 11 members,
15 each of whom shall be a full or part-time Federal employee
16 and at least one of whom shall be from the Department
17 of Veterans Affairs. Members of the Advisory Council shall
18 be designated by the Secretary of Defense, except that a
19 member who is an employee of a department or agency
20 outside of the Department of Defense shall be designated
21 by the head of such department or agency in consultation
22 with the Secretary of Defense.

23 “(2)(A) Except as provided in subparagraphs (B)
24 and (C), the term of service of a member of the Advisory
25 Council shall be two years. A member may be designated
26 to serve one additional term.

1 “(B) Unless earlier terminated by the Secretary of
2 Defense, a person may continue to serve as a member of
3 the Advisory Council after the expiration of the member’s
4 term until a successor is designated.

5 “(C) The Secretary of Defense may terminate the ap-
6 pointment of a member of the Advisory Council before the
7 expiration of the member’s term for any reason that the
8 Secretary determines appropriate.

9 “(3) The Secretary of Defense shall designate one
10 member of the Advisory Council to serve as the chair of
11 the Advisory Council.

12 “(c) DUTIES.—(1) The Advisory Council shall pro-
13 vide to the Chief Operating Officer and the Administrator
14 of each facility such observations, advice, and rec-
15 ommendations regarding the Retirement Home as the Ad-
16 visory Council considers appropriate.

17 “(2) Not less often than annually, the Advisory Coun-
18 cil shall submit to the Secretary of Defense a report sum-
19 marizing its activities during the preceding year and pro-
20 viding such observations and recommendations with re-
21 spect to the Retirement Home as the Advisory Council
22 considers appropriate.

23 “(3) In carrying out its duties, the Advisory Council
24 shall provide for participation in its activities by a rep-

1 representative of the resident advisory committee of each fa-
2 cility of the Retirement Home.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) DEFINITION.—Paragraph (2) of section
5 1502 (24 U.S.C. 401) is amended to read as follows:

6 “(2) The term ‘Advisory Council’ means the
7 Armed Forces Retirement Home Advisory Council
8 established by section 1516.”.

9 (2) RESPONSIBILITIES AND DUTIES OF SENIOR
10 MEDICAL ADVISOR.—Section 1513A(b) (24 U.S.C.
11 413a(b)) is amended—

12 (A) in paragraph (1), by striking “and the
13 Chief Operating Officer” and inserting “, the
14 Chief Operating Officer, and the Advisory
15 Council”; and

16 (B) in paragraph (2), by striking “to the
17 Local Board” and all that follows and inserting
18 “to the Advisory Council regarding all medical
19 and medical administrative matters of each fa-
20 cility of the Retirement Home.”.

21 (3) RESPONSIBILITIES OF CHIEF OPERATING
22 OFFICER.—Section 1515(e)(2) (24 U.S.C. 415(e)(2))
23 is amended by striking “, including the Local
24 Boards of those facilities”.

1 (B) by striking “Director and Deputy Di-
2 rector” and inserting “Administrator”; and

3 (C) by striking “Director may” and insert-
4 ing “Administrator may”;

5 (6) in subsection (f), as so redesignated, by
6 striking “Director” each place it appears and insert-
7 ing “Administrator”; and

8 (7) in subsection (g), as so redesignated—

9 (A) in paragraph (1), by striking “Direc-
10 tors” and inserting “Administrators”; and

11 (B) in paragraph (2), by striking “a Direc-
12 tor” and inserting “an Administrator”.

13 (b) CLERICAL AMENDMENTS.—Such section is fur-
14 ther amended—

15 (1) in the headings of subsections (b) and (c),
16 by striking “DIRECTOR” and inserting “ADMINIS-
17 TRATOR”;

18 (2) in the headings of subsection (d) and (e), as
19 redesignated by subsection (a)(3), by striking “AS-
20 SOCIATE DIRECTOR” and inserting “OMBUDSMAN”;
21 and

22 (3) in the heading of subsection (g), as so re-
23 designated, by striking “DIRECTORS” and inserting
24 “ADMINISTRATORS”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) The following provisions are amended by
2 striking “Director” each place it appears and insert-
3 ing “Administrator”: sections 1511(d)(2), 1512(e),
4 1514(a), 1518(b)(4), 1518(e), 1518(d)(2), 1520,
5 1522, and 1523(b) (24 U.S.C. 411(d)(2), 412(c),
6 414(a), 418(c), 418(d)(2), 420, 422, 423(b)).

7 (2) Sections 1514(b) and 1520(c) (24 U.S.C.
8 414(b), 420(c)) are amended by striking “Directors”
9 and inserting “Administrators”.

10 **SEC. 1427. INSPECTION REQUIREMENTS.**

11 Section 1518 (24 U.S.C. 418) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) by striking “In any year in which
15 a facility of the Retirement Home is not
16 inspected by a nationally recognized civil-
17 ian accrediting organization,” and insert-
18 ing “Not less often than every three
19 years,”;

20 (ii) by striking “of that facility” and
21 inserting “of each facility of the Retire-
22 ment Home”;

23 (iii) by inserting “long-term care,”
24 after “assisted living,”; and

25 (iv) by striking “or council”; and

1 (B) in paragraph (3), by striking “or coun-
2 cil”;

3 (2) in subsection (c)—

4 (A) by striking paragraph (2);

5 (B) by designating the second sentence as
6 a new paragraph (2) and indenting such para-
7 graph, as so designated, two ems from the left
8 margin; and

9 (C) in such paragraph (2), as so des-
10 ignated—

11 (i) by striking “45 days” and insert-
12 ing “90 days”; and

13 (ii) by adding at the end the following
14 new sentence: “The report shall include the
15 plan of the Chief Operating Officer to ad-
16 dress the recommendations and other mat-
17 ters set forth in the report.”; and

18 (3) in subsection (e)(1)—

19 (A) by striking “45 days” and inserting
20 “60 days”;

21 (B) by striking “Director of the facility
22 concerned” and inserting “Chief Operating Of-
23 ficer”; and

24 (C) by striking “, the Chief Operating Of-
25 ficer,” after “Secretary of Defense”.

1 **SEC. 1428. REPEAL OF OBSOLETE PROVISIONS.**

2 Part B, relating to transitional provisions for the
3 Armed Forces Retirement Home Board and the Directors
4 and Deputy Directors of the facilities of the Armed Forces
5 Retirement Home, is repealed.

6 **SEC. 1429. TECHNICAL, CONFORMING, AND CLERICAL**
7 **AMENDMENTS.**

8 (a) CORRECTION OF OBSOLETE REFERENCES TO RE-
9 TIREMENT HOME BOARD.—

10 (1) ARMED FORCES RETIREMENT HOME ACT.—
11 Section 1519(a)(2) (24 U.S.C. 419(a)(2)) is amend-
12 ed by striking “Retirement Home Board” and in-
13 serting “Chief Operating Officer”.

14 (2) TITLE 10, USC.—Section 2772(b) of title
15 10, United States Code, is amended by striking
16 “Armed Forces Retirement Home Board” and in-
17 serting “Chief Operating Officer of the Armed
18 Forces Retirement Home”.

19 (b) SECTION HEADINGS.—

20 (1) SECTION 1501.—The heading of section
21 1501 is amended to read as follows:

22 **“SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.”.**

23 (2) SECTION 1513.—The heading of section
24 1513 is amended to read as follows:

1 **“SEC. 1513. SERVICES PROVIDED TO RESIDENTS.”.**

2 (3) SECTION 1513A.—The heading of section
3 1513A is amended to read as follows:

4 **“SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO**
5 **RESIDENTS.”.**

6 (4) SECTION 1517.—The heading of section
7 1517 is amended to read as follows:

8 **“SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF**
9 **FACILITIES.”.**

10 (5) SECTION 1518.—The heading of section
11 1518 is amended to read as follows:

12 **“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME**
13 **FACILITIES BY DEPARTMENT OF DEFENSE**
14 **INSPECTOR GENERAL AND OUTSIDE INSPEC-**
15 **TORS.”.**

16 (6) PUNCTUATION.—The headings of sections
17 1512 and 1520 are each amended by adding a pe-
18 riod at the end.

19 (c) PART A HEADER.—The heading for part A is re-
20 pealed.

21 (d) TABLE OF CONTENTS.—The table of contents in
22 section 1501(b) is amended—

23 (1) by striking the item relating to the heading
24 for part A;

1 (2) by striking the items relating to sections
2 1513 and 1513A and inserting the following new
3 items:

“Sec. 1513. Services provided to residents.

“Sec. 1513A. Oversight of health care provided to residents.”;

4 (3) by striking the items relating to sections
5 1516, 1517, and 1518 and inserting the following
6 new items:

“Sec. 1516. Advisory Council.

“Sec. 1517. Administrators, Ombudsmen, and staff of facilities.

“Sec. 1518. Periodic inspection of Retirement Home facilities by Department
of Defense Inspector General and outside inspectors.”; and

7 (4) by striking the items relating to part B (in-
8 cluding the items relating to sections 1531, 1532,
9 and 1533).

10 **Subtitle D—Other Matters**

11 **SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT** 12 **DEPARTMENT OF DEFENSE—DEPARTMENT OF** 13 **VETERANS AFFAIRS MEDICAL FACILITY DEM-** 14 **ONSTRATION FUND FOR CAPTAIN JAMES A.** 15 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

16 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Funds
17 authorized to be appropriated by section 1403 and avail-
18 able for Defense Health Program for operation and main-
19 tenance as specified in the funding table in section 4401
20 may be transferred by the Secretary of Defense to the
21 Joint Department of Defense—Department of Veterans Af-
22 fairs Medical Facility Demonstration Fund established by

1 subsection (a)(1) of section 1704 of the National Defense
2 Authorization Act for Fiscal Year 2010 (Public Law 111–
3 84; 123 Stat. 2571). For purposes of subsection (a)(2)
4 of such section 1704, any funds so transferred shall be
5 treated as amounts authorized and appropriated for the
6 Department of Defense specifically for such transfer.

7 (b) USE OF TRANSFERRED FUNDS.—For purposes
8 of subsection (b) of such section 1704, facility operations
9 for which funds transferred under subsection (a) may be
10 used are operations of the Captain James A. Lovell Fed-
11 eral Health Care Center, consisting of the North Chicago
12 Veterans Affairs Medical Center, the Navy Ambulatory
13 Care Center, and supporting facilities designated as a
14 combined Federal medical facility under an operational
15 agreement pursuant to section 706 of the Duncan Hunter
16 National Defense Authorization Act for Fiscal Year 2009
17 (Public Law 110–417; 122 Stat. 455).

1 **TITLE XV—AUTHORIZATION OF**
2 **APPROPRIATIONS FOR OVER-**
3 **SEAS CONTINGENCY OPER-**
4 **ATIONS**

5 **Subtitle A—Authorization of**
6 **Appropriations**

7 **SEC. 1501. PURPOSE.**

8 The purpose of this subtitle is to authorize appropria-
9 tions for the Department of Defense for fiscal year 2012
10 to provide additional funds for overseas contingency oper-
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2012 for procurement accounts for the Army,
15 the Navy and the Marine Corps, the Air Force, and De-
16 fense-wide activities, as specified in the funding table in
17 section 4102.

18 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
19 **TION.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2012 for the use of the Department of Defense
22 for research, development, test, and evaluation, as speci-
23 fied in the funding table in section 4202.

1 **SEC. 1504. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2012 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 expenses, not otherwise provided for, for operation and
6 maintenance, as specified in the funding table in section
7 4302.

8 **SEC. 1505. MILITARY PERSONNEL.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2012 for the Department of Defense for mili-
11 tary personnel in the amount of \$11,228,566,000.

12 **SEC. 1506. WORKING CAPITAL FUNDS.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2012 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 4402.

18 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

19 Funds are hereby authorized to be appropriated for
20 the Department of Defense for fiscal year 2012 for ex-
21 penses, not otherwise provided for, for the Defense Health
22 Program, as specified in the funding table in section 4402.

23 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
24 **TIVITIES, DEFENSE-WIDE.**

25 Funds are hereby authorized to be appropriated for
26 the Department of Defense for fiscal year 2012 for ex-

1 penses, not otherwise provided for, for Drug Interdiction
2 and Counter-Drug Activities, Defense-wide, as specified in
3 the funding table in section 4402.

4 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2012 for ex-
7 penses, not otherwise provided for, for the Office of the
8 Inspector General of the Department of Defense, as speci-
9 fied in the funding table in section 4402.

10 **Subtitle B—Financial Matters**

11 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

12 The amounts authorized to be appropriated by this
13 title are in addition to amounts otherwise authorized to
14 be appropriated by this Act.

15 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

16 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

17 (1) **AUTHORITY.—**Upon determination by the
18 Secretary of Defense that such action is necessary in
19 the national interest, the Secretary may transfer
20 amounts of authorizations made available to the De-
21 partment of Defense in this title for fiscal year 2012
22 between any such authorizations for that fiscal year
23 (or any subdivisions thereof). Amounts of authoriza-
24 tions so transferred shall be merged with and be

1 available for the same purposes as the authorization
2 to which transferred.

3 (2) LIMITATION.—The total amount of author-
4 izations that the Secretary may transfer under the
5 authority of this subsection may not exceed
6 \$4,000,000,000.

7 (b) TERMS AND CONDITIONS.—Transfers under this
8 section shall be subject to the same terms and conditions
9 as transfers under section 1001.

10 (c) ADDITIONAL AUTHORITY.—The transfer author-
11 ity provided by this section is in addition to the transfer
12 authority provided under section 1001.

13 **Subtitle C—Other Matters**

14 **SEC. 1531. ONE-YEAR EXTENSION AND MODIFICATION OF** 15 **AUTHORITY FOR TASK FORCE FOR BUSINESS** 16 **AND STABILITY OPERATIONS IN AFGHANI-** 17 **STAN.**

18 (a) ENHANCEMENT OF AUTHORITY.—Subsection (a)
19 of section 1535 of the Ike Skelton National Defense Au-
20 thorization Act for Fiscal Year 2011 (Public Law 111–
21 383; 124 Stat. 4426) is amended—

22 (1) in paragraph (3), by striking “may include
23 projects” and all that follows and inserting “may in-
24 clude projects that facilitate private investment, min-
25 ing sector development, industrial development, and

1 other projects determined by the Secretary of De-
2 fense, with the concurrence of the Secretary of
3 State, as strengthening stability or providing stra-
4 tegic support to the counterinsurgency campaign in
5 Afghanistan.”;

6 (2) in paragraph (4), by striking “The” and in-
7 serting “During each of fiscal years 2011 and 2012,
8 the”;

9 (3) by redesignating paragraphs (5), (6), and
10 (7) as paragraphs (6), (7), and (8), respectively; and

11 (4) by inserting after paragraph (4) the fol-
12 lowing new paragraph (5):

13 “(5) AVAILABILITY OF FUNDS FOR ACTIVITIES
14 ACROSS FISCAL YEARS.—Amounts available to carry
15 out the authority in paragraph (1) shall be available
16 for projects under that authority that begin in a fis-
17 cal year and end in the following fiscal year.”.

18 (b) ONE-YEAR EXTENSION OF AUTHORITY.—Para-
19 graph (8) of such subsection, as redesignated by sub-
20 section (a)(3) of this section, is further amended to read
21 as follows:

22 “(8) EXPIRATION OF AUTHORITY.—A project
23 may not be commenced under the authority in para-
24 graph (1) after September 30, 2012.”.

1 (c) ANNUAL REPORTS.—Paragraph (7) of such sub-
2 section, as so redesignated, is further amended—

3 (1) in the matter preceding subparagraph (A),
4 by striking “, 2011” and inserting “of each year fol-
5 lowing a fiscal year in which the authority in para-
6 graph (1) is exercised”; and

7 (2) in subparagraph (A), by striking “during
8 fiscal year 2011” and inserting “during that fiscal
9 year”.

10 (d) AUTHORITY FOR ADDITIONAL REPRESENTATIVES
11 ON TASK FORCE.—Such section is further amended—

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

14 (2) by inserting after subsection (b) the fol-
15 lowing new subsection (c):

16 “(c) ADDITIONAL MEMBERS.—The members of the
17 Task Force for Business and Stability Operations in Af-
18 ghanistan may include the following:

19 “(1) A representative of the Department of
20 State, designated by the Secretary of State.

21 “(2) A representative of the United States
22 Agency for International Development, designated
23 by the Administrator of the United States Agency
24 for International Development.”.

1 **SEC. 1532. MODIFICATION OF AVAILABILITY OF FUNDS IN**
2 **AFGHANISTAN SECURITY FORCES FUND.**

3 (a) LIMITATIONS.—Funds available to the Depart-
4 ment of Defense for the Afghanistan Security Forces
5 Fund for fiscal year 2012 shall be subject to the condi-
6 tions contained in subsections (b) through (g) of section
7 1513 of the National Defense Authorization Act for Fiscal
8 Year 2008 (Public Law 110–181; 122 Stat. 428), as
9 amended by section 1531(b) of the Ike Skelton National
10 Defense Authorization Act for Fiscal Year 2011 (Public
11 Law 111–383; 124 Stat. 4424).

12 (b) AVAILABILITY FOR LITERACY INSTRUCTION AND
13 TRAINING.—Assistance provided utilizing funds in the Af-
14 ghanistan Security Forces Fund may include literacy in-
15 struction and training to build the logistical, management,
16 and administrative capacity of military and civilian per-
17 sonnel of the Ministry of Defense and Ministry of Interior,
18 including through instruction at training facilities of the
19 North Atlantic Treaty Organization Training Mission in
20 Afghanistan.

21 **SEC. 1533. LIMITATION ON AVAILABILITY OF FUNDS FOR**
22 **TRANS REGIONAL WEB INITIATIVE.**

23 None of the amounts authorized to be appropriated
24 by this Act may be obligated or expended on any program
25 under the Trans Regional Web Initiative of the Depart-
26 ment of Defense, or any similar initiative, until the Sec-

1 retary of Defense certifies, in writing, to the Committees
2 on Armed Services of the Senate and the House of Rep-
3 resentatives that such program—

4 (1) appropriately defines its target audience;

5 (2) is determined to be the most effective meth-
6 od to reach such target audience;

7 (3) is the most cost-effective means of reaching
8 such target audience; and

9 (4) includes measurement mechanisms to en-
10 sure such target audience is being reached.

11 **SEC. 1534. REPORT ON LESSONS LEARNED FROM DEPART-**
12 **MENT OF DEFENSE PARTICIPATION ON**
13 **INTERAGENCY TEAMS FOR COUNTERTER-**
14 **RORISM OPERATIONS IN AFGHANISTAN AND**
15 **IRAQ.**

16 (a) **REPORT REQUIRED.**—Not later than one year
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the congressional defense com-
19 mittees a report on the lessons learned from Department
20 of Defense participation on interagency teams for counter-
21 terrorism operations on Afghanistan and Iraq.

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

24 (1) An assessment of the value of interagency
25 teams in counterterrorism operations.

1 (2) A description of the best practices of such
2 interagency teams.

3 (3) A description of efforts to codify the best
4 practices of interagency teams described under para-
5 graph (2) in military doctrine.

6 (4) An assessment whether the lessons learned
7 through Department of Defense participation on
8 such interagency teams is applicable to other inter-
9 agency teams in which Department personnel par-
10 ticipate.

11 (5) An assessment of the feasibility and advis-
12 ability of adding a skill identifier to track Depart-
13 ment civilian and military personnel who have suc-
14 cessfully supported, participated on, or led an inter-
15 agency team.

16 (6) A description of the additional authorities,
17 if any, needed to permit Department personnel to
18 more effectively support, participate on, or lead an
19 interagency team.

Calendar No. 81

112TH CONGRESS
1ST Session
S. 1254

A BILL

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

JUNE 22, 2011

Read twice and placed on the calendar