

112TH CONGRESS
1ST SESSION

S. 981

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

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2012”.

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

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

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

7 (2) DIVISION B.—Military Construction Author-
 8 izations.

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

Sec. 1. Short title.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Joint Improvised Explosive Device Defeat Fund.

Sec. 106. Defense Production Act purchases.

Subtitle B—Army Programs

Sec. 111. Multi-year procurement authority for airframes for Army UH-60M/
 HH-60M helicopters and Navy MH-60R/MH-60S helicopters.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for mission avionics and common
 cockpits for Navy MH-60R/S helicopters.

Subtitle D—Air Force Programs

Sec. 131. Procurement of Light Attack Armed Reconnaissance aircraft for
 training foreign militaries and foreign security forces.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

Sec. 202. Repeal of requirement for Technology Transition Initiative.

- Sec. 203. Requirement for contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

- Sec. 311. Payment to EPA of stipulated penalties in connection with Jackson Park Housing Complex, Washington.

Subtitle C—Other Matters

- Sec. 321. Authority to establish readiness reserve subaccount in the transportation working-capital fund.
- Sec. 322. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
- Sec. 323. Expansion of use of uniform funding authority to permanent change of station and temporary duty lodging programs operated through nonappropriated fund instrumentalities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2012 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy

- Sec. 501. Modification of eligibility for consideration for promotion for certain Reserve officers of the Army employed as Army Reserve military technicians.
- Sec. 502. Standardization of grade for certain medical and dental branch chief positions.
- Sec. 503. Force management enhancements.

Subtitle B—Reserve Component Management

- Sec. 511. Modification of time in which preseparation counseling must be provided for reserve component members being demobilized.

- Sec. 512. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
- Sec. 513. Expansion of authority to order Selected Reserve and certain Individual Ready Reserve members to active duty other than during war or national emergency.
- Sec. 514. Transformation of the military technician program.

Subtitle C—Education and Training

- Sec. 521. National Defense University outplacement waiver.
- Sec. 522. Revision to definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 523. Authority to enroll certain seriously wounded, ill, or injured former or retired enlisted servicemembers in associate degree programs of the Community College of the Air Force in order to complete degree program.
- Sec. 524. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC.
- Sec. 525. Expansion of authority relating to Phase II of three-phase approach to Joint Professional Military Education.

Subtitle D—Military Justice and Legal Matters

- Sec. 531. Procedures for judicial review of certain military personnel decisions.
- Sec. 532. Authority to compel production of documentary evidence prior to trial in military justice cases.
- Sec. 533. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under Uniform Code of Military Justice.

Subtitle E—Other Matters

- Sec. 541. Revision to membership of Department of Defense Military Family Readiness Council.
- Sec. 542. Inclusion of Northern Mariana Islands as a “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 543. Specification of the period for which a request for an absentee ballot from an overseas voter is valid.
- Sec. 544. Transfer of Troops-to-Teachers program from Department of Education to Department of Defense and enhancements to the program.
- Sec. 545. Military grooming and appearance standards.
- Sec. 546. Repeal of mandatory high-deployment allowance.
- Sec. 547. Three-year extension and revision of authorities relating to transition of military dependent students among local educational agencies.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—General Matters

- Sec. 601. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 602. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to very remote locations outside the continental United States.

- Sec. 603. Travel and transportation allowance for dependent child of member stationed overseas who is attending overseas university, college or similar institution.
- Sec. 604. Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.
- Sec. 605. Revision to certain definitions relating to families of servicemembers for purposes of family and medical leave .

Subtitle B—Consolidation and Reform of Travel and Transportation
Authorities

- Sec. 611. Consolidation and reform of travel and transportation authorities of the uniformed services.
- Sec. 612. Transition provisions.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Reserve component mental health student stipend.
- Sec. 702. Transition enrollment of Uniformed Services Family Health Plan Medicare-eligible retirees to Tricare for Life.

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

- Sec. 801. Revision to law relating to disclosures to litigation support contractors.
- Sec. 802. Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and increase in cost limitation.
- Sec. 803. Increase in dollar thresholds for authorities for acquisition of low-cost interests in land and unspecified minor construction projects for anti-terrorism and force protection purposes.
- Sec. 804. Repeal of provision of law relating to acquisition policy when Department of Defense is obtaining carriage by vessel.
- Sec. 805. Investment threshold increase for contingency operations.
- Sec. 806. Limited additional authority for delegation to make determinations that cooperative research and development projects will improve conventional defense capabilities.
- Sec. 807. Extension to all contractor employees of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under government contracts.
- Sec. 808. Treatment of critical cost growth in major defense acquisition programs when cost growth is primarily due to quantity changes.
- Sec. 809. Extension of availability of funds in the Defense Acquisition Workforce Development Fund.
- Sec. 810. Authority to designate increments or blocks of space vehicles as major subprograms.
- Sec. 811. Special emergency procurement authority.
- Sec. 812. Repeal or revision of certain acquisition-related provisions enacted in fiscal year 2011 National Defense Authorization Act.
- Sec. 813. Access to contractor and subcontractor records for contracts with foreign entities in support of contingency operations in the United States Central Command area of responsibility.
- Sec. 814. Revision to covered programs subject to certification pursuant to sections 2366a and 2366b of title 10, United States Code.

- Sec. 815. Five-year extension of Department of Defense Mentor-Protege Pilot Program.
- Sec. 816. Restriction on contracting and voiding contracts and subcontracts in support of contingency operations in the United States Central Command theater of operations.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Intelligence-Related Matters

- Sec. 901. Appropriations for Defense intelligence elements.
- Sec. 902. Authority to credit military graduates of the National Defense Intelligence College with completion of Joint Professional Military Education Phase I.
- Sec. 903. Broadening of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions.
- Sec. 904. Facilities for intelligence collection or special operations activities abroad.

Subtitle B—Space Activities

- Sec. 911. Revisions to policy on development and procurement of unmanned systems.
- Sec. 912. Commercial space launch cooperation.

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Repeal of requirement for annual joint report from Office of Management and Budget and Congressional Budget Office on scoring of outlays in defense budget function.
- Sec. 1002. Revision to conditions on status of retired aircraft carrier ex-John F. Kennedy.
- Sec. 1003. Authority to provide information for maritime safety of forces and hydrographic support.
- Sec. 1004. Deposit of reimbursed funds under reciprocal fire protection agreements.
- Sec. 1005. Repeal of strategic airlift aircraft inventory requirement.
- Sec. 1006. Change in name of the Industrial College of the Armed Forces to the Dwight D. Eisenhower School for National Security and Resource Strategy at the National Defense University.
- Sec. 1007. Establishment of the Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.
- Sec. 1008. Ratemaking procedures for Civil Reserve Air Fleet contracts.
- Sec. 1009. Two-year extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.
- Sec. 1010. Two-year extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorist activities.
- Sec. 1011. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.
- Sec. 1012. Management of Department of Defense installations.
- Sec. 1013. Authority for use of amounts recovered for damage to Government property.

- Sec. 1014. Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure information.
- Sec. 1015. Exemption from Freedom of Information Act for data files of the Military Flight Operations Quality Assurance systems of the military departments.
- Sec. 1016. One-year extension of authority to provide additional support for counter-drug activities of certain foreign governments.
- Sec. 1017. Extension of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.
- Sec. 1018. Quadrennial long-term plan for the procurement of aircraft for the Navy and the Air Force.
- Sec. 1019. Authorization for Department of Defense to carry out personnel recovery reintegration and post-isolation support activities.
- Sec. 1020. Pilot program to provide incremental support to nongovernmental organizations participating in humanitarian and civic assistance activities in the area of operations of United States Southern Command.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Revisions to beneficiary designation provisions for death gratuity payable upon death of a United States Government employee.
- Sec. 1102. Placement of National Guard non-dual status technicians in the excepted service with all dual status National Guard technicians.
- Sec. 1103. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.
- Sec. 1104. Authority of Service Secretaries to employ up to 10 persons without pay.
- Sec. 1105. Authority for waiver of recovery of certain payments previously made under Civilian Employees Voluntary Separation Incentive Program.
- Sec. 1106. Extension of eligibility to continue Federal employee health benefits for certain former employees of the Department of Defense.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Extension of authority for support of special operations to combat terrorism.
- Sec. 1202. One-year extension of Commanders' Emergency Response Program and extension of due date for quarterly reports to Congress.
- Sec. 1203. Five-year extension of authorization for non-conventional assisted recovery capabilities.
- Sec. 1204. One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1205. Designation of additional "high income" countries prohibited from receiving international military education and training grant assistance under chapter 5 of the Foreign Assistance Act.
- Sec. 1206. Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
- Sec. 1207. Department of Defense participation in programs relating to multilateral exchange of air and surface transportation capacity.

- Sec. 1208. One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
- Sec. 1209. Authorization of appropriations for Afghanistan Security Forces Fund.
- Sec. 1210. Temporary acquisition authority with respect to Northern Distribution Network for shipment of supplies to Afghanistan.
- Sec. 1211. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1212. One-year authority to fund operations and activities of Office of Security Cooperation-Iraq.
- Sec. 1213. Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions.
- Sec. 1214. Establishment of a Global Security Contingency Fund.
- Sec. 1215. Authority for the Ministry of Defense Advisors Program.
- Sec. 1216. Afghanistan Infrastructure Fund.
- Sec. 1217. One-year extension of authority for Task Force for Business and Stability Operations in Afghanistan.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

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

Subtitle B—Armed Forces Retirement Home

- Sec. 1311. Authorization of appropriations for armed forces retirement home.

TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR 2012

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

TITLE XV—ARMED FORCES RETIREMENT HOME

- Sec. 1501. Amendment of Armed Forces Retirement Home Act of 1991.
 Sec. 1502. Annual validation of multiyear accreditation.
 Sec. 1503. Clarification of responsibilities and duties of Senior Medical Advisor
 .
 Sec. 1504. Replacement of local boards of trustees for each facility with single
 Advisory Council.
 Sec. 1505. Administrators, ombudsmen, and staff of facilities.
 Sec. 1506. Revision to inspection requirements.
 Sec. 1507. Repeal of obsolete provisions.
 Sec. 1508. Technical, conforming, and clerical amendments.

TITLE XVI—REDUCTION IN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS

Subtitle A—Repeal of Existing Report Requirements

- Sec. 1601. Repeal of reporting requirements under title 10, United States
 Code.
 Sec. 1602. Repeal of reporting requirements under annual defense authoriza-
 tion Acts.
 Sec. 1603. Repeal of reporting requirements under other laws.

Subtitle B—Modifications to Existing Report Requirements

- Sec. 1611. Modification to reporting requirements under title 10, United States
 Code.
 Sec. 1612. Modification to reporting requirements under annual defense au-
 thorization Acts .
 Sec. 1613. Modification to reporting requirements under other laws.

Subtitle C—Other Report-related Provisions to Further Efficient Management of the Department of Defense

- Sec. 1621. Biennial authority for Secretary of Defense to terminate Depart-
 ment of Defense reporting requirements determined by the
 Secretary to be unnecessary or incompatible with efficient man-
 agement of the Department of Defense.
 Sec. 1622. Improved management of congressional reporting requirements ap-
 plicable to Department of Defense.

TITLE XVII—REDUCTION IN DEPARTMENT OF ENERGY-RELATED REPORTING REQUIREMENTS

- Sec. 1701. Consolidated reporting requirements relating to nuclear stockpile
 stewardship.
 Sec. 1702. Repeal of requirement for annual report on the security
 vulnerabilities of the computers of certain national laboratories
 of the Department of Energy.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
 Sec. 2002. Expiration of authorizations and amounts required to be specified
 by law.

TITLE XXI—ARMY MILITARY CONSTRUCTION

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

- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2011 projects.
- Sec. 2107. Additional authority to carry out certain fiscal year 2012 project.
- Sec. 2108. Extension of authorizations of certain fiscal year 2008 projects.
- Sec. 2109. Extension of authorizations of certain fiscal year 2009 projects.
- Sec. 2110. Technical amendments to correct certain project specifications.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Extension of authorization of certain fiscal year 2008 project.
- Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authorization to carry out certain fiscal year 2010 project.
- Sec. 2306. Extension of authorization of certain fiscal year 2009 project.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

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

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authorization of certain fiscal year 2008 project.
- Sec. 2608. Extension of authorizations of certain fiscal year 2009 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2704. Authority to extend deadline for completion of limited number of base closure and realignment recommendations.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

- Sec. 2801. Clarification of authority to use the Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at the Pentagon Reservation.
- Sec. 2802. Increase in dollar threshold for certain authorities relating to unspecified minor construction projects.
- Sec. 2803. Enhanced authority for use of operation and maintenance funds for unspecified minor military construction projects in support of Operation Enduring Freedom.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

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

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
 8 fiscal year 2012 for procurement for the Army as follows:

- 9 (1) For aircraft, \$7,061,381,000.
- 10 (2) For missiles, \$1,478,718,000.

1 (3) For weapons and tracked combat vehicles,
2 \$1,933,512,000.

3 (4) For ammunition, \$1,992,625,000.

4 (5) For other procurement, \$9,682,592,000.

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

6 (a) NAVY.—Funds are hereby authorized to be appro-
7 priated for fiscal year 2012 for procurement for the Navy
8 as follows:

9 (1) For aircraft, \$18,587,033,000.

10 (2) For weapons, including missiles and tor-
11 pedoes, \$3,408,478,000.

12 (3) For shipbuilding and conversion,
13 \$14,928,921,000.

14 (4) For other procurement, \$6,285,451,000.

15 (b) MARINE CORPS.—Funds are hereby authorized to
16 be appropriated for fiscal year 2012 for procurement for
17 the Marine Corps in the amount of \$1,391,602,000.

18 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
19 are hereby authorized to be appropriated for fiscal year
20 2012 for procurement of ammunition for the Navy and
21 Marine Corps in the amount of \$719,952,000.

22 **SEC. 103. AIR FORCE.**

23 (a) FISCAL YEAR 2012.—Funds are hereby author-
24 ized to be appropriated for fiscal year 2012 for procure-
25 ment for the Air Force as follows:

1 (1) For aircraft, \$14,082,527,000.

2 (2) For ammunition, \$539,065,000.

3 (3) For missiles, \$6,074,017,000.

4 (4) For other procurement, \$17,602,036,000.

5 (b) ADVANCE APPROPRIATIONS.—In addition to the
6 funds authorized to be appropriated for fiscal year 2012
7 in subsection (a)(3) that are for procurement of Advanced
8 Extremely High Frequency communications satellites and
9 for certain classified programs, funds, in the form of ad-
10 vance appropriations, are hereby authorized to be appro-
11 priated for procurement of missiles for the Air Force in
12 the amount of \$3,212,495,000 for full funding of procure-
13 ment of Advanced Extremely High Frequency communica-
14 tions satellites five and six and for certain classified pro-
15 grams, as follows:

16 (1) For fiscal year 2013, \$803,417,000.

17 (2) For fiscal year 2014, \$699,611,000.

18 (3) For fiscal year 2015, \$634,567,000.

19 (4) For fiscal year 2016, \$358,200,000.

20 (5) For fiscal year 2017, \$716,700,000.

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

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2012 for Defense-wide procurement in the
24 amount of \$5,365,248,000.

1 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
2 **FUND.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2012 for the Joint Improvised Explosive Device
5 Defeat Fund in the amount of \$220,634,000.

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

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2012 for purchases under the Defense Produc-
9 tion Act of 1950 (50 U.S.C. App. 2061 et seq.) in the
10 amount of \$19,964,000.

11 **Subtitle B—Army Programs**

12 **SEC. 111. MULTI-YEAR PROCUREMENT AUTHORITY FOR**
13 **AIRFRAMES FOR ARMY UH-60M/HH-60M HELI-**
14 **COPTERS AND NAVY MH-60R/MH-60S HELI-**
15 **COPTERS.**

16 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.—**
17 Subject to section 2306b of title 10, United States Code,
18 the Secretary of the Army may enter into a multiyear con-
19 tract or contracts, beginning with the fiscal year 2012 pro-
20 gram year, for the procurement of airframes for UH-60M/
21 HH-60M helicopters and, acting as the executive agent
22 for the Department of the Navy, for the procurement of
23 airframes for MH-60R/S helicopters.

24 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
25 **MENTS.—**A contract entered into under subsection (a)
26 shall provide that any obligation of the United States to

1 make a payment under the contract for a fiscal year after
2 fiscal year 2012 is subject to the availability of appropria-
3 tions for that purpose for such later fiscal year.

4 **Subtitle C—Navy Programs**

5 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR** 6 **MISSION AVIONICS AND COMMON COCKPITS** 7 **FOR NAVY MH-60R/S HELICOPTERS.**

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

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

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. PROCUREMENT OF LIGHT ATTACK ARMED RE-**
3 **CONNAISSANCE AIRCRAFT FOR TRAINING**
4 **FOREIGN MILITARIES AND FOREIGN SECU-**
5 **RITY FORCES.**

6 The Secretary of the Air Force may acquire Light
7 Attack Armed Reconnaissance (LAAR) aircraft for Air
8 Force inventory to be used in connection with training for-
9 eign military and other security forces.

10 **TITLE II—RESEARCH, DEVELOP-**
11 **MENT, TEST, AND EVALUA-**
12 **TION**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2012 for the use of the Department of Defense
16 for research, development, test, and evaluation as follows:

17 (1) For the Army, \$9,683,980,000.

18 (2) For the Navy, \$17,956,431,000.

19 (3) For the Air Force, \$27,737,701,000.

20 (4) For Defense-wide activities,
21 \$19,755,678,000.

22 (5) For the Director of Operational Test and
23 Evaluation, \$191,292,000.

1 **SEC. 202. REPEAL OF REQUIREMENT FOR TECHNOLOGY**
2 **TRANSITION INITIATIVE.**

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

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

8 **SEC. 203. REQUIREMENT FOR CONTRACTOR COST-SHARING**
9 **IN PILOT PROGRAM TO INCLUDE TECH-**
10 **NOLOGY PROTECTION FEATURES DURING**
11 **RESEARCH AND DEVELOPMENT OF CERTAIN**
12 **DEFENSE SYSTEMS.**

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

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

18 (2) by inserting after subsection (a) the fol-
19 lowing new subsection (b):

20 “(b) COST-SHARING.—Any contract for the design or
21 development of a system resulting from activities specified
22 under subsection (a) for the purpose of enhancing or ena-
23 bling the exportability of the system either (1) for the de-
24 velopment of program protection strategies for the system,
25 or (2) for the design and incorporation of exportability
26 features into the system shall include a cost-sharing provi-

1 sion that requires the contractor to bear at least one half
2 of the cost of such activities.”.

3 **TITLE III—OPERATION AND**
4 **MAINTENANCE**
5 **Subtitle A—Authorization of**
6 **Appropriations**

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

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 expenses, not otherwise provided for, for operation and
12 maintenance, in amounts as follows:

13 (1) For the Army, \$34,735,216,000.

14 (2) For the Navy, \$39,364,688,000.

15 (3) For the Marine Corps, \$5,960,437,000.

16 (4) For the Air Force, \$36,195,133,000.

17 (5) For Defense-wide activities,
18 \$30,940,409,000.

19 (6) For the Army Reserve, \$3,109,176,000.

20 (7) For the Navy Reserve, \$1,323,134,000.

21 (8) For the Marine Corps Reserve,
22 \$271,443,000.

23 (9) For the Air Force Reserve, \$3,274,359,000.

24 (10) For the Army National Guard,
25 \$7,041,432,000.

1 (11) For the Air National Guard,
2 \$6,136,280,000.

3 (12) For the United States Court of Appeals
4 for the Armed Forces, \$13,861,000.

5 (13) For the Department of Defense Acquisi-
6 tion Workforce Development Fund, \$734,100,000.

7 (14) For Environmental Restoration, Army,
8 \$346,031,000.

9 (15) For Environmental Restoration, Navy,
10 \$308,668,000.

11 (16) For Environmental Restoration, Air Force,
12 \$525,453,000.

13 (17) For Environmental Restoration, Defense-
14 wide, \$10,716,000.

15 (18) For Environmental Restoration, Formerly
16 Used Defense Sites, \$276,495,000.

17 (19) For Overseas Humanitarian, Disaster, and
18 Civic Aid programs, \$107,662,000.

19 (20) For Cooperative Threat Reduction pro-
20 grams, \$508,219,000.

21 (21) For the Overseas Contingency Operations
22 Transfer Fund, \$5,000,000.

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

3 **SEC. 311. PAYMENT TO EPA OF STIPULATED PENALTIES IN**
4 **CONNECTION WITH JACKSON PARK HOUSING**
5 **COMPLEX, WASHINGTON.**

6 (a) **AUTHORITY TO TRANSFER FUNDS.—**

7 (1) **TRANSFER AMOUNT.—**Using funds de-
8 scribed in subsection (b), the Secretary of the Navy
9 may, notwithstanding section 2215 of title 10,
10 United States Code, transfer not more than
11 \$45,000.00 to the Hazardous Substance Superfund
12 Jackson Park Housing Complex, Washington special
13 account.

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

24 (b) **SOURCE OF FUNDS.—**Any payment under sub-
25 section (a) shall be made using funds authorized to be ap-

1 appropriated by section 301(14) for operation and mainte-
2 nance for Environmental Restoration, Navy.

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

7 **Subtitle C—Other Matters**

8 **SEC. 321. AUTHORITY TO ESTABLISH READINESS RESERVE** 9 **SUBACCOUNT IN THE TRANSPORTATION** 10 **WORKING-CAPITAL FUND.**

11 Section 2208(p) of title 10, United States Code, is
12 amended—

13 (1) inserting “(1)” before “The Secretary of
14 Defense”; and

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

17 “(2)(A) The Secretary of Defense may establish with-
18 in the working-capital fund administered by the com-
19 mander of the United States Transportation Command a
20 subaccount to be known as the readiness reserve sub-
21 account. The Secretary may transfer to, and retain in,
22 that subaccount excess funds received during high-tempo
23 operations in order to fund, to the extent possible, mis-
24 sion-critical catastrophic loss replacement or major repair
25 of transportation assets used to produce revenue for the

1 working-capital fund. The maximum amount that may be
2 maintained in the subaccount is \$50,000,000.

3 “(B) The Secretary may use funds in the sub-
4 account—

5 “(i) to repair or replace those assets that
6 the commander of the United States Transpor-
7 tation Command requires to directly fulfill the
8 mission of that command; and

9 “(ii) to purchase improvements to distribu-
10 tion infrastructure, excluding military construc-
11 tion, if economically favorable, in amounts not
12 to exceed \$10,000,000 per unit.

13 “(C) The subaccount shall be managed so that funds
14 in the subaccount are used to supplement, and not replace,
15 obligations of the military departments for provision of
16 transportation assets.

17 “(D) The Secretary shall provide that, in any case
18 in which funds in the subaccount are used to purchase
19 or pay for a replacement or repair for which funds would
20 otherwise be provided from funds available for one of the
21 armed forces, the otherwise applicable funding source shall
22 reimburse the subaccount.

23 “(E) With the exception of distribution infrastruc-
24 ture, the subaccount may be used only for a repair, re-
25 placement, or procurement that is authorized to be carried

1 out by the military department or fund providing the reim-
2 bursement for the repair, replacement, or procurement.

3 “(F) The Secretary may use funds in the subaccount
4 for a repair, replacement, or procurement only when a
5 delay in obtaining funds from the military department or
6 fund that would otherwise provide funds for the repair,
7 replacement, or procurement would impair the ability of
8 the commander of the United States Transportation Com-
9 mand to continue mission-critical responsibilities.

10 “(G) The Secretary may use funds in the subaccount
11 to make a purchase in an amount in excess of \$10,000,000
12 only after the Secretary has submitted to the congres-
13 sional defense committees, not less than 30 days before
14 obligation of funds for the purchase, a written notification
15 of the proposed purchase.”.

16 **SEC. 322. CLARIFICATION OF THE AIRLIFT SERVICE DEFINI-**
17 **TIONS RELATIVE TO THE CIVIL RESERVE**
18 **AIR FLEET.**

19 (a) CLARIFICATION.—Section 41106 of title 49,
20 United States Code, is amended—

21 (1) by striking “transport category aircraft” in
22 subsections (a)(1), (b), and (c) and inserting
23 “CRAF-eligible aircraft”; and

1 (2) in subsection (c), by striking “that has air-
2 craft in the civil reserve air fleet” and inserting “re-
3 ferred to in subsection (a)”.

4 (b) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—Such
5 section is further amended by adding at the end the fol-
6 lowing new subsection:

7 “(e) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—In this
8 section, ‘CRAF-eligible aircraft’ means aircraft of a type
9 the Secretary of Defense has determined to be eligible to
10 participate in the civil reserve air fleet.”.

11 **SEC. 323. EXPANSION OF USE OF UNIFORM FUNDING AU-**
12 **THORITY TO PERMANENT CHANGE OF STA-**
13 **TION AND TEMPORARY DUTY LODGING PRO-**
14 **GRAMS OPERATED THROUGH NON-**
15 **APPROPRIATED FUND INSTRUMENTALITIES.**

16 Section 2491 of title 10, United States Code, is
17 amended—

18 (1) in subsection (a), by inserting “and perma-
19 nent change of station and temporary duty lodging
20 programs” after “morale, welfare, and recreation
21 programs” both places it appears;

22 (2) in subsection (b), by inserting “or a perma-
23 nent change of station and temporary duty lodging
24 program” after “morale, welfare, and recreation pro-
25 gram”; and

1 (3) in subsection (c)(1), by inserting “and per-
2 manent change of station and temporary duty lodg-
3 ing programs” after “morale, welfare, and recreation
4 programs”.

5 **TITLE IV—MILITARY**
6 **PERSONNEL AUTHORIZATIONS**
7 **Subtitle A—Active Forces**

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

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

- 11 (1) The Army, 562,000.
12 (2) The Navy, 325,700.
13 (3) The Marine Corps, 202,100.
14 (4) The Air Force, 332,800.

15 **Subtitle B—Reserve Forces**

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

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

- 20 (1) The Army National Guard of the United
21 States, 358,200.
22 (2) The Army Reserve, 205,000.
23 (3) The Navy Reserve, 66,200.
24 (4) The Marine Corps Reserve, 39,600.

1 (5) The Air National Guard of the United
2 States, 106,700.

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

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

5 (b) END STRENGTH REDUCTIONS.—The end
6 strengths prescribed by subsection (a) for the Selected Re-
7 serve of any reserve component shall be proportionately
8 reduced by—

9 (1) the total authorized strength of units orga-
10 nized to serve as units of the Selected Reserve of
11 such component which are on active duty (other
12 than for training) at the end of the fiscal year, and

13 (2) the total number of individual members not
14 in units organized to serve as units of the Selected
15 Reserve of such component who are on active duty
16 (other than for training or for unsatisfactory partici-
17 pation in training) without their consent at the end
18 of the fiscal year.

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

1 of such units and by the total number of such individual
2 members.

3 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
4 **DUTY IN SUPPORT OF THE RESERVES.**

5 Within the end strengths prescribed in section
6 411(a), the reserve components of the Armed Forces are
7 authorized, as of September 30, 2012, the following num-
8 ber of Reserves to be serving on full-time active duty or
9 full-time duty, in the case of members of the National
10 Guard, for the purpose of organizing, administering, re-
11 cruiting, instructing, or training the reserve components:

12 (1) The Army National Guard of the United
13 States, 32,060.

14 (2) The Army Reserve, 16,261.

15 (3) The Navy Reserve, 10,337.

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

17 (5) The Air National Guard of the United
18 States, 14,833.

19 (6) The Air Force Reserve, 2,662.

20 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
21 **(DUAL STATUS).**

22 The minimum number of military technicians (dual
23 status) as of the last day of fiscal year 2012 for the re-
24 serve components of the Army and the Air Force (notwith-

1 standing section 129 of title 10, United States Code) shall
2 be the following:

3 (1) For the Army Reserve, 8,395.

4 (2) For the Army National Guard of the United
5 States, 27,210.

6 (3) For the Air Force Reserve, 10,777.

7 (4) For the Air National Guard of the United
8 States, 22,509.

9 **SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF**
10 **NON-DUAL STATUS TECHNICIANS.**

11 (a) LIMITATIONS.—

12 (1) NATIONAL GUARD.—Within the limitation
13 provided in section 10217(c)(2) of title 10, United
14 States Code, the number of non-dual status techni-
15 cians employed by the National Guard as of Sep-
16 tember 30, 2012, may not exceed the following:

17 (A) For the Army National Guard of the
18 United States, 1,600.

19 (B) For the Air National Guard of the
20 United States, 350.

21 (2) ARMY RESERVE.—The number of non-dual
22 status technicians employed by the Army Reserve as
23 of September 30, 2012, may not exceed 595.

24 (3) AIR FORCE RESERVE.—The number of non-
25 dual status technicians employed by the Air Force

1 Reserve as of September 30, 2012, may not exceed
2 90.

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

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

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

15 (1) The Army National Guard of the United
16 States, 17,000.

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

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

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

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

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

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

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

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 hereby authorized to be appropriated for military per-
 6 sonnel for fiscal year 2012 a total of \$132,096,541,000.

7 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
 8 thorization of appropriations in subsection (a) supersedes
 9 any other authorization of appropriations (definite or in-
 10 definite) for such purpose for fiscal year 2012.

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

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

15 **SEC. 501. MODIFICATION OF ELIGIBILITY FOR CONSIDER-**
 16 **ATION FOR PROMOTION FOR CERTAIN RE-**
 17 **SERVE OFFICERS OF THE ARMY EMPLOYED**
 18 **AS ARMY RESERVE MILITARY TECHNICIANS.**

19 Section 14301 of title 10, United States Code, is
 20 amended by inserting after paragraph (h), the following
 21 new paragraph:

22 “(i) CERTAIN RESERVE OFFICERS.—A reserve offi-
 23 cer who is employed as military technician (dual status)
 24 under section 10216 of this title, and who has been re-
 25 tained beyond mandatory removal date for years of service

1 under the provisions of either section 10216(f) or
2 14702(a)(2) of this title, is not eligible for consideration
3 for promotion by a mandatory promotion board convened
4 under section 14101(a) of this title.”.

5 **SEC. 502. STANDARDIZATION OF GRADE FOR CERTAIN**
6 **MEDICAL AND DENTAL BRANCH CHIEF POSI-**
7 **TIONS.**

8 (a) ARMY.—

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

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

17 (b) NAVY.—

18 (1) CHIEF OF DENTAL CORPS.—Section
19 5138(a) of such title is amended by striking “not
20 below” and inserting “in”.

21 (2) DIRECTOR OF NURSE CORPS.—Section
22 5150(e) of such title is amended—

23 (A) in the first sentence, by striking “rear
24 admiral” the first place it appears and all that

1 follows through “Service Corps” and inserting
2 “rear admiral (lower half)”; and

3 (B) by striking the last sentence.

4 (3) CONFORMING AMENDMENT.—Section
5 526(a)(2) of such title is amended by striking “160”
6 and inserting “161”.

7 (c) AIR FORCE.—

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

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

16 **SEC. 503. FORCE MANAGEMENT ENHANCEMENTS.**

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

21 (1) in subsection (a)—

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

1 (B) by inserting at the end the following
2 new sentence: “Any such authority provided the
3 Secretary of a military department under the
4 preceding sentence shall expire as specified by
5 the Secretary of Defense, but not later than
6 December 31, 2018.”; and

7 (2) in subsection (d)(2), by striking “except
8 that during the period beginning on October 1,
9 2006, and ending on December 31, 2012,” in sub-
10 paragraphs (A) and (B) and inserting “except that
11 through December 31, 2018,”.

12 (b) EXTENSION OF VOLUNTARY SEPARATION PAY.—
13 Section 1175a(k)(1) of title 10, United States Code, is
14 amended by striking “December 31, 2012” and inserting
15 “December 31, 2018”.

16 (c) VOLUNTARY RETIREMENT INCENTIVE.—

17 (1) IN GENERAL.—Chapter 36 of title 10,
18 United States Code, is amended by inserting after
19 section 638a the following new section:

20 **“§ 638b. Voluntary retirement incentive**

21 “(a) INCENTIVE FOR VOLUNTARY RETIREMENT FOR
22 CERTAIN OFFICERS.—The Secretary of Defense may au-
23 thorize the Secretary of a military department to provide
24 a voluntary retirement incentive payment in accordance
25 with this section to an officer of the armed forces under

1 that Secretary's jurisdiction who is specified in subsection
2 (b) as being eligible for such a payment. Any such author-
3 ity provided the Secretary of a military department under
4 the preceding sentence shall expire as specified by the Sec-
5 retary of Defense, but not later than December 31, 2018.

6 “(b) ELIGIBLE OFFICERS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), an officer of the armed forces is eligible
9 for a voluntary retirement incentive payment under
10 this section if the officer—

11 “(A) has served on active duty for more
12 than 20 years but no more than 29 years on
13 the approved date of retirement;

14 “(B) meets the minimum length of com-
15 missioned service requirement for voluntary re-
16 tirement as a commissioned officer in accord-
17 ance with section 3911, 6323, or 8911 of this
18 title 10, as applicable to that officer;

19 “(C) on the approved date of retirement
20 has 12 months or more remaining on active-
21 duty service before reaching the maximum re-
22 tirement years of active service for the mem-
23 ber's grade as specified in section 633 or 634
24 of this title;

1 “(D) on the approved date of retirement
2 has 12 months or more remaining on active-
3 duty service before reaching the maximum re-
4 tirement age under any other provision of law;
5 and

6 “(E) meets any additional requirements
7 for such eligibility as is specified by the Sec-
8 retary concerned, including any requirement re-
9 lating to years of service, skill rating, military
10 specialty or competitive category, grade, any re-
11 maining period of obligated service, or any com-
12 bination thereof.

13 “(2) OFFICERS NOT ELIGIBLE.—The following
14 officers are not eligible for a voluntary retirement in-
15 centive payment under this section:

16 “(A) An officer being evaluated for dis-
17 ability under chapter 61 of this title.

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

20 “(C) An officer projected to be discharged
21 with disability severance pay under section
22 1212 of this title.

23 “(D) A member transferred to the tem-
24 porary disability retired list under section 1202
25 or 1205 of this title.

1 “(E) An officer subject to pending discipli-
2 nary action or subject to administrative separa-
3 tion or mandatory discharge under any other
4 provision of law or regulation.

5 “(c) AMOUNT OF VOLUNTARY RETIREMENT INCEN-
6 TIVE PAYMENT.—A voluntary retirement incentive pay-
7 ment paid to an officer under this section may be paid
8 in a lump sum at the time of retirement and may be in
9 an amount determined by the Secretary concerned not to
10 exceed 12 times the amount of the officer’s monthly basic
11 pay at the time of the officer’s retirement.

12 “(d) REPAYMENT FOR MEMBERS WHO RETURN TO
13 ACTIVE DUTY.—

14 “(1) Except as provided in paragraph (2) a
15 member of the armed forces who, after having re-
16 ceived all or part of voluntary retirement incentive
17 under this section, returns to active duty shall have
18 deducted from each payment of basic pay, in such
19 schedule of monthly installments as the Secretary
20 concerned shall specify, until the total amount de-
21 ducted from such basic pay equals the total amount
22 of voluntary retirement incentive received.

23 “(2) Members who are involuntarily recalled to
24 active duty or full-time National Guard duty under

1 any provision of law shall not be subject to this sub-
2 section.

3 “(3) The Secretary of Defense may waive, in
4 whole or in part, repayment required under para-
5 graph (1) if the Secretary determines that recovery
6 would be against equity and good conscience or
7 would be contrary to the best interest of the United
8 States. The authority in this paragraph may be dele-
9 gated only to the Undersecretary of Defense for Per-
10 sonnel and Readiness and the Principal Deputy Un-
11 dersecretary of Defense for Personnel and Readiness.”.

12
13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of subchapter IV of such
15 chapter is amended by inserting after the item relat-
16 ing to section 638a the following new item:

“638b. Voluntary retirement incentive.”.

17 (d) AUTHORITY TO REDUCE YEARS OF SERVICE FOR
18 MANDATORY RETIREMENT FOR CERTAIN OFFICERS IN
19 PAY GRADES O-5 AND O-6.—

20 (1) LIEUTENANT COLONELS AND NAVY COM-
21 MANDERS.—Section 633 of title 10, United States
22 Code, is amended by adding at the end the following
23 new subsection:

24 “(c) AUTHORITY FOR EARLIER MANDATORY RETIRE-
25 MENT.—Under regulations prescribed by the Secretary of

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

11 (2) COLONELS AND NAVY CAPTAINS.—Section
12 634 of title 10, United States Code, is amended by
13 adding at the end the following new subsection:

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

1 (4) by inserting “(in the case of such a military
2 technician (dual status) who is an officer)” after
3 “for officers”.

4 **SEC. 513. EXPANSION OF AUTHORITY TO ORDER SELECTED**
5 **RESERVE AND CERTAIN INDIVIDUAL READY**
6 **RESERVE MEMBERS TO ACTIVE DUTY OTHER**
7 **THAN DURING WAR OR NATIONAL EMER-**
8 **GENCY.**

9 (a) EXPANSION OF AUTHORITY.—Subsection (a) of
10 section 12304 of title 10, United States Code, is amend-
11 ed—

12 (1) by striking “for any operational mission”;
13 and

14 (2) by inserting “consecutive” after “365”.

15 (b) BUDGETING.—Subsection (c) of such section is
16 amended by adding at the end the following new para-
17 graph:

18 “(4)(A) Except as provided in subparagraph (B), a
19 unit or member of a reserve component may be ordered
20 to active duty under this section during a fiscal year only
21 if the manpower and associated costs of such active duty
22 were specifically included and identified in the defense
23 budget materials for that fiscal year. The budget informa-
24 tion must include a description of the mission for which
25 these Reserve members will be ordered to active duty, the

1 size of the force ordered to active duty, the length of time
2 the involuntary order will last, and the location of the mis-
3 sion. No more than 10,000 members of the Selected Re-
4 serves of the Military Services may be on active duty
5 through this paragraph at any one time.

6 “(B) The limitation in subparagraph (A) does not
7 apply in the case of an order to active duty that is
8 issued—

9 “(i) to support an operational mission; or

10 “(ii) to provide assistance referred to in sub-
11 section (b).

12 “(C) In this paragraph, the term ‘defense budget ma-
13 terials’ has the meaning given that term in section
14 231(d)(2) of this title.”.

15 (c) NOTIFICATION TO CONGRESS.—Subsection (f) of
16 such section is amended by inserting “to support an oper-
17 ational mission or to provide assistance referred to in sub-
18 section (b),” after “subsection (a)”.

19 **SEC. 514. TRANSFORMATION OF THE MILITARY TECHNICAL**
20 **PROGRAM.**

21 (a) RESERVE COMPONENT TECHNICIAN PROGRAM.—
22 Chapter 1007 of title 10, United States Code, is amended
23 by adding after section 10215 the following new section:

1 **“§ 10215a. Reserve Component Technician Program**

2 “Within each of the Army Reserve, the Air Force Re-
3 serve, and the National Guard, there is a Reserve Compo-
4 nent Technician Program. Each Reserve Component
5 Technician Program shall consist of military technicians
6 (dual status) (as defined in section 10216 of this title)
7 and non-dual status technicians and technicians (as de-
8 fined in section 10217 of this title). The Secretary of the
9 Army and the Secretary of the Air Force shall implement
10 policies to manage the Program within their respective de-
11 partments.”.

12 (b) **MILITARY TECHNICIANS (DUAL STATUS).**—Sec-
13 tion 10216 of such title is amended—

14 (1) by striking subsections (b) and (c) and in-
15 serting the following:

16 “(b) **PRIORITY MANAGEMENT OF THE RESERVE**
17 **COMPONENT TECHNICIAN PROGRAM.**—(1) As a basis for
18 making the annual request to Congress pursuant to sec-
19 tion 115(d) of this title for authorization of end strengths
20 for the Reserve Component Technician Program of the
21 Army and Air Force reserve components, the Secretary
22 of Defense shall give priority to supporting authorizations
23 for the Reserve Component Technician Program in the fol-
24 lowing priority units and organizations:

25 “(A) Units of the Selected Reserve whose
26 primary mission is to participate in combat and

1 the integral supporting elements thereof except
2 for those units and organizations reported in
3 subparagraph (C).

4 “(B) Units of the Selected Reserve that
5 are not intended to deploy or rotate through a
6 deployment cycle but can be made available to
7 deploy as needed.

8 “(C) Those organizations with the primary
9 mission of providing direct support surface and
10 aviation maintenance for the reserve compo-
11 nents of the Army and Air Force, to the extent
12 that the military technicians (dual status) in
13 such units would mobilize and deploy in a skill
14 that is compatible with their civilian position
15 skill.

16 “(2) For each fiscal year, the Secretary of Defense
17 shall, for the high-priority units and organizations re-
18 ferred to in paragraph (1), seek to achieve a programmed
19 manning level in the Reserve Component Technician Pro-
20 gram that is not less than 90 percent of the programmed
21 manpower structure for those units and organizations au-
22 thorized Reserve Component Technician Program for that
23 fiscal year.

24 “(3) Military technician (dual status) authorizations
25 and personnel shall be exempt from any requirement for

1 reductions in Department of Defense civilian personnel
2 and shall only be reduced as part of military force struc-
3 ture reductions.

4 “(c) INFORMATION REQUIRED TO BE SUBMITTED
5 WITH ANNUAL END STRENGTH AUTHORIZATION RE-
6 QUEST.—(1) The Secretary of Defense shall include as
7 part of the budget justification documents submitted to
8 Congress with the budget of the Department of Defense
9 for any fiscal year the following information with respect
10 to the end strengths for military technicians (dual status)
11 requested in that budget pursuant to section 115(c) of this
12 title, shown separately for each of the Army and Air Force
13 reserve components:

14 “(A) The number of Reserve Component
15 Technician Program personnel authorized in
16 the priority units and organizations specified in
17 subsection (b)(1).

18 “(B) The number of Reserve Component
19 Technician Program personnel assigned in the
20 priority units and organizations specified in
21 subsection (b)(1).

22 “(C) The number of Reserve Component
23 Technician Program personnel authorized in
24 other than priority units and organizations
25 specified in subsection (b)(1).

1 “(D) The number of Reserve Component
2 Technician Program personnel assigned in
3 other than priority units and organizations
4 specified in subsection (b)(1).

5 “(2)(A) If the budget submitted to Congress for any
6 fiscal year requests authorization for that fiscal year
7 under section 115(c) of this title of a military technician
8 (dual status) end strength for a reserve component of the
9 Army or Air Force in a number that constitutes a reduc-
10 tion from the end strength minimum established by law
11 for that reserve component for the fiscal year during which
12 the budget is submitted, the Secretary of Defense shall
13 submit to the congressional defense committees with that
14 budget a justification providing the basis for that re-
15 quested reduction in technician end strength.

16 “(B) Any justification submitted under subparagraph
17 (A) shall clearly delineate the specific force structure re-
18 ductions forming the basis for such requested technician
19 reduction (and the numbers related to those reductions).”;

20 (2) in subsection (d)—

21 (A) by striking “(1)”; and

22 (B) by striking “maintain membership
23 in—” and all that follows and inserting “main-
24 tain membership in the Selected Reserve.”;

1 (3) in subsection (e)(1), by striking “who is no
2 longer a member of the Selected Reserve” and in-
3 serting “who serves in a position designated by the
4 Secretary concerned to be filled only by a military
5 technician (dual status) and who is no longer a
6 member of the Selected Reserve”; and

7 (4) in subsection (e)(2), by striking “military
8 standards” and inserting “military retention stand-
9 ards”.

10 (c) NON-DUAL STATUS TECHNICIANS.—Section
11 10217 of such title is amended—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph (1),
14 by striking “military technician” and inserting
15 “Reserve Component Technician Program”;

16 (B) in paragraph (1), by striking “a tech-
17 nician” and inserting “an employee of the De-
18 partment of Defense”;

19 (C) by striking “or” at the end of para-
20 graph (2);

21 (D) by striking the period at the end of
22 paragraph (3) and inserting “; or”; and

23 (E) by adding at the end the following new
24 paragraph:

1 “(4) is an employee of the Army Reserve’s Re-
2 serve Component Technician Program, serving in a
3 position designated by the Secretary to be filled only
4 by a non-dual status technician who—

5 “(A) was hired without a requirement to
6 maintain membership in the Selected Reserve;

7 “(B) has ceased to be a member of the Se-
8 lected Reserve; or

9 “(C) has been assigned to a non-dual sta-
10 tus technician position from one designated by
11 the Secretary concerned to be filled only by a
12 military technician (dual status).”;

13 (2) in subsection (c)—

14 (A) by striking “PERMANENT”;

15 (B) in paragraph (1)—

16 (i) by striking “(1)” and all that fol-
17 lows through “may not exceed 90.” and in-
18 serting “(1)(A) The total number of non-
19 dual status technicians employed—

20 “(i) by the Army Reserve during a fiscal year
21 may not exceed 60 percent of the total end strength
22 authorizations appropriated for the Reserve Compo-
23 nent Technician Program for that fiscal year; and

24 “(ii) by the Air Force Reserve during a fiscal
25 year may not exceed 10 percent of the total end

1 strength authorizations appropriated for the Reserve
2 Component Technician Program for that fiscal
3 year.”; and

4 (ii) by designating the sentence begin-
5 ning “If at any time” as subparagraph (B)
6 and in that subparagraph by striking “in
7 the preceding sentence” and inserting “in
8 subparagraph (A)”;

9 (C) in paragraph (2), by striking “1,950”
10 and inserting “15 percent of the total end
11 strength authorization for the Reserve Compo-
12 nent Technician Program for that fiscal year”;
13 and

14 (3) by adding at the end the following new sub-
15 sections:

16 “(e) SEPARATE CATEGORY OF EMPLOYEES.—Non-
17 dual status technicians shall be authorized and accounted
18 for as a separate category of civilian employees.

19 “(f) REDUCTION IN FORCE.—Non-dual status techni-
20 cian authorizations and personnel shall be exempt from
21 any requirement for reductions in Department of Defense
22 civilian personnel and shall only be removed as part of
23 military force reductions.

24 “(g) TECHNICIANS.—(1) For the purpose of this sec-
25 tion and any other provision in law, a technician is a civil-

1 ian employee of the Department of Defense, hired after
2 February 10, 1996, who is no longer a member of the Se-
3 lected Reserve, who is serving in a Reserve Component
4 Technician Program position, designated by the Secretary
5 concerned for fill only by a military technician (dual sta-
6 tus).

7 “(2) Subject to section 10216(e) of this title, a tech-
8 nician may be retained in the Reserve Component Techni-
9 cian Program for up to 12 months following the individ-
10 ual’s loss of membership in the Selected Reserve.”.

11 (d) CONDITIONS FOR RETENTION AND MANDATORY
12 RETIREMENT.—Section 10218 is amended—

13 (1) in subsection (a)(3)—

14 (A) in subparagraph (A), by striking
15 clause (ii) and inserting the following:

16 “(ii) apply for a Reserve Component Technician
17 Program or other civil service position that is not
18 designated by the Secretary concerned as one to be
19 filled only by a military technician (dual status).”;
20 and

21 (B) In subparagraph (B), by striking “the
22 technician—” and all that follows and inserting
23 “the individual shall be separated not later than
24 30 days after becoming eligible for an unre-

1 duced annuity and becoming 60 years of age.”;
2 and

3 (2) in subsection (b), by striking paragraph (3).

4 (e) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 1007 of such title is amended
6 by inserting after the item relating to section 10215 the
7 following new item:

“10215a. Reserve Component Technician Program.”.

8 **Subtitle C—Education and**
9 **Training**

10 **SEC. 521. NATIONAL DEFENSE UNIVERSITY OUTPLACE-**
11 **MENT WAIVER.**

12 (a) WAIVER AUTHORITY FOR OFFICERS NOT DES-
13 IGNATED AS JOINT QUALIFIED OFFICERS.—Subsection
14 (b) of section 663 of title 10, United States Code, is
15 amended—

16 (1) in paragraph (1), by inserting after “to a
17 joint duty assignment” the following: “(or, as au-
18 thorized by the Secretary in an individual case, to a
19 joint assignment other than a joint duty assign-
20 ment)”; and

21 (2) in paragraph (2)—

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

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

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

3 “(d) EXCEPTION FOR OFFICERS GRADUATING FROM
 4 OTHER-THAN-IN-RESIDENCE PROGRAMS.—

5 “(1) JOINT QUALIFIED OFFICERS.—Subsection
 6 (a) does not apply to an officer graduating from a
 7 school within the National Defense University speci-
 8 fied in subsection (c) following pursuit of a program
 9 on an other-than-in-residence basis.

10 “(2) OTHER OFFICERS.—Subsection (b) does
 11 not apply with respect to any group of officers grad-
 12 uating from a school within the National Defense
 13 University specified in subsection (c) following pur-
 14 suit of a program on an other-than-in-residence
 15 basis.”.

16 **SEC. 522. REVISION TO DEFINITION OF JOINT DUTY AS-**
 17 **SIGNMENT TO INCLUDE ALL INSTRUCTOR AS-**
 18 **SIGNMENTS FOR JOINT TRAINING AND EDU-**
 19 **CATION.**

20 Section 668(b)(2) of title 10, United States Code, is
 21 amended by striking “assignments for joint” and all that
 22 follows through “Phase II” and inserting “student assign-
 23 ments for joint training and education”.

1 **SEC. 523. AUTHORITY TO ENROLL CERTAIN SERIOUSLY**
2 **WOUNDED, ILL, OR INJURED FORMER OR RE-**
3 **TIRED ENLISTED SERVICEMEMBERS IN ASSO-**
4 **CIATE DEGREE PROGRAMS OF THE COMMU-**
5 **NITY COLLEGE OF THE AIR FORCE IN ORDER**
6 **TO COMPLETE DEGREE PROGRAM.**

7 (a) **ELIGIBILITY.**—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 MEMBERS.**—(1) The Secretary of
15 the Air Force may authorize participation in a program
16 of higher education under subsection (a)(1) by a person
17 who is a former or retired enlisted member of the armed
18 forces who at the time of the person’s separation from ac-
19 tive duty—

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

23 “(B) is categorized by the Secretary con-
24 cerned 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 paragraph
10 (1) of such subsection who are categorized by the Sec-
11 retary concerned as seriously wounded, ill, or injured after
12 September 11, 2001. With respect to any such person who
13 is separated from active duty during the period beginning
14 on September 12, 2001, and ending on the date of the
15 enactment of this Act, the 10-year period specified in
16 paragraph (2) of such subsection shall be deemed to com-
17 mence on the date of the enactment of this Act.

18 **SEC. 524. 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 ROTC**

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

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

10 “(2) has a student body of at least 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 ROTC.”

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

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

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

4 **SEC. 525. EXPANSION OF AUTHORITY RELATING TO PHASE**
 5 **II OF THREE-PHASE APPROACH TO JOINT**
 6 **PROFESSIONAL MILITARY EDUCATION.**

7 (a) **AUTHORITY FOR OTHER-THAN-IN-RESIDENCE**
 8 **PROGRAM TAUGHT THROUGH JOINT FORCES STAFF COL-**
 9 **LEGE.**—Section 2154(a)(2) of title 10, United States
 10 Code, is amended—

11 (1) in the matter preceding subparagraph (A),
 12 by striking “in residence at”;

13 (2) in subparagraph (A), by inserting “by”
 14 after “(A)”; and

15 (3) in subparagraph (B), by inserting “in resi-
 16 dence at” after “(B)”.

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

20 **Subtitle D—Military Justice and**
 21 **Legal Matters**

22 **SEC. 531. PROCEDURES FOR JUDICIAL REVIEW OF CER-**
 23 **TAIN MILITARY PERSONNEL DECISIONS.**

24 (a) **PROHIBITED PERSONNEL ACTIONS.**—Section
 25 1034 of title 10, United States Code, is amended—

1 (1) by adding at the end of subsection (f) the
2 following new paragraph:

3 “(7) In any case in which the final decision of
4 the Secretary concerned results in denial, in whole
5 or in part, of any requested correction of the mem-
6 ber or former member’s record, the member or
7 former member shall be provided a concise written
8 statement of the factual and legal basis for the deci-
9 sion, together with a statement of the procedure and
10 time for obtaining review of the decision pursuant to
11 section 1560 of this title.”;

12 (2) in subsection (g)—

13 (A) by inserting “(1)” before “Upon the
14 completion of all”; and

15 (B) by adding at the end the following new
16 paragraph:

17 “(2) A submittal to the Secretary of Defense
18 under paragraph (1) must be made within 90 days
19 of the receipt of the final decision of the Secretary
20 of the military department concerned in the matter.
21 In any case in which the final decision of the Sec-
22 retary of Defense results in denial, in whole or in
23 part, of any requested correction of the member or
24 former member’s record, the member or former
25 member shall be provided a concise written state-

1 ment of the basis for the decision, together with a
2 statement of the procedure and time for obtaining
3 review of the decision pursuant to section 1560 of
4 this title.”;

5 (3) by redesignating subsections (h) and (i) as
6 subsections (i) and (j), respectively; and

7 (4) by inserting after subsection (g) the fol-
8 lowing new subsection (h):

9 “(h) JUDICIAL REVIEW.—A decision of the Secretary
10 of Defense under subsection (g) or, in a case in which re-
11 view by the Secretary of Defense under subsection (g) was
12 not sought or in a case arising out of the Coast Guard
13 when the Coast Guard is not operating as a service in the
14 Navy, a decision of the Secretary of a military department
15 or the Secretary of Homeland Security under subsection
16 (f) shall be subject to judicial review only as provided in
17 section 1560 of this title.”.

18 (b) CORRECTION OF MILITARY RECORDS.—Section
19 1552 of such title is amended by adding at the end the
20 following new subsections:

21 “(h) In any case in which the final decision of the
22 Secretary concerned results in denial, in whole or in part,
23 of any requested correction, the claimant shall be provided
24 a concise written statement of the factual and legal basis
25 for the decision, together with a statement of the proce-

1 dure and time for obtaining review of the decision pursu-
2 ant to section 1560 of this title.

3 “(i) A decision by the Secretary concerned under this
4 section shall be subject to judicial review only as provided
5 in section 1560 of this title.”.

6 (c) JUDICIAL REVIEW.—

7 (1) Chapter 79 of such title is amended by add-
8 ing at the end the following new section:

9 **“§ 1560. Judicial review of decisions**

10 “(a) After a final decision is issued pursuant to sec-
11 tion 1552 of this title, or is issued by the Secretary of
12 Homeland Security or the Secretary of Defense pursuant
13 to subsections 1034(f) or 1034(g) of this title, any person
14 aggrieved by such a decision may obtain judicial review.

15 “(b) In exercising its authority under this section, the
16 reviewing court shall review the record and may hold un-
17 lawful and set aside any decision demonstrated by the pe-
18 titioner in the record to be—

19 “(1) arbitrary or capricious;

20 “(2) not based on substantial evidence;

21 “(3) a result of material error of fact or mate-
22 rial administrative error, but only if the petitioner
23 identified to the correction board how the failure to
24 follow such procedures substantially prejudiced the
25 petitioner’s right to relief, and shows to the review-

1 ing court by a preponderance of the evidence that
2 the error was harmful; or

3 “(4) otherwise contrary to law.

4 “(c) Upon such review, the reviewing court shall af-
5 firm, modify, vacate, or reverse the decision, or remand
6 the matter, as appropriate.

7 “(d) Notwithstanding of subsections (a), (b), and (c),
8 the reviewing court does not have jurisdiction to entertain
9 any matter or issue raised in a petition of review that is
10 not justiciable.

11 “(e) No judicial review may be made under this sec-
12 tion unless the petitioner shall first have requested a cor-
13 rection under section 1552 of this title, and the Secretary
14 concerned shall have rendered a final decision denying
15 that correction in whole or in part. In a case in which
16 the final decision of the Secretary concerned is subject to
17 review by the Secretary of Defense under section 1034(g)
18 of this title, the petitioner is not required to seek such
19 review by the Secretary of Defense before obtaining judi-
20 cial review under this section. If the petitioner seeks re-
21 view by the Secretary of Defense under section 1034(g)
22 of this title, no judicial review may be made until the Sec-
23 retary of Defense shall have rendered a final decision de-
24 nying that request in whole or in part.

1 “(f) In the case of a final decision of the Secretary
2 described in subsection (a) made on or after the date of
3 the enactment of this section, a petition for judicial review
4 under this section must be filed within one year after the
5 date of that final decision.

6 “(g)(1) A decision by a board established under sec-
7 tion 1552(a)(1) of this title declining to excuse the un-
8 timely filing of a request for correction of military records
9 is not subject to judicial review under this section or other-
10 wise subject to review in any court.

11 “(2) A decision by a board established under section
12 1552(a)(1) of this title declining to reconsider or reopen
13 a previous denial or partial denial of a request for correc-
14 tion of military records is not subject to judicial review
15 under this section or otherwise subject to review in any
16 court.

17 “(3) Notwithstanding subsection (f), a decision by a
18 board established under section 1552(a)(1) of this title
19 that results in denial, in whole or in part, of any request
20 for correction of military records that is received by the
21 board more than six years after the date of discharge, re-
22 tirement, release from active duty, or death while on active
23 duty of the person whose military records are the subject
24 of the correction request is not subject to judicial review

1 under this section or otherwise subject to review in any
2 court.

3 “(h)(1) In the case of a cause of action arising after
4 the date of the enactment of this section, no court shall
5 have jurisdiction to entertain any request for correction
6 of records cognizable under section 1034(f) and (g) or sec-
7 tion 1552 of this title except as provided in this section.

8 “(2) In the case of a cause of action arising after
9 the date of the enactment of this section, except as pro-
10 vided by chapter 153 of title 28 and chapter 79 of this
11 title, no court shall have jurisdiction over any civil action
12 or claim seeking, in whole or in part, to challenge any deci-
13 sion for which administrative review is available under sec-
14 tion 1552 of this title.”.

15 (2) The table of sections at the beginning of
16 such chapter is amended by adding at the end the
17 following new item:

“1560. Judicial review of decisions.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect one year after the date of
20 the enactment of this Act. Such amendments apply to all
21 final decisions of the Secretary of Defense under section
22 1034(g) of title 10, United States Code, and of the Sec-
23 retary of a military department or the Secretary of Home-
24 land Security under sections 1034(f) or 1552 of such title,
25 whether rendered before or after the date of the enactment

1 of this Act. During the period between the date of the
2 enactment of this Act and the date on which the amend-
3 ments made by this section take effect, in any case in
4 which the final decision of the Secretary of Defense under
5 section 1034 of title 10, United States Code, or the Sec-
6 retary concerned under section 1552 of title 10, United
7 States Code, results in denial, in whole or in part, of any
8 requested correction of a member, former member, or
9 claimant's record, the individual shall be informed in writ-
10 ing of the time for obtaining review of the decision pursu-
11 ant to section 1560 of such title as provided therein.

12 (e) IMPLEMENTATION.—The Secretaries concerned
13 (as defined in section 101(a)(9) of title 10, United States
14 Code) may prescribe appropriate regulations, and interim
15 guidance before prescribing such regulations, to imple-
16 ment the amendments made by this section. In the case
17 of the Secretary of a military department, such regulations
18 may not take effect until approved by the Secretary of De-
19 fense.

20 (f) CONSTRUCTION.—This section does not affect the
21 authority of any court to exercise jurisdiction over any
22 case which was properly before it before the effective date
23 specified in subsection (d).

1 **SEC. 532. AUTHORITY TO COMPEL PRODUCTION OF DOCU-**
2 **MENTARY EVIDENCE PRIOR TO TRIAL IN**
3 **MILITARY JUSTICE CASES.**

4 (a) SUBPOENA DUCES TECUM.—Section 847 of title
5 10, United States Code (article 47 of the Uniform Code
6 of Military Justice), is amended—

7 (1) in subsection (a)(1), by striking “board;”
8 and inserting “board or has been duly issued a sub-
9 poena duces tecum for an investigation, including an
10 investigation pursuant to section 832(b) of this title
11 (article 32(b)); and”; and

12 (2) in subsection (c), by striking “or board,”
13 and inserting “board, trial counsel, or convening au-
14 thority,”.

15 (b) REPEAL OF OBSOLETE PROVISIONS RELATING
16 TO FEES AND MILEAGE PAYABLE TO WITNESSES.—Such
17 section is further amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (2); and

20 (B) by redesignating paragraph (3) as
21 paragraph (2); and

22 (2) by striking subsection (d).

23 (c) TECHNICAL AMENDMENTS.—Subsection (a) of
24 such section is further amended by striking “subpoenaed”
25 in paragraphs (1) and (2) (as redesignated by subsection
26 (b)(1)(B)) and inserting “subpoenaed”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall apply with respect to subpoenas issued
 3 after the date of the enactment of this Act.

4 **SEC. 533. REFORM OF OFFENSES RELATING TO RAPE, SEX-**
 5 **UAL ASSAULT, AND OTHER SEXUAL MIS-**
 6 **CONDUCT UNDER UNIFORM CODE OF MILI-**
 7 **TARY JUSTICE.**

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

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

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

16 “(1) using unlawful force against that other
 17 person;

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

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

23 “(4) first rendering that other person uncon-
 24 scious; or

1 “(5) administering to that other person by force
 2 or threat of force, or without the knowledge or con-
 3 sent of that person, a drug, intoxicant, or other
 4 similar substance and thereby substantially impair-
 5 ing the ability of that other person to appraise or
 6 control conduct;

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

9 (2) REPEAL OF PROVISIONS RELATING TO OF-
 10 FENSES REPLACED BY NEW ARTICLE 120B.—Sub-
 11 sections (b), (d), (f), (g), (i), (j), and (o) are re-
 12 pealed.

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

16 “(b) SEXUAL ASSAULT.—Any person subject to this
 17 chapter who—

18 “(1) commits a sexual act upon another person
 19 by—

20 “(A) threatening or placing that other per-
 21 son in fear;

22 “(B) causing bodily harm to that other
 23 person;

1 “(C) making a fraudulent representation
2 that the sexual act serves a professional pur-
3 pose; or

4 “(D) inducing a belief by any artifice, pre-
5 tense, or concealment that the person is another
6 person;

7 “(2) commits a sexual act upon another person
8 when the person knows or reasonably should know
9 that the other person is asleep, unconscious, or oth-
10 erwise unaware that the sexual act is occurring; or

11 “(3) commits a sexual act upon another person
12 when the other person is incapable of consenting to
13 the sexual act due to—

14 “(A) impairment by any drug, intoxicant,
15 or other similar substance, and that condition is
16 known or reasonably should be known by the
17 person; or

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

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

23 (4) AGGRAVATED SEXUAL CONTACT.—Sub-
24 section (e) is redesignated as subsection (c) and is
25 amended—

1 (A) by striking “engages in” and inserting
2 “commits”; and

3 (B) by striking “with” and inserting
4 “upon”.

5 (5) ABUSIVE SEXUAL CONTACT.—Subsection
6 (h) is redesignated as subsection (d) and is amend-
7 ed—

8 (A) by striking “engages in” and inserting
9 “commits”;

10 (B) by striking “with” and inserting
11 “upon”; and

12 (C) by striking “subsection (c) (aggravated
13 sexual assault)” and inserting “subsection (b)
14 (sexual assault)”.

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

18 (7) PROOF OF THREAT.—Subsection (p) is re-
19 designating as subsection (e) and is amended—

20 (A) by striking “the accused made” and
21 inserting “a person made”;

22 (B) by striking “the accused actually” and
23 inserting “the person actually”; and

1 (C) by inserting before the period at the
2 end the following: “or had the ability to carry
3 out the threat”.

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

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

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

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

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by inserting
16 “or anus or mouth” after “vulva”; and

17 (ii) in subparagraph (B)—

18 (I) by striking “genital opening”
19 and inserting “vulva or anus or
20 mouth,”; and

21 (II) by striking “a hand or fin-
22 ger” and inserting “any part of the
23 body”;

24 (B) by striking paragraph (2) and insert-
25 ing the following:

1 “(2) SEXUAL CONTACT.—The term ‘sexual con-
2 tact’ means—

3 “(A) touching, or causing another person
4 to touch, either directly or through the clothing,
5 the genitalia, anus, groin, breast, inner thigh,
6 or buttocks of any person, with an intent to
7 abuse, humiliate or degrade any person; or

8 “(B) any touching, or causing another per-
9 son to touch, either directly or through the
10 clothing, any body part of any person, if done
11 with an intent to arouse or gratify the sexual
12 desire of any person.

13 Touching may be accomplished by any part of the
14 body.”;

15 (C) by striking paragraph (4) and redesign-
16 nating paragraph (3) as paragraph (4);

17 (D) by redesignating paragraph (8) as
18 paragraph (3), transferring that paragraph so
19 as to appear after paragraph (2), and amending
20 that paragraph by inserting before the period at
21 the end the following: “, including any non-
22 consensual sexual act or nonconsensual sexual
23 contact”;

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

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

2 (G) by redesignating paragraph (6) as
3 paragraph (7);

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

7 “(5) FORCE.—The term ‘force’ means—

8 “(A) the use of a weapon;

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

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

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

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

19 (i) by striking “under paragraph (3)”
20 and all that follows through “contact,”;
21 and

22 (ii) by striking “death, grievous bodily
23 harm, or kidnapping” and inserting “the
24 wrongful action contemplated by the com-
25 munication or action.”;

1 (J) by striking paragraphs (9) through
2 (13);

3 (K) by redesignating paragraph (14) as
4 paragraph (8) and in that paragraph—

5 (i) by inserting “(A)” before “The
6 term”;

7 (ii) by striking “words or overt acts
8 indicating” and “sexual” in the first sen-
9 tence;

10 (iii) by striking “accused’s” in the
11 third sentence;

12 (iv) by inserting “or social or sexual”
13 before “relationship” in the fourth sen-
14 tence;

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

17 (vi) by striking “A person cannot con-
18 sent” and all that follows through the pe-
19 riod; and

20 (vii) by adding at the end the fol-
21 lowing new subparagraphs:

22 “(B) A sleeping, unconscious, or incom-
23 petent person cannot consent. A person cannot
24 consent to force causing or likely to cause death
25 or grievous bodily harm or to being rendered

1 unconscious. A person cannot consent while
 2 under threat or in fear or under the cir-
 3 cumstances described in subparagraph (C) or
 4 (D) of subsection (b)(1).

5 “(C) Lack of consent may be inferred
 6 based on the circumstances of the offense. All
 7 the surrounding circumstances are to be consid-
 8 ered in determining whether a person gave con-
 9 sent, or whether a person did not resist or
 10 ceased to resist only because of another per-
 11 son’s actions.”; and

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

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

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

16 (b) RAPE AND SEXUAL ASSAULT OF A CHILD.—
 17 Chapter 47 of such title (the Uniform Code of Military
 18 Justice) is amended by inserting after section 920a (arti-
 19 cle 120a) the following new section:

20 **“§ 920b. Art. 120b. Rape and sexual assault of a child**

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

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

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

3 “(A) using force against any person;

4 “(B) threatening or placing that child in
5 fear;

6 “(C) rendering that child unconscious; or

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

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

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

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

20 “(d) AGE OF CHILD.—

21 “(1) UNDER 12 YEARS.—In a prosecution under
22 this section, it need not be proven that the accused
23 knew the age of the other person engaging in the
24 sexual act or lewd act. It is not a defense that the

1 accused reasonably believed that the child had at-
2 tained the age of 12 years.

3 “(2) UNDER 16 YEARS.—In a prosecution under
4 this section, it need not be proven that the accused
5 knew that the other person engaging in the sexual
6 act or lewd act had not attained the age of 16 years,
7 but it is a defense in a prosecution under subsection
8 (b) (sexual assault of a child) or subsection (c) (sex-
9 ual abuse of a child), which the accused must prove
10 by a preponderance of the evidence, that the accused
11 reasonably believed that the child had attained the
12 age of 16 years, if the child had in fact attained at
13 least the age of 12 years.

14 “(e) PROOF OF THREAT.—In a prosecution under
15 this section, in proving that a person made a threat, it
16 need not be proven that the person actually intended to
17 carry out the threat or had the ability to carry out the
18 threat.

19 “(f) MARRIAGE.—In a prosecution under subsection
20 (b) (sexual assault of a child) or subsection (c) (sexual
21 abuse of a child), it is a defense, which the accused must
22 prove by a preponderance of the evidence, that the persons
23 engaging in the sexual act or lewd act were at that time
24 married to each other, except where the accused commits
25 a sexual act upon the person when the accused knows or

1 reasonably should know that the other person is asleep,
2 unconscious, or otherwise unaware that the sexual act is
3 occurring or when the other person is incapable of con-
4 senting to the sexual act due to impairment by any drug,
5 intoxicant, or other similar substance, and that condition
6 was known or reasonably should have been known by the
7 accused.

8 “(g) CONSENT.—Lack of consent is not an element
9 and need not be proven in any prosecution under this sec-
10 tion. A child not legally married to the person committing
11 the sexual act, lewd act, or use of force cannot consent
12 to any sexual act, lewd act, or use of force.

13 “(h) DEFINITIONS.—In this section:

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

18 “(2) FORCE.—The term ‘force’ means

19 “(A) the use of a weapon;

20 “(B) the use of such physical strength or
21 violence as is sufficient to overcome, restrain, or
22 injure a child; or

23 “(C) inflicting physical harm.

1 In the case of a parent-child or similar relationship, the
2 use or abuse of parental or similar authority is sufficient
3 to constitute the use of force.

4 “(3) THREATENING OR PLACING THAT CHILD
5 IN FEAR.—The term ‘threatening or placing that
6 child in fear’ means a communication or action that
7 is of sufficient consequence to cause the child to fear
8 that non-compliance will result in the child or an-
9 other person being subjected to the action con-
10 templated by the communication or action.

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

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

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

15 “(B) intentionally exposing one’s genitalia,
16 anus, buttocks, or female areola or nipple to a
17 child by any means, including via any commu-
18 nication technology, with an intent to abuse,
19 humiliate or degrade any person, or to arouse
20 or gratify the sexual desire of any person;

21 “(C) intentionally communicating indecent
22 language to a child by any means, including via
23 any communication technology, with an intent
24 to abuse, humiliate or degrade any person, or to

1 arouse or gratify the sexual desire of any per-
 2 son; or

3 “(D) any indecent conduct, intentionally
 4 done with or in the presence of a child, includ-
 5 ing via any communication technology, that
 6 amounts to a form of immorality relating to
 7 sexual impurity which is grossly vulgar, ob-
 8 scene, and repugnant to common propriety, and
 9 tends to excite sexual desire or deprave morals
 10 with respect to sexual relations.”.

11 (c) OTHER SEXUAL MISCONDUCT.—Such chapter
 12 (the Uniform Code of Military Justice), is further amend-
 13 ed by inserting after section 920b (article 120b), as added
 14 by subsection (b), the following new section:

15 **“§ 920c. Art. 120c. Other sexual misconduct**

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

19 “(1) knowingly and wrongfully views the private
 20 area of another person, without that other person’s
 21 consent and under circumstances in which that other
 22 person has a reasonable expectation of privacy;

23 “(2) knowingly photographs, videotapes, films,
 24 or records by any means, the private area of another
 25 person, without that other person’s consent and

1 under circumstances in which that other person has
2 a reasonable expectation of privacy; or

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

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

9 “(b) FORCIBLE PANDERING.—Any person subject to
10 this chapter who compels another person to engage in an
11 act of prostitution with any person is guilty of forcible
12 pandering and shall be punished as a court-martial may
13 direct.

14 “(c) INDECENT EXPOSURE.—Any person subject to
15 this chapter who intentionally exposes, in an indecent
16 manner, the genitalia, anus, buttocks, or female areola or
17 nipple is guilty of indecent exposure and shall by punished
18 as a court-martial may direct.

19 “(d) DEFINITIONS.—In this section:

20 “(1) ACT OF PROSTITUTION.—The term ‘act of
21 prostitution’ means a sexual act or sexual contact
22 (as defined in section 920(g) of this title (article
23 120(g))) on account of which anything of value is
24 given to, or received by, any person.

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

4 “(3) REASONABLE EXPECTATION OF PRI-
5 VACY.—The term ‘under circumstances in which
6 that other person has a reasonable expectation of
7 privacy’ means—

8 “(A) circumstances in which a reasonable
9 person would believe that he or she could dis-
10 robe in privacy, without being concerned that
11 an image of a private area of the person was
12 being captured; or

13 “(B) circumstances in which a reasonable
14 person would believe that a private area of the
15 person would not be visible to the public.

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

19 “(5) DISTRIBUTE.—The term ‘distribute’
20 means delivering to the actual or constructive pos-
21 session of another, including transmission by elec-
22 tronic means.

23 “(6) INDECENT MANNER.—The term ‘indecent
24 manner’ means conduct that amounts to a form of
25 immorality relating to sexual impurity which is

1 grossly vulgar, obscene, and repugnant to common
2 propriety, and tends to excite sexual desire or de-
3 prave morals with respect to sexual relations.”.

4 (d) REPEAL OF SODOMY ARTICLE.—Section 925 of
5 such title (article 125 of the Uniform Code of Military
6 Justice) is repealed.

7 (e) CONFORMING AMENDMENTS.—Chapter 47 of
8 such title (the Uniform Code of Military Justice) is further
9 amended as follows:

10 (1) STATUTE OF LIMITATIONS.—Subparagraph
11 (B) of section 843(b)(2) (article 43(b)(2)) is amend-
12 ed—

13 (A) in clause (i), by striking “section 920
14 of this title (article 120)” and inserting “sec-
15 tion 920, 920a, 920b, or 920c of this title (arti-
16 cle 120, 120a, 120b, or 120c)”;

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

18 (C) in clause (v)—

19 (i) by striking “indecent assault”;

20 (ii) by striking “rape, or sodomy,”
21 and inserting “or rape,”; and

22 (iii) by striking “or liberties with a
23 child”.

24 (2) MURDER.—Paragraph (4) of section 918
25 (article 118) is amended—

1 (A) by striking “sodomy,”; and

2 (B) by striking “aggravated sexual as-
3 sault,” and all that follows through “with a
4 child,” and inserting “sexual assault, sexual as-
5 sault of a child, aggravated sexual contact, sex-
6 ual abuse of a child,”.

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

10 (1) by striking the items relating to sections
11 920 and 920a (articles 120 and 120a) and inserting
12 the following:

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

13 and

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

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

1 **Subtitle E—Other Matters**

2 **SEC. 541. REVISION TO MEMBERSHIP OF DEPARTMENT OF** 3 **DEFENSE MILITARY FAMILY READINESS** 4 **COUNCIL.**

5 Section 1781a(b) of title 10, United States Code, is
6 amended to read as follows:

7 “(b) MEMBERS.—(1) The Council shall consist of 17
8 members, as follows:

9 “(A) The Under Secretary of Defense for
10 Personnel and Readiness, who shall serve as
11 chair of the Council and who may designate a
12 representative to chair the council in the Under
13 Secretary’s absence.

14 “(B) The following, who shall be appointed
15 or designated by the Secretary of Defense:

16 “(i) One representative of each of the
17 Army, Navy, Marine Corps, and Air Force,
18 each of whom may be a member of the
19 armed force to be represented, the spouse
20 of such a member, or the parent of such
21 a member, and may represent either the
22 active component or a reserve component
23 of that armed force.

24 “(ii) One representative of the Army
25 National Guard or the Air National Guard,

1 who may be a member of the National
2 Guard, the spouse of such a member, or
3 the parent of such a member.

4 “(iii) One spouse of a member of each
5 of the Army, Navy, Marine Corps, and Air
6 Force, two of whom shall be the spouse of
7 an active component member and two of
8 whom shall be the spouse of a reserve com-
9 ponent member.

10 “(C) Three individuals appointed by the
11 Secretary of Defense from among representa-
12 tives of military family organizations, including
13 military family organizations of families of
14 members of the regular components and of fam-
15 ilies of members of the reserve components.

16 “(D) The senior enlisted advisor, or the
17 spouse of a senior enlisted member, from each
18 of the Army, Navy, Marine Corps, and Air
19 Force.

20 “(2)(A) The term on the Council of the members ap-
21 pointed or designated under clauses (i) and (iii) of sub-
22 paragraph (B) of paragraph (1) shall be two years and
23 may be renewed by the Secretary of Defense. Representa-
24 tion on the Council under clause (ii) of that subparagraph

1 shall rotate between the Army National Guard and Air
2 National Guard every two years on a calendar year basis.

3 “(B) The term on the Council of the members ap-
4 pointed under subparagraph (C) of paragraph (1) shall be
5 three years.”.

6 **SEC. 542. INCLUSION OF NORTHERN MARIANA ISLANDS AS**

7 **A “STATE” FOR PURPOSES OF THE UNI-**
8 **FORMED AND OVERSEAS CITIZENS ABSEN-**
9 **TEE VOTING ACT.**

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

15 **SEC. 543. SPECIFICATION OF THE PERIOD FOR WHICH A**

16 **REQUEST FOR AN ABSENTEE BALLOT FROM**
17 **AN OVERSEAS VOTER IS VALID.**

18 Section 104 of the Uniformed and Overseas Citizens
19 Absentee Voting Act (42 U.S.C. 1973ff-3) is amended by
20 inserting “or overseas voter” after “uniformed services
21 voter”.

1 **SEC. 544. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**
2 **FROM DEPARTMENT OF EDUCATION TO DE-**
3 **PARTMENT OF DEFENSE AND ENHANCE-**
4 **MENTS TO THE PROGRAM.**

5 (a) TRANSFER OF FUNCTIONS.—

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

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

19 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE
20 10, UNITED STATES CODE.—

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

1 **“SEC. 1154. ASSISTANCE TO ELIGIBLE MEMBERS AND**
2 **FORMER MEMBERS TO OBTAIN EMPLOYMENT**
3 **AS TEACHERS: TROOPS-TO-TEACHERS PRO-**
4 **GRAM.**

5 “(a) DEFINITIONS.—In this section:

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

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

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

16 “(4) ELIGIBLE SCHOOL.—The term ‘eligible
17 school’ means—

18 “(A) a public school, including a charter
19 school, at which—

20 “(i) at least 30 percent of the stu-
21 dents enrolled in the school are from fami-
22 lies with incomes below 185 percent of pov-
23 erty level (as defined by the Office of Man-
24 agement and Budget and revised at least
25 annually in accordance with section 9(b)(1)
26 of the Richard B. Russell National School

1 Lunch Act) applicable to a family of the
2 size involved; or

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

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

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

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

24 “(B) a high school in which at least 40
25 percent of enrolled students are children from

1 low-income families, which may be calculated
2 using comparable data from feeder schools; or

3 “(C) a school that is in a local educational
4 agency that is eligible under section 6211(b) of
5 the Elementary and Secondary Education Act
6 of 1965.

7 “(6) ADDITIONAL TERMS.—(A) The terms ‘ele-
8 mentary school’, ‘highly qualified teacher’, ‘local
9 educational agency’, ‘secondary school’, and ‘State’
10 have the meanings given those terms in section 9101
11 of the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 7801).

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

17 “(1) to assist eligible members of the armed
18 forces described in subsection (d) to obtain certifi-
19 cation or licensing as elementary school teachers,
20 secondary school teachers, or career or technical
21 teachers, and to become highly qualified teachers;
22 and

23 “(2) to facilitate the employment of such mem-
24 bers—

1 “(A) by local educational agencies or char-
2 ter schools that the Secretary of Education
3 identifies as—

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

10 “(ii) experiencing a shortage of highly
11 qualified teachers, in particular a shortage
12 of highly qualified science, mathematics,
13 special education, foreign language, or ca-
14 reer or technical teachers; and

15 “(B) in elementary schools or secondary
16 schools, or as career or technical teachers.

17 “(c) COUNSELING AND REFERRAL SERVICES.—The
18 Secretary may provide counseling and referral services to
19 members of the armed forces who do not meet the criteria
20 described in subsection (d), including meeting the edu-
21 cation qualification requirements under subsection
22 (d)(3)(B).

23 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

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

4 “(A) Any member who—

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

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

12 “(iii) has been transferred to the Re-
13 tired Reserve.

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

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

20 “(II) has completed a total of at least
21 six years of active duty service, six years of
22 service computed under section 12732 of
23 this title, or six years of any combination
24 of such service; and

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

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

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

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

21 “(3) SELECTION CRITERIA; EDUCATIONAL
22 BACKGROUND REQUIREMENTS AND HONORABLE
23 SERVICE REQUIREMENT.—(A) Subject to subpara-
24 graphs (B) and (C), the Secretary shall prescribe

1 the criteria to be used to select eligible members of
2 the armed forces to participate in the Program.

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

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

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

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

22 “(C) A member of the armed forces is eligible
23 to participate in the Program only if the member’s
24 last period of service in the armed forces was honor-
25 able, as characterized by the Secretary concerned. A

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

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

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

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

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

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

24 “(5) OTHER CONDITIONS ON SELECTION.—

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

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

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

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

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

7 “(ii) to accept an offer of full-time
8 employment as an elementary school teach-
9 er, secondary school teacher, or career or
10 technical teacher for not less than three
11 school years in an eligible school to begin
12 the school year after obtaining that certifi-
13 cation or licensing.

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

22 “(2) VIOLATION OF PARTICIPATION AGREE-
23 MENT; EXCEPTIONS.—A participant in the Program
24 shall not be considered to be in violation of the par-

1 participation agreement entered into under paragraph
2 (1) during any period in which the participant—

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

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

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

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

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

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

24 “(3) STIPEND AND BONUS FOR PARTICI-
25 PANTS.—(A) Subject to subparagraph (C), the Sec-

1 retary may pay to a participant in the Program se-
2 lected under this section a stipend to cover expenses
3 incurred by the participant to obtain the required
4 educational level, certification or licensing. Such sti-
5 pend may not exceed \$5,000 and may vary by par-
6 ticipant.

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

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

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

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

1 “(4) TREATMENT OF STIPEND AND BONUS.—A
2 stipend or bonus paid under this subsection to a
3 participant in the Program shall be taken into ac-
4 count in determining the eligibility of the participant
5 for Federal student financial assistance provided
6 under title IV of the Higher Education Act of 1965
7 (20 U.S.C. 1070 et seq.).

8 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
9 CUMSTANCES.—

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

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

21 “(B) The participant voluntarily leaves, or
22 is terminated for cause from, employment as an
23 elementary school teacher, secondary school
24 teacher, or career or technical teacher during

1 the three years of required service in violation
2 of the participation agreement.

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

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

23 “(3) TREATMENT OF OBLIGATION.—The obliga-
24 tion to reimburse the Secretary under this sub-
25 section is, for all purposes, a debt owing the United

1 States. A discharge in bankruptcy under title 11
2 shall not release a participant from the obligation to
3 reimburse the Secretary under this subsection.

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

12 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
13 UNDER MONTGOMERY GI BILL.—The receipt by a partici-
14 ipant in the Program of a stipend or bonus under this
15 subsection (e) shall not reduce or otherwise affect the enti-
16 tlement of the participant to any benefits under chapter
17 30 or 33 of title 38 or chapter 1606 of this title.

18 “(h) PARTICIPATION BY STATES.—

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

1 “(2) ASSISTANCE TO STATES.—(A) Subject to
2 subparagraph (B), the Secretary may make grants
3 to States participating in the Program, or to con-
4 sortia of such States, in order to permit such States
5 or consortia of States to operate offices for purposes
6 of recruiting eligible members of the armed forces
7 for participation in the Program and facilitating the
8 employment of participants in the Program as ele-
9 mentary school teachers, secondary school teachers,
10 and career or technical teachers.

11 “(B) The total amount of grants made under
12 subparagraph (A) in any fiscal year may not exceed
13 \$5,000,000.”.

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

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

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

24 (d) TERMINATION OF ORIGINAL PROGRAM.—

1 (1) TERMINATION.—

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

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

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

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

22 **SEC. 545. MILITARY GROOMING AND APPEARANCE STAND-**
23 **ARDS.**

24 (a) MILITARY GROOMING AND APPEARANCE STAND-
25 ARDS.—

1 (1) IN GENERAL.—Chapter 45 of title 10,
 2 United States Code, is amended by adding at the
 3 end the following new section:

4 **“§ 778. Grooming and appearance standards**

5 “Grooming and appearance standards prescribed by
 6 the Secretary of a military department for members of the
 7 armed forces are not subject to the Religious Freedom
 8 Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).”.

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

“778. Grooming and appearance standards.”.

12 (b) WEARING OF ITEMS OF RELIGIOUS APPAREL
 13 WITH THE UNIFORM.—Section 774(c) of such title is
 14 amended by adding at the end the following new sentence:
 15 “Such regulations are not subject to the Religious Free-
 16 dom Restoration Act of 1993 (42 U.S.C. 2000bb et
 17 seq.).”.

18 **SEC. 546. REPEAL OF MANDATORY HIGH-DEPLOYMENT AL-**
 19 **LOWANCE.**

20 (a) REPEAL OF AUTHORITY FOR PAYMENT OF HIGH-
 21 DEPLOYMENT ALLOWANCE.—

22 (1) IN GENERAL.—Section 436 of title 37,
 23 United States Code, is repealed.

24 (2) CLERICAL AMENDMENT.—The table of sec-
 25 tions at the beginning of chapter 7 of such title is

1 amended by striking the item relating to section
2 436.

3 (b) REPEAL OF REQUIREMENTS RELATING TO MAN-
4 AGEMENT OF DEPLOYMENT OF MEMBERS.—

5 (1) IN GENERAL.—Section 991 of title 10,
6 United States Code, is repealed.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 50 of such title is
9 amended by striking the item relating to section
10 991.

11 **SEC. 547. THREE-YEAR EXTENSION AND REVISION OF AU-**
12 **THORITIES RELATING TO TRANSITION OF**
13 **MILITARY DEPENDENT STUDENTS AMONG**
14 **LOCAL EDUCATIONAL AGENCIES.**

15 (a) ADDITIONAL PROGRAM AUTHORITIES.—Para-
16 graph (2)(B) of section 574(d) of the John Warner Na-
17 tional Defense Authorization Act for Fiscal Year 2007 (20
18 U.S.C. 7703b 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 the following:

23 “(i) Access to virtual and distance learning
24 capabilities and related applications.

25 “(ii) Training programs 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 students.”.

8 (b) EXTENSION OF EXPIRATION.—Paragraph (3) of
9 such section is amended by striking “September 30,
10 2013” and inserting “September 30, 2016”.

11 **TITLE VI—COMPENSATION AND**
12 **OTHER PERSONNEL BENEFITS**

13 **Subtitle A—General Matters**

14 **SEC. 601. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
15 **BONUS AND SPECIAL PAY AUTHORITIES.**

16 (a) AUTHORITIES RELATING TO RESERVE
17 FORCES.—The following sections of title 37, United
18 States Code, are amended by striking “December 31,
19 2011” and inserting “December 31, 2012”:

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

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

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

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

7 (5) Section 308h(e), relating to Ready Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.

10 (6) Section 308i(f), relating to Selected Reserve
11 enlistment and reenlistment bonus for persons with
12 prior service.

13 (7) Section 408a(e), relating to a travel and
14 transportation allowance for inactive-duty training
15 outside of normal commuting distance.

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

20 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
21 CARE PROFESSIONALS.—The following sections of title
22 10, United States Code, are amended by striking “Decem-
23 ber 31, 2011” and inserting “December 31, 2012”:

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

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

4 (c) TITLE 37 AUTHORITIES RELATING TO HEALTH
5 CARE PROFESSIONALS.—The following sections of title
6 37, United States Code, are amended by striking “Decem-
7 ber 31, 2011” and inserting “December 31, 2012”:

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

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

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

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

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

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

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

1 (8) Section 3021(g), relating to accession bonus
2 for dental specialist officers in critically short war-
3 time specialties.

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

6 (d) AUTHORITIES RELATING TO NUCLEAR OFFI-
7 CERS.—The following sections of title 37, United States
8 Code, are amended by striking “December 31, 2011” and
9 inserting “December 31, 2012”:

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

13 (2) Section 312b(c), relating to nuclear career
14 accession bonus.

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

17 (4) Section 333(i), relating to special bonus and
18 incentive pay authorities for nuclear officers.

19 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
20 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
21 THORITIES.—The following sections of title 37, United
22 States Code, are amended by striking “December 31,
23 2011” and inserting “December 31, 2012”:

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

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

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

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

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

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

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

14 (f) AUTHORITIES RELATING TO PAYMENT OF RE-
15 FERRAL BONUSES.—The following sections of title 10,
16 United States Code, are amended by striking “December
17 31, 2011” and inserting “December 31, 2012”:

18 (1) Section 1030(i), relating to health profes-
19 sions referral bonus.

20 (2) Section 3252(h), relating to army referral
21 bonus.

22 (g) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-
23 THORITIES.—The following sections of title 37, United
24 States Code, are amended by striking “December 31,
25 2011” and inserting “December 31, 2012”:

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

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

5 (3) Section 308(g), relating to reenlistment
6 bonus for active members.

7 (4) Section 309(e), relating to enlistment
8 bonus.

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

11 (6) Section 326(g), relating to incentive bonus
12 for conversion to military occupational specialty to
13 ease personnel shortage.

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

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

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

1 **SEC. 602. TRAVEL FOR ANESTHESIA SERVICES FOR CHILD-**
2 **BIRTH FOR COMMAND-SPONSORED DEPEND-**
3 **ENTS OF MEMBERS ASSIGNED TO VERY RE-**
4 **MOTE LOCATIONS OUTSIDE THE CONTI-**
5 **NENTAL UNITED STATES.**

6 Section 1040(a) of title 10, United States Code, is
7 amended—

8 (1) by inserting “(1)” after “(a)”; and

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

11 “(2)(A) For purposes of paragraph (1), re-
12 quired medical attention of a dependent includes, in
13 the case of a dependent authorized to accompany a
14 member at a location described in that paragraph,
15 obstetrical anesthesia services for childbirth equiva-
16 lent to the obstetrical anesthesia services for child-
17 birth available in a military treatment facility in the
18 United States.

19 “(B) In the case of a dependent at a remote lo-
20 cation outside the continental United States who
21 elects services described in subparagraph (A) and for
22 whom air transportation would be needed to travel
23 under paragraph (1) to the nearest appropriate med-
24 ical facility at which adequate medical care is avail-
25 able, the Secretary may authorize the dependent to
26 receive transportation under that paragraph to the

1 continental United States and be treated at the mili-
2 tary treatment facility that can provide appropriate
3 obstetrical services that is nearest to the closest port
4 of entry into the continental United States from
5 such remote location.

6 “(C) The second through sixth sentences of
7 paragraph (1) shall apply to a dependent provided
8 transportation by reason of this paragraph.

9 “(D) The total cost incurred by the United
10 States for the provision of transportation and ex-
11 penses (including per diem) with respect to a de-
12 pendent by reason of this paragraph may not exceed
13 the cost the United States would otherwise incur for
14 the provision of transportation and expenses with re-
15 spect to that dependent under paragraph (1) if the
16 transportation and expenses were provided to that
17 dependent without regard to this paragraph.

18 “(E) The authority under this paragraph shall
19 expire on September 30, 2016.”.

1 **SEC. 603. TRAVEL AND TRANSPORTATION ALLOWANCE FOR**
2 **DEPENDENT CHILD OF MEMBER STATIONED**
3 **OVERSEAS WHO IS ATTENDING OVERSEAS**
4 **UNIVERSITY, COLLEGE OR SIMILAR INSTITU-**
5 **TION.**

6 Section 430 of title 37, United States Code, is
7 amended—

8 (1) in subsection (a), by amending paragraph
9 (2) to read as follows:

10 “(2) An eligible dependent child of a member
11 referred to in paragraph (1)(c) is a child who—

12 “(A) is under 23 years of age and unmar-
13 ried; and

14 “(B)(i)(I) is enrolled in a school in the
15 continental United States for the purpose of ob-
16 taining a formal education; and

17 “(II) is attending that school or is partici-
18 pating in a foreign study program approved by
19 that school and, pursuant to that foreign study
20 program, is attending a school outside the
21 United States for a period of not more than one
22 year; or

23 “(ii) is attending a college, university, or
24 similar institution outside the United States, in-
25 cluding a technical or business school, offering
26 postsecondary level academic instruction leading

1 to an associate or higher degree, or the equiva-
 2 lent, which is recognized as such by the sec-
 3 retary of education (or comparable official) of
 4 the country or other jurisdiction in which the
 5 institution is located.”; and

6 (2) in subsection (b)—

7 (A) in paragraph (3), by striking “in the
 8 continental United States”; and

9 (B) in paragraph (4)—

10 (i) by inserting “a foreign study pro-
 11 gram at” after “attending”; and

12 (ii) by inserting “under subsection
 13 (a)(2)(B)(i)(II)” after “outside the United
 14 States”.

15 **SEC. 604. LODGING ACCOMMODATIONS FOR MEMBERS AS-**
 16 **SIGNED TO DUTY IN CONNECTION WITH COM-**
 17 **MISSIONING OR FITTING OUT OF A SHIP.**

18 (a) EXTENSION TO PRECOMMISSIONING UNIT SAIL-
 19 ORS.—Subsection (a) of section 7572 of title 10, United
 20 States Code, is amended—

21 (1) by inserting “or assigned to duty in connec-
 22 tion with commissioning or fitting out of a ship”
 23 after “sea duty”; and

1 (2) by inserting “, because the ship is under
2 construction and is not yet habitable,” after “be-
3 cause of repairs,”.

4 (b) EXTENSION TO ENLISTED MEMBERS.—Sub-
5 section (d) of such section is amended—

6 (1) in paragraph (1)—

7 (A) by striking “After the expiration of the
8 authority provided in subsection (b), an officer”
9 and inserting “A member”;

10 (B) by striking “officer’s quarters” and in-
11 serting “member’s quarters”;

12 (C) by striking “obtaining quarters” and
13 inserting “obtaining housing”; and

14 (D) by striking “the officer” and inserting
15 “the member”;

16 (2) in paragraph (2)—

17 (A) by striking “an officer” both places it
18 appears and inserting “a member”;

19 (B) by striking “quarters” and inserting
20 “housing”; and

21 (C) by striking “officer’s grade” and in-
22 serting “member’s grade”; and

23 (3) in paragraph (3)—

24 (A) by striking “an officer” and inserting
25 “a member”; and

1 (B) by striking “quarters” and inserting
2 “housing”.

3 (c) SHIPYARDS AFFECTED BY BRAC 2005.—Such
4 section is further amended by adding at the end the fol-
5 lowing new subsection:

6 “(e)(1) The Secretary may reimburse a member of
7 the naval service assigned to duty in connection with com-
8 missioning or fitting out of a ship in Pascagoula, Mis-
9 sissippi, or Bath, Maine, who is deprived of quarters on
10 board a ship because the ship is under construction and
11 is not yet habitable, or because of other conditions that
12 make the member’s quarters uninhabitable, for expenses
13 incurred in obtaining housing, but only when the Navy is
14 unable to furnish the member with lodging accommoda-
15 tions under subsection (a).

16 “(2) The total amount that a member may be reim-
17 bursed under this subsection may not exceed an amount
18 equal to the basic allowance for housing of a member with-
19 out dependents of that member’s grade.

20 “(3) A member without dependents, or a member who
21 resides with dependents while assigned to duty in connec-
22 tion with commissioning or fitting out of a ship at one
23 of the locations specified in paragraph (1), may not be
24 reimbursed under this subsection.

1 “(4) The Secretary may prescribe regulations to
2 carry out this subsection.”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) The heading of such section is amended to
5 read as follows:

6 **“§ 7572. Quarters: accommodations in place for mem-**
7 **bers on sea duty or assigned to duty in**
8 **connection with commissioning or fitting**
9 **out of a ship”.**

10 (2) The table of sections at the beginning of
11 chapter 649 of such title is amended by striking the
12 item relating to section 7572 and inserting the fol-
13 lowing new item:

“7572. Quarters: accommodations in place for members on sea duty or assigned
to duty in connection with commissioning or fitting out of a
ship.”.

14 **SEC. 605. REVISION TO CERTAIN DEFINITIONS RELATING**
15 **TO FAMILIES OF SERVICEMEMBERS FOR**
16 **PURPOSES OF FAMILY AND MEDICAL LEAVE.**

17 (a) DEFINITIONS APPLICABLE UNDER FAMILY AND
18 MEDICAL LEAVE ACT OF 1993.—

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

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

1 (B) by inserting “, 12301(d), 12301(g), or
2 12310” after “section 101(a)(13)(B)” in sub-
3 paragraph (B).

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

8 (b) DEFINITIONS APPLICABLE TO LEAVE FOR CIVIL
9 SERVICE EMPLOYEES.—

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

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

15 (B) by inserting “, 12301(d), 12301(g), or
16 12310” after “section 101(a)(13)(B)” in sub-
17 paragraph (B).

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

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

1 **Subtitle B—Consolidation and Re-**
 2 **form of Travel and Transpor-**
 3 **tation Authorities**

4 **SEC. 611. 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 service 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, efficient, relevant, and flexible and that meets mis-
 16 sion and servicemember needs.

17 (b) CONSOLIDATED AUTHORITIES.—Title 37, United
 18 States Code, is amended by inserting after chapter 7 the
 19 following new chapter:

20 **“CHAPTER 8—TRAVEL AND**
 21 **TRANSPORTATION ALLOWANCES**

“SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

“Sec.

“Sec. 451. Definitions.

“Sec. 452. Allowable travel and transportation: general authorities.

“Sec. 453. Allowable travel and transportation: specific authorities.

“Sec. 454. Travel and transportation pilot programs.

“Sec. 455. Appropriations for travel: may not be used for attendance at certain meetings.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

- “Sec. 461. Relationship to other travel and transportation authorities.
- “Sec. 462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.
- “Sec. 463. Regulations.

“SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

- “Sec. 471. Travel authorities transition expiration date.
- “Sec. 472. Definitions and other incorporated provisions of chapter 7.
- “Sec. 474. Travel and transportation allowances: general.
- “Sec. 474a. Travel and transportation allowances: temporary lodging expenses.
- “Sec. 474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
- “Sec. 475. Travel and transportation allowances: per diem while on duty outside the continental United States.
- “Sec. 475a. Travel and transportation allowances: departure allowances.
- “Sec. 476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
- “Sec. 476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
- “Sec. 476c. Travel and transportation allowances: members assigned to a vessel under construction.
- “Sec. 477. Travel and transportation allowances: dislocation allowance.
- “Sec. 478. Travel and transportation allowances: travel within limits of duty station.
- “Sec. 478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
- “Sec. 479. Travel and transportation allowances: house trailers and mobile homes.
- “Sec. 480. Travel and transportation allowances: miscellaneous categories.
- “Sec. 481. Travel and transportation allowances: administrative provisions.
- “Sec. 481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
- “Sec. 481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
- “Sec. 481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
- “Sec. 481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
- “Sec. 481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
- “Sec. 481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies.
- “Sec. 481g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.
- “Sec. 481h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.
- “Sec. 481i. Travel and transportation allowances: parking expenses.
- “Sec. 481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.

“Sec. 481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.

“Sec. 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.

“Sec. 488. Allowance for recruiting expenses.

“Sec. 489. Travel and transportation allowances: minor dependent schooling.

“Sec. 490. Travel and transportation: dependent children of members stationed overseas.

“Sec. 491. Benefits for certain members assigned to the Defense Intelligence Agency.

“Sec. 492. Travel and transportation: members escorting certain dependents.

“Sec. 494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.

“Sec. 495. Funeral honors duty: allowance.

1 “SUBCHAPTER I—TRAVEL AND
2 TRANSPORTATION—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.

15 “(C) The Secretary of Commerce, with re-
16 spect to the National Oceanic and Atmospheric
17 Administration.

1 “(D) The Secretary of Health and Human
2 Services, with respect to the Public Health
3 Service.

4 “(2) The term ‘authorized traveler’ means a
5 person who is authorized travel and transportation
6 allowances when performing official travel ordered or
7 authorized by the administering Secretary. Such
8 term includes the following:

9 “(A) A member of the uniformed services.

10 “(B) A family member of a member of the
11 uniformed services.

12 “(C) A person acting as an escort or at-
13 tendant for a member or family member who is
14 traveling on official travel or is traveling with
15 the remains of a deceased member.

16 “(D) A person who participates in a mili-
17 tary funeral honors detail.

18 “(E) A Senior Reserve Officers’ Training
19 Corps cadet or midshipman.

20 “(F) An applicant or rejected applicant for
21 enlistment.

22 “(G) Any other person whose employment
23 or service is considered directly related to a
24 Government official activity or function under
25 regulations prescribed section 463 of this title.

1 “(3) The term ‘family member’, with respect to
2 a member of the uniformed services, means the fol-
3 lowing:

4 “(A) A dependent, as defined in section
5 401(a) of this title.

6 “(B) A child, as defined in section
7 401(b)(1) of this title.

8 “(C) A parent, as defined in section
9 401(b)(2) of this title.

10 “(D) A sibling of the member.

11 “(E) A former spouse of the member.

12 “(F) Any person not covered by subpara-
13 graphs (A) through (E) who is in a category
14 specified in regulations under section 463 of
15 this title as having an association, connection,
16 or affiliation with a member of the uniformed
17 services or the family of such a member.

18 “(G) Any person not covered by subpara-
19 graphs (A) through (F) who is determined by
20 the administering Secretary under regulations
21 prescribed under section 463 of this title as
22 warranting the status of being a family member
23 for purposes of a particular travel incident.

1 “(b) DEFINITIONS RELATING TO TRAVEL AND
2 TRANSPORTATION ALLOWANCES.—In this subchapter and
3 subchapter II:

4 “(1) The term ‘official travel’ means the fol-
5 lowing:

6 “(A) Military duty or official business per-
7 formed by an authorized traveler away from a
8 duty assignment location or other authorized lo-
9 cation.

10 “(B) Travel performed by an authorized
11 traveler ordered to relocate from a permanent
12 duty station to another permanent duty station.

13 “(C) Travel performed by an authorized
14 traveler ordered to the first permanent duty
15 station, or separated or retired from uniformed
16 service.

17 “(D) Local travel in or around the tem-
18 porary duty or permanent duty station.

19 “(E) Other travel as authorized or ordered
20 by the administering Secretary.

21 “(2) The term ‘actual and necessary expenses’
22 means expenses incurred in fact by a traveler as a
23 reasonable consequence of official travel.

24 “(3) The term ‘travel allowances’ means the
25 daily lodging, meals, and other related expenses, in-

1 including relocation expenses, incurred by an author-
2 ized traveler while on official travel.

3 “(4) The term ‘transportation allowances’
4 means the costs of temporarily or permanently mov-
5 ing an authorized traveler, the personal property of
6 an authorized traveler, or a combination thereof.

7 “(5) The term ‘transportation-, lodging-, or
8 meals-in-kind’ means transportation, lodging, or
9 meals provided by the Government without cost to
10 the traveler.

11 “(6) The term ‘miscellaneous expenses’ mean
12 authorized expenses incurred in addition to author-
13 ized allowances during the performance of official
14 travel.

15 “(7) The term ‘personal property’, with respect
16 to transportation allowances, includes baggage, fur-
17 niture, and other household items, clothing, privately
18 owned vehicles, house trailers, mobile homes, and
19 any other personal item that would not otherwise be
20 prohibited by any other provision or law, or regula-
21 tion prescribed under section 463 of this title.

22 “(8) The term ‘relocation allowances’ means the
23 costs associated with relocating a member of the
24 uniformed services or other authorized traveler be-

1 tween an old and new temporary or permanent duty
2 assignment location or other authorized location.

3 “(9) The term ‘dislocation allowances’ means
4 the costs associated with relocation of the household
5 of a member of the uniformed services or other au-
6 thorized traveler in relation to a change in the mem-
7 ber’s permanent duty assignment location ordered
8 for the convenience of the Government or incident to
9 an evacuation.

10 “(10) The term ‘per diem’ means an amount
11 established as a daily rate that is paid to an author-
12 ized traveler to cover lodging, meals, and other re-
13 lated travel expenses pursuant to regulations.

14 **“§ 452. Allowable travel and transportation: general**
15 **authorities**

16 “(a) IN GENERAL.—Except as otherwise prohibited
17 by law, a member of the uniformed services or other au-
18 thorized traveler—

19 “(1) shall be provided transportation-, lodging,
20 or meals-in-kind, or actual and necessary travel and
21 transportation expenses for, or in connection with,
22 official travel; or

23 “(2) may be provided transportation and travel
24 allowances under other circumstances as specified in
25 regulations prescribed under section 463 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
5 463 of this title:

6 “(1) Temporary duty that requires en route
7 travel between a permanent duty assignment loca-
8 tion and another authorized temporary duty loca-
9 tion, and travel in or around the temporary duty lo-
10 cation.

11 “(2) Permanent change of station that requires
12 en route travel between an old and new temporary
13 or permanent duty assignment location or other au-
14 thorized location.

15 “(3) Temporary duty or assignment relocation
16 related to a consecutive overseas tour or in-place-
17 consecutive overseas tour.

18 “(4) Recruiting duties for the armed forces.

19 “(5) Assignment or detail to another Govern-
20 ment agency or department.

21 “(6) Rest and recuperative leave.

22 “(7) Convalescent leave.

23 “(8) Reenlistment leave.

1 “(9) Reserve component inactive-duty training
2 performed outside the normal commuting distance of
3 the member’s permanent residence.

4 “(10) Ready Reserve muster duty.

5 “(11) Unusual, extraordinary, hardship, or
6 emergency circumstances.

7 “(12) Missing status, as determined by the Sec-
8 retary concerned under chapter 10 of this title.

9 “(13) Attendance at or participation in inter-
10 national sports competitions described under section
11 717 of title 10.

12 “(c) MATTERS INCLUDED.—Travel and transpor-
13 tation allowances which may be provided under subsection
14 (a) include the following:

15 “(1) Allowances for transportation, lodging, and
16 meals.

17 “(2) Dislocation or relocation allowance paid in
18 connection with a change in a member’s temporary
19 or permanent duty assignment location.

20 “(3) Other related miscellaneous expenses.

21 “(d) MODE OF PROVIDING TRAVEL AND TRANSPOR-
22 TATION ALLOWANCES.—Any authorized travel and trans-
23 portation may be provided—

24 “(1) as an actual expense;

25 “(2) as an authorized allowance;

1 “(3) in-kind; or

2 “(4) using a combination of the authorities
3 under paragraphs (1), (2), and (3).

4 “(e) TRAVEL AND TRANSPORTATION ALLOWANCES
5 WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—A mem-
6 ber of a uniformed service or other authorized person
7 whose travel and transportation order or authorization is
8 canceled, revoked, or modified may be allowed actual and
9 necessary expenses or travel and transportation allow-
10 ances.

11 “(f) ADVANCE PAYMENTS.—A member of the uni-
12 formed services or other authorized person may be allowed
13 advance payments for authorized travel and transpor-
14 tation allowances.

15 “(g) RESPONSIBILITY FOR UNAUTHORIZED EX-
16 PENSES.—Any unauthorized travel or transportation ex-
17 pense is not the responsibility of the United States.

18 “(h) RELATIONSHIP TO OTHER AUTHORITIES.—The
19 administering Secretary may not provide payment under
20 this section for an expense for which payment may be pro-
21 vided from any other appropriate Government or non-Gov-
22 ernment entity.

1 **“§ 453. Allowable travel and transportation: specific**
2 **authorities**

3 “(a) IN GENERAL.—In addition to any other author-
4 ity for the provision of travel and transportation allow-
5 ances, the administering Secretaries may provide travel
6 expenses and transportation expenses under this sub-
7 chapter in accordance with this section:

8 “(b) AUTHORIZED ABSENCE FROM TEMPORARY
9 DUTY LOCATION.—A member of a uniformed service or
10 other authorized traveler may be allowed travel expenses
11 and transportation allowances incurred at a temporary
12 duty location during an authorized absence from that loca-
13 tion.

14 “(c) MOVEMENT OF PERSONAL PROPERTY.—

15 “(1) A member of a uniformed service or other
16 authorized person may be allowed moving expenses
17 and transportation allowances associated with the
18 movement of personal property and household goods,
19 including such expenses when associated with a self-
20 move.

21 “(2) The authority in paragraph (1) includes
22 the movement and temporary and non-temporary
23 storage of personal property, household goods, and
24 privately-owned vehicles in connection with the tem-
25 porary or permanent move between authorized loca-
26 tions.

1 “(3) For movement of household goods, the ad-
2 ministering Secretaries shall prescribe weight allow-
3 ances in regulations under section 463 of this title.
4 The prescribed weight allowances may not exceed
5 18,000 pounds (including packing, crating, and
6 household goods in temporary storage), except that
7 the administering Secretary may authorize addi-
8 tional weight allowances as necessary.

9 “(4) The administering Secretary may prescribe
10 the terms, rates, and conditions that authorize a
11 member of the uniformed services to ship or store a
12 privately owned vehicle.

13 “(5) No carrier, port agent, warehouseman,
14 freight forwarder, or other person involved in the
15 transportation of property may have any lien on, or
16 hold, impound, or otherwise interfere with, the move-
17 ment of baggage and household goods being trans-
18 ported under this section.

19 “(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—
20 A member of the uniformed services or other authorized
21 person may be provided travel and transportation allow-
22 ances under this section for unusual, extraordinary, hard-
23 ship, or emergency circumstances, including under cir-
24 cumstances warranting evacuation from a permanent duty
25 assignment location.

1 “(e) PARTICULAR SEPARATION PROVISIONS.—The
2 administering Secretary may provide travel and transpor-
3 tation in kind for the following persons in accordance with
4 regulations prescribed under section 463 of this title:

5 “(1) A member who is retired, or is placed on
6 the temporary disability retired list, under chapter
7 61 of title 10.

8 “(2) A member who is retired with pay under
9 any other law or who, immediately following at least
10 eight years of continuous active duty with no single
11 break therein of more than 90 days, is discharged
12 with separation pay or is involuntarily released from
13 active duty with separation pay or readjustment pay.

14 “(3) A member who is discharged under section
15 1173 of title 10.

16 “(f) ATTENDANCE AT MEMORIAL CEREMONIES AND
17 SERVICES.—A family member or member of the uni-
18 formed services who attends a deceased member’s repatri-
19 ation, burial, or memorial ceremony or service may be pro-
20 vided travel and transportation allowances to the extent
21 provided in regulations prescribed under section 463 of
22 this title.

23 **“§ 454. Travel and transportation pilot programs**

24 “(a) PILOT PROGRAMS.—Except as otherwise prohib-
25 ited by law, the Secretary of Defense may conduct pilot

1 chapter III for Government official travel and transpor-
2 tation performed under a single or related travel and
3 transportation order or authorization by the administering
4 Secretary.

5 **“§ 462. Travel and transportation expenses paid to**
6 **members that are unauthorized or in ex-**
7 **cess of authorized amounts: requirement**
8 **for repayment**

9 “(a) REPAYMENT REQUIRED.—Except as provided in
10 subsection (b), a member of the uniformed services or
11 other person who is paid travel and transportation allow-
12 ances under subchapter I shall repay to the United States
13 any amount of such payment that is determined to be un-
14 authorized or in excess of the applicable authorized
15 amount.

16 “(b) EXCEPTION.—The regulations prescribed to ad-
17 minister this subchapter shall specify procedures for deter-
18 mining the circumstances under which a repayment excep-
19 tion may be granted.

20 “(c) EFFECT OF BANKRUPTCY.—An obligation to
21 repay the United States under this section is, for all pur-
22 poses, a debt owed the United States. A discharge in bank-
23 ruptcy under title 11 does not discharge a person from
24 such debt if the discharge order is entered less than five
25 years after the date on which the debt was incurred.

1 **“§ 463. Regulations**

2 “‘This subchapter and subchapter I shall be adminis-
3 tered under terms, rates, conditions, and regulations pre-
4 scribed by the Secretary of Defense in consultation with
5 the other administering Secretaries for members of the
6 uniformed services. Such regulations shall be uniform for
7 the Department of Defense and shall be apply as uni-
8 formly as practicable to the uniformed services under the
9 jurisdiction of the other administering Secretaries.

10 “SUBCHAPTER III—TRAVEL AND
11 TRANSPORTATION AUTHORITIES—OLD LAW

12 **“§ 471. Travel authorities transition expiration date**

13 “‘In this subchapter, the term ‘travel authorities tran-
14 sition expiration date’ means the last day of the 10-year
15 period beginning on the first day of the first month begin-
16 ning after the date of the enactment of this section.

17 **“§ 472. Definitions and other incorporated provisions**
18 **of chapter 7**

19 “(a) DEFINITIONS.—The provisions of section 401 of
20 this title apply to this subchapter.

21 “(b) OTHER PROVISIONS.—The provisions of sections
22 421 and 423 of this title apply to this subchapter.”.

23 (c) TRANSFER OF SECTIONS.—

24 (1) TRANSFER TO SUBCHAPTER I.—Section 412
25 of title 37, United States Code, is transferred to
26 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 411k, 428
 7 through 432, 434, and 435 of such title are trans-
 8 ferred (in that order) to chapter 8 of such title, as
 9 added by subsection (b), inserted after section 472,
 10 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
411g	481g
411h	481h
411i	481i
411j	481j
411k	481k
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 481k (as transferred and redesignated by paragraph
5 (2)), and redesignated as section 484.

6 (d) 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 “(h) TERMINATION.—No travel and transportation
13 allowance or reimbursement may be provided under this
14 section for travel that begins after the travel authorities
15 transition expiration 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) TERMINATION.—During and after the travel au-
11 thorities expiration date, no allowance under subsection
12 (a) or transportation or reimbursement under subsection
13 (b) may be provided with respect to an authority or order
14 to depart.”.

15 (6) Section 476 is amended by adding at the
16 end the following new subsection:

17 “(n) TERMINATION.—No transportation, reimburse-
18 ment, allowance, or per diem may be provided under this
19 section—

20 “(1) with respect to a change of temporary or
21 permanent station for which orders are issued after
22 the travel authorities transition expiration date; or

23 “(2) in a case covered by this section when such
24 orders are not issued, with respect to a movement of

1 baggage or household effects that begins after such
2 date.”.

3 (7) Section 476b is amended by adding at the
4 end the following new subsection:

5 “(e) TERMINATION.—No transportation or allowance
6 may be provided under this section for travel that begins
7 after the travel authorities transition expiration date.”.

8 (8) Section 476c is amended by adding at the
9 end the following new subsection:

10 “(e) TERMINATION.—No transportation or allowance
11 may be provided under this section for travel that begins
12 after the travel authorities transition expiration date.”.

13 (9) Section 477 is amended by adding at the
14 end the following new subsection:

15 “(i) TERMINATION.—No dislocation allowance may
16 be paid under this section for a move that begins after
17 the travel authorities transition expiration date.”.

18 (10) Section 478 is amended by adding at the
19 end the following new subsection:

20 “(c) TERMINATION.—No travel and transportation
21 allowance, payment, or reimbursement may be provided
22 under this section for travel that begins after the travel
23 authorities transition expiration date.”.

24 (11) Section 479 is amended by adding at the
25 end the following new subsection:

1 “(e) TERMINATION.—No transportation of a house
2 trailer or mobile home, or storage or payment in connec-
3 tion therewith, may be provided under this section for
4 transportation that begins after the travel authorities
5 transition expiration date.”.

6 (12) Section 481 is amended by adding at the
7 end the following new subsection:

8 “(e) TERMINATION.—The regulations prescribed
9 under this section shall cease to be in effect as of the trav-
10 el authorities transition expiration date.”.

11 (13) Section 481a is amended by adding at the
12 end the following new subsection:

13 “(c) TERMINATION.—No travel and transportation
14 allowance may be provided under this section for travel
15 that is authorized after the travel authorities transition
16 expiration date.”.

17 (14) Section 481b is amended by adding at the
18 end the following new subsection:

19 “(h) TERMINATION.—No travel and transportation
20 allowance may be provided under this section for travel
21 that is authorized after the travel authorities transition
22 expiration date.”.

23 (15) Section 481c is amended by adding at the
24 end the following new subsection:

1 “(c) TERMINATION.—No transportation may be pro-
2 vided under this section after the travel authorities transi-
3 tion expiration date, and no payment may be made under
4 this section for transportation that begins after that
5 date.”.

6 (16) Section 481d is amended by adding at the
7 end the following new subsection:

8 “(d) TERMINATION.—No transportation may be pro-
9 vided under this section after the travel authorities transi-
10 tion expiration date.”.

11 (16) Section 481e is amended by adding at the
12 end the following new subsection:

13 “(c) TERMINATION.—No travel and transportation
14 allowance or reimbursement may be provided under this
15 section for travel that begins after the travel authorities
16 transition expiration date.”.

17 (17) Section 481f is amended by adding at the
18 end the following new subsection:

19 “(h) TERMINATION.—No travel and transportation
20 allowance or reimbursement may be provided under this
21 section for travel that begins after the travel authorities
22 transition expiration date.”.

23 (18) Section 481h is amended by adding at the
24 end the following new subsection:

1 “(e) TERMINATION.—No transportation, allowance,
2 reimbursement, or per diem may be provided under this
3 section for travel that begins after the travel authorities
4 transition expiration date.”.

5 (19) Section 481i is amended by adding at the
6 end the following new subsection:

7 “(c) TERMINATION.—No reimbursement may be pro-
8 vided under this section for expenses incurred after the
9 travel authorities transition expiration date.”.

10 (20) Section 481j is amended by adding at the
11 end the following new subsection:

12 “(e) TERMINATION.—No transportation, allowance,
13 reimbursement, or per diem may be provided under this
14 section for travel that begins after the travel authorities
15 transition expiration date.”.

16 (21) Section 481k is amended by adding at the
17 end the following new subsection:

18 “(e) TERMINATION.—No transportation, allowance,
19 or reimbursement may be provided under this section for
20 travel that begins after the travel authorities transition ex-
21 piration date.”.

22 (22) Section 484 is amended by adding at the
23 end the following new subsection:

24 “(k) TERMINATION.—No transportation, allowance,
25 or reimbursement may be provided under this section for

1 a move that begins after the travel authorities transition
2 expiration date.”.

3 (23) Section 488 is amended—

4 (A) by inserting “(a) AUTHORITY.—” be-
5 fore “In addition”; and

6 (B) by adding at the end the following new
7 subsection:

8 “(b) TERMINATION.—No reimbursement may be pro-
9 vided under this section for expenses incurred after the
10 travel authorities transition expiration date.”.

11 (24) Section 489 is amended—

12 (A) by inserting “(a) AUTHORITY.—” be-
13 fore “In addition”; and

14 (B) by adding at the end the following new
15 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 (25) Section 490 is amended by adding at the
20 end the following new subsection:

21 “(g) TERMINATION.—No transportation, allowance,
22 reimbursement, or per diem may be provided under this
23 section for travel that begins after the travel authorities
24 transition expiration date.”.

1 (26) Section 492 is amended by adding at the
2 end the following new subsection:

3 “(c) TERMINATION.—No transportation or allowance
4 may be provided under this section for travel that begins
5 after the travel authorities transition expiration date.”.

6 (27) Section 494 is amended by adding at the
7 end the following new subsection:

8 “(d) TERMINATION.—No reimbursement may be pro-
9 vided under this section for expenses incurred after the
10 travel authorities transition expiration date.”.

11 (28) Section 495 is amended by adding at the
12 end the following new subsection:

13 “(c) TERMINATION.—No allowance may be paid
14 under this section for any day after the travel authorities
15 transition expiration date.”.

16 (e) TECHNICAL AND CLERICAL AMENDMENTS.—

17 (1) CHAPTER HEADING.—The heading of chap-
18 ter 7 of such title is amended to read as follows:

19 **“CHAPTER 7—ALLOWANCES OTHER THAN**
20 **TRAVEL AND TRANSPORTATION AL-**
21 **LOWANCES”.**

22 (2) TABLE OF CHAPTERS.—The table of chap-
23 ter preceding chapter 1 of such title is amended by
24 striking the item relating to chapter 7 and inserting
25 the following:

“7. Allowances Other Than Travel and Transportation Allowances	401
“8. Travel and Transportation Allowances	451”.

1 (3) TABLE OF SECTIONS.—The table of sections
 2 at the beginning of chapter 7 of such title is amend-
 3 ed by striking the items relating to sections 404
 4 through 412, 428 through 432, 434, and 435.

5 (4) CROSS REFERENCES.—(A) Any section of
 6 title 10 or 37, United States Code, that includes a
 7 reference to a section of title 37 that is transferred
 8 and redesignated by subsection (c) is amended so as
 9 to conform the reference to the section number of
 10 the section as so redesignated.

11 (B) Any reference in a provision of law other
 12 than a section of title 10 or 37, United States Code,
 13 to a section of title 37 that is transferred and redesi-
 14 gnated by subsection (c) is deemed to refer to the
 15 section as so redesignated.

16 **SEC. 612. TRANSITION PROVISIONS.**

17 (a) IMPLEMENTATION PLAN.—The Secretary of De-
 18 fense shall develop a plan to implement subchapters I and
 19 II of chapter 8 of title 37, United States Code, as added
 20 by section 611, and to transition all of the travel and
 21 transportation programs for members of the uniformed
 22 services under chapter 7 of title 37, United States Code,
 23 solely to provisions of those subchapters by the end of the
 24 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 added by section 611(b), may apply those authorities
7 subject to the terms of such provisions and such modifica-
8 tions as the Secretary of Defense may include in the im-
9 plementation plan required under subsection (a) or in any
10 subsequent 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) TRANSITION PERIOD.—In this section, the term
24 “transition period” means the 10-year period beginning

1 on the first day of the first month beginning after the date
 2 of the enactment of this Act.

3 **TITLE VII—HEALTH CARE**
 4 **PROVISIONS**

5 **SEC. 701. RESERVE COMPONENT MENTAL HEALTH STU-**
 6 **DENT STIPEND.**

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

10 (1) by redesignating subsection (f) as sub-
 11 section (g); and

12 (2) by inserting after subsection (e) the fol-
 13 lowing new subsection (f):

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

19 “(A) is eligible to be appointed as an offi-
 20 cer in a reserve component;

21 “(B) is enrolled or has been accepted for
 22 enrollment in an institution in a course of study
 23 that results in a degree in clinical psychology or
 24 social work;

1 “(C) Signs an agreement that, unless soon-
2 er separated, the person will—

3 “(i) complete the educational phase of
4 the program;

5 “(ii) accept a reappointment or redesi-
6 gnation within the person’s reserve compo-
7 nent, if tendered, based upon the person’s
8 health profession, following satisfactory
9 completion of the educational and intern
10 programs; and

11 “(iii) participate in a residency pro-
12 gram if required for clinical licensure; and

13 “(D) if required by regulations prescribed
14 by the Secretary of Defense, agrees to apply
15 for, if eligible, and accept, if offered, residency
16 training in a health profession skill which has
17 been designated by the Secretary of Defense as
18 a critically needed wartime skill.

19 “(2) Under the agreement—

20 “(A) the Secretary of the military depart-
21 ment concerned shall agree to pay the partici-
22 pant a stipend, in the amount determined under
23 subsection (g), for the period or the remainder
24 of the period that the student is satisfactorily
25 progressing toward a degree in clinical psy-

1 chology or social work while enrolled in a school
2 accredited in the designated mental health dis-
3 cipline;

4 “(B) the participant shall not be eligible to
5 receive such stipend before appointment, des-
6 ignation, or assignment as an officer for service
7 in the Ready Reserve;

8 “(C) the participant shall be subject to
9 such active duty requirements as may be speci-
10 fied in the agreement and to active duty in time
11 of war or national emergency as provided by
12 law for members of the Ready Reserve; and

13 “(D) the participant shall agree to serve,
14 upon successful completion of the program, one
15 year in the Ready Reserve for each six months,
16 or part thereof, for which the stipend is pro-
17 vided, to be served in the Selected Reserve or
18 in the Individual Ready Reserve as specified in
19 the agreement.”.

20 (b) CROSS-REFERENCE AMENDMENTS.—Such sec-
21 tion is further amended by striking “subsection (f)” in
22 subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A) and insert-
23 ing “subsection (g)”.

1 **SEC. 702. TRANSITION ENROLLMENT OF UNIFORMED SERV-**
 2 **ICES FAMILY HEALTH PLAN MEDICARE-ELI-**
 3 **GIBLE RETIREES TO TRICARE FOR LIFE.**

4 Section 724(e) of the National Defense Authorization
 5 Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C.
 6 1073 note) is amended—

7 (1) by striking “If a covered beneficiary” and
 8 inserting “(1) Except as provided in paragraph (2),
 9 if a covered beneficiary”; and

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

12 “(2) After September 30, 2011, a covered bene-
 13 ficiary (other than a beneficiary under section 1079
 14 of title 10, United States Code) who is also entitled
 15 to hospital insurance benefits under part A of title
 16 XVIII of the Social Security Act due to age may not
 17 enroll in the managed care program of a designated
 18 provider unless the beneficiary was enrolled in that
 19 program on September 30, 2011.”.

20 **TITLE VIII—ACQUISITION POL-**
 21 **ICY, ACQUISITION MANAGE-**
 22 **MENT, AND RELATED MAT-**
 23 **TERS**

24 **SEC. 801. REVISION TO LAW RELATING TO DISCLOSURES**
 25 **TO LITIGATION SUPPORT CONTRACTORS.**

26 (a) IN GENERAL.—

1 (1) REVISED AUTHORITY TO COVER DISCLO-
2 SURES UNDER LITIGATION SUPPORT CONTRACTS.—
3 Chapter 3 of title 10, United States Code, is amend-
4 ed by inserting after section 129c the following new
5 section:

6 **“§ 129d. Disclosure to litigation support contractors**

7 “(a) DISCLOSURES.—An officer or employee of the
8 Department of Defense may disclose confidential commer-
9 cial, financial, or proprietary information, technical data,
10 or other privileged or sensitive information to a litigation
11 support contractor if—

12 “(1) the disclosure is within the scope of the of-
13 ficial duties of the officer or employee;

14 “(2) the disclosure is solely to enable the litiga-
15 tion support contractor to perform the services re-
16 quired under its contract with the Government; and

17 “(3) the litigation support contractor has exe-
18 cuted an agreement with the Department prohibiting
19 disclosure or use of the information except as au-
20 thorized pursuant to its contract, the violation of
21 which is itself a basis for the Government to exercise
22 its right to terminate the contract.

23 “(b) DEFINITION.—In this section, the term ‘litiga-
24 tion support contractor’ means a contractor or individual
25 (including an expert or technical consultant) under con-

1 tract with the Department of Defense to provide litigation
 2 support in the form of administrative, technical, or profes-
 3 sional services during or in anticipation of litigation.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
 5 tions at the beginning of such chapter is amended
 6 by inserting after the item relating to section 129c
 7 the following new item:

“129d. Disclosure to litigation support contractors.”.

8 (b) REPEAL OF SUPERSEDED PROVISIONS ENACTED
 9 IN PUBLIC LAW 111–383.—Section 2320 of such title is
 10 amended—

11 (1) in subsection (c)(2)—

12 (A) by striking “subsection (a)” and all
 13 that follows through “a covered Government”
 14 and inserting “subsection (a), allowing a cov-
 15 ered Government”; and

16 (B) by striking subparagraph (B); and

17 (2) by striking subsection (g).

18 **SEC. 802. CLARIFICATION OF DEPARTMENT OF DEFENSE**
 19 **AUTHORITY TO PURCHASE RIGHT-HAND**
 20 **DRIVE PASSENGER SEDAN VEHICLES AND IN-**
 21 **CREASE IN COST LIMITATION.**

22 Section 2253(a)(2) of title 10, United States Code,
 23 is amended by striking “at a cost of not more than
 24 \$30,000 each” and inserting “, but at a cost of not more
 25 than \$45,000 each for passenger sedans”.

1 **SEC. 803. INCREASE IN DOLLAR THRESHOLDS FOR AU-**
2 **THORITIES FOR ACQUISITION OF LOW-COST**
3 **INTERESTS IN LAND AND UNSPECIFIED**
4 **MINOR CONSTRUCTION PROJECTS FOR ANTI-**
5 **TERRORISM AND FORCE PROTECTION PUR-**
6 **POSES.**

7 (a) ACQUISITION OF LOW-COST INTERESTS IN
8 LAND.—Section 2663(c)(2)(A) of title 10, United States
9 Code, is amended—

10 (1) by striking “needed solely” and inserting

11 “needed—

12 “(i) solely”;

13 (2) by striking “; and” and inserting “; or”;

14 and

15 (3) by adding at the end the following new

16 clause:

17 “(ii) for anti-terrorism and force protection require-
18 ments; and”.

19 (b) UNSPECIFIED MINOR CONSTRUCTION.—Section
20 2805 of such title is amended—

21 (1) in subsection (a)(2), by inserting “or for
22 anti-terrorism and force protection requirements,”
23 after “safety-threatening,”; and

24 (2) in subsection (c)(1)(a)—

25 (A) by striking “intended solely” and in-
26 serting “intended—

1 “(i) solely”; and

2 (B) by adding at the end the following new
3 clause:

4 “(ii) for anti-terrorism and force protection require-
5 ments; or”.

6 **SEC. 804. REPEAL OF PROVISION OF LAW RELATING TO AC-**
7 **QUISITION POLICY WHEN DEPARTMENT OF**
8 **DEFENSE IS OBTAINING CARRIAGE BY VES-**
9 **SEL.**

10 Section 1017 of the John Warner National Defense
11 Authorization Act for Fiscal Year 2007 (Public Law 109–
12 364; 120 Stat. 2379) is repealed.

13 **SEC. 805. INVESTMENT THRESHOLD INCREASE FOR CON-**
14 **TINGENCY OPERATIONS.**

15 (a) ENHANCED AUTHORITY FOR OVERSEAS CONTIN-
16 GENCY OPERATIONS.—Funds made available to the De-
17 partment of Defense for operation and maintenance may
18 be used to purchase items having an investment unit cost
19 greater than the amount specified in section 2254a of title
20 10, United States Code, but not greater than \$750,000,
21 upon determination by the Secretary of Defense that such
22 action is necessary to meet the operational requirements
23 of a commander of a combatant command engaged in con-
24 tingency operations overseas. The authority in the pre-
25 ceding sentence may not be used in the case of a purchase

1 of an item that is centrally managed or an item that is
 2 part of a program of record.

3 (b) EXPIRATION OF AUTHORITY.—The authority
 4 provided in subsection (a) shall expire on September 30,
 5 2012.

6 **SEC. 806. LIMITED ADDITIONAL AUTHORITY FOR DELEGA-**
 7 **TION TO MAKE DETERMINATIONS THAT CO-**
 8 **OPERATIVE RESEARCH AND DEVELOPMENT**
 9 **PROJECTS WILL IMPROVE CONVENTIONAL**
 10 **DEFENSE CAPABILITIES.**

11 Section 2350a(b)(2) of title 10, United States Code,
 12 is amended—

13 (1) by inserting “, to the Under Secretary of
 14 Defense for Acquisition, Technology, and Logistics,”
 15 after “the Deputy Secretary of Defense”; and

16 (2) by inserting “who is appointed by the Presi-
 17 dent, by and with the advice and consent of the Sen-
 18 ate” before the period at the end.

19 **SEC. 807. EXTENSION TO ALL CONTRACTOR EMPLOYEES OF**
 20 **APPLICABILITY OF THE SENIOR EXECUTIVE**
 21 **BENCHMARK COMPENSATION AMOUNT FOR**
 22 **PURPOSES OF ALLOWABLE COST LIMITA-**
 23 **TIONS UNDER GOVERNMENT CONTRACTS.**

24 (a) ALLOWABLE COSTS UNDER DEFENSE CON-
 25 TRACTS.—

1 (1) CERTAIN COMPENSATION NOT ALLOW-
2 ABLE.—Subsection (e)(1)(P) of section 2324 of title
3 10, United States Code, is amended by striking
4 “senior executives” and inserting “employees”.

5 (2) CONFORMING AMENDMENT.—Subsection (l)
6 of such section is amended by striking paragraph
7 (5).

8 (b) ALLOWABLE COSTS UNDER NON-DEFENSE CON-
9 TRACTS.—

10 (1) CERTAIN COMPENSATION NOT ALLOW-
11 ABLE.—Subsection (a)(16) of section 4304 of title
12 41, United States Code, is amended by striking
13 “senior executives” and inserting “employees”.

14 (2) CONFORMING AMENDMENT.—Section 4301
15 of such title is amended by striking paragraph (4).

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section—

18 (1) shall be implemented in the Federal Acqui-
19 sition Regulation within 180 days after the date of
20 the enactment of this Act; and

21 (2) shall apply with respect to costs of com-
22 pensation incurred after January 1, 2012, under
23 covered contracts entered into before, on, or after
24 the date of the enactment of this Act.

1 **SEC. 808. TREATMENT OF CRITICAL COST GROWTH IN**
2 **MAJOR DEFENSE ACQUISITION PROGRAMS**
3 **WHEN COST GROWTH IS PRIMARILY DUE TO**
4 **QUANTITY CHANGES.**

5 Section 2433a of title 10, United States Code, is
6 amended—

7 (1) in subsection (b)(1), by inserting “(except
8 as provided under subsection (e))” after “the Sec-
9 retary shall”; and

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

12 “(e) **INAPPLICABILITY IN THE EVENT OF QUANTITY**
13 **CHANGES.**—(1) If after conducting the reassessment re-
14 quired by subsection (a) with respect to a major defense
15 acquisition program, the Secretary makes the determina-
16 tions specified in paragraph (2), then upon submission to
17 Congress of the statement specified in paragraph (3), the
18 provisions of subsection (b) shall not apply with respect
19 to that program by reason of the increase in unit cost that
20 resulted in the reassessment being conducted.

21 “(2) The determinations specified in this para-
22 graph are the following:

23 “(A) A determination by the Secretary,
24 taking into consideration the results of the root
25 cause analysis conducted pursuant to paragraph

1 (1) of subsection (a) as part of the reassess-
2 ment—

3 “(i) that the increase in unit cost was
4 due primarily to variation in the quantity
5 of items to be purchased under the pro-
6 gram; and

7 “(ii) that such variation in quantity
8 was not made as a result of that increase
9 in unit cost.

10 “(B) A further determination by the Sec-
11 retary, taking into consideration the results of
12 the cost assessment conducted pursuant to
13 paragraph (2) of subsection (a) as part of the
14 reassessment, that it is in the best interests of
15 the Government not to terminate the program,
16 notwithstanding the increase in unit cost.

17 “(3) A statement under this paragraph with re-
18 spect to an increase in unit cost is a written state-
19 ment submitted by the Secretary to Congress—

20 “(A) that is submitted before the end of
21 the 60-day period beginning on the day the Se-
22 lected Acquisition Report containing the infor-
23 mation described in section 2433(g) of this title
24 relating to that increase in unit cost is required

1 to be submitted under section 2432(f) of this
2 title; and

3 “(B) in which the Secretary states—

4 “(i) that the increase in unit cost is
5 primarily attributable to variation in quan-
6 tity; and

7 “(ii) that it is in the best interests of
8 the Government not to terminate the pro-
9 gram notwithstanding the increase in unit
10 cost.”.

11 **SEC. 809. EXTENSION OF AVAILABILITY OF FUNDS IN THE**
12 **DEFENSE ACQUISITION WORKFORCE DEVEL-**
13 **OPMENT FUND.**

14 (a) AVAILABILITY.—Section 1705(e)(6) of title 10,
15 United States Code, is amended by striking “under sub-
16 section (d)(2)” and inserting “(whether by credit in ac-
17 cordance with subsection (d)(2), by transfer pursuant to
18 subsection (d)(3), by direct appropriation, or by deposit)”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall not apply to funds in the Department
21 of Defense Acquisition Workforce Development Fund as
22 of the date of the enactment of this Act.

23 (c) CLARIFYING AMENDMENT.—Such section is fur-
24 ther amended by striking “expenditure” and inserting
25 “obligation”.

1 **SEC. 810. AUTHORITY TO DESIGNATE INCREMENTS OR**
2 **BLOCKS OF SPACE VEHICLES AS MAJOR SUB-**
3 **PROGRAMS.**

4 Section 2430a(a)(1) of title 10, United States Code,
5 is amended—

6 (1) by inserting “(A)” before “If the Secretary
7 of Defense determines”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) If the Secretary of Defense deter-
11 mines that a major defense acquisition program
12 to purchase space vehicles requires the delivery
13 of two or more increments or blocks of space
14 vehicles, the Secretary may designate each such
15 increment or block as a major subprogram for
16 the purposes of acquisition reporting under this
17 chapter.”.

18 **SEC. 811. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
19 **ITY.**

20 (a) LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-
21 UNITED-STATES THRESHOLDS.—Subject to subsection
22 (b), the Under Secretary of Defense for Acquisition, Tech-
23 nology, and Logistics may authorize the head of a con-
24 tracting activity located in the United States, when award-
25 ing a contract or making a purchase in direct support of
26 Operation Enduring Freedom or Operation New Dawn, to

1 use the overseas increased micro-purchase threshold and
2 the overseas increased simplified acquisition threshold in
3 the same manner as if the contract were to be to be award-
4 ed and performed, or the purchase was to be made, outside
5 the United States.

6 (b) LIMITATIONS.—

7 (1) ONLY ONE CONTRACTING ACTIVITY AT A
8 TIME.—The authority of the Under Secretary under
9 subsection (a) may be exercised with respect to only
10 one contracting activity at any time.

11 (2) NON-DELEGATION.—The authority of the
12 Under Secretary under subsection (a) may not be
13 delegated.

14 (c) DEFINITIONS.—In this section:

15 (1) OVERSEAS INCREASED MICRO-PURCHASE
16 THRESHOLD.—The term “overseas increased micro-
17 purchase threshold” means the amount specified in
18 paragraph (1)(B) of section 1903(b) of title 41,
19 United States Code.

20 (2) OVERSEAS INCREASED SIMPLIFIED ACQUI-
21 SITION THRESHOLD.—The term “overseas increased
22 simplified acquisition threshold” means the amount
23 specified in paragraph (2)(B) of section 1903(b) of
24 title 41, United States Code.

1 **SEC. 812. REPEAL OR REVISION OF CERTAIN ACQUISITION-**
2 **RELATED PROVISIONS ENACTED IN FISCAL**
3 **YEAR 2011 NATIONAL DEFENSE AUTHORIZA-**
4 **TION ACT.**

5 (a) ENHANCEMENT OF REVIEW OF ACQUISITION
6 PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RE-
7 SPONSE TO URGENT OPERATIONAL NEEDS.—Subsection
8 (b)(3) of section 804 of the Ike Skelton National Defense
9 Authorization Act for Fiscal Year 2011 (Public Law 111–
10 383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amended—

11 (1) by inserting “and” at the end of subpara-
12 graph (B);

13 (2) by striking “; and” at the end of subpara-
14 graph (C) and inserting a period; and

15 (3) by striking subparagraph (D).

16 (b) REPEAL OF DUPLICATIVE REQUIREMENT FOR
17 SECRETARY OF DEFENSE GUIDANCE CONCERNING MAN-
18 AGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE
19 ACQUISITION PROGRAMS.—Section 812 of such Act (Pub-
20 lic Law 111–383; 124 Stat. 4264; 10 U.S.C. 2430 note)
21 is repealed.

22 (c) REPEAL OF DEFENSE RESEARCH AND DEVELOP-
23 MENT RAPID INNOVATION PROGRAM.—Section 1073 of
24 such Act (Public Law 111–383; 124 Stat. 4366; 10 U.S.C.
25 2359a note) is repealed.

1 **SEC. 813. ACCESS TO CONTRACTOR AND SUBCONTRACTOR**
2 **RECORDS FOR CONTRACTS WITH FOREIGN**
3 **ENTITIES IN SUPPORT OF CONTINGENCY OP-**
4 **ERATIONS IN THE UNITED STATES CENTRAL**
5 **COMMAND AREA OF RESPONSIBILITY.**

6 (a) REQUIREMENT.—In the case of any contract or
7 purchase order to be awarded, or task or delivery order
8 to be issued, by the Department of Defense for perform-
9 ance in support of a contingency operation in the United
10 States Central Command area of responsibility, the con-
11 tract or purchase order may be awarded, or the task or
12 delivery order issued, only if—

13 (1) in the case of contract or purchase order to
14 be awarded, or task or delivery order to be issued,
15 to a foreign entity, the foreign entity agrees to pro-
16 vide access to the Secretary of Defense, acting
17 through an authorized representative, to examine all
18 records of such foreign entity relating to the con-
19 tract or order; and

20 (2) the entity to be awarded the contract or
21 purchase order, or to be issued the task or delivery
22 order, agrees to require that, if any subcontract is
23 to be awarded to a foreign entity under the contract
24 or purchase order or the task or delivery order, the
25 foreign entity must agree to provide access to the
26 Secretary of Defense, acting through an authorized

1 representative, to examine all records of such foreign
2 entity relating to the subcontract.

3 (b) COMBATANT COMMANDER WAIVER AUTHOR-
4 ITY.—The commander of the United States Central Com-
5 mand may authorize a waiver of subsection (a) in any case
6 in which the commander determines that such a waiver
7 is in the best interest of the Government.

8 **SEC. 814. REVISION TO COVERED PROGRAMS SUBJECT TO**
9 **CERTIFICATION PURSUANT TO SECTIONS**
10 **2366A AND 2366B OF TITLE 10, UNITED STATES**
11 **CODE.**

12 (a) REPEAL OF APPLICATION OF CERTIFICATION RE-
13 QUIREMENT TO ONGOING PROGRAMS.—Section 204 of the
14 Weapon Systems Acquisition Reform Act of 2009 (Public
15 Law 111–23; 123 Stat. 1723), is amended by striking sub-
16 section (c).

17 (b) KEY DECISION POINT APPROVAL IN CASE OF
18 SPACE PROGRAM.—

19 (1) CERTIFICATION.—Subsection (a) of section
20 2366a of title 10, United States Code, is amended—

21 (A) by striking “or Key Decision Point A
22 approval in the case of a space program,”; and

23 (B) by striking “or Key Decision Point B
24 approval in the case of a space program,”.

1 (2) NOTIFICATION.—Subsection (b) of such sec-
2 tion is amended—

3 (A) in paragraph (1), by striking “(or Key
4 Decision Point A approval in the case of a
5 space program)”; and

6 (B) in paragraph (2)(C)(ii), by striking
7 “or Key Decision Point A approval in the case
8 of a space program,”;

9 (3) CONFORMING AMENDMENT.—The heading
10 of such section is amended by striking “or Key Deci-
11 sion Point A”.

12 (4) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 139 of such title
14 is amended by striking the item related to section
15 2366a and inserting the following new item:

“2366a. Major defense acquisition programs: certification required before Mile-
stone A approval.”.

16 **SEC. 815. FIVE-YEAR EXTENSION OF DEPARTMENT OF DE-**
17 **FENSE MENTOR-PROTEGE PILOT PROGRAM.**

18 (a) EXTENSION OF PROGRAM.—Subsection (j) of sec-
19 tion 831 of the National Defense Authorization Act for
20 Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302
21 note) is amended—

22 (1) in paragraph (1), by striking “September
23 30, 2010” and inserting “September 30, 2015”; and

1 (2) in paragraph (2), by striking “September
2 30, 2013” and inserting “September 30, 2018”.

3 (b) EXTENSION OF REQUIREMENT FOR ANNUAL RE-
4 PORT.—Subsection (1)(3) of such section is amended by
5 striking “2010” and inserting “2015”.

6 **SEC. 816. RESTRICTION ON CONTRACTING AND VOIDING**
7 **CONTRACTS AND SUBCONTRACTS IN SUP-**
8 **PORT OF CONTINGENCY OPERATIONS IN THE**
9 **UNITED STATES CENTRAL COMMAND THE-**
10 **ATER OF OPERATIONS.**

11 (a) During a contingency operation, the Secretary of
12 Defense, through the commander of a combatant com-
13 mand, may determine, based upon credible evidence, that
14 a foreign entity or individual is supporting an insurgency
15 or otherwise opposing United States or coalition forces.
16 The commander of the combatant command shall notify
17 the responsible head of the contracting activity in writing
18 of all such adverse entity determinations.

19 (b) Upon notification from the commander of a com-
20 batant command of an adverse entity determination made
21 pursuant to subsection (a), the head of the contracting
22 activity shall review all contracts and subcontracts issued
23 under the authority of that contracting activity to deter-
24 mine whether any such adverse entity is currently per-
25 forming under contract or subcontract with the con-

1 tracting activity. The head of the contracting activity shall
2 notify the commander if any adverse entity is performing
3 under a contract or subcontract.

4 (c) With respect to any contract or subcontract iden-
5 tified pursuant to subsection (b), the head of the con-
6 tracting activity may void any such contract or direct the
7 prime contractor to void any such subcontract in accord-
8 ance with applicable regulations prescribed pursuant to
9 this section.

10 **TITLE IX—DEPARTMENT OF DE-**
11 **FENSE ORGANIZATION AND**
12 **MANAGEMENT**

13 **Subtitle A—Intelligence-Related**
14 **Matters**

15 **SEC. 901. APPROPRIATIONS FOR DEFENSE INTELLIGENCE**
16 **ELEMENTS.**

17 (a) IN GENERAL.—Chapter 21 of title 10, United
18 States Code, is amended by inserting after section 428 the
19 following new section:

20 **“§ 429. Appropriations for Defense intelligence ele-**
21 **ments**

22 **“(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE**
23 **INTELLIGENCE ELEMENTS.—**Notwithstanding any other
24 provision of law and in addition to any other transfer au-
25 thority available to the Department of Defense, the Sec-

1 retary of Defense may transfer appropriations of the De-
2 partment of Defense which are available to the Depart-
3 ment of Defense for intelligence, intelligence-related activi-
4 ties and communications, to an account or accounts estab-
5 lished by the Secretary of the Treasury for receipt of such
6 transfers. Such an account or accounts may also receive
7 transfers from the Director of National Intelligence, and
8 transfers and reimbursements arising from transactions,
9 as authorized by law, between the Defense intelligence ele-
10 ments and other entities. Appropriation balances in such
11 an account or accounts may be transferred back to the
12 account or accounts from which they originated as appro-
13 priation refunds.

14 “(b) AVAILABILITY OF APPROPRIATIONS.—Appro-
15 priations transferred pursuant to subsection (a) shall re-
16 main available for the same time period, and shall be avail-
17 able for the same purposes, as the appropriations from
18 which they were transferred.

19 “(c) DEFENSE INTELLIGENCE ELEMENTS DE-
20 FINED.—In this section, the term ‘Defense intelligence
21 elements’ means the Department of Defense agencies, of-
22 fices, and elements included within the definition of ‘intel-
23 ligence community’ under section 3(4) of the National Se-
24 curity Act of 1947 (50 U.S.C. 401a(4)).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of subchapter I of such chapter is amend-
 3 ed by adding at the end the following new item:

“429. Appropriations for Defense intelligence elements.”.

4 **SEC. 902. AUTHORITY TO CREDIT MILITARY GRADUATES OF**
 5 **THE NATIONAL DEFENSE INTELLIGENCE**
 6 **COLLEGE WITH COMPLETION OF JOINT PRO-**
 7 **FESSIONAL MILITARY EDUCATION PHASE I.**

8 (a) JOINT PROFESSIONAL MILITARY EDUCATION
 9 PHASE I.—Section 2154(a)(1) of title 10, United States
 10 Code, is amended by inserting “or at a joint intermediate
 11 level school” before the period at the end.

12 (b) JOINT INTERMEDIATE LEVEL SCHOOL DE-
 13 FINED.—Section 2151(b) of such title is amended by add-
 14 ing at the end the following new paragraph:

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

17 **SEC. 903. BROADENING OF AUTHORITY FOR EXCHANGES**
 18 **OF MAPPING, CHARTING, AND GEODETIC**
 19 **DATA TO INCLUDE NONGOVERNMENTAL OR-**
 20 **GANIZATIONS AND ACADEMIC INSTITUTIONS.**

21 (a) BROADENING OF AUTHORITY.—Section 454 of
 22 title 10, United States Code, is amended—

23 (1) by inserting “(a) FOREIGN COUNTRIES AND
 24 INTERNATIONAL ORGANIZATIONS.—” before “The
 25 Secretary of Defense”; and

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

3 “(b) **NONGOVERNMENTAL ORGANIZATIONS AND AKA-**
4 **DEMIC INSTITUTIONS.**—The Secretary may authorize the
5 National Geospatial-Intelligence Agency to exchange or
6 furnish mapping, charting, and geodetic data, supplies and
7 services relating to areas outside of the United States to
8 a nongovernmental organization or an academic institu-
9 tion engaged in geospatial information research or produc-
10 tion of such areas pursuant to an agreement for the pro-
11 duction or exchange of such data.”.

12 (b) **CONFORMING AMENDMENTS.**—

13 (1) **SECTION HEADING.**—The heading of such
14 section is amended to read as follows:

15 “**§ 454. Exchange of mapping, charting, and geodetic**
16 **data with foreign countries, international**
17 **organizations, nongovernmental organi-**
18 **zations, and academic institutions”.**

19 (2) **TABLE OF SECTIONS.**—The item relating to
20 such section in the table of sections at the beginning
21 of subchapter II of chapter 22 of such title is
22 amended to read as follows:

“454. Exchange of mapping, charting, and geodetic data with foreign countries,
international organizations, nongovernmental organizations,
and academic institutions.”

1 **SEC. 904. FACILITIES FOR INTELLIGENCE COLLECTION OR**
 2 **SPECIAL OPERATIONS ACTIVITIES ABROAD.**

3 Section 2682 of title 10, United States Code, is
 4 amended—

5 (1) by inserting “(a) MAINTENANCE AND RE-
 6 PAIR.—” before “The maintenance and repair”;

7 (2) by designating the second sentence as sub-
 8 section (b) and, as so designated, by inserting “JU-
 9 RISDICTION.—” before “A real property facility”;
 10 and

11 (3) by adding at the end the following new sub-
 12 section:

13 “(c) FACILITIES FOR INTELLIGENCE COLLECTION
 14 OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary
 15 of Defense may maintain and repair, and may exercise ju-
 16 risdiction over, a real property facility if necessary to pro-
 17 vide security for authorized intelligence collection or spe-
 18 cial operations activities abroad undertaken by the De-
 19 partment of Defense.”.

20 **Subtitle B—Space Activities**

21 **SEC. 911. REVISIONS TO POLICY ON DEVELOPMENT AND**
 22 **PROCUREMENT OF UNMANNED SYSTEMS.**

23 (a) REVISION TO REQUIRED POLICY.—Subsection (a)
 24 of section 941 of the John Warner National Defense Au-
 25 thorization Act for Fiscal Year 2007 (Public Law 109–
 26 364; 120 Stat. 2083) is amended—

1 (1) by striking “on” and inserting “for the con-
2 duct of”;

3 (2) by striking “procurement, and operation”
4 and inserting “and for the conduct of procure-
5 ment,”;

6 (3) by inserting “manned and” before “un-
7 manned systems”; and

8 (4) by inserting “in a manner that is fiscally re-
9 sponsible and enhances warfighter capability” before
10 the period at the end.

11 (b) MODIFICATION TO ELEMENTS OF POLICY.—Sub-
12 section (b) of such section is amended—

13 (1) by striking paragraphs (1) and (2) and in-
14 serting the following new paragraphs:

15 “(1) An identification of those Department of
16 Defense capabilities for which manned and un-
17 manned systems may address potential needs.

18 “(2) A thorough and objective consideration of
19 the acquisition of manned and unmanned systems
20 whenever a new system is to be acquired to meet a
21 capability requirement.”;

22 (2) in paragraph (5), by striking “, including”
23 and all that follows through “on unmanned sys-
24 tems”; and

1 (3) in paragraph (6), by striking “missions”
2 and inserting “capabilities”.

3 (c) ROADMAP.—Such section is further amended—

4 (1) by striking subsection (d);

5 (2) by redesignating subsection (c) as sub-
6 section (d);

7 (3) by inserting after subsection (b) the fol-
8 lowing new subsection (c):

9 “(c) ROADMAP.—The Secretary of Defense shall pre-
10 pare and update periodically a roadmap for the policy re-
11 quired by subsection (a) that includes—

12 “(1) goals for the development of unmanned
13 system technologies to address capabilities identified
14 pursuant to subsection (b)(1); and

15 “(2) plans to address technical, operational,
16 and production challenges, and gaps in capabilities,
17 with respect to unmanned systems.”; and

18 (4) in subsection (d), as redesignated by para-
19 graph (2), by inserting “, and implement the road-
20 map required by subsection (c),” after “subsection
21 (a)”.

22 (d) CONFORMING AMENDMENT.—The heading of
23 such section is amended by inserting “**MANNED AND**” be-
24 fore “**UNMANNED**”.

1 **SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.**

2 (a) COMMERCIAL SPACE LAUNCH COOPERATION AU-
3 THORITY.—Chapter 135 of title 10, United States Code,
4 is amended by adding at the end the following new section:

5 **“§ 2275. Commercial space launch cooperation**

6 “(a) AUTHORITY.—The Secretary of Defense and the
7 Administrator of the National Aeronautics and Space Ad-
8 ministration may, to assist the Secretary of Transpor-
9 tation in carrying out responsibilities set forth in titles 49
10 and 51 with respect to private sector involvement in com-
11 mercial space transportation activity and public-private
12 partnerships pertaining to space transportation infrastruc-
13 ture, take such actions as each considers to be in the best
14 interest of the Government to—

15 “(1) maximize the use of the capacity of De-
16 partment of Defense or National Aeronautics and
17 Space Administration space transportation infra-
18 structure by the United States private sector;

19 “(2) maximize the effectiveness and efficiency
20 of Department of Defense or National Aeronautics
21 and Space Administration space transportation in-
22 frastructure;

23 “(3) reduce the cost of services provided by the
24 Department of Defense or National Aeronautics and
25 Space Administration at launch support facilities
26 and space recovery support facilities;

1 “(4) encourage commercial space activities by
2 enabling investment in Department of Defense or
3 National Aeronautics and Space Administration
4 space transportation infrastructure by United States
5 non-federal entities; and

6 “(5) foster cooperation between the Department
7 of Defense or the National Aeronautics and Space
8 Administration and United States non-federal space
9 transportation entities.

10 “(b) CONTRIBUTIONS.—The Secretary of Defense
11 and the Administrator of the National Aeronautics and
12 Space Administration may each enter into agreements
13 with United States non-federal entities on a cooperative
14 and voluntary basis to accept contributions of funds, prop-
15 erty, and services to carry out this section. Any funds,
16 property, or services accepted under this subsection shall
17 be used only for the objectives specified in this section in
18 accordance with terms of use to be determined by agree-
19 ment between the contributor and the Secretary or Admin-
20 istrator, and shall be managed by the Secretary or Admin-
21 istrator in accordance with, respectively, Department of
22 Defense and National Aeronautics and Space Administra-
23 tion regulations. Any such agreement shall address terms
24 of use, ownership, and disposition of resources, as well as

1 possible benefits accruing to non-federal entities that are
2 not a party to the agreement.

3 “(c) INCLUSION OF COMMERCIAL REQUIREMENTS IN
4 CONTRACTS.—The Secretary of Defense and the Adminis-
5 trator of the National Aeronautics and Space Administra-
6 tion may each include, upon request by a United States
7 commercial launch entity, commercial space launch and
8 support requirements in Department of Defense or Na-
9 tional Aeronautics and Space Administration
10 space launch and reentry range support requirements if—

11 “(1) the Secretary or the Administrator, as the
12 case may be, determines that the inclusion of such
13 commercial space launch and support require-
14 ments—

15 “(A) is in the best interest of the Govern-
16 ment;

17 “(B) does not interfere with the require-
18 ments of, respectively, the Department of De-
19 fense or the National Aeronautics and Space
20 Administration; and

21 “(C) does not compete with the commercial
22 space activities of United States commercial
23 space entities unless otherwise in furtherance of
24 national security; and

1 “(2) any commercial requirement included in a
2 Department of Defense or National Aeronautics and
3 Space Administration contract has full non-federal
4 funding before the execution of such contract.

5 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
6 COUNT.—

7 “(1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a special account
9 to be known as the ‘Defense Cooperation Space
10 Launch Account’.

11 “(2) CREDITING OF FUNDS.—Funds received
12 by the Secretary of Defense under subsection (b)
13 shall be credited to the Defense Cooperation Space
14 Launch Account and shall be available until ex-
15 pended without further authorization or appropria-
16 tion only for the objectives specified in this section.

17 “(3) INVESTMENT OF FUNDS.—The Secretary
18 of Defense may request the Secretary of the Treas-
19 ury to invest such portion of the Defense Coopera-
20 tion Space Launch Account that is not, in the judg-
21 ment of the Secretary of Defense, required to meet
22 the current needs of the account. Such investments
23 shall be made by the Secretary of the Treasury in
24 public debt obligations, with maturities suitable to
25 the needs of the fund, as determined by the Sec-

1 retary of Defense, and bearing interest at rates de-
2 termined by the Secretary of the Treasury, taking
3 into consideration current market yields on out-
4 standing marketable obligations of the United States
5 of comparative maturities.

6 “(4) ANNUAL REPORT.—Not later than Janu-
7 ary 31 of each year, the Secretary of Defense shall
8 submit to the congressional defense committees a re-
9 port on the funds accepted and expended by the Sec-
10 retary under this section during the previous fiscal
11 year.

12 “(e) DEFINITIONS.—In this section:

13 “(1) LAUNCH SUPPORT FACILITIES.—The term
14 ‘launch support facilities’ has the meaning given
15 that term in section 50501(7) of title 51.

16 “(2) SPACE RECOVERY SUPPORT FACILITIES.—
17 The term ‘space recovery support facilities’ has the
18 meaning given that term in section 50501(11) of
19 title 51.

20 “(3) SPACE TRANSPORTATION INFRASTRUC-
21 TURE.—The term ‘space transportation infrastruc-
22 ture’ has the meaning given that term in section
23 50501(12) of title 51.”.

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

“2275. Commercial space launch cooperation.”.

4 (c) REGULATIONS.—The Secretary of Defense shall
 5 prescribe regulations relating to the activities of the De-
 6 partment of Defense under section 2275 of title 10,
 7 United States Code, as added by subsection (a).

8 **TITLE X—GENERAL PROVISIONS**

9 **SEC. 1001. REPEAL OF REQUIREMENT FOR ANNUAL JOINT** 10 **REPORT FROM OFFICE OF MANAGEMENT** 11 **AND BUDGET AND CONGRESSIONAL BUDGET** 12 **OFFICE ON SCORING OF OUTLAYS IN DE-** 13 **FENSE BUDGET FUNCTION.**

14 (a) REPEAL.—Section 226 of title 10, United States
 15 Code, is repealed.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 9 of such title is amended by
 18 striking the item relating to section 226.

19 **SEC. 1002. REVISION TO CONDITIONS ON STATUS OF RE-** 20 **TIRED AIRCRAFT CARRIER EX-JOHN F. KEN-** 21 **NEDY.**

22 Section 1011(c)(2) of the John Warner National De-
 23 fense Authorization Act for Fiscal Year 2007 (Public Law
 24 109–364; 120 Stat. 2374) is amended by striking “shall
 25 require” and all that follows and inserting “may, notwith-

1 standing paragraph (1), demilitarize the vessel in prepara-
 2 tion for the transfer.”.

3 **SEC. 1003. AUTHORITY TO PROVIDE INFORMATION FOR**
 4 **MARITIME SAFETY OF FORCES AND HYDRO-**
 5 **GRAPHIC SUPPORT.**

6 (a) **AUTHORITY.**—Part IV of subtitle C of title 10,
 7 United States Code, is amended by adding at the end the
 8 following new chapter:

9 **“CHAPTER 669—MARITIME SAFETY OF**
 10 **FORCES**

“Sec.

“7921. Safety and effectiveness information; hydrographic information.

11 **“§ 7921. Safety and effectiveness information; hydro-**
 12 **graphic information**

13 “(a) **SAFETY AND EFFECTIVENESS INFORMATION.**—
 14 (1) The Secretary of the Navy shall maximize the safety
 15 and effectiveness of all maritime vessels, aircraft, and
 16 forces of the armed forces by means of—

17 “(A) marine data collection;

18 “(B) numerical weather and ocean prediction;

19 and

20 “(C) forecasting of hazardous weather and
 21 ocean conditions.

22 “(2) The Secretary may extend similar support to
 23 forces of the North Atlantic Treaty Organization, and to
 24 coalition forces, that are operating with the armed forces.

1 “(b) HYDROGRAPHIC INFORMATION.—The Secretary
 2 of the Navy shall collect, process, and provide to the Direc-
 3 tor of the National Geospatial-Intelligence Agency hydro-
 4 graphic information to support preparation of maps,
 5 charts, books, and geodetic products by that Agency.”.

6 (b) CLERICAL AMENDMENT.—The table of chapters
 7 at the beginning of subtitle C of such title, and the table
 8 of chapters at the beginning of part IV of such subtitle,
 9 are each amended by inserting after the item relating to
 10 chapter 667 the following new item:

“669. Maritime Safety of Forces 7921”.

11 **SEC. 1004. DEPOSIT OF REIMBURSED FUNDS UNDER RECIP-**
 12 **ROCAL FIRE PROTECTION AGREEMENTS.**

13 Section 5(b) of the Act of May 27, 1955 (42 U.S.C.
 14 1856d(b)) is amended to read as follows:

15 “(b) Notwithstanding subsection (a), all sums re-
 16 ceived as reimbursement for costs incurred by any Depart-
 17 ment of Defense activity for fire protection rendered pur-
 18 suant to this Act shall be credited to the same appropria-
 19 tion or fund from which the expenses were paid or, if the
 20 period of availability for obligation for that appropriation
 21 has expired, to the appropriation or fund that is currently
 22 available to the activity for the same purpose. Amounts
 23 so credited shall be subject to the same provisions and re-
 24 strictions as the appropriation or account to which cred-
 25 ited.”.

1 **SEC. 1005. REPEAL OF STRATEGIC AIRLIFT AIRCRAFT IN-**
2 **VENTORY REQUIREMENT.**

3 (a) REPEAL.—Section 8062 of title 10, United States
4 Code, is amended by striking subsection (g).

5 (b) CONFORMING AMENDMENTS.—Subsection (d)(3)
6 of section 137 of the National Defense Authorization Act
7 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
8 2221) is amended—

9 (1) By striking “that—” and all that follows
10 through “(A) the retirement” and inserting “that
11 the retirement”;

12 (2) by striking “Strategy; and” and inserting
13 “Strategy.”; and

14 (3) by striking subparagraph (B).

15 **SEC. 1006. CHANGE IN NAME OF THE INDUSTRIAL COLLEGE**
16 **OF THE ARMED FORCES TO THE DWIGHT D.**
17 **EISENHOWER SCHOOL FOR NATIONAL SECUR-**
18 **ITY AND RESOURCE STRATEGY AT THE NA-**
19 **TIONAL DEFENSE UNIVERSITY.**

20 (a) CHANGE IN NAME.—The Industrial College of the
21 Armed Forces is hereby renamed the “Dwight D. Eisen-
22 hower School for National Security and Resource Strat-
23 egy”.

24 (b) CONFORMING AMENDMENT.—Section 2165(b)(2)
25 of title 10, United States Code, is amended by striking
26 “Industrial College of the Armed Forces” and inserting

1 “Dwight D. Eisenhower School for National Security and
2 Resource Strategy”.

3 (c) REFERENCES.—Any reference to the Industrial
4 College of the Armed Forces in any law, regulation, map,
5 document, record, or other paper of the United States
6 shall be considered to be a reference to the Dwight D.
7 Eisenhower School for National Security and Resource
8 Strategy.

9 **SEC. 1007. ESTABLISHMENT OF THE JOINT URGENT OPER-**
10 **ATIONAL NEEDS FUND TO RAPIDLY MEET UR-**
11 **GEN T OPERATIONAL NEEDS.**

12 (a) ESTABLISHMENT OF FUND.—

13 (1) NEW TRANSFER ACCOUNT.—Chapter 131 of
14 title 10, United States Code, is amended by insert-
15 ing after section 2216 the following new section:

16 **“§ 2216a. Rapidly meeting urgent needs: Joint Urgent**
17 **Operational Needs Fund**

18 “(a) ESTABLISHMENT.—There is established in the
19 Treasury an account to be known as the ‘Joint Urgent
20 Operational Needs Fund’.

21 “(b) USE OF FUNDS.—Funds in the Joint Urgent
22 Operational Needs Fund shall be available to the Sec-
23 retary of Defense for the purpose of providing equipment,
24 supplies, services, training, and facilities to facilitate the

1 resolution of urgent operational needs as determined by
2 the Secretary.

3 “(c) TRANSFER AUTHORITY.—

4 “(1) TRANSFERS AUTHORIZED.—Amounts in
5 the Joint Urgent Operational Needs Fund may be
6 transferred by the Secretary of Defense from the
7 Joint Urgent Operational Needs Fund to any of the
8 following accounts and funds of the Department of
9 Defense to accomplish the purpose stated in sub-
10 section (b):

11 “(A) Operation and maintenance accounts.

12 “(B) Procurement accounts.

13 “(C) Research, development, test, and eval-
14 uation accounts.

15 “(2) ADDITIONAL AUTHORITY.—The transfer
16 authority provided by paragraph (1) is in addition to
17 any other transfer authority available to the Depart-
18 ment of Defense.

19 “(3) TRANSFERS BACK TO THE FUND.—Upon
20 determination by the Secretary of Defense that all
21 or part of the funds transferred from the Joint Ur-
22 gent Operational Needs Fund under paragraph (1)
23 are not necessary for the purpose for which trans-
24 ferred, such funds may be transferred back to the
25 Joint Urgent Operational Needs Fund.

1 “(4) EFFECT ON AUTHORIZATION AMOUNTS.—
2 A transfer of an amount to an account under the
3 authority in paragraph (1) shall be deemed to in-
4 crease the amount authorized for such account by an
5 amount equal to the amount transferred.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item relating to section 2216
9 the following new item:

 “2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.”.

10 (b) COMMENCEMENT OF FUND.—No funds may be
11 appropriated for the Joint Urgent Operational Needs
12 Fund established under section 2216a of title 10, United
13 States Code, as added by subsection (a), for a fiscal year
14 before fiscal year 2012.

15 (c) FISCAL YEAR 2012 AUTHORIZATION.—Funds are
16 hereby authorized to be appropriated for fiscal year 2012
17 for the Joint Urgent Operational Needs Fund established
18 under section 2216a of title 10, United States Code, as
19 added by subsection (a), in the amount of \$200,000,000.

20 **SEC. 1008. RATEMAKING PROCEDURES FOR CIVIL RESERVE**
21 **AIR FLEET CONTRACTS.**

22 (a) IN GENERAL.—Chapter 931 of title 10, United
23 States Code, is amended by inserting after section 9511
24 the following new section:

1 **“§ 9511a. Civil Reserve Air Fleet contracts: payment**
2 **rate**

3 “(a) **AUTHORITY.**—The Secretary of Defense shall
4 determine a fair and reasonable rate of payment for airlift
5 services provided to the Department of Defense by air car-
6 riers who are participants in the Civil Reserve Air Fleet
7 program. Such rate of payment shall be determined in ac-
8 cordance with—

9 “(1) the methodology and ratemaking proce-
10 dures in effect on the date of the enactment of this
11 section; and

12 “(2) such other procedures as the Secretary
13 may prescribe by regulation.

14 “(b) **REGULATIONS.**—The Secretary of Defense shall
15 prescribe regulations for purposes of subsection (a). Such
16 regulations shall include a process for modifying the rate-
17 making methodology referred to in paragraph (1) of that
18 subsection. The Secretary may exclude from the applica-
19 bility of those regulations any airlift services contract
20 made through the use of competitive procedures.

21 “(c) **COMMITMENT OF AIRCRAFT AS A BUSINESS**
22 **FACTOR.**—The Secretary may, in determining the quan-
23 tity of business to be received under an airlift services con-
24 tract for which the rate of payment is determined in ac-
25 cordance with subsection (a), use as a factor the relative

1 amount of airlift capability committed by each air carrier
2 to the Civil Reserve Air Fleet.

3 “(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift
4 services contract for which the rate of payment is deter-
5 mined in accordance with subsection (a) shall not be sub-
6 ject to the provisions of section 2306a of this title or to
7 the provisions of subsections (a) and (b) of section 1502
8 of title 41.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 9511 the following new
12 item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”

13 (c) INITIAL REGULATIONS.—Regulations shall be
14 prescribed under section 9511a(b) of title 10, United
15 States Code, as added by subsection (a), not later than
16 180 days after the date of the enactment of this Act.

17 **SEC. 1009. TWO-YEAR EXTENSION OF AUTHORITY TO SUP-**
18 **PORT UNIFIED COUNTER-DRUG AND**
19 **COUNTERTERRORISM CAMPAIGN IN COLOM-**
20 **BIA AND OF NUMERICAL LIMITATION ON AS-**
21 **SIGNMENT OF UNITED STATES PERSONNEL**
22 **IN COLOMBIA.**

23 Section 1021 of the Ronald W. Reagan National De-
24 fense Authorization Act for Fiscal Year 2005 (Public Law
25 108–375; 118 Stat. 2042), as most recently amended by

1 section 1011 of the Ike Skelton National Defense Author-
2 ization Act for Fiscal Year 2011 (Public Law 111–343;
3 124 Stat. 4346), is further amended—

4 (1) in subsection (a)(1), by striking “2011” and
5 inserting “2013”; and

6 (2) in subsection (c), by striking “2010” and
7 inserting “2013”.

8 **SEC. 1010. TWO-YEAR EXTENSION OF AUTHORITY FOR**
9 **JOINT TASK FORCES TO PROVIDE SUPPORT**
10 **TO LAW ENFORCEMENT AGENCIES CON-**
11 **DUCTING COUNTER-TERRORISM ACTIVITIES.**

12 Section 1022(b) of the National Defense Authoriza-
13 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
14 U.S.C. 371 note), as most recently amended by section
15 1012(a) of the Ike Skelton National Defense Authoriza-
16 tion Act for Fiscal Year 2011 (Public Law 111–383; 124
17 Stat. 4346), is further amended by striking “2011” and
18 inserting “2013”.

19 **SEC. 1011. CLARIFICATION OF JURISDICTION OF THE**
20 **UNITED STATES DISTRICT COURTS TO HEAR**
21 **BID PROTEST DISPUTES INVOLVING MARI-**
22 **TIME CONTRACTS.**

23 (a) **EXCLUSIVE JURISDICTION.**—Section 1491(b) of
24 title 28, United States Code, is amended by adding at the
25 end the following new paragraph:

1 “(6) Jurisdiction over any action described in
2 paragraph (1) arising out of a maritime contract, or
3 a solicitation for a proposed maritime contract, shall
4 be governed by this section and shall not be subject
5 to the jurisdiction of the district courts of the
6 United States under the Suits in Admiralty Act
7 (chapter 309 of title 46) or the Public Vessels Act
8 (chapter 311 of title 46).”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply to any cause of action filed on
11 or after the first day of the first month beginning more
12 than 30 days after the date of the enactment of this Act.

13 **SEC. 1012. MANAGEMENT OF DEPARTMENT OF DEFENSE IN-**
14 **STALLATIONS.**

15 (a) SECRETARY OF DEFENSE AUTHORITY.—Chapter
16 159 of title 10, United States Code, is amended by insert-
17 ing after section 2671 the following new section:

18 **“§ 2672. Protection of property**

19 “(a) IN GENERAL.—The Secretary of Defense shall
20 protect the buildings, grounds, and property that are
21 under the jurisdiction, custody, or control of the Depart-
22 ment of Defense and the persons on that property.

23 “(b) OFFICERS AND AGENTS.—

24 “(1) DESIGNATION.—The Secretary may des-
25 ignate military or civilian personnel of the Depart-

1 ment of Defense as officers and agents to perform
2 the functions of the Secretary under subsection (a),
3 including, with regard to civilian officers and agents,
4 duty in areas outside the property specified in that
5 subsection to the extent necessary to protect that
6 property and persons on that property.

7 “(2) POWERS.—Subject to subsection (f), while
8 engaged in the performance of official duties pursu-
9 ant to this section, an officer or agent designated
10 under this subsection may—

11 “(A) enforce Federal laws and regulations
12 for the protection of persons and property;

13 “(B) carry firearms;

14 “(C) make arrests—

15 “(i) without a warrant for any offense
16 against the United States committed in the
17 presence of the officer or agent; or

18 “(ii) for any felony cognizable under
19 the laws of the United States if the officer
20 or agent has reasonable grounds to believe
21 that the person to be arrested has com-
22 mitted or is committing a felony;

23 “(D) serve warrants and subpoenas issued
24 under the authority of the United States; and

1 “(E) conduct investigations, on and off the
2 property in question, of offenses that may have
3 been committed against property under the ju-
4 risdiction, custody, or control of the Depart-
5 ment of Defense or persons on such property.

6 “(c) REGULATIONS.—

7 “(1) IN GENERAL.—The Secretary may pre-
8 scribe regulations, including traffic regulations, nec-
9 essary for the protection and administration of prop-
10 erty under the jurisdiction, custody, or control of the
11 Department of Defense and persons on that prop-
12 erty. The regulations may include reasonable pen-
13 alties, within the limits prescribed in paragraph (2),
14 for violations of the regulations. The regulations
15 shall be posted and remain posted in a conspicuous
16 place on the property to which they apply.

17 “(2) PENALTIES.—A person violating a regula-
18 tion prescribed under this subsection shall be fined
19 under title 18, imprisoned for not more than 30
20 days, or both.

21 “(d) FACILITIES AND SERVICES OF OTHER AGEN-
22 CIES.—In implementing this section, when the Secretary
23 determines it to be economical and in the public interest,
24 the Secretary may utilize the facilities and services of Fed-
25 eral, State, tribal, and local law enforcement agencies,

1 with the consent of those agencies, and may reimburse
2 those agencies for the use of their facilities and services.

3 “(e) AUTHORITY OUTSIDE FEDERAL PROPERTY.—

4 For the protection of property under the jurisdiction, cus-
5 tody, or control of the Department of Defense and persons
6 on that property, the Secretary may enter into agreements
7 with Federal agencies and with State, tribal, and local
8 governments to obtain authority for civilian officers and
9 agents designated under this section to enforce Federal
10 laws and State, tribal, and local laws concurrently with
11 other Federal law enforcement officers and with State,
12 tribal, and local law enforcement officers.

13 “(f) ATTORNEY GENERAL APPROVAL.—The powers
14 granted pursuant to subsection (b)(2) to officers and
15 agents designated under subsection (b)(1) shall be exer-
16 cised in accordance with guidelines approved by the Attor-
17 ney General.

18 “(g) LIMITATION ON STATUTORY CONSTRUCTION.—

19 Nothing in this section shall be construed to—

20 “(1) preclude or limit the authority of any Fed-
21 eral law enforcement agency;

22 “(2) restrict the authority of the Secretary of
23 Homeland Security or of the Administrator of Gen-
24 eral Services to promulgate regulations affecting

1 property under the custody and control of that Sec-
 2 retary or the Administrator, respectively;

3 “(3) expand or limit section 21 of the Internal
 4 Security Act of 1950 (50 U.S.C. 797);

5 “(4) affect chapter 47 of this title; or

6 “(5) restrict any other authority of the Sec-
 7 retary of Defense or the Secretary of a military de-
 8 partment.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of such chapter is amended by inserting
 11 after the item relating to section 2671 the following new
 12 item:

“2672. Protection of property.”.

13 **SEC. 1013. AUTHORITY FOR USE OF AMOUNTS RECOVERED**
 14 **FOR DAMAGE TO GOVERNMENT PROPERTY.**

15 (a) EXTENSION TO PERSONAL PROPERTY.—The first
 16 sentence of section 2782 of title 10, United States Code,
 17 is amended by striking “real property” both places it ap-
 18 pears and inserting “Government property”.

19 (b) AVAILABILITY OF RECOVERED FUNDS.—The sec-
 20 ond sentence of such section is amended—

21 (1) by striking “In such amounts as are pro-
 22 vided in advance in appropriation Acts, amounts”
 23 and inserting “Amounts”;

24 (2) by inserting “merged with, and” before
 25 “available for use”;

1 (3) by inserting “and for the same period”
2 after “same purposes”; and

3 (4) by inserting a comma after “circumstances
4 as”.

5 (c) CLERICAL AMENDMENTS.—

6 (1) SECTION HEADING.—The heading of such
7 section is amended by striking “**real**” and inserting
8 “**Government**”.

9 (2) TABLE OF SECTIONS.—The item relating to
10 such section in the table of sections at the beginning
11 of chapter 165 of such title is amended to read as
12 follows:

“2782. Damage to Government property; disposition of amounts recovered.”.

13 **SEC. 1014. TREATMENT UNDER FREEDOM OF INFORMA-**
14 **TION ACT OF CERTAIN DEPARTMENT OF DE-**
15 **FENSE CRITICAL INFRASTRUCTURE INFOR-**
16 **MATION.**

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

20 “**§ 130e. Treatment under Freedom of Information**
21 **Act of critical infrastructure information**

22 “(a) EXEMPTION.—Department of Defense critical
23 infrastructure information that, if disclosed, may result in
24 the disruption, degradation, or destruction of Department
25 of Defense operations, property, or facilities, shall be ex-

1 empt from disclosure pursuant to section 552(b)(3) of title
2 5.

3 “(b) INFORMATION PROVIDED TO STATE AND LOCAL
4 GOVERNMENTS.—Department of Defense critical infra-
5 structure information obtained by a State or local govern-
6 ment from a Federal agency shall remain under the con-
7 trol of the Federal agency, and a State or local law author-
8 izing or requiring such a government to disclose informa-
9 tion shall not apply to such critical infrastructure informa-
10 tion.

11 “(c) DEFINITION.—In this section, the term ‘Depart-
12 ment of Defense critical infrastructure information’, as de-
13 termined by the Secretary of Defense, means sensitive but
14 unclassified information related to critical infrastructure
15 or protected systems owned or operated by or on behalf
16 of the Department of Defense, including vulnerability as-
17 sessments prepared by or on behalf of the Department of
18 Defense, explosives safety information (including storage
19 and handling), and other site-specific information on or
20 relating to installation security.”.

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

“130e. Treatment under Freedom of Information Act of certain critical infra-
structure information.”.

1 **SEC. 1015. EXEMPTION FROM FREEDOM OF INFORMATION**
2 **ACT FOR DATA FILES OF THE MILITARY**
3 **FLIGHT OPERATIONS QUALITY ASSURANCE**
4 **SYSTEMS OF THE MILITARY DEPARTMENTS.**

5 (a) EXEMPTION.—Chapter 134 of title 10, United
6 States Code, is amended by inserting after section 2254
7 the following new section:

8 **“§ 2254a. Data files of Military Flight Operations**
9 **Quality Assurance systems: exemption**
10 **from disclosure under Freedom of Infor-**
11 **mation Act**

12 **“(a) AUTHORITY TO EXEMPT CERTAIN DATA FILES**
13 **FROM DISCLOSURE UNDER FOIA.—**

14 **“(1) The Secretary of a military department**
15 **may exempt data files of the Military Flight Oper-**
16 **ations Quality Assurance system of that military de-**
17 **partment from disclosure under section 552 of title**
18 **5. The preceding sentence shall be considered a stat-**
19 **ute described in paragraph (3) of section 552(b) of**
20 **title 5.**

21 **“(2) In this section, the term ‘data files’ means**
22 **files of the Military Flight Operations Quality As-**
23 **surance system (in this section referred to as**
24 **‘MFOQA’) that contain the data acquired or gen-**
25 **erated by the MFOQA system, including data bases**
26 **containing raw MFOQA data and all analysis and**

1 reports generated by the MFOQA system or which
2 are derived from MFOQA data.

3 “(3) The exempted status of information con-
4 tained in data files exempt from disclosure pursuant
5 paragraph (1) shall be exempt from disclosure pur-
6 suant to section 552(b)(3)(B) of title 5 of the
7 United States Code even when such information in
8 contained in data files that are not exempt from dis-
9 closure in their entirety.

10 “(4) The provisions of paragraph (1) may not
11 be superseded except by a provision of law which is
12 enacted after the date of the enactment of this sec-
13 tion and which specifically cites and repeals or modi-
14 fies those provisions.

15 “(b) REGULATIONS.—The Secretary of each military
16 department shall prescribe regulations for the administra-
17 tion of this section. Such regulations may not delegate the
18 Secretary’s authority under this section to an officer or
19 employee of that military department at a level lower than
20 a member of the Senior Executive Service or to a member
21 of the armed forces at a level below a general or flag offi-
22 cer.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of subchapter II of such chapter is

1 amended by inserting after the item relating to section
 2 2254 the following new item:

“2254a. Data files of Military Flight Operations Quality Assurance systems: exemption from disclosure under Freedom of Information Act.”.

3 **SEC. 1016. ONE-YEAR EXTENSION OF AUTHORITY TO PRO-**
 4 **VIDE ADDITIONAL SUPPORT FOR COUNTER-**
 5 **DRUG ACTIVITIES OF CERTAIN FOREIGN**
 6 **GOVERNMENTS.**

7 Subsection (a)(2) of section 1033 of the National De-
 8 fense Authorization Act for Fiscal Year 1998 (Public Law
 9 105–85; 111 Stat. 1881), as most recently amended by
 10 section 1014(a) of the Ike Skelton National Defense Au-
 11 thorization Act for Fiscal Year 2011 (Public Law 111–
 12 383; 124 Stat. 4347), is amended by striking “2012” and
 13 inserting “2013”.

14 **SEC. 1017. EXTENSION OF AUTHORITY OF DEPARTMENT OF**
 15 **DEFENSE TO PROVIDE ADDITIONAL SUPPORT**
 16 **FOR COUNTERDRUG ACTIVITIES OF OTHER**
 17 **GOVERNMENTAL AGENCIES.**

18 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
 19 section (a) of section 1004 of the National Defense Au-
 20 thorization Act for Fiscal Year 1991 (Public Law 101–
 21 510; 10 U.S.C. 374 note) is amended by striking “During
 22 fiscal years 2002 through 2011” and inserting “Until Sep-
 23 tember 30, 2013”.

1 (b) COVERAGE OF TRIBAL LAW ENFORCEMENT
2 AGENCIES.—Such section is further amended—

3 (1) in subsection (a)—

4 (A) in the matter preceding paragraph (1),
5 by inserting “tribal,” after “local,”; and

6 (B) in paragraph (2), by striking “State or
7 local” both places it appears and insert “State,
8 local, or tribal”; and

9 (2) in subsection (b)—

10 (A) in paragraph (1), by striking “State or
11 local” and inserting “State, local, or tribal”;

12 (B) in paragraph (4), by striking “State,
13 or local” and inserting “State, local, or tribal”;
14 and

15 (C) in paragraph (5), by striking “State
16 and local” and inserting “State, local, and trib-
17 al”.

18 (c) CLARIFICATION OF AUTHORITY TO PROVIDE
19 CERTAIN NONLETHAL EQUIPMENT OR SERVICES.—Sub-
20 section (b)(4) of such section is amended by inserting be-
21 fore the period at the end the following: “, including the
22 provision of nonlethal equipment or services necessary for
23 the operation of such bases or facilities, other than any
24 equipment specifically identified in section 1033 of the

1 National Defense Authorization Act for Fiscal Year
2 1998”.

3 **SEC. 1018. QUADRENNIAL LONG-TERM PLAN FOR THE PRO-**
4 **CUREMENT OF AIRCRAFT FOR THE NAVY**
5 **AND THE AIR FORCE.**

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

8 **“§ 231a. Long-range plan for procurement of aircraft**
9 **for the Navy and Air Force**

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

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

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

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

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

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

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

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

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

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

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

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

17 “(e) DEFINITIONS.—In this section:

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

20 “(A) Fighter aircraft.

21 “(B) Attack aircraft.

22 “(C) Bomber aircraft.

23 “(D) Strategic lift aircraft.

24 “(E) Intratheater lift aircraft.

1 **SEC. 1019. AUTHORIZATION FOR DEPARTMENT OF DE-**
2 **FENSE TO CARRY OUT PERSONNEL RECOV-**
3 **ERY REINTEGRATION AND POST-ISOLATION**
4 **SUPPORT ACTIVITIES.**

5 (a) **AUTHORITY.**—

6 (1) The Secretary of Defense may carry out—

7 (A) reintegration activities for recovered
8 Department of Defense personnel; and

9 (B) post-isolation support activities on be-
10 half of any other recovered person who is a
11 United States Government, allied, or coalition
12 person or a private United States or foreign na-
13 tional citizen.

14 (2) As part of such activities, the Secretary
15 may—

16 (A) provide food, clothing, and essential
17 sundry items for the recovered person;

18 (B) pursuant to section 411j(d) of title 37,
19 United States Code, provide transportation of
20 not more than 3 family members or designated
21 individuals, as determined by the attending
22 physician or the commander or head of the mili-
23 tary medical facility, to be appropriate for re-
24 integration decompression of the recovered per-
25 son and whose presence may contribute to the
26 health and welfare of the recovered person; and

1 (C) provide funding for the recovered per-
2 son's attendance at events or functions deter-
3 mined by the attending physician or the com-
4 mander or head of the military medical facility
5 to contribute to the recovered person's psycho-
6 logical health.

7 (3) The Secretary shall ensure that expenditure
8 for activities under this section are in the best inter-
9 est of the Government.

10 (b) DEFINITIONS.—For the purposes of this section:

11 (1) RECOVERED PERSON.—The term “recov-
12 ered person” means an individual returned alive who
13 was separated (as an individual or group) while par-
14 ticipating in a United States-sponsored military ac-
15 tivity or mission and who was in a situation of isola-
16 tion, detention, or captivity by a hostile entity.

17 (2) REINTEGRATION.—The term “reintegra-
18 tion” means the process carried out by the Depart-
19 ment of Defense with respect to any recovered De-
20 partment of Defense personnel immediately following
21 the termination of an isolating event to—

22 (A) debrief the recovered person;

23 (B) decompress the recovered person;

24 (C) provide for the physical and mental
25 health of the recovered person; and

1 (D) return the recovered person to duty as
2 expeditiously as possible.

3 (3) POST-ISOLATION SUPPORT.—The term
4 “post-isolation support” means support provided by
5 the Department of Defense to a recovered non-De-
6 partment person immediately following the termi-
7 nation of an isolating event to—

8 (A) debrief the recovered person;

9 (B) decompress the recovered person;

10 (C) provide for the physical and mental
11 health of the recovered person; and

12 (D) return the recovered person to the per-
13 son’s normal life as expeditiously as possible.

14 **SEC. 1020. PILOT PROGRAM TO PROVIDE INCREMENTAL**
15 **SUPPORT TO NONGOVERNMENTAL ORGANI-**
16 **ZATIONS PARTICIPATING IN HUMANITARIAN**
17 **AND CIVIC ASSISTANCE ACTIVITIES IN THE**
18 **AREA OF OPERATIONS OF UNITED STATES**
19 **SOUTHERN COMMAND.**

20 (a) PILOT PROGRAM.—During fiscal years 2012 and
21 2013, the Secretary of Defense may use funds available
22 for operation and maintenance to provide incremental sup-
23 port to nongovernmental organizations participating with
24 the Armed Forces in humanitarian and civic assistance ac-
25 tivities in the area of operations of the United States

1 Southern Command under section 401 of title 10, United
2 States Code, when providing such support is anticipated
3 to add to the effectiveness of the Armed Forces in con-
4 ducting the humanitarian and civic assistance activities or
5 to add to the operational readiness skill levels of members
6 of the Armed Forces participating in the humanitarian
7 and civic assistance activities.

8 (b) LIMITATION.—The amount of funds obligated
9 under this section may not exceed \$500,000 during fiscal
10 year 2012 and \$600,000 during fiscal year 2013.

11 (c) AUTHORIZED EXPENSES.—Support provided to a
12 nongovernmental organization under subsection (a) may
13 include expenses for the reasonable and proper cost of
14 lodging, subsistence, and transportation incurred by the
15 nongovernmental organization as a direct result of that
16 organization's participation in humanitarian and civic as-
17 sistance activities, but may not include pay, allowances,
18 and other administrative costs of such organization.

19 (d) INDEPENDENT STUDY REQUIRED.—

20 (1) SELECTION OF INDEPENDENT STUDY ORGA-
21 NIZATION.—No later than September 30, 2013, the
22 Commander of the United States Southern Com-
23 mand shall select and enter into an agreement with
24 an appropriate, independent, nonprofit organization

1 to conduct a study of the matters described in para-
2 graph (3).

3 (2) QUALIFICATIONS OF ORGANIZATION SE-
4 LECTED.—The organization selected shall be quali-
5 fied on the basis of having relevant expertise in the
6 provision of international humanitarian assistance
7 and the coordination between Federal agencies and
8 nongovernmental organizations in providing humani-
9 tarian assistance, and on the basis of other criteria
10 the Commander of the United States Southern Com-
11 mand may determine.

12 (3) MATTERS TO BE COVERED.—The study re-
13 quired by paragraph (1) shall be completed no later
14 than March 31, 2014. The study shall include as-
15 sessments and descriptions of—

16 (A) how the pilot authority under sub-
17 section (a) was used;

18 (B) the impact of the use of the authority
19 on the provision of humanitarian assistance by
20 United States Southern Command under sec-
21 tion 401 of title 10, United States Code;

22 (C) the impact of the use of the authority
23 on the number of military personnel staffing
24 each humanitarian operation implemented by

1 United States Southern Command under sec-
2 tion 401 of title 10, United States Code;

3 (D) the type of training provided to the
4 nongovernmental organization personnel whose
5 participation in humanitarian operations was
6 supported by the use of the authority; and

7 (E) a description for each humanitarian
8 operation implemented by United States South-
9 ern Command under section 401 of title 10,
10 United States Code, and supported by the use
11 of the authority, including, for each such oper-
12 ation, the following:

13 (i) The purpose of the operation.

14 (ii) The dates of the operation.

15 (iii) The location of the operation.

16 (iv) The number of military personnel
17 supporting the operation, shown by compo-
18 nent.

19 (v) The names of the nongovern-
20 mental organizations that were funded to
21 provide assistance with the operation.

22 (vi) The number of nongovernmental
23 organization personnel provided by each
24 nongovernmental organization supported
25 using this authority.

1 (vii) What support each nongovern-
2 mental organization provided to the oper-
3 ation.

4 (viii) The amount spent to support
5 each nongovernmental organization staff
6 member, listed by type of support (includ-
7 ing air transportation, bus transportation,
8 lodging, and food).

9 **TITLE XI—CIVILIAN PERSONNEL**
10 **MATTERS**

11 **SEC. 1101. REVISIONS TO BENEFICIARY DESIGNATION PRO-**
12 **VISIONS FOR DEATH GRATUITY PAYABLE**
13 **UPON DEATH OF A UNITED STATES GOVERN-**
14 **MENT EMPLOYEE.**

15 (a) AUTHORITY TO DESIGNATE MORE THAN 50
16 PERCENT OF DEATH GRATUITY TO UNRELATED PER-
17 SONS.—Paragraph (4) of section 8102a(d) of title 5,
18 United States Code, is amended—

19 (1) in the first sentence, by striking “not more
20 than 50 percent of the amount payable under this
21 section” and inserting “an amount payable under
22 this section”; and

23 (2) in the second sentence, by striking “up to
24 the maximum of 50 percent”.

1 (b) NOTICE TO SPOUSE OF DESIGNATION OF AN-
2 OTHER PERSON TO RECEIVE PORTION OF DEATH GRA-
3 TUNITY.—Such section is further amended by adding at the
4 end the following new paragraph:

5 “(6) If a person covered by this section has a
6 spouse, but designates a person other than the
7 spouse to receive all or a portion of the amount pay-
8 able under this section, the head of the agency, or
9 other entity, in which that person is employed shall
10 provide notice of the designation to the spouse.”.

11 **SEC. 1102. PLACEMENT OF NATIONAL GUARD NON-DUAL**
12 **STATUS TECHNICIANS IN THE EXCEPTED**
13 **SERVICE WITH ALL DUAL STATUS NATIONAL**
14 **GUARD TECHNICIANS.**

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

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

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

1 **SEC. 1103. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**
2 **DITED FEDERAL HIRING FOLLOWING COM-**
3 **PLETION OF NATIONAL SECURITY EDU-**
4 **CATION PROGRAM SCHOLARSHIP.**

5 Section 802(k) of the David L. Boren National Secu-
6 rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-
7 ed to read as follows:

8 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

9 “(1) APPOINTMENT AUTHORITY.—The Sec-
10 retary of Defense, the Secretary of Homeland Secu-
11 rity, the Secretary of State, or the head of a Federal
12 agency or office identified by the Secretary of De-
13 fense under subsection (g) as having national secu-
14 rity responsibilities—

15 “(A) may, without regard to any provision
16 of title 5 governing appointments in the com-
17 petitive service, appoint an eligible program
18 participant—

19 “(i) to a position in the excepted serv-
20 ice that is identified under clause (i) of
21 subsection (b)(2)(A) as contributing to the
22 national security; or

23 “(ii) subject to clause (ii) of such sub-
24 section, to a position in the excepted serv-
25 ice in such Federal agency or office with
26 national security responsibilities; and

1 “(B) may, upon satisfactory completion of
2 two years of substantially continuous service by
3 an incumbent who was appointed to an ex-
4 cepted service position under the authority of
5 subparagraph (A), convert the appointment of
6 such individual, without competition, to a career
7 or career conditional appointment.

8 “(2) ELIGIBLE PROGRAM PARTICIPANT.—For
9 purposes of paragraph (1), the term ‘eligible pro-
10 gram participant’ means an individual who—

11 “(A) has successfully completed an aca-
12 demic program for which a scholarship or fel-
13 lowship under this section was awarded; and

14 “(B) at the time of the appointment of the
15 individual to an excepted service position under
16 paragraph (1)(A)—

17 “(i) under the terms of the agreement
18 for such individual’s scholarship or fellow-
19 ship that was awarded under this section,
20 owes a service commitment to a Depart-
21 ment or such Federal agency or office re-
22 ferred to in paragraph (1);

23 “(ii) is employed by the Federal Gov-
24 ernment under a non-permanent appoint-
25 ment to a position in the excepted service

1 that has national security responsibilities;
2 or

3 “(iii) is a former civilian employee of
4 the Federal Government who has less than
5 a one-year break of service from the indi-
6 vidual’s last period of Federal employment
7 in a non-permanent appointment in the ex-
8 pected service with national security re-
9 sponsibilities.

10 “(3) TREATMENT OF CERTAIN SERVICE.—In
11 the case of an individual described in paragraph
12 (2)(B)(ii) or (2)(B)(iii) who receives an appointment
13 under paragraph (1)(A), any period that the indi-
14 vidual served in a position with the Federal Govern-
15 ment may be counted towards satisfaction of the
16 service requirement under paragraph (1)(B) if that
17 service—

18 “(A) in the case of an appointment under
19 clause (i) of paragraph (1)(A), was in a position
20 that is identified under clause (i) of subsection
21 (b)(2)(A) as contributing to the national secu-
22 rity; or

23 “(B) in the case of an appointment under
24 clause (ii) of paragraph (1)(A), was in the Fed-

1 eral agency or office in which the appointment
2 under that clause is made.”.

3 **SEC. 1104. AUTHORITY OF SERVICE SECRETARIES TO EM-**
4 **PLOY UP TO 10 PERSONS WITHOUT PAY.**

5 Section 1583 of title 10, United States Code, is
6 amended in the first sentence—

7 (1) by inserting “and the Secretaries of the
8 military departments” after “the Secretary of De-
9 fense”; and

10 (2) by inserting “each” after “may”.

11 **SEC. 1105. 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 (A) that the employee or former employee, be-
13 fore accepting the reappointment referred to in para-
14 graph (2), received a representation from an officer
15 or employee of the Department of Defense that re-
16 covery of the amount of the payment referred to in
17 paragraph (1) would not be required or would be
18 waived, and (B) that the employee or former em-
19 ployee reasonably relied on that representation when
20 accepting reappointment.

21 (c) REQUIRED DETERMINATION.—The Secretary of
22 Defense may grant a waiver under subsection (a) in the
23 case of any individual only if the Secretary determines
24 that recovery of the amount of the payment otherwise re-
25 quired would be against equity and good conscience be-

1 cause of the circumstances of that individual's reemploy-
2 ment after receiving a voluntary separation incentive pay-
3 ment.

4 (d) TREATMENT OF PRIOR REPAYMENTS.—The Sec-
5 retary of Defense may, pursuant to a determination under
6 subsection (c) specific to an individual, provide for reim-
7 bursement to that individual for any amount the indi-
8 vidual has previously repaid to the United States for a
9 voluntary separation incentive payment covered by this
10 section. The reimbursement shall be paid either from the
11 appropriations into which the repayment was deposited,
12 if such appropriations remain available, or from appro-
13 priations currently available for the purposes of the appro-
14 priation into which the repayment was deposited.

15 (e) EXPIRATION OF AUTHORITY.—The authority to
16 grant a waiver under this section shall expire on December
17 31, 2012.

18 **SEC. 1106. EXTENSION OF ELIGIBILITY TO CONTINUE FED-**
19 **ERAL EMPLOYEE HEALTH BENEFITS FOR**
20 **CERTAIN FORMER EMPLOYEES OF THE DE-**
21 **PARTMENT OF DEFENSE.**

22 (a) EXTENSION FOR DEPARTMENT OF DEFENSE.—
23 Subparagraph (B) of section 8905a(d)(4) of title 5,
24 United States Code, is amended—

1 (1) in clause (i), by striking “December 31,
2 2011” and inserting “October 1, 2015”; and

3 (2) in clause (ii)—

4 (A) by striking “February 1, 2012” and
5 inserting “February 1, 2016”; and

6 (B) by striking “December 31, 2011” and
7 inserting “the date specified in clause (i)”.

8 (b) TECHNICAL AMENDMENT TO DELETE OBSOLETE
9 AUTHORITY APPLICABLE TO DEPARTMENT OF EN-
10 ERGY.—Subparagraph (A) of such section is amended by
11 striking “, or the Department of Energy due to a reduc-
12 tion in force resulting from the establishment of the Na-
13 tional Nuclear Security Administration”.

14 **TITLE XII—MATTERS RELATING**
15 **TO FOREIGN NATIONS**

16 **SEC. 1201. EXTENSION OF AUTHORITY FOR SUPPORT OF**
17 **SPECIAL OPERATIONS TO COMBAT TER-**
18 **RORISM.**

19 (a) INCREASE IN ANNUAL AMOUNT OF SUPPORT
20 THAT MAY BE PROVIDED.—Subsection (a) of section
21 1208 of the Ronald W. Reagan National Defense Author-
22 ization Act for Fiscal Year 2005 (Public Law 108–375;
23 118 Stat. 2086), as most recently amended by section
24 1202(a) of the National Defense Authorization Act for
25 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511),

1 is amended by striking “\$40,000,000” and inserting
2 “\$50,000,000”.

3 (b) EXTENSION OF TERMINATION PROVISION.—Sub-
4 section (h) of such section is amended by striking “2013”
5 and inserting “2017”.

6 (c) CLARIFICATION.—Subsection (g) of such section
7 is amended—

8 (1) by striking “each fiscal year” and inserting
9 “any fiscal year”; and

10 (2) by striking “pursuant to title XV of this
11 Act” and inserting “for that fiscal year”.

12 **SEC. 1202. ONE-YEAR EXTENSION OF COMMANDERS’ EMER-**
13 **GENCY RESPONSE PROGRAM AND EXTEN-**
14 **SION OF DUE DATE FOR QUARTERLY RE-**
15 **PORTS TO CONGRESS.**

16 (a) ONE-YEAR EXTENSION OF CERP AUTHORITY.—

17 (1) AUTHORITY FOR FISCAL YEAR 2012.—Sub-
18 section (a) of section 1202 of the National Defense
19 Authorization Act for Fiscal Year 2006 (Public Law
20 109–163; 119 Stat. 3455), as most recently amend-
21 ed by section 1212 of the Ike Skelton National De-
22 fense Authorization Act for Fiscal Year 2011 (Pub-
23 lic Law 111–383; 124 Stat. 4389), is amended—

1 (A) in the subsection heading, by striking
2 “FISCAL YEAR 2011” and inserting “FISCAL
3 YEAR 2012”;

4 (B) by striking “fiscal year 2011, from”
5 and inserting “fiscal year 2012”;

6 (C) by striking “operation and mainte-
7 nance” and all that follows and inserting “oper-
8 ation and maintenance, not to exceed \$425 mil-
9 lion, may be used by the Secretary of Defense
10 to provide funds for the Commanders’ Emer-
11 gency Response Program in Iraq and Afghani-
12 stan.”.

13 (2) EFFECTIVE DATE.—The amendments made
14 by paragraph (1) shall take effect on October 1,
15 2011.

16 (b) EXTENSION OF DUE DATE FOR QUARTERLY RE-
17 PORTS.—Subsection (b)(1) of such section is amended by
18 striking “30 days” and inserting “45 days”.

19 (c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Such
20 section is further amended—

21 (1) by redesignating subsection (i) as subsection
22 (j); and

23 (2) by inserting after subsection (h) the fol-
24 lowing new subsection (i):

1 “(i) **AUTHORITY TO ACCEPT CONTRIBUTIONS.**—The
2 Secretary of Defense may accept cash contributions from
3 any person, foreign government, or international organiza-
4 tion for the purposes specified in subsection (a). Funds
5 received by the Secretary may be credited to the operation
6 and maintenance account from which funds are made
7 available to carry out the authority in subsection (a), to
8 remain available until expended, and may be used for such
9 purposes in addition to the funds specified in that sub-
10 section”.

11 **SEC. 1203. FIVE-YEAR EXTENSION OF AUTHORIZATION FOR**
12 **NON-CONVENTIONAL ASSISTED RECOVERY**
13 **CAPABILITIES.**

14 Section 943(h) of the Duncan Hunter National De-
15 fense Authorization Act for Fiscal Year 2009 (Public Law
16 110–417; 122 Stat. 4579) is amended by striking “2011”
17 and inserting “2016”.

18 **SEC. 1204. ONE-YEAR EXTENSION OF AUTHORITY FOR RE-**
19 **IMBURSEMENT OF CERTAIN COALITION NA-**
20 **TIONS FOR SUPPORT PROVIDED TO UNITED**
21 **STATES MILITARY OPERATIONS.**

22 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
23 section 1233 of the National Defense Authorization Act
24 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
25 393), as most recently amended by section 1213 of the

1 Ike Skelton National Defense Authorization Act for Fiscal
2 Year 2011 (Public Law 111–383; 12 Stat. 4391), is
3 amended by striking “by section 1510 of the Ike Skelton
4 National Defense Authorization Act for Fiscal Year 2011”
5 and inserting “for fiscal year 2012”.

6 (b) LIMITATION ON AMOUNT.—Subsection (d)(1) of
7 such section is amended—

8 (1) by striking “fiscal year 2010 or 2011” and
9 inserting “fiscal year 2012”; and

10 (2) by striking “\$1,600,000,000” and inserting
11 “\$1,750,000,000”.

12 (c) TECHNICAL AMENDMENT.—Subsection (c)(2) of
13 such section is amended by inserting a comma after
14 “Budget”.

15 **SEC. 1205. DESIGNATION OF ADDITIONAL “HIGH INCOME”**
16 **COUNTRIES PROHIBITED FROM RECEIVING**
17 **INTERNATIONAL MILITARY EDUCATION AND**
18 **TRAINING GRANT ASSISTANCE UNDER CHAP-**
19 **TER 5 OF THE FOREIGN ASSISTANCE ACT.**

20 Section 546(b) of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2347e(b)) is amended by striking “and Spain”
22 and inserting “Spain, Saudi Arabia, Kuwait, United Arab
23 Emirates, Qatar, Brunei, Ireland, Sweden, Switzerland,
24 and Taiwan”.

1 **SEC. 1206. THREE-YEAR EXTENSION OF TEMPORARY AU-**
2 **THORITY TO USE ACQUISITION AND CROSS-**
3 **SERVICING AGREEMENTS TO LEND MILITARY**
4 **EQUIPMENT FOR PERSONNEL PROTECTION**
5 **AND SURVIVABILITY.**

6 Section 1202(e) of the John Warner National De-
7 fense Authorization Act for Fiscal Year 2007 (Public Law
8 109–364; 120 Stat. 2012), as most recently amended by
9 section 1204(b) of the Duncan Hunter National Defense
10 Authorization Act for Fiscal Year 2009 (Public Law 110–
11 417; 122 Stat. 4356), is amended by striking “September
12 30, 2011” and inserting “September 30, 2014”.

13 **SEC. 1207. DEPARTMENT OF DEFENSE PARTICIPATION IN**
14 **PROGRAMS RELATING TO MULTILATERAL EX-**
15 **CHANGE OF AIR AND SURFACE TRANSPOR-**
16 **TATION CAPACITY.**

17 (a) PARTICIPATION AUTHORIZED.—The Secretary of
18 Defense may, with the concurrence of the Secretary of
19 State, authorize the participation of the United States in
20 multinational programs relating to the coordination or the
21 exchange of air and surface transportation capacity. Such
22 programs may include the reciprocal exchange or transfer
23 of transportation services (which, for the purposes of this
24 section, includes any conveyance of personnel or goods by
25 air, land, or sea as well as the provision of air refueling
26 services) on a reimbursable basis or by replacement-in-

1 kind or the exchange of transportation services of an equal
2 value. Such programs include—

3 (1) activities of the Movement Coordination
4 Centre Europe; and

5 (2) activities under the Technical Arrangement
6 known as the “Air Transport, Air-to-Air Refueling
7 and other Exchanges of Services”.

8 (b) WRITTEN ARRANGEMENTS OR AGREEMENTS.—

9 (1) The participation of the United States in a multi-
10 national program under subsection (a) shall be in accord-
11 ance with one or more written arrangements or agree-
12 ments entered into by the Secretary of Defense, with the
13 concurrence of the Secretary of State, and the foreign na-
14 tions or multinational organizations concerned.

15 (2) If Department of Defense facilities, equipment,
16 or funds are used to support a program under subsection
17 (a), the written arrangement or agreement under para-
18 graph (1) shall specify the details of any equitable cost
19 sharing or other funding arrangement.

20 (3) Any written arrangement or agreement entered
21 into under paragraph (1) shall require that any accrued
22 credits and liabilities resulting from an unequal exchange
23 or transfer of air and surface transportation capacity shall
24 be liquidated, not less than once every five years, by direct

1 payment to the party having provided the greater amount
2 of air and surface transportation capacity.

3 (c) IMPLEMENTATION.—In carrying out any written
4 arrangement or agreement entered into under subsection
5 (b), the Secretary may—

6 (1) pay the United States' equitable share of
7 the operating expenses of the multinational organi-
8 zations concerned from funds appropriated to the
9 Department of Defense for operation and mainte-
10 nance; and

11 (2) assign members of the Armed Forces or De-
12 partment of Defense civilian personnel to duty at
13 such multinational organizations as necessary to ful-
14 fill the United States' obligations under the written
15 arrangements or agreements authorized by this sec-
16 tion.

17 (d) CREDITING OF RECEIPTS.—Any amount received
18 by the United States in carrying out a written arrange-
19 ment or agreement entered into under subsection (b) shall
20 be credited, as elected by the Secretary of Defense, to the
21 following:

22 (1) The appropriation, fund, or account used in
23 incurring the obligation for which such amount is re-
24 ceived.

1 (2) An appropriation, fund, or account cur-
2 rently available for the purposes for which such obli-
3 gation was made.

4 (e) **APPLICABILITY OF PREFERENCE STATUTE.**—
5 Section 2631 of this title, regarding the preference for ves-
6 sels of the United States or belonging to the United States
7 in the transportation of supplies by sea, shall apply to sea-
8 borne transportation acquired by the United States under
9 the authority of this section.

10 **SEC. 1208. ONE-YEAR EXTENSION OF AUTHORITY TO**
11 **TRANSFER DEFENSE ARTICLES AND PRO-**
12 **VIDE DEFENSE SERVICES TO THE MILITARY**
13 **AND SECURITY FORCES OF IRAQ AND AF-**
14 **GHANISTAN.**

15 Subsection (h) of section 1234 of the National De-
16 fense Authorization Act for Fiscal Year 2010 (Public Law
17 111–84; 123 Stat. 2532), as amended by section 1214(a)
18 of the Ike Skelton National Defense Authorization Act for
19 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391),
20 is amended by striking “December 31, 2011” and insert-
21 ing “December 31, 2012”.

22 **SEC. 1209. AUTHORIZATION OF APPROPRIATIONS FOR AF-**
23 **GHANISTAN SECURITY FORCES FUND.**

24 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
25 are hereby authorized to be appropriated for fiscal year

1 2012 for the Afghanistan Security Forces Fund in the
2 amount of \$12,800,000,000.

3 (b) LIMITATIONS.—Funds made available to the De-
4 partment 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 **SEC. 1210. TEMPORARY ACQUISITION AUTHORITY WITH RE-**
13 **SPECT TO NORTHERN DISTRIBUTION NET-**
14 **WORK FOR SHIPMENT OF SUPPLIES TO AF-**
15 **GHANISTAN.**

16 (a) EXTENSION OF AUTHORITY TO PURCHASES TO
17 BE USED BY UNITED STATES FORCES.—Subsection
18 (b)(1)(C) of section 801 of the National Defense Author-
19 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
20 Stat. 2399) is amended by inserting “or the United
21 States” after “Afghanistan”.

22 (b) TECHNICAL AMENDMENT.—Subsection (f) of
23 such section is amended by striking “on or after” and all
24 that follows through “Act” and inserting “after October
25 27, 2012”.

1 **SEC. 1211. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
2 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
3 **AFGHANISTAN.**

4 Section 1216 of the Ike Skelton National Defense
5 Authorization Act for Fiscal Year 2011 (Public Law 111–
6 383; 124 Stat. 4392) is amended—

7 (1) in subsection (a), by striking “2011” and
8 inserting “2012”; and

9 (2) in subsection (e), by striking “December 31,
10 2011” and inserting “December 31, 2012”.

11 **SEC. 1212. ONE-YEAR AUTHORITY TO FUND OPERATIONS**
12 **AND ACTIVITIES OF OFFICE OF SECURITY CO-**
13 **OPERATION-IRAQ.**

14 (a) **AUTHORITY.**—Notwithstanding any other provi-
15 sion of law, the Secretary of Defense may support United
16 States Government transition activities in Iraq by pro-
17 viding funds for the operations and activities of the Office
18 of Security Cooperation in Iraq and the operations and
19 activities of security assistance teams in Iraq. Such sup-
20 port may include life support, transportation and personal
21 security, and renovation and construction of facilities.

22 (b) **SOURCE OF FUNDS.**—Funds for the purposes of
23 subsection (a) shall be derived from amounts available for
24 operation and maintenance for the Air Force for fiscal
25 year 2012.

1 **SEC. 1213. EXPANSION OF SCOPE OF HUMANITARIAN**
2 **DEMINE ASSISTANCE PROGRAM TO IN-**
3 **CLUDE STOCKPILED CONVENTIONAL MUNI-**
4 **TIONS.**

5 Section 407 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by inserting “and
9 stockpiled conventional munitions” after
10 “demining”; and

11 (B) in paragraph (3)(A), by inserting “,
12 stockpiled conventional munitions,” after “land-
13 mines”;

14 (2) in subsection (d)(2), by inserting “, and
15 whether such assistance was primarily related to the
16 humanitarian demining efforts under subsection
17 (e)(1) or stockpiled conventional munitions assist-
18 ance under subsection (e)(2)” after “paragraph
19 (1)”; and

20 (3) by amending subsection (e) to read as fol-
21 lows:

22 “(e) DEFINITIONS.—In this section:

23 “(1) HUMANITARIAN DEMINE ASSISTANCE.—

24 The term ‘humanitarian demining assistance’, as it
25 relates to training and support, means detection and

1 clearance of landmines and other explosive remnants
2 of war.

3 “(2) STOCKPILED CONVENTIONAL MUNITIONS
4 ASSISTANCE.—The term ‘stockpiled conventional
5 munitions assistance’, as it relates to support of hu-
6 manitarian assistance efforts, means training and
7 support in the disposal, demilitarization, physical se-
8 curity, and stockpile management of potentially dan-
9 gerous stockpiles of explosive ordnance.

10 “(3) INCLUDED ACTIVITIES.—Such terms in-
11 clude activities related to the furnishing of edu-
12 cation, training, and technical assistance with re-
13 spect to explosive safety, the detection and clearance
14 of landmines and other explosive remnants of war,
15 and the disposal, demilitarization, physical security,
16 and stockpile management of potentially dangerous
17 stockpiles of explosive ordnance.”.

18 **SEC. 1214. ESTABLISHMENT OF A GLOBAL SECURITY CON-**
19 **TINGENCY FUND.**

20 (a) ESTABLISHMENT.—There is established on the
21 books of the Treasury of the United States under the De-
22 partment of State a fund to be known as the “Global Se-
23 curity Contingency Fund”.

24 (b) AUTHORITY.—Amounts in the Fund shall be
25 available to either the Secretary of State or the Secretary

1 of Defense, notwithstanding any other provision of law,
2 to provide assistance to countries designated by the Sec-
3 retary of State, with the concurrence of the Secretary of
4 Defense, for purposes of this section, as follows:

5 (1) Assistance under this section may be pro-
6 vided to enhance the capabilities of military forces,
7 and other security forces that conduct border and
8 maritime security, internal security, and counterter-
9 rorism operations, as well as the government agen-
10 cies responsible for such forces, in order to strength-
11 en the foreign country's national and regional secu-
12 rity interests consistent with United States foreign
13 policy and national security interests.

14 (2) Assistance may be provided for the justice
15 sector (including law enforcement and prisons), rule
16 of law programs, and stabilization efforts where the
17 Secretary of State, in consultation with the Sec-
18 retary of Defense, determines that conflict or insta-
19 bility in a region challenges the existing capability of
20 civilian providers to deliver such assistance.

21 (c) FORMULATION AND APPROVAL OF ASSISTANCE
22 PROGRAMS.—

23 (1) The Secretary of State and the Secretary of
24 Defense shall jointly formulate assistance programs
25 under subsection (b)(1). Assistance programs to be

1 carried out pursuant to subsection (b)(1) shall be
2 approved by the Secretary of State, with the concur-
3 rence of the Secretary of Defense, prior to imple-
4 mentation.

5 (2) The Secretary of State, in consultation with
6 the Secretary of Defense, shall formulate assistance
7 programs under subsection (b)(2). Assistance pro-
8 grams to be carried out under the authority in sub-
9 section (b)(2) shall be approved by the Secretary of
10 State, with the concurrence of the Secretary of De-
11 fense, prior to implementation.

12 (d) RELATION TO OTHER AUTHORITIES.—The au-
13 thority to provide assistance under this section is in addi-
14 tion to any other authority to provide assistance to foreign
15 nations, and the administrative authorities of the Foreign
16 Assistance Act of 1961 shall be available to the Secretary
17 of State with respect to funds made available to carry out
18 this section.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—For the
20 purposes of providing assistance under the authority in
21 subsection (b), \$50,000,000 is hereby authorized to be ap-
22 propriated to the Fund in each of fiscal years 2012, 2013,
23 and 2014.

24 (f) TRANSFER AUTHORITY.—

1 (1) Funds available for foreign assistance or to
2 the Department of Defense may be transferred to
3 the Fund by the Secretary of State or the Secretary
4 of Defense, respectively, and amounts so transferred
5 shall be merged with funds made available under
6 this section and remain available until expended for
7 the purposes specified in subsection (b).

8 (2) The total amount of funds appropriated and
9 transferred to the Fund in any fiscal year shall not
10 exceed \$500,000,000. This limitation does not apply
11 to amounts contributed to the Fund under sub-
12 section (g).

13 (3) Funds made available to carry out assist-
14 ance activities approved pursuant to subsection (c)
15 may be transferred to the most appropriate agency
16 or account to facilitate the provision of such assist-
17 ance.

18 (4) The transfer authorities in paragraphs (1)
19 and (3) are in addition to any other transfer author-
20 ity available to the Department of State or the De-
21 partment of Defense.

22 (g) **AUTHORITY TO ACCEPT GIFTS.**—The Secretary
23 of State may use money, funds, property, and services ac-
24 cepted pursuant to the authority of section 635(d) of the

1 Foreign Assistance Act of 1961 to fulfill the purposes of
2 subsection (b).

3 (h) AVAILABILITY OF FUNDS.—Amounts in the Fund
4 remain available until expended.

5 (i) CONGRESSIONAL REPORTING.—In lieu of and not-
6 withstanding the notification provisions of sections 634A
7 and 653 of the Foreign Assistance Act of 1961 or similar
8 provisions in any other Act, and any notification or certifi-
9 cation provisions in law relating to the transfer of funds,
10 the Secretary of State and the Secretary of Defense jointly
11 shall provide a report quarterly to the specified congres-
12 sional committees on obligations of funds or transfers into
13 the Fund made during the preceding quarter.

14 (j) SPECIFIED CONGRESSIONAL COMMITTEES.—The
15 congressional committees specified in this subsection
16 are—

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 (k) EXPIRATION.—The authority provided under this
25 section may not be exercised after September 30, 2014,

1 except with respect to amounts appropriated or trans-
2 ferred to the Fund prior to this date, which can continue
3 to be obligated and expended pursuant to this section.

4 (l) ADMINISTRATIVE EXPENSES.—Amounts in the
5 Fund may be used for necessary administrative expenses.

6 (m) DETAIL AUTHORITY.—The head of any agency
7 may detail personnel to the Department of State to carry
8 out the purposes of this section with or without reimburse-
9 ment for all or part of the costs of salaries and other ex-
10 penses associated with such personnel.

11 **SEC. 1215. AUTHORITY FOR THE MINISTRY OF DEFENSE AD-**
12 **VISORS PROGRAM.**

13 (a) AUTHORITY.—The Secretary of Defense may,
14 with the concurrence of the Secretary of State, assign ci-
15 vilian employees as advisors to a foreign country that is
16 a partner nation with the United States in order to—

17 (1) provide institutional, ministerial-level advice
18 and other training to personnel of ministries of de-
19 fense, departments of defense, other defense agen-
20 cies, and security agencies serving a similar func-
21 tion, of that country in support of stabilization ef-
22 forts;

23 (2) build core institutional capacity, com-
24 petencies and capabilities of partner nations to effec-
25 tively manage defense-related processes; or

1 (3) support United States military operations in
2 that country.

3 (b) TERMINATION OF AUTHORITY.—The authority of
4 the Secretary of Defense under subsection (a) terminates
5 at the close of September 30, 2014. Any assignment of
6 civilian employees as advisors approved by the Secretary
7 of Defense with the concurrence of the Secretary of State
8 before that date may be completed, but only using funds
9 available for fiscal year 2012, 2013 or 2014.

10 (c) INDEPENDENT EVALUATION.—The Secretary of
11 Defense shall contract with an entity to conduct an inde-
12 pendent evaluation of the effectiveness of the advisory
13 services provided under subsection (a).

14 **SEC. 1216. AFGHANISTAN INFRASTRUCTURE FUND.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for fiscal year
17 2012 for the Afghanistan Infrastructure Fund (herein-
18 after referred to as the “Fund”) in the amount of
19 \$475,000,000.

20 (b) USE OF FUNDS.—

21 (1) IN GENERAL.—Funds appropriated pursu-
22 ant to subsection (a) shall be available, notwith-
23 standing any other provision of law, for infrastruc-
24 ture projects in Afghanistan, which shall be under-
25 taken by the Secretary of State, unless the Secretary

1 of State and the Secretary of Defense jointly decide
2 that a specific project will be undertaken by the De-
3 partment of Defense.

4 (2) TYPES OF PROJECTS AUTHORIZED.—

5 Projects authorized by this section are in support of
6 the counterinsurgency strategy, requiring funding
7 for facility and infrastructure projects, including,
8 but not limited to, water, power and transportation
9 projects, and related maintenance and sustainment
10 costs.

11 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-

12 TIES.—The authority to provide assistance under this sec-
13 tion is in addition to any other authority to provide assist-
14 ance to foreign nations.

15 (d) JOINT FORMULATION.—Any project funded

16 under this section shall be jointly formulated and con-
17 curred in by the Secretary of State and the Secretary of
18 Defense.

19 (e) TRANSFERS.—

20 (1) TRANSFERS FROM THE FUND.—The Sec-

21 retary of Defense may transfer funds to the Depart-
22 ment of State for purposes of undertaking projects
23 authorized by this section.

24 (2) RETURN OF UNEXPENDED FUNDS.—Any

25 unexpended funds transferred to the Secretary of

1 State under this authority shall be returned to the
2 Fund if the Secretary of State, in coordination with
3 the Secretary of Defense, determines that the
4 project cannot be implemented for any reason, or
5 that the project no longer supports the counterinsur-
6 gency strategy in Afghanistan. Any funds returned
7 to the Secretary of Defense under this paragraph
8 shall be available for use under this authority and
9 shall be treated in the same manner as funds not
10 transferred to the Secretary of State.

11 (3) TRANSFERS TO THE FUND.—From funds
12 made available to the Department of Defense, the
13 Secretary of Defense may transfer up to
14 \$200,000,000 into the Fund in fiscal year 2012.

15 (4) TRANSFERRED FUNDS.—Funds transferred
16 to the Fund under paragraph (3) shall be merged
17 with funds in the Fund and shall remain available
18 until September 30, 2013.

19 (5) TRANSFER AUTHORITY.—The authority to
20 transfer funds under paragraphs (1) and (3) shall be
21 in addition to any other authority available to the
22 Department of Defense to transfer funds.

23 (6) ADDITIONAL AUTHORITIES.—Funds trans-
24 ferred under paragraph (1) shall be considered to be
25 economic assistance under the Foreign Assistance

1 Act of 1961 for purposes of making available the ad-
2 ministrative authorities contained in that Act.

3 (f) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The
4 Secretary of State and Secretary of Defense may accept
5 contributions of amounts for the purposes provided in this
6 section from any person, foreign government, or inter-
7 national organization. Any such amount may be credited
8 to the Fund to remain available until expended and used
9 for purposes of this section.

10 (g) CONGRESSIONAL NOTIFICATION.—

11 (1) TRANSFER NOTIFICATION.—The Secretary
12 of Defense shall, not fewer than 15 days prior to
13 making transfers to or from, or obligations from, the
14 Fund, notify the appropriate committees of Congress
15 in writing of the details of such transfer. Such noti-
16 fication shall include a description of any projects to
17 which the transfer or obligation relates, including—

18 (A) a plan for the sustainment of the
19 project; and

20 (B) a description of how the project sup-
21 ports the counterinsurgency strategy in Afghan-
22 istan.

23 (2) PROJECT COST INCREASE NOTIFICATION.—

24 The Secretary of Defense shall notify the appro-
25 priate congressional committees not less than five

1 days before making a transfer or obligation from the
2 Fund for a project cost increase where such increase
3 is in excess of 20 percent of a previously notified
4 project cost.

5 (h) APPROPRIATE COMMITTEES OF CONGRESS DE-
6 FINED.—In this section, the term “appropriate commit-
7 tees of Congress” means—

8 (1) the Committees on Armed Services, Foreign
9 Relations, and Appropriations of the Senate; and

10 (2) the Committees on Armed Services, Foreign
11 Affairs, and Appropriations of the House of Rep-
12 resentatives.

13 **SEC. 1217. ONE-YEAR EXTENSION OF AUTHORITY FOR TASK**
14 **FORCE FOR BUSINESS AND STABILITY OPER-**
15 **ATIONS IN AFGHANISTAN.**

16 Section 1535(a) of the Ike Skelton National Defense
17 Authorization Act for Fiscal Year 2011 (Public Law 111–
18 383; 124 Stat. 4426) is amended—

19 (1) in paragraph (4), by striking “The” and in-
20 serting “During each of fiscal years 2011 and 2012,
21 the”; and

22 (2) in paragraph (7), by striking “September
23 30, 2011” and inserting “September 30, 2012”.

1 **TITLE XIII—OTHER**
2 **AUTHORIZATIONS**
3 **Subtitle A—Military Programs**

4 **SEC. 1301. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2012 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for the Defense Working Capital Funds
9 in the amount of \$1,575,010,000.

10 **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
12 are hereby authorized to be appropriated for fiscal year
13 2012 for the National Defense Sealift Fund in the amount
14 of \$1,126,384,000.

15 (b) **AUTHORIZED PROCUREMENT.**—Amounts appro-
16 priated pursuant to the authorization of appropriations in
17 subsection (a) may be used to purchase an Offshore Petro-
18 leum Distribution System, and the associated tender for
19 that system, that are under charter by the Military Sealift
20 Command as of January 1, 2011.

21 **SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2012 for the Joint Urgent Operational Needs
24 Fund in the amount of \$100,000,000.

1 **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
2 **TION, DEFENSE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for the Depart-
5 ment of Defense for fiscal year 2012 for expenses, not oth-
6 erwise provided for, for Chemical Agents and Munitions
7 Destruction, Defense, in the amount of \$1,554,422,000,
8 of which—

9 (1) \$1,147,691,000 is for Operation and Main-
10 tenance; and

11 (2) \$406,731,000 is for Research, Development,
12 Test, and Evaluation.

13 (b) USE.—Amounts authorized to be appropriated
14 under subsection (a) are authorized for—

15 (1) the destruction of lethal chemical agents
16 and munitions in accordance with section 1412 of
17 the Department of Defense Authorization Act, 1986
18 (50 U.S.C. 1521); and

19 (2) the destruction of chemical warfare materiel
20 of the United States that is not covered by section
21 1412 of such Act.

22 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG AC-**
23 **TIVITIES, DEFENSE-WIDE.**

24 Funds are hereby authorized to be appropriated for
25 the Department of Defense for fiscal year 2012 for ex-
26 penses, not otherwise provided for, for Drug Interdiction

1 and Counter-Drug Activities, Defense-wide, in the amount
2 of \$1,156,282,000.

3 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

4 Funds are hereby authorized to be appropriated for
5 the Department of Defense for fiscal year 2012 for ex-
6 penses, not otherwise provided for, for the Office of the
7 Inspector General of the Department of Defense, in the
8 amount of \$289,519,000, of which—

9 (1) \$286,919,000 is for Operation and Mainte-
10 nance;

11 (2) \$1,600,000 is for Research, Development,
12 Test, and Evaluation; and

13 (3) \$1,000,000 is for Procurement.

14 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for the Depart-
17 ment of Defense for fiscal year 2012 for expenses, not oth-
18 erwise provided for, for the Defense Health Program, in
19 the amount of \$32,198,770,000, of which—

20 (1) \$30,902,546,000 is for Operation and
21 Maintenance;

22 (2) \$663,706,000 is for Research, Development,
23 Test, and Evaluation; and

24 (3) \$632,518,000 is for Procurement.

1 (b) JOINT MEDICAL FACILITY DEMONSTRATION
2 FUND.—

3 (1) AUTHORITY FOR TRANSFER OF FUNDS.—

4 The Secretary of Defense may transfer to the Joint
5 Department of Defense—Department of Veterans
6 Affairs Medical Facility Demonstration Fund estab-
7 lished by subsection (a)(1) of section 1704 of the
8 National Defense Authorization Act for Fiscal Year
9 2010 (Public Law 111–84; 123 Stat. 2571), from
10 funds appropriated pursuant to subsection (a)(1) of
11 this section, such amounts as the Secretary deter-
12 mines to be appropriate for such purpose. For pur-
13 poses of subsection (a)(2) of such section 1704,
14 funds appropriated pursuant to subsection (a)(1) of
15 this section shall be considered to be amounts au-
16 thorized and appropriated specifically for the pur-
17 pose of such a transfer.

18 (2) USE OF TRANSFERRED FUNDS.—For the
19 purposes of subsection (b) of such section 1704, fa-
20 cility operations for which funds transferred under
21 paragraph (1) may be used are operations of the
22 Captain James A. Lovell Federal Health Care Cen-
23 ter, consisting of the North Chicago Veterans Af-
24 fairs Medical Center, the Navy Ambulatory Care
25 Center, and supporting facilities designated as a

1 combined Federal medical facility under an oper-
2 ational agreement covered by section 706 of the
3 Duncan Hunter National Defense Authorization Act
4 for Fiscal Year 2009 (Public Law 110–417; 122
5 Stat. 4500).

6 **Subtitle B—Armed Forces**
7 **Retirement Home**

8 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS FOR**
9 **ARMED FORCES RETIREMENT HOME.**

10 There is hereby authorized to be appropriated for fis-
11 cal year 2012 from the Armed Forces Retirement Home
12 Trust Fund the sum of \$67,700,000 for the operation of
13 the Armed Forces Retirement Home.

14 **TITLE XIV—AUTHORIZATION OF**
15 **ADDITIONAL APPROPRIA-**
16 **TIONS FOR OVERSEAS CON-**
17 **TINGENCY OPERATIONS FOR**
18 **FISCAL YEAR 2012**

19 **SEC. 1401. PURPOSE.**

20 The purpose of this title is to authorize appropria-
21 tions for the Department of Defense for fiscal year 2012
22 to provide additional funds for overseas contingency oper-
23 ations being carried out by the Armed Forces.

1 **SEC. 1402. ARMY PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2012 for procurement for the Army in amounts
4 as follows:

5 (1) For aircraft procurement, \$423,400,000.

6 (2) For missile procurement, \$126,556,000.

7 (3) For weapons and tracked combat vehicles
8 procurement, \$37,117,000.

9 (4) For ammunition procurement,
10 \$208,381,000.

11 (5) For other procurement, \$1,398,195,000.

12 **SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
13 **FUND.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2012 for the Joint Improvised Explosive Device
16 Defeat Fund in the amount of \$2,577,500,000.

17 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2012 for procurement for the Navy and Marine
20 Corps in amounts as follows:

21 (1) For aircraft procurement, Navy,
22 \$730,960,000.

23 (2) For weapons procurement, Navy,
24 \$41,070,000.

25 (3) For ammunition procurement, Navy and
26 Marine Corps, \$317,100,000.

1 (4) For other procurement, Navy,
2 \$281,975,000.

3 (5) For procurement, Marine Corps,
4 \$1,260,996,000.

5 **SEC. 1405. AIR FORCE PROCUREMENT.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2012 for procurement for the Air Force in
8 amounts as follows:

9 (1) For aircraft procurement, \$527,865,000.

10 (2) For ammunition procurement, \$92,510,000.

11 (3) For missile procurement, \$28,420,000.

12 (4) For other procurement, \$3,204,641,000.

13 **SEC. 1406. JOINT URGENT OPERATIONAL NEEDS FUND.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2012 for the Joint Urgent Operational Needs
16 Fund in the amount of \$100,000,000.

17 **SEC. 1407. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
18 **FUND.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2012 for the Mine Resistant Ambush Protected
21 Vehicle Fund in the amount of \$3,195,170,000.

22 **SEC. 1408. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2012 for the procurement account for Defense-
25 wide activities in the amount of \$469,968,000.

1 **SEC. 1409. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **TION.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2012 for the use of the Department of Defense
5 for research, development, test, and evaluation as follows:

- 6 (1) For the Army, \$8,513,000.
7 (2) For the Navy, \$53,884,000.
8 (3) For the Air Force, \$142,000,000.
9 (4) For Defense-wide activities, \$192,361,000.

10 **SEC. 1410. OPERATION AND MAINTENANCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2012 for the use of the Armed Forces for ex-
13 penses, not otherwise provided for, for operation and
14 maintenance, in amounts as follows:

- 15 (1) For the Army, \$44,302,280,000.
16 (2) For the Navy, \$7,006,567,000.
17 (3) For the Marine Corps, \$3,571,210,000.
18 (4) For the Air Force, \$10,719,187,000.
19 (5) For Defense-wide activities,
20 \$9,269,411,000.
21 (6) For the Army Reserve, \$217,500,000.
22 (7) For the Navy Reserve, \$74,148,000.
23 (8) For the Marine Corps Reserve,
24 \$36,084,000.
25 (9) For the Air Force Reserve, \$142,050,000.

1 (10) For the Army National Guard,
2 \$387,544,000.

3 (11) For the Air National Guard, \$34,050,000.

4 (12) For the Afghanistan Security Forces
5 Fund, \$12,800,000,000.

6 (13) For the Afghanistan Infrastructure Fund,
7 \$475,000,000.

8 **SEC. 1411. MILITARY PERSONNEL.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2012 to the Department of Defense for military
11 personnel accounts in the total amount of
12 \$11,111,324,000.

13 **SEC. 1412. WORKING CAPITAL FUNDS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2012 for the use of the Armed Forces and other
16 activities and agencies of the Department of Defense for
17 providing capital for working capital and revolving funds
18 in the amount of \$435,013,000.

19 **SEC. 1413. DEFENSE HEALTH PROGRAM.**

20 Funds are hereby authorized to be appropriated for
21 the Department of Defense for fiscal year 2012 for ex-
22 penses, not otherwise provided for, for the Defense Health
23 Program in the amount of \$1,228,288,000 for operation
24 and maintenance.

1 **SEC. 1414. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2012 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide in the amount
7 of \$486,458,000.

8 **SEC. 1415. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2012 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense in the
13 amount of \$11,055,000.

14 **TITLE XV—ARMED FORCES**
15 **RETIREMENT HOME**

16 **SEC. 1501. AMENDMENT OF ARMED FORCES RETIREMENT**
17 **HOME ACT OF 1991.**

18 Except as otherwise expressly provided, whenever in
19 this title an amendment or repeal is expressed in terms
20 of an amendment to, or a repeal of, a section or other
21 provision, the reference shall be considered to be made to
22 a section or other provision of the Armed Forces Retire-
23 ment Home Act of 1991 (title XV of Public Law 101–
24 510; 24 U.S.C. 401 et seq.).

1 **SEC. 1502. ANNUAL VALIDATION OF MULTIYEAR ACCREDI-**
2 **TATION.**

3 Section 1511(g) (24 U.S.C. 411(g)) is amended—

4 (1) by striking “ACCREDITATION.—” and in-
5 sserting “ACCREDITATION AND ANNUAL VALIDA-
6 TION.—(1)”;

7 (2) by inserting “(1)” before “The Chief Oper-
8 ating Officer shall”; and

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

11 “(2) If the Chief Operating Officer secures ac-
12 creditation for a facility of the Retirement Home (or
13 for any aspect of a facility of the Retirement Home)
14 that is effective for a period of more than one year,
15 then for each year after the first year for which such
16 accreditation is in effect, the Chief Operating Officer
17 shall seek to obtain, from the organization that
18 awarded the accreditation, a validation of the ac-
19 creditation. However, the requirement in the pre-
20 ceding sentence does not apply with respect to a fa-
21 cility of the Retirement Home for any year for which
22 the Inspector General of the Department of Defense
23 conducts an inspection of that facility under section
24 1518(b).

25 “(B) In carrying out subparagraph (A)
26 with respect to validation of an accreditation,

1 the Chief Operating Officer may substitute an-
2 other nationally recognized civilian accrediting
3 organization if the organization that awarded
4 the accreditation is not available.”.

5 **SEC. 1503. CLARIFICATION OF RESPONSIBILITIES AND DU-**
6 **TIES OF SENIOR MEDICAL ADVISOR .**

7 (a) RESPONSIBILITIES.—Subsection (b)(1) of section
8 1513A (24 U.S.C. 413a) is amended by striking “and the
9 Chief Operating Officer” and inserting “, the Chief Oper-
10 ating Officer, and the Advisory Council”.

11 (b) DUTIES.—Subsection (c) of such section is
12 amended—

13 (1) in paragraph (3)—

14 (A) by striking “and inspect” after “Peri-
15 odically visit”; and

16 (B) by inserting before the period “and re-
17 view medical reports, inspections, and records
18 audits to make sure appropriate follow-up has
19 been made”; and

20 (2) by striking paragraphs (4) and (5).

1 **SEC. 1504. 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) DUTIES.—(1) The Advisory Council shall pro-
14 vide to the Chief Operating Officer and the Administrator
15 of each facility such observations, advice and recommenda-
16 tions regarding the Retirement Home as the Advisory
17 Council considers appropriate.

18 “(2) Not less often than annually, the Advisory Coun-
19 cil shall submit to the Secretary of Defense a report sum-
20 marizing its activities during the preceding year and pro-
21 viding such observations and recommendations with re-
22 spect to the Retirement Home as the Advisory Council
23 considers appropriate.

24 “(3) In carrying out its functions, the Advisory Coun-
25 cil 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 “(c) COMPOSITION.—(1) The Advisory Council shall
4 consist of at least 11 members, each of whom shall be a
5 full or part-time Federal employee and at least one of
6 whom shall be from the Department of Veterans Affairs.
7 Members of the Advisory Council shall be designated by
8 the Secretary of Defense, except that a member who is
9 an employee of a department or agency outside of the De-
10 partment of Defense shall be designated by the head of
11 such department or agency in consultation with the Sec-
12 retary of Defense.

13 “(2) The Secretary of Defense shall designate one
14 member of the Advisory Council to serve as the chairman
15 of the Advisory Council.

16 “(d) TERM OF SERVICE.—(1) Except as provided in
17 paragraphs (2), (3), and (4), the term of service of a mem-
18 ber of the Advisory Council shall be two years. A member
19 may be designated to serve one additional term.

20 “(2) Unless earlier terminated by the Secretary of
21 Defense, a person may continue to serve as a member of
22 the Advisory Council after the expiration of the member’s
23 term until a successor is designated.

24 “(3) The Secretary of Defense may terminate the ap-
25 pointment of a member of the Advisory Council before the

1 expiration of the member's term for any reason that the
2 Secretary determines appropriate.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) DEFINITION.—Section 1502(2) (24 U.S.C.
5 401(2)) is amended to read as follows:

6 “(2) The term ‘Advisory Council’ means the
7 Armed Forces Retirement Home Advisory Council
8 established under section 1516.”.

9 (2) RESPONSIBILITIES AND DUTIES OF SENIOR
10 MEDICAL ADVISOR.—Section 1513A(b)(2) (24
11 U.S.C. 413a(b)(2)) is amended by striking “to the
12 Local Board” and all that follows through “the facil-
13 ity” and inserting “to the Advisory Council regard-
14 ing all medical and medical administrative matters
15 of each such facility”.

16 (3) RESPONSIBILITIES OF CHIEF OPERATING
17 OFFICER.—Section 1515(e)(2) (24 U.S.C. 415(e)(2))
18 is amended by striking “, including the Local
19 Boards of those facilities”.

20 (4) INSPECTION OF RETIREMENT HOME.—Sec-
21 tion 1518 (24 U.S.C. 418) is amended by striking
22 “Local Board for the facility” each place it appears
23 and inserting “Advisory Council”.

1 **SEC. 1505. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF**
2 **FACILITIES.**

3 (a) LEADERSHIP OF FACILITIES OF THE RETIRE-
4 MENT HOME.—Section 1517 (24 U.S.C. 417) is amend-
5 ed—

6 (1) in subsection (a), by striking “a Director, a
7 Deputy Director, and an Associate Director” and in-
8 serting “an Administrator and an Ombudsman”;

9 (2) in subsections (b) and (c)—

10 (A) by striking “DIRECTOR” in each sub-
11 section heading and inserting “ADMINIS-
12 TRATOR”; and

13 (B) by striking “Director” each place it
14 appears and inserting “Administrator”;

15 (3) by striking subsections (d) and (e) and re-
16 designating subsections (f), (g), (h), and (i) as sub-
17 sections (d), (e), (f), and (g), respectively;

18 (4) in subsection (d), as so redesignated—

19 (A) by striking “ASSOCIATE DIRECTOR” in
20 the subsection heading and inserting “OMBUDS-
21 MAN”; and

22 (B) by striking “Associate Director” in
23 paragraphs (1) and (2) and inserting “Ombuds-
24 man”;

25 (5) in subsection (e), as so redesignated—

1 (A) by striking “ASSOCIATE DIRECTOR” in
2 the subsection heading and inserting “OMBUDS-
3 MAN”;

4 (B) by striking “Associate Director” and
5 inserting “Ombudsman”;

6 (C) by striking “Director and Deputy Di-
7 rector” and inserting “Administrator”; and

8 (D) by striking “Director may” and insert-
9 ing “Administrator may”;

10 (6) in subsection (f), as so redesignated, by
11 striking “Director” each place it appears and insert-
12 ing “Administrator”; and

13 (7) in subsection (g), as so redesignated—

14 (A) by striking “DIRECTORS” in the sub-
15 section heading and inserting “ADMINISTRA-
16 TORS”;

17 (B) by striking “Directors” in paragraph
18 (1) and inserting “Administrators”; and

19 (C) by striking “a Director” in paragraph
20 (2) and inserting “an Administrator”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) The following provisions are amended by
23 striking “Director” each place it appears and insert-
24 ing “Administrator”: sections 1511(d)(2), 1512(c),

1 1514(a), 1518(b)(4), 1518(c)(2), 1518(d)(2), 1520,
2 1522, and 1523(b).

3 (2) Sections 1514(b) and 1520(c) (24 U.S.C.
4 414(b), 420(c)) are amended by striking “Directors”
5 and inserting “Administrators”.

6 **SEC. 1506. REVISION TO INSPECTION REQUIREMENTS.**

7 Section 1518 (24 U.S.C. 418) is amended—

8 (1) in subsection (b)(1)—

9 (A) by striking “In any year in which a fa-
10 cility of the Retirement Home is not inspected
11 by a nationally recognized civilian accrediting
12 organization,” and inserting “Not less often
13 than every three years,”;

14 (B) by striking “of that facility” and in-
15 serting “of each facility of the Retirement
16 Home”;

17 (C) by inserting “long-term care,” after
18 “assisted living,”; and

19 (D) by striking “or council”;

20 (2) in subsection (b)(3), by striking “or coun-
21 cil”;

22 (3) in subsection (c)—

23 (A) by striking paragraph (2); and

1 (B) by designating the second sentence as
2 a new paragraph (2) and in that paragraph (as
3 so designated)—

4 (i) by striking “45 days” and insert-
5 ing “90 days”; and

6 (ii) by adding at the end the following
7 new sentence: “The report shall include the
8 Chief Operating Officer’s plan that ad-
9 dresses the recommendations and other
10 matters set forth in the report.”; and

11 (4) in subsection (e)(1)—

12 (A) by striking “45 days” and inserting
13 “60 days”;

14 (B) by striking “Director of the facility
15 concerned” and inserting “Chief Operating Of-
16 ficer”; and

17 (C) by striking “, the Chief Operating Of-
18 ficer,” after “Secretary of Defense”.

19 **SEC. 1507. REPEAL OF OBSOLETE PROVISIONS.**

20 Part B, relating to transitional provisions for the
21 Armed Forces Retirement Home Board and the Directors
22 and Deputy Directors of the facilities of the Armed Forces
23 Retirement Home is hereby repealed.

1 **SEC. 1508. TECHNICAL, CONFORMING, AND CLERICAL**
2 **AMENDMENTS.**

3 (a) CORRECTION OF OBSOLETE REFERENCES TO RE-
4 TIREMENT HOME BOARD.—

5 (1) ARMED FORCES RETIREMENT HOME ACT.—

6 Section 1519(a)(2) (24 U.S.C. 419(a)(2)) is amend-
7 ed by striking “Retirement Home Board” and in-
8 serting “Chief Operating Officer”.

9 (2) TITLE 10, U.S.C.—Section 2772(b) of title
10 10, United States Code, is amended by striking
11 “Armed Forces Retirement Home Board” and in-
12 serting “Chief Operating Officer of the Armed
13 Forces Retirement Home”.

14 (b) SECTION HEADINGS.—

15 (1) SECTION 1501.—The heading of section
16 1501 is amended to read as follows:

17 **“SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.”.**

18 (2) SECTION 1513.—The heading of section
19 1513 is amended to read as follows:

20 **“SEC. 1513. SERVICES PROVIDED TO RESIDENTS.”.**

21 (3) SECTION 1513A.—The heading of section
22 1513A is amended to read as follows:

23 **“SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO**
24 **RESIDENTS.”.**

25 (4) SECTION 1517.—The heading of section
26 1517 is amended to read as follows:

1 **“SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF**
 2 **FACILITIES.”**

3 (5) SECTION 1518.—The heading of section
 4 1518 is amended to read as follows:

5 **“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME**
 6 **FACILITIES BY DEPARTMENT OF DEFENSE**
 7 **INSPECTOR GENERAL AND OUTSIDE INSPEC-**
 8 **TORS.”**

9 (6) PUNCTUATION.—The headings of sections
 10 1512 and 1520 are amended by adding a period at
 11 the end.

12 (c) PART A HEADER.—The heading for part A is re-
 13 pealed.

14 (d) TABLE OF CONTENTS.—The table of contents in
 15 section 1501(b) is amended—

16 (1) by striking the item relating to the heading
 17 for part A;

18 (2) by striking the items relating to sections
 19 1513 and 1513A and inserting the following:

“Sec. 1513. Services provided to residents.

“Sec. 1513A. Oversight of health care provided to residents.”;

20 (3) by striking the items relating to sections
 21 1516, 1517, and 1518 and inserting the following:

“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.”;

22 and

1

2 (4) by striking the items relating to part B (in-
3 cluding the items relating to sections 1531, 1532,
4 and 1533).

5 **TITLE XVI—REDUCTION IN DE-**
6 **PARTMENT OF DEFENSE RE-**
7 **PORTING REQUIREMENTS**
8 **Subtitle A—Repeal of Existing**
9 **Report Requirements**

10 **SEC. 1601. REPEAL OF REPORTING REQUIREMENTS UNDER**
11 **TITLE 10, UNITED STATES CODE.**

12 Title 10, United States Code, is amended as follows:

13 (1) Section 113 is amended—

14 (A) by striking subsection (j); and

15 (B) by striking subsection (m).

16 (2) Section 116 is repealed, and the table of sections
17 at the beginning of chapter 2 is amended by striking the
18 item relating to that section.

19 (3) Section 117 is amended by striking subsection
20 (e).

21 (4) Section 127 is amended by striking subsection
22 (d).

23 (5) Section 127a(a) is amended by striking para-
24 graph (3).

25 (6) Section 129 is amended by striking subsection (f).

1 (7) Section 153 is amended by striking subsection
2 (c).

3 (8) Section 184 is amended by striking subsection
4 (h).

5 (9) Section 427 is repealed, and the table of sections
6 at the beginning of subchapter I of chapter 21 is amended
7 by striking the item relating to that section.

8 (10) Section 437 is amended by striking subsection
9 (c).

10 (11) Section 483 is repealed, and the table of sections
11 at the beginning of chapter 23 is amended by striking the
12 item relating to that section.

13 (12) Section 484 is repealed, and the table of sections
14 at the beginning of chapter 23 is amended by striking the
15 item relating to that section.

16 (13) Section 485 is repealed, and the table of sections
17 at the beginning of chapter 23 is amended by striking the
18 item relating to that section.

19 (14) Section 486 is repealed, and the table of sections
20 at the beginning of chapter 23 is amended by striking the
21 item relating to that section.

22 (15) Section 487 is repealed, and the table of sections
23 at the beginning of chapter 23 is amended by striking the
24 item relating to that section.

1 (16) Section 489 is repealed, and the table of sections
2 at the beginning of chapter 23 is amended by striking the
3 item relating to that section.

4 (17) Section 490 is repealed, and the table of sections
5 at the beginning of chapter 23 is amended by striking the
6 item relating to that section.

7 (18) Section 652 is repealed, and the table of sections
8 at the beginning of chapter 37 is amended by striking the
9 item relating to that section.

10 (19) Section 983(e)(1) is amended—

11 (A) by striking the comma after “Sec-
12 retary of Education” and inserting “and”; and

13 (B) by striking “, and to Congress”.

14 (20) Section 1130 by striking subsection (b).

15 (21) Section 1178 is amended—

16 (A) by striking “(a) REQUIREMENT TO
17 ESTABLISH SYSTEM.—”; and

18 (B) by striking subsection (b).

19 (22) Section 1557 is amended by striking subsection
20 (e).

21 (23) Section 1563 is repealed, and the table of sec-
22 tions at the beginning of chapter 80 is amended by strik-
23 ing the item relating to that section.

24 (24) Section 1597 is amended by striking subsections
25 (c), (d), and (e).

1 (25) Section 1781b is amended by striking subsection
2 (d).

3 (26) Section 2010 is amended by striking subsection
4 (b).

5 (27) Section 2216 is amended by striking subsection
6 (i).

7 (28) Section 2244a(c) is amended by striking the sec-
8 ond sentence.

9 (29) Section 2281 is amended by striking subsection
10 (d).

11 (30) Section 2282 is repealed, and the table of sec-
12 tions at the beginning of chapter 136 is amended by strik-
13 ing the item relating to that section.

14 (31) Section 2350a(g) is amended by striking para-
15 graph (3).

16 (32) Section 2350b is amended by striking subsection
17 (d).

18 (33) Section 2350j is amended by striking subsection
19 (e).

20 (34) Section 2350m is amended by striking sub-
21 section (e).

22 (35) Section 2352 is repealed, and the table of sec-
23 tions at the beginning of chapter 139 is amended by strik-
24 ing the item relating to that section.

1 (36) Section 2410i(c) is amended by striking the last
2 sentence.

3 (37) Section 2410m is amended by striking sub-
4 section (c).

5 (38) Section 2461 is amended by striking subsection
6 (c).

7 (39) Section 2475 is repealed, and the table of sec-
8 tions at the beginning of chapter 146 is amended by strik-
9 ing the item relating to that section.

10 (40) Section 2493 is amended by striking subsection
11 (g).

12 (41) Section 2504 is repealed, and the table of sec-
13 tions at the beginning of subchapter II of chapter 148 is
14 amended by striking the item relating to that section.

15 (42) Section 2515 is amended by striking subsection
16 (d).

17 (43) Section 2582 is repealed, and the table of sec-
18 tions at the beginning of chapter 153 is amended by strik-
19 ing the item relating to that section.

20 (44) Section 2684a is amended by striking subsection
21 (g).

22 (45) Section 2688 is amended—

23 (A) by striking subsections (a)(2) and (f);

24 and

1 (B) in subsection (h), by striking the last
2 sentence.

3 (46) Section 2706 is repealed, and the table of sec-
4 tions at the beginning of chapter 160 is amended by strik-
5 ing the item relating to that section.

6 (47) Section 2815 is repealed, and the table of sec-
7 tions at the beginning of subchapter I of chapter 169 is
8 amended by striking the item relating to that section.

9 (48) Section 2825(c)(1) is amended—

10 (A) by inserting “and” at the end of sub-
11 paragraph (A);

12 (B) by striking the semicolon at the end of
13 subparagraph (B) and inserting a period; and

14 (C) by striking subparagraphs (C) and
15 (D).

16 (49) Section 2826 is amended—

17 (A) by striking “(a) LOCAL COM-
18 PARABILITY.—”; and

19 (B) by striking subsection (b).

20 (50) Section 2827 is amended—

21 (A) by striking “(a) Subject to subsection
22 (b), the Secretary” and inserting “The Sec-
23 retary”; and

24 (B) by striking subsection (b).

1 (51) Section 2828 is amended by striking subsection
2 (f).

3 (52) Section 2835 is amended—

4 (A) in subsection (a), by striking “Subject
5 to subsection (b), the Secretary” and inserting
6 “The Secretary”;

7 (B) by striking subsection (b); and

8 (C) by striking subsection (g).

9 (53) Section 2836 is amended—

10 (A) in subsection (a), by striking “Subject
11 to subsection (b), the Secretary” and inserting
12 “The Secretary”;

13 (B) by striking subsection (b); and

14 (C) by striking subsection (f).

15 (54) Section 2837 is amended—

16 (A) in subsection (c)—

17 (i) by striking “(1)” after “OPPORTU-
18 NITIES.—”; and

19 (ii) by striking paragraph (2); and

20 (B) by striking subsection (f).

21 (55) Section 2853(c) is amended by striking “by the
22 Secretary concerned and—” and all that follows and in-
23 serting “by the Secretary concerned.”.

24 (56) Section 2854a is amended by striking subsection
25 (c).

1 (57) Section 2861 is amended by striking subsection
2 (d).

3 (58) Section 2866(c) is amended—

4 (A) by striking “(1)” before “The Sec-
5 retary”; and

6 (B) by striking paragraph (2).

7 (59) Section 2875 is amended by striking subsection
8 (e).

9 (60)(A) Section 2884 is amended—

10 (i) by striking subsection (b); and

11 (ii) in subsection (a)—

12 (I) by striking “PROJECT RE-
13 PORTS.—(1)” and inserting “RE-
14 PORTS.—”;

15 (II) by redesignating subpara-
16 graphs (A) and (B) as paragraphs (1)
17 and (2), respectively; and

18 (III) by striking “(2) For each”
19 and inserting “(b) CONTENT OF RE-
20 PORTS.—(1) For each”.

21 (B) Such section is further amended—

22 (i) by redesignating paragraphs (3)
23 and (4) of subsection (b) of such section
24 (as designated by subparagraph

1 (A)(ii)(III)) as paragraphs (2) and (3), re-
 2 spectively; and

3 (ii) in paragraph (2) of subsection (b),
 4 as so redesignated, by striking “contract
 5 described in paragraph (1)” and inserting
 6 “contract described in subsection (a)”.

7 (C)(i) The heading of such section is
 8 amended to read as follows:

9 **“§ 2884. Project reports”.**

10 (ii) The item relating to that section in the
 11 table of sections at the beginning of subchapter
 12 IV of chapter 169 is amended to read as fol-
 13 lows:

“2884. Project reports.”.

14 (61) Section 2916 is amended by striking subsection
 15 (c).

16 (62) Section 7296 is repealed, and the table of sec-
 17 tions at the beginning of chapter 633 is amended by strik-
 18 ing the item relating to that section.

19 (63) Section 7310 is amended by striking subsection
 20 (c).

21 (64) Section 9356 is amended—

22 (A) in subsection (a), by striking “Subject
 23 to subsection (c), the Secretary” and inserting
 24 “The Secretary”; and

25 (B) by striking subsection (c).

1 (65) Section 10504 is repealed, and the table of sec-
2 tions at the beginning of chapter 1011 is amended by
3 striking the item relating to that section.

4 (66) Section 12302(b) is amended by striking the last
5 sentence.

6 (67) Section 16137 is repealed, and the table of sec-
7 tions at the beginning of chapter 1606 is amended by
8 striking the item relating to that section.

9 **SEC. 1602. REPEAL OF REPORTING REQUIREMENTS UNDER**
10 **ANNUAL DEFENSE AUTHORIZATION ACTS.**

11 (a) FISCAL YEAR 2011.—The Ike Skelton National
12 Defense Authorization Act for Fiscal Year 2011 (Public
13 Law 111–383) is amended as follows:

14 (1) Section 225 (124 Stat. 4170; 10 U.S.C.
15 223 note) is amended by striking subsection (d).

16 (2) Section 892 (124 Stat. 4310; 10 U.S.C.
17 2306a note) is repealed.

18 (b) FISCAL YEAR 2010.—The National Defense Au-
19 thorization Act for Fiscal Year 2010 (Public Law 111–
20 84) is amended as follows:

21 (1) Section 219 (123 Stat. 2228) is amended
22 by striking subsection (e).

23 (2) Section 1113(e)(1) (123 Stat. 2502) is
24 amended by striking “, which information shall be”
25 and all that follows through “semiannual basis”.

1 (3) Section 1232 (123 Stat. 2531) is repealed.

2 (4) Section 1245 (123 Stat. 2542) is repealed.

3 (c) FISCAL YEAR 2009.—The Duncan Hunter Na-
4 tional Defense Authorization Act for Fiscal Year 2009
5 (Public Law 110–417) is amended as follows:

6 (1) Section 354 (122 Stat. 4426; 10 U.S.C.
7 221 note) is repealed.

8 (2) Section 1504 (10 U.S.C. 2358 note) is
9 amended by striking subsection (c).

10 (d) FISCAL YEAR 2008.—The National Defense Au-
11 thorization Act for Fiscal Year 2008 (Public Law 110–
12 181) is amended as follows:

13 (1) Section 885 (10 U.S.C. 2304 note) is
14 amended—

15 (A) in subsection (a), by striking the last
16 sentence of paragraph (2); and

17 (B) in subsection (b), by striking “the date
18 of the enactment of this Act” both places it ap-
19 pears and inserting “January 28, 2008”.

20 (2) Section 911 (10 U.S.C. 2271 note) is
21 amended by striking paragraph (2) of subsection (f).

22 (3) Section 2864 (10 U.S.C. 2911 note) is re-
23 pealed.

1 (e) FISCAL YEAR 2007.—The John Warner National
2 Defense Authorization Act for Fiscal Year 2007 (Public
3 Law 109–364) is amended as follows:

4 (1) Section 347 (10 U.S.C. 221 note) is re-
5 pealed.

6 (2) Section 731 (10 U.S.C. 1095c note) is
7 amended by striking subsection (d).

8 (3) Section 732 (10 U.S.C. 1073 note) is
9 amended by striking subsection (d).

10 (4) Section 1104 (10 U.S.C. note prec. 711) is
11 amended—

12 (A) by striking subsection (a); and

13 (B) in subsection (c), by striking “(a) or”.

14 (5) Section 1231 (22 U.S.C. 2776a) is repealed.

15 (6) Section 1402 (10 U.S.C. 113 note) is re-
16 pealed.

17 (7) Section 2405 (120 Stat. 2460) is amended
18 by striking subsection (d).

19 (f) FISCAL YEAR 2006.—Section 716 of the National
20 Defense Authorization Act for Fiscal Year 2006 (Public
21 Law 109–163; 10 U.S.C. 1073 note) is amended by strik-
22 ing subsection (b).

23 (g) FISCAL YEAR 2005.—The Ronald W. Reagan
24 National Defense Authorization Act for Fiscal Year 2005
25 (Public Law 108–375) is amended as follows:

1 (1) Section 731 (10 U.S.C. 1074 note) is
2 amended by striking subsection (c).

3 (2) Section 1041 (118 Stat. 2048; 10 U.S.C.
4 229 note) is repealed.

5 (h) FISCAL YEAR 2004.—The National Defense Au-
6 thorization Act for Fiscal Year 2004 (Public Law 108-
7 136) is amended as follows:

8 (1) Section 812 (117 Stat. 1542) is amended
9 by striking subsection (c).

10 (2) Section 1601 (10 U.S.C. 2358 note) is
11 amended by striking paragraph (5) of subsection
12 (d).

13 (i) FISCAL YEAR 2003.—The Bob Stump National
14 Defense Authorization Act for Fiscal Year 2003 (Public
15 Law 107-314) is amended as follows:

16 (1) Section 221 (10 U.S.C. 2431 note) is re-
17 pealed.

18 (2) Section 817 (10 U.S.C. 2306a note) is
19 amended by striking subsections (d) and (e)(2).

20 (j) FISCAL YEAR 2002.—The National Defense Au-
21 thorization Act for Fiscal Year 2002 (Public Law 107-
22 107) is amended as follows:

23 (1) Section 232 (10 U.S.C. 2431 note) is
24 amended—

25 (A) by striking subsection (c);

1 (B) by striking subsection (d); and

2 (C) by striking paragraph (3) of subsection

3 (h).

4 (2) Section 1008 (10 U.S.C. 113 note) is
5 amended by striking subsection (a).

6 (k) FISCAL YEAR 2001.—The Floyd D. Spence Na-
7 tional Defense Authorization Act for Fiscal Year 2001 (as
8 enacted into law by Public Law 106–398) is amended as
9 follows:

10 (1) Section 374 (10 U.S.C. 2851 note) is re-
11 pealed.

12 (2) Section 1212 (114 Stat. 1654A–326) is
13 amended—

14 (A) by striking subsection (c); and

15 (B) by striking subsection (d).

16 (3) Section 1213 (114 Stat. 1654A–327) is re-
17 pealed.

18 (4) Section 1308 (22 U.S.C. 5959) is amended
19 by striking paragraph (7) of subsection (c).

20 (l) FISCAL YEAR 2000.—The National Defense Au-
21 thorization Act for Fiscal Year 2000 (Public Law 106–
22 65) is amended as follows:

23 (1) Section 1025 (10 U.S.C. 113 note) is re-
24 pealed.

1 (2) 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 (3) Section 1201 (10 U.S.C. 168 note) is
7 amended by striking subsection (d).

8 (m) FISCAL YEAR 1999.—Section 1101 of the Strom
9 Thurmond National Defense Authorization Act for Fiscal
10 Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) is
11 amended by striking subsection (g).

12 (n) FISCAL YEAR 1998.—The National Defense Au-
13 thorization Act for Fiscal Year 1998 (Public Law 105–
14 85) is amended as follows:

15 (1) Section 234 (50 U.S.C. 2367) is repealed.

16 (2) Section 349 (10 U.S.C. 2702 note) is
17 amended by striking subsection (e).

18 (o) FISCAL YEARS 1992 AND 1993.—Section 2868
19 of the National Defense Authorization Act for Fiscal
20 Years 1992 and 1993 (Public Law 102–190; 10 U.S.C.
21 2802 note) is repealed.

22 (p) FISCAL YEAR 1991.—The National Defense Au-
23 thorization Act for Fiscal Year 1991 (Public Law 101–
24 510) is amended as follows:

1 (1) Section 831 (10 U.S.C. 2302 note) is
2 amended by striking subsection (l).

3 (2) Section 2921 (10 U.S.C. 2687 note) is
4 amended—

5 (A) by striking subsections (e) and (f); and

6 (B) in subsection (g)—

7 (i) by striking paragraph (2); and

8 (ii) in paragraph (3), by striking “or
9 (2)”.

10 (3) Section 4004(d) (10 U.S.C. 2391 note) is
11 amended—

12 (A) by inserting “and” at the end of para-
13 graph (1);

14 (B) by striking “; and” at the end of para-
15 graph (2) and inserting a period; and

16 (C) by striking paragraph (3).

17 **SEC. 1603. REPEAL OF REPORTING REQUIREMENTS UNDER**
18 **OTHER LAWS.**

19 (a) DEFENSE ACQUISITION IMPROVEMENT ACT OF
20 1986.—Section 908 of the Defense Acquisition Improve-
21 ment Act of 1986 (as contained in section 101(c) of Public
22 Law 99–500 and identically enacted in section 101(c) of
23 Public Law 99–591 and title IX of Public Law 99–661)
24 (10 U.S.C. 2326 note) is amended by striking subsection
25 (b).

1 (b) ARMED FORCES RETIREMENT HOME ACT OF
2 1991.—Section 1511 of the Armed Forces Retirement
3 Home Act of 1991 (24 U.S.C. 411) is amended by striking
4 subsection (h).

5 (c) TITLE 37, UNITED STATES CODE.—Section 402a
6 of title 37, United States Code, is amended by striking
7 subsection (f).

8 (d) TITLE 38, UNITED STATES CODE.—Section 3020
9 of title 38, United States Code, is amended by striking
10 subsection (l).

11 (e) INTELLIGENCE REFORM AND TERRORISM PRE-
12 VENTION ACT OF 2004.—Section 3002(c) of the Intel-
13 ligence Reform and Terrorism Prevention Act of 2004 (50
14 U.S.C. 435c(e)) is amended by striking paragraph (4).

15 (f) IMPLEMENTING RECOMMENDATIONS OF THE 9/11
16 COMMISSION ACT OF 2007.—The Implementing Rec-
17 ommendations of the 9/11 Commission Act of 2007 (Pub-
18 lic Law 110–53) is amended as follows:

19 (1) Section 804 (42 U.S.C. 2000ee–3) is re-
20 pealed.

21 (2) Section 1821 (50 U.S.C. 2911) is amended
22 by striking paragraphs (2) and (3) of subsection (b).

23 (g) SMALL BUSINESS ACT.—Section 9(y) of the
24 Small Business Act (15 U.S.C. 638(y)) is amended by
25 striking paragraph (5).

1 (h) FOREIGN ASSISTANCE ACT OF 1961.—The For-
 2 eign Assistance Act of 1961 is amended as follows:

3 (1) Section 516(f)(1) (22 U.S.C. 2321j(f)(1)) is
 4 amended by striking “excess defense articles that
 5 are significant military equipment (as defined in sec-
 6 tion 47(9) of the Arms Export Control Act) or”.

7 (2) Section 656 (22 U.S.C. 2416) is repealed.

8 (i) DEPARTMENT OF DEFENSE APPROPRIATIONS
 9 ACT, 2002.—Section 8159(c) of the Department of De-
 10 fense Appropriations Act, 2002 (division A of Public Law
 11 107–117; 115 Stat. 2284), is amended by striking para-
 12 graph (7).

13 **Subtitle B—Modifications to** 14 **Existing Report Requirements**

15 **SEC. 1611. MODIFICATION TO REPORTING REQUIREMENTS**

16 **UNDER TITLE 10, UNITED STATES CODE.**

17 Title 10, United States Code, is amended as follows:

18 (1)(A) Section 115b is amended—

19 (i) in subsection (a)—

20 (I) by striking “ANNUAL” and
 21 inserting “BIENNIAL”; and

22 (II) by striking “on an annual
 23 basis” and inserting “in every even-
 24 numbered year”; and

1 (ii) in subsection (b)(1)(A), by strik-
2 ing “during the seven-year period following
3 the year in which the plan is submitted”
4 and inserting “during the five-year period
5 corresponding to the ongoing Future-Years
6 Defense Plan”.

7 (B)(i) The heading of such section is amended
8 to read as follows:

9 **“§ 115b. Biennial strategic workforce plan”.**

10 (ii) The item relating to that section in the
11 table of sections at the beginning of chapter 2 is
12 amended to read as follows:

“115b. Biennial strategic workforce plan.”.

13 (2) Section 127b(f) is amended by striking
14 “December 1” and inserting “February 1”.

15 (3) Section 138c(e)(4) is amended by striking
16 “Not later than 10 days” and all that follows
17 through “title 31,” and inserting “Not later than
18 March 31 in any year,”.

19 (4) Section 408(f) is amended to read as fol-
20 lows:

21 “(f) CONGRESSIONAL OVERSIGHT.—Whenever the
22 Secretary of Defense provides assistance to a foreign coun-
23 try under this section, the Secretary shall submit to the
24 congressional defense committees a report on the assist-
25 ance provided. Each such report shall identify the country

1 to which the assistance was provided and shall include a
2 description of the type and amount of the assistance pro-
3 vided.”.

4 (5) Section 2401(h) is amended—

5 (A) by striking “only if—” and all that fol-
6 lows through “of the proposed” and inserting
7 “only if the Secretary has notified the congress-
8 sional defense committees of the proposed”;

9 (B) by striking paragraph (2);

10 (C) by redesignating subparagraphs (A),
11 (B), and (C) as paragraphs (1), (2), and (3),
12 respectively, and realigning those paragraphs so
13 as to be indented two ems from the left margin;
14 and

15 (D) by striking “; and” at the end of para-
16 graph (3), as so redesignated, and inserting a
17 period.

18 (6) Section 2482(d)(1) is amended by inserting
19 “in the United States” after “commissary store”.

20 (7) Section 2645(d) is amended by striking
21 “\$1,000,000” and inserting “\$10,000,000”.

22 (8) Section 2803(b) is amended by striking
23 “21-day period” and inserting “seven-day period”.

24 (9) Section 2804(b) is amended by striking
25 “14-day” and inserting “seven-day”.

1 (10) Section 2811(d) is amended by striking
2 “\$7,500,000” and inserting “\$10,000,000”.

3 (11) Section 2885(a)(3) is amended by striking
4 “If a project” and inserting “In the case of a project
5 for new construction, if the project”.

6 (12) Section 9514(c) is amended by striking
7 “\$1,000,000” and inserting “\$10,000,000”.

8 (13) Section 10541(a) is amended by striking
9 “February 15” and inserting “April 15”.

10 (14) Section 10543(c)(3) is amended by strik-
11 ing “not later than 15 days” and inserting “not
12 later than 90 days”.

13 **SEC. 1612. MODIFICATION TO REPORTING REQUIREMENTS**

14 **UNDER ANNUAL DEFENSE AUTHORIZATION**

15 **ACTS .**

16 (a) FISCAL YEAR 2010.—Section 121(e) of the Na-
17 tional Defense Authorization Act for Fiscal Year 2010
18 (Public Law 111–84; 123 Stat. 2212) is amended by strik-
19 ing paragraph (5).

20 (b) FISCAL YEAR 2008.—The National Defense Au-
21 thorization Act for Fiscal Year 2008 (Public Law 110–
22 181) is amended as follows:

23 (1) Section 958 (122 Stat. 297) is amended—

1 (A) in subsection (a), by striking “240
2 days after the date of the enactment of this
3 Act” and inserting “June 30, 2012”; and

4 (B) in subsection (d), by striking “Decem-
5 ber 31, 2013” and inserting “June 30, 2014”.

6 (2) Section 1074(b)(6) (10 U.S.C. 113 note) is
7 amended—

8 (A) in subparagraph (A), by striking “The
9 Secretary” and inserting “Except as provided
10 in subparagraph (D), the Secretary”; and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(D) EXCEPTIONS.—Subparagraph (A)
14 does not apply in the case of—

15 “(i) an individual described in para-
16 graph (2)(C) who is otherwise sponsored
17 by the Secretary of Defense, the Deputy
18 Secretary of Defense, the Chairman of the
19 Joint Chiefs of Staff, or the Vice Chair-
20 man of the Joint Chiefs of Staff; or

21 “(ii) an individual described in para-
22 graph (2)(E).”.

23 (3) Section 1107 (10 U.S.C. 2358 note) is
24 amended—

25 (A) in subsection (d)—

1 (i) by striking “beginning with March
2 1, 2008,”; and

3 (ii) by inserting “a report containing”
4 after “to Congress”; and

5 (B) in subsection (e)—

6 (i) in paragraph (1), by striking “Not
7 later than” and all that follows through
8 “the information” and inserting “The Sec-
9 retary shall include in each report under
10 subsection (d) the information”; and

11 (ii) in paragraph (2), by striking
12 “under this subsection” and inserting
13 “under subsection (d)”.

14 (4) Section 1674(c) (122 Stat. 483) is amend-
15 ed—

16 (A) by striking “After submission” and all
17 that follows through “that patients,” and in-
18 serting “Patients,”; and

19 (B) by striking “have not been moved or
20 disestablished until” and inserting “may not be
21 moved or disestablished until the Secretary of
22 Defense has certified to the congressional de-
23 fense committees that”.

24 (c) FISCAL YEAR 2002.—Section 1008 of the Na-
25 tional Defense Authorization Act for Fiscal Year 2002

1 (Public Law 107–107; 10 U.S.C. 113 note), as amended
2 by section 1302, is further amended—

3 (1) by redesignating subsections (b), (c), (d),
4 (e), and (f) as subsections (a), (b), (c), (d), and (e),
5 respectively; and

6 (2) in subsection (c), as so redesignated, by
7 striking “(b) or (c)” and inserting “(a) or (b)”.

8 **SEC. 1613. MODIFICATION TO REPORTING REQUIREMENTS**
9 **UNDER OTHER LAWS.**

10 (a) TITLE 32, UNITED STATES CODE.—Section
11 908(a) of title 32, United States Code, is amended by
12 striking “After the end of each fiscal year,” and inserting
13 “After the end of any fiscal year during which any assist-
14 ance was provided or activities were carried out under this
15 chapter,”.

16 (b) TITLE 37, UNITED STATES CODE.—Section
17 316a(f) of title 37, United States Code, is amended by
18 striking “January 1, 2010” and inserting “April 1,
19 2012”.

20 (c) DEFENSE BASE CLOSURE AND REALIGNMENT
21 ACT OF 1990.—The Defense Base Closure and Realign-
22 ment Act of 1990 (part A of title XXIX of Public Law
23 101–510; 10 U.S.C. 2687 note) is amended as follows:

24 (1) Section 2906(c) is amended by striking
25 paragraph (1).

1 (2) Section 2907 is amended—

2 (A) in subsection (a), by striking “fiscal
3 year 2016” and inserting “fiscal year 2012”;
4 and

5 (B) in subsection (b), by striking “fiscal
6 year 2014” and inserting “fiscal year 2012”.

7 (d) UNIFORMED AND OVERSEAS CITIZENS ABSEN-
8 TEE VOTING ACT.—The Uniformed and Overseas Citizens
9 Absentee Voting Act is amended as follows:

10 (1) Section 102(c) (42 U.S.C. 1973ff–1(c)) is
11 amended by striking “Election Assistance Commis-
12 sion (established under the Help America Vote Act
13 of 2002)” and inserting “Presidential designee”.

14 (2) Section 105A(b) (42 U.S.C. 1973ff–4a(b))
15 is amended—

16 (A) in the subsection heading, by striking
17 “Annual Report” and inserting “Biennial Re-
18 port”;

19 (B) in the matter preceding paragraph
20 (1)—

21 (i) by striking “March 31 of each
22 year” and inserting “September 30 of each
23 odd-numbered year”; and

24 (ii) by striking “the following informa-
25 tion” and inserting “the following informa-

1 tion with respect to the Federal election
2 held during the preceding calendar year”;
3 and

4 (C) in paragraph (3), by striking “In the
5 case of” and all that follows through “a de-
6 scription” and inserting “A description”.

7 (e) HELP AMERICA VOTE ACT.—The Help America
8 Vote Act (42 U.S.C. 15301 et seq.) is amended as follows:

9 (1) Section 241 (42 U.S.C. 15381) is amend-
10 ed—

11 (A) in subsection (a)(1), by striking “mem-
12 bers of the uniformed services and overseas vot-
13 ers,”; and

14 (B) in subsection (b)—

15 (i) by striking paragraph (16) and re-
16 designating paragraphs (17), (18), and
17 (19) as paragraphs (16), (17), and (18),
18 respectively; and

19 (ii) in paragraph (18), as redesignated
20 by clause (i), by striking the period at the
21 end and inserting “but not to include mat-
22 ters specifically focused on uniformed serv-
23 ices and overseas voters.”.

24 (2) Section 703 (42 U.S.C. 1973ff–1 note) is
25 amended by striking subsection (b).

1 (f) ARMS EXPORT CONTROL ACT.—Section 36(a) of
2 the Arms Export Control Act (22 U.S.C. 2776(a)) is
3 amended—

4 (1) by striking “end of each quarter” in the
5 matter preceding paragraph (1) and inserting “end
6 of each fiscal year”;

7 (2) by striking “during the fiscal year in
8 which” in paragraphs (2) and (3) and inserting
9 “during the fiscal year for which”;

10 (3) by striking “in the quarter of the fiscal year
11 immediately following the quarter” in paragraph (5)
12 and inserting “in the fiscal year”;

13 (4) by striking paragraph (6); and

14 (5) by striking “quarter” each place it appears
15 in paragraphs (8), (9), and (10) and inserting “fis-
16 cal year”.

1 **Subtitle C—Other Report-related**
2 **Provisions to Further Efficient**
3 **Management of the Department**
4 **of Defense**

5 **SEC. 1621. BIENNIAL AUTHORITY FOR SECRETARY OF DE-**
6 **FENSE TO TERMINATE DEPARTMENT OF DE-**
7 **FENSE REPORTING REQUIREMENTS DETER-**
8 **MINED BY THE SECRETARY TO BE UNNECES-**
9 **SARY OR INCOMPATIBLE WITH EFFICIENT**
10 **MANAGEMENT OF THE DEPARTMENT OF DE-**
11 **FENSE.**

12 (a) **TERMINATION OF REPORT REQUIREMENTS.—**
13 Unless otherwise provided by a law enacted after the date
14 of the enactment of this Act, each provision of law requir-
15 ing the submittal to Congress (or any committee of Con-
16 gress) of any report specified in a list submitted under
17 subsection (b) shall, with respect to that requirement,
18 cease to be effective on the date that is two years after
19 the date on which the list is submitted.

20 (b) **PREPARATION OF LIST OF REPORTS TO BE TER-**
21 **MINATED.—**

22 (1) **AUTHORITY TO SUBMIT LIST.—**The Sec-
23 retary of Defense may, as provided in subsection (c),
24 submit to Congress a list of each provision of law
25 that, as of the date on which the list is submitted,

1 imposes upon the Secretary of Defense (or any other
2 officer of the Department of Defense) a reporting
3 requirement described in paragraph (2). The list of
4 provisions of law shall include a statement or de-
5 scription of the report required under each such pro-
6 vision of law.

7 (2) STANDARD FOR INCLUSION OF REPORTS ON
8 LIST.—Paragraph (1) applies to a requirement im-
9 posed by law to submit to Congress (or specified
10 committees of Congress) a report on a recurring
11 basis, or upon the occurrence of specified events, if
12 the Secretary determines that the continued require-
13 ment to submit that report is unnecessary or incom-
14 patible with the efficient management of the Depart-
15 ment of Defense.

16 (3) EXPLANATION.—The Secretary shall submit
17 with the list an explanation, for each report specified
18 in the list, of the reasons why the Secretary con-
19 siders the continued requirement to submit the re-
20 port to be unnecessary or incompatible with the effi-
21 cient management of the Department of Defense.

22 (c) BIENNIAL SUBMISSION OF LIST.—The Secretary
23 may submit a list under subsection (a) once in every odd-
24 numbered year. Any such report shall be submitted not
25 later than March 1 of the year in which submitted.

1 (d) SCOPE OF SECTION.—For purposes of this sec-
2 tion, the term “report” includes a certification, notifica-
3 tion, or other characterization of a written communication.

4 (e) INTERPRETATION OF SECTION.—This section
5 does not require the Secretary of Defense to review each
6 report required of the Department of Defense by law.

7 (f) INITIAL SUBMISSION.—The first submission of a
8 list under this section may not be made sooner than two
9 years after the date of the enactment of this Act.

10 **SEC. 1622. IMPROVED MANAGEMENT OF CONGRESSIONAL**
11 **REPORTING REQUIREMENTS APPLICABLE TO**
12 **DEPARTMENT OF DEFENSE.**

13 (a) IN GENERAL.—Chapter 23 of title 10, United
14 States Code, is amended by inserting after section 480 the
15 following new section:

16 **“§ 480a. Reports to Congress: termination of statutory**
17 **requirements after three years**

18 “(a) TERMINATION.—Subject to subsection (b), any
19 provision of law enacted after the date of the enactment
20 of this section that requires the Secretary of Defense (or
21 any other officer or employee of the Department of De-
22 fense) to submit to Congress (or any committee of Con-
23 gress) a periodic report shall cease to be effective, with
24 respect to that requirement, three years after the date of
25 the enactment of that provision of law.

1 “(b) EXCEPTIONS.—Subsection (a) does not apply to
2 a provision of law containing a requirement for the sub-
3 mittal of a periodic report if that provision of law—

4 “(1) expressly states that the requirement is in-
5 definite in nature; or

6 “(2) specifies a number of years (in excess of
7 three) for which the report is required or states a
8 specific termination date for the report requirement.

9 “(c) PERIODIC REPORT DEFINED.—In this section,
10 the term ‘periodic report’ means a report required to be
11 submitted on an annual, semiannual, or other regular peri-
12 odic basis.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 480 the following new
16 item:

“480a. Reports to Congress: termination of statutory requirements after three
years.”.

1 **TITLE XVII—REDUCTION IN DE-**
2 **PARTMENT OF ENERGY-RE-**
3 **LATED REPORTING REQUIRE-**
4 **MENTS**

5 **SEC. 1701. CONSOLIDATED REPORTING REQUIREMENTS**
6 **RELATING TO NUCLEAR STOCKPILE STEW-**
7 **ARDSHIP.**

8 (a) PURPOSE.—The purpose of this section is to as-
9 semble together statutory requirements for plans and re-
10 ports concerned with different aspects of United States
11 nuclear stockpile stewardship and management efforts by
12 the Department of Energy National Security Programs in
13 order to consolidate and organize those provisions of law
14 into a single integrated plan to be submitted to Congress,
15 to be submitted as specified in the amendment made by
16 subsection (d).

17 (b) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN
18 ON MODERNIZATION AND REFURBISHMENT OF THE NU-
19 CLEAR SECURITY COMPLEX.—Section 4203A of the
20 Atomic Energy Defense Act (50 U.S.C. 2523A) is re-
21 pealed.

22 (c) REPEAL OF REQUIREMENT FOR BIENNIAL RE-
23 PORT ON STOCKPILE STEWARDSHIP CRITERIA.—Section
24 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522)
25 is amended by striking subsections (c) and (d).

1 (d) CONSOLIDATED PLAN FOR STEWARDSHIP, MAN-
2 AGEMENT, AND CERTIFICATION OF WARHEADS IN THE
3 NUCLEAR WEAPONS STOCKPILE.—Section 4203 of the
4 Atomic Energy Defense Act (50 U.S.C. 2523) is amended
5 to read as follows:

6 **“SEC. 4203. ANNUAL AND BIENNIAL REQUIREMENTS FOR A**
7 **STOCKPILE STEWARDSHIP AND MANAGE-**
8 **MENT PLAN.**

9 “(a) PLAN REQUIREMENT.—The Secretary of En-
10 ergy, acting through the Administrator for the National
11 Nuclear Security Administration and in consultation with
12 other appropriate officials of the executive branch, shall
13 develop a plan for maintaining the nuclear weapons stock-
14 pile. The plan shall cover, at a minimum, stockpile stew-
15 ardsHIP, stockpile management, and program direction
16 and shall be consistent with the programmatic and tech-
17 nical requirements of the most recent annual Nuclear
18 Weapons Stockpile Memorandum.

19 “(b) SUBMISSION TO CONGRESS: ANNUAL PLAN
20 SUMMARY; BIENNIAL DETAILED PLAN.—The Secretary
21 of Energy shall submit to Congress a summary of the plan
22 developed under subsection (a) not later than March 15
23 of each year. In each even-number year, but not later than
24 March 15, the Secretary shall submit to Congress a de-
25 tailed plan developed under subsection (d), in addition to

1 the summary of the plan developed under subsection (c).
2 The detailed plan shall be submitted in both classified and
3 unclassified form. The summary of the plan may be sub-
4 mitted in either classified or unclassified form, as nec-
5 essary.

6 “(c) ELEMENTS OF ANNUAL PLAN SUMMARY.—The
7 summary of the plan submitted annually under subsection
8 (b) shall set forth the following:

9 “(1) A summary of the current status of United
10 States nuclear security strategy and the impact of
11 that strategy on United States stockpile stewardship
12 and management plans.

13 “(2) A summary description of the United
14 States nuclear stockpile and the present status of
15 that stockpile.

16 “(3) A summary of the information needed to
17 determine that the nuclear weapons stockpile is safe
18 and reliable and the relationship of the science-base
19 tools to the collection of that information.

20 “(4) A summary description of the nuclear se-
21 curity enterprise, including current status, plans for
22 modernization, and associated budgets and sched-
23 ules.

1 “(d) ELEMENTS OF DETAILED BIENNIAL PLAN.—
2 The detailed plan and each biennial update under sub-
3 section (b) shall set forth the following:

4 “(1) The number of warheads (including active
5 and inactive warheads) for each warhead type in the
6 nuclear weapons stockpile.

7 “(2) The current age of each warhead type, and
8 any plans for stockpile lifetime extensions and modi-
9 fications or replacement of each warhead type.

10 “(3) The process by which the Secretary of En-
11 ergy is assessing the lifetime and requirements for
12 lifetime extension or replacement of the nuclear and
13 nonnuclear components of the warheads (including
14 active and inactive warheads) in the nuclear weapons
15 stockpile.

16 “(4) The process used in recertifying the safety,
17 security, and reliability of each warhead type in the
18 nuclear weapons stockpile.

19 “(5) Any concerns which would affect the abil-
20 ity of the Secretary of Energy to recertify the safety,
21 security, or reliability of warheads in the nuclear
22 weapons stockpile (including active and inactive war-
23 heads).

1 “(6) Mechanisms to provide for the manufac-
2 ture, maintenance, and modernization of each weap-
3 on design in the nuclear stockpile, as needed.

4 “(7) Mechanisms to expedite the collection of
5 information necessary for carrying out the program,
6 including information relating to the aging of mate-
7 rials and components, new manufacturing tech-
8 niques, and the replacement or substitution of mate-
9 rials.

10 “(8) Mechanisms to ensure the appropriate as-
11 signment of roles and missions for each national se-
12 curity laboratory and production plant of the De-
13 partment of Energy, including mechanisms for allo-
14 cation of workload, mechanisms to ensure the car-
15 rying out of appropriate modernization activities,
16 and mechanisms to ensure the retention of skilled
17 personnel.

18 “(9) Mechanisms to ensure that each national
19 laboratory of the National Nuclear Security Admin-
20 istration has full and complete access to all weapons
21 data to enable a rigorous peer review process to sup-
22 port the annual assessment of the condition of the
23 nuclear weapons stockpile required under section
24 4205.

1 “(10) Mechanisms for allocating funds for ac-
2 tivities under the program, including allocations of
3 funds by weapon type and facility.

4 “(11) An identification of the funds needed, in
5 the fiscal year in which the plan is developed and in
6 each of the following five fiscal years, to carry out
7 the program.

8 “(12) A description of the information needed
9 to determine that the nuclear weapons stockpile is
10 safe and reliable and the relationship of the science-
11 based tools to the collection of that information.

12 “(13) A description of any updates to the cri-
13 teria required by section 4202(a) to the extent they
14 have been developed as of the date of the submission
15 of the report.

16 “(14) For each science-based tool to collect in-
17 formation needed to determine that the nuclear
18 weapons stockpile is safe, secure, and reliable that is
19 developed or modified by the Department of Energy
20 during the relevant period described in paragraph
21 (13)—

22 “(A) a description of the relationship of
23 the science-based tool to the collection of such
24 information; and

1 “(B) a description of criteria for assessing
2 the effectiveness of the science-based tool in col-
3 lecting such information.

4 “(15) An assessment of the Stockpile Steward-
5 ship Program conducted by the Administrator in
6 consultation with the directors of the national secu-
7 rity laboratories, which shall set forth the following:

8 “(A) An identification and description of—

9 “(i) any key technical challenges to
10 the Stockpile Stewardship Program; and

11 “(ii) the strategies to address such
12 challenges without the use of nuclear test-
13 ing.

14 “(B) A strategy for using the science-based
15 tools (including advanced simulation and com-
16 puting capabilities) of each national security
17 laboratory to ensure that the nuclear weapons
18 stockpile is safe, secure, and reliable without
19 the use of nuclear testing.

20 “(C) An assessment of the science-based
21 tools (including advanced simulation and com-
22 puting capabilities) of each national security
23 laboratory that exist at the time of the assess-
24 ment compared with the science-based tools ex-

1 pected to exist during the period covered by the
2 future-years nuclear security program.

3 “(D) An assessment of the core scientific
4 and technical competencies required to achieve
5 the objectives of the Stockpile Stewardship Pro-
6 gram and other weapons activities and weap-
7 ons-related activities of the Department of En-
8 ergy, including—

9 “(i) the number of scientists, engi-
10 neers, and technicians, by discipline, re-
11 quired to maintain such competencies; and

12 “(ii) a description of any shortage of
13 such individuals that exists at the time of
14 the assessment compared with any short-
15 age expected to exist during the period cov-
16 ered by the future-years nuclear security
17 program.

18 “(16) A description of the modernization and
19 refurbishment measures the Administrator deter-
20 mines necessary to meet the requirements of the Na-
21 tional Security Strategy of the United States or the
22 most recent Quadrennial Defense Review, whichever
23 is applicable, and the Nuclear Posture Review.

24 “(17) A schedule for implementing those meas-
25 ures determined necessary under the National Secu-

1 rity Strategy of the United States during the 10
2 years following the date of the plan.

3 “(18) The estimated levels of annual funds the
4 Administrator determines necessary to carry out the
5 program, including a discussion of the criteria, evi-
6 dence, and strategies on which such estimated levels
7 of annual funds are based.

8 “(19) For the due date of the plan and pro-
9 jected for 5, 10, 15, and 20 years after that date—

10 “(A) the number of nuclear weapons of
11 each type in the active and reserve stockpiles;
12 and

13 “(B) the past and projected future total
14 direct lifecycle cost to the Administration of
15 each type of nuclear weapon.

16 “(20) A year-by-year resource plan that shall
17 cover a prospective 20-year span, beginning with the
18 fiscal year for which the plan is submitted and ex-
19 tending through a fiscal year 20 years into the fu-
20 ture for stockpile reduction, cost savings, and how
21 achievement of such milestones aligns with long-term
22 nuclear weapons complex transformation goals (spe-
23 cifically identifying the cost impacts of alternative
24 strategies). This resource plan shall include a sum-
25 mary of dismantlement progress, against quantities

1 committed to in the most recently submitted report
2 to Congress.

3 “(e) DEFINITIONS.—In this section:

4 “(1) The term ‘nuclear security enterprise’
5 means the physical facilities, technology, and human
6 capital of—

7 “(A) the national security laboratories;

8 “(B) the Pantex Plant;

9 “(C) the Y-12 National Security Complex;

10 “(D) the Kansas City Plant;

11 “(E) the Savannah River Site; and

12 “(F) the Nevada National Security Site.

13 “(2) The term ‘budget’, with respect to a fiscal
14 year, means the budget for that fiscal year that is
15 submitted to Congress by the President under sec-
16 tion 1105(a) of title 31, United States Code.

17 “(3) The term ‘nuclear security budget mate-
18 rials’, with respect to a fiscal year, means the mate-
19 rials submitted to Congress by the Administrator for
20 the National Nuclear Security Administration in
21 support of the budget for that fiscal year.

22 “(4) The term ‘Quadrennial Defense Review’
23 means the review of the defense programs and poli-
24 cies of the United States that is carried out every

1 four years under section 118 of title 10, United
2 States Code.

3 “(5) The term ‘future-years nuclear security
4 program’ means the program required by section
5 3253 of the National Nuclear Security Administra-
6 tion Act (50 U.S.C. 2453).

7 “(6) The term ‘national security laboratory’ has
8 the meaning given such term in section 3281 of the
9 National Nuclear Security Administration Act (50
10 U.S.C. 2471).

11 “(7) The term ‘weapons activities’ means each
12 activity within the budget category of weapons ac-
13 tivities in the budget of the National Nuclear Secu-
14 rity Administration.

15 “(8) The term ‘weapons-related activities’
16 means each activity under the Department of En-
17 ergy that involves nuclear weapons, nuclear weapons
18 technology, or fissile or radioactive materials, includ-
19 ing activities related to—

20 “(A) nuclear nonproliferation;

21 “(B) nuclear forensics;

22 “(C) nuclear intelligence;

23 “(D) nuclear safety; and

24 “(E) nuclear incident response.”.

1 (e) REPEAL OF REQUIREMENT FOR ANNUAL UP-
2 DATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—
3 Section 4204 of the Atomic Energy Defense Act (50
4 U.S.C. 2524) is amended—

5 (1) by striking subsections (c) and (d); and

6 (2) by redesignating subsection (e) as sub-
7 section (c).

8 **SEC. 1702. REPEAL OF REQUIREMENT FOR ANNUAL RE-**
9 **PORT ON THE SECURITY VULNERABILITIES**
10 **OF THE COMPUTERS OF CERTAIN NATIONAL**
11 **LABORATORIES OF THE DEPARTMENT OF EN-**
12 **ERGY.**

13 Section 3153 of the National Defense Authorization
14 Act for Fiscal Year 2000 (50 U.S.C. 2659) is repealed.

15 **DIVISION B—MILITARY CON-**
16 **STRUCTION AUTHORIZA-**
17 **TIONS**

18 **SEC. 2001. SHORT TITLE.**

19 This division may be cited as the “Military Construc-
20 tion Authorization Act for Fiscal Year 2012”.

21 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
22 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
23 **LAW.**

24 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
25 YEARS.—Except as provided in subsection (b), all author-

1 izations contained in titles XXI through XXVII for mili-
2 tary construction projects, land acquisition, family housing
3 projects and facilities, and contributions to the North At-
4 lantic Treaty Organization Security Investment Program
5 (and authorizations of appropriations therefore) shall ex-
6 pire on the later of—

7 (1) October 1, 2014; or

8 (2) the date of the enactment of an Act author-
9 izing funds for military construction for fiscal year
10 2015.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 authorizations for military construction projects, land ac-
13 quisition, family housing projects and facilities, and con-
14 tributions to the North Atlantic Treaty Organization Se-
15 curity Investment Program (and authorizations of appro-
16 priations therefore), for which appropriated funds have
17 been obligated before the later of—

18 (1) October 1, 2014; or

19 (2) the date of the enactment of an Act author-
20 izing funds for fiscal year 2015 for military con-
21 struction projects, land acquisition, family housing
22 projects and facilities, or contributions to the North
23 Atlantic Treaty Organization Security Investment
24 Program.

**TITLE XXI—ARMY MILITARY
CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$11,600,000
Alaska	Fort Wainwright	\$114,000,000
	Joint Base Elmendorf-Richardson	\$103,600,000
California	Presidio Monterey	\$3,000,000
	Fort Irwin	\$23,000,000
Colorado	Fort Carson	\$238,600,000
Georgia	Fort Benning	\$66,700,000
	Fort Gordon	\$1,450,000
	Fort Stewart	\$2,600,000
Hawaii	Fort Shafter	\$17,500,000
	Schofield Barracks	\$105,000,000
Kansas	Fort Riley	\$83,400,000
	Forbes Air Field	\$5,300,000
Kentucky	Fort Campbell	\$247,500,000
	Fort Knox	\$55,000,000
Louisiana	Fort Polk	\$70,100,000
Maryland	Aberdeen Proving Ground	\$78,500,000
	Fort Meade	\$79,000,000
Missouri	Fort Leonard Wood	\$49,000,000
New York	Fort Drum	\$13,300,000
North Carolina	Fort Bragg	\$186,000,000
Oklahoma	Fort Sill	\$184,600,000
	McAlester Army Ammunition Plant	\$8,000,000
South Carolina	Fort Jackson	\$63,900,000
Texas	Fort Bliss	\$149,500,000
	Fort Hood	\$132,000,000
	Joint Base San Antonio	\$10,400,000
	Red River Army Depot	\$44,000,000
Utah	Dugway Proving Ground	\$32,000,000
Virginia	Fort Belvoir	\$83,000,000
	Joint Base Langley Eustis	\$26,000,000
Washington	Joint Base Lewis McChord	\$296,300,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2104(2), the Secretary of the Army may
 4 acquire real property and carry out military construction
 5 projects for the installations or locations outside the
 6 United States, and in the amounts, set forth in the fol-
 7 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$80,000,000
Germany	Germersheim	\$37,500,000
	Grafenwoehr	\$38,000,000
	Landstuhl	\$63,000,000
	Oberdachstetten	\$12,200,000
	Kelley Barracks	\$12,200,000
	Vilseck	\$20,000,000
Honduras	Various	\$25,000,000
Korea	Camp Carroll	\$41,000,000
	Camp Henry	\$48,000,000.

8 **SEC. 2102. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using
 10 amounts appropriated pursuant to the authorization of ap-
 11 propriations in section 2104(5)(A), the Secretary of the
 12 Army may construct or acquire family housing units (in-
 13 cluding land acquisition and supporting facilities) at the
 14 installations or locations, in the number of units, and in
 15 the amounts set forth in the following table:

Army: Family Housing

Location	Installation or Location	Units	Amount
Belgium	Brussels	10	\$10,000,000
Germany	Grafenwoehr	26	\$13,000,000
	Illesheim	80	\$41,000,000
	Vilseck	22	\$12,000,000.

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(5)(A), the Secretary of the Army may carry
4 out architectural and engineering services and construc-
5 tion design activities with respect to the construction or
6 improvement of family housing units in an amount not
7 to exceed \$7,897,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2104(5)(A), the
13 Secretary of the Army may improve existing military fam-
14 ily housing units in an amount not to exceed
15 \$103,000,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2011, for mili-
19 tary construction, land acquisition, and military family
20 housing functions of the Department of the Army in the
21 total amount of \$3,917,746,000 as follows:

22 (1) For military construction projects inside the
23 United States authorized by section 2101(a),
24 \$2,583,850,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2101(b),
3 \$376,900,000.

4 (3) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$20,000,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$255,241,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$186,897,000.

14 (B) For support of military family housing
15 (including the functions described in section
16 2833 of title 10, United States Code),
17 \$494,858,000.

18 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 2009 PROJECT.**

20 In the case of the authorization contained in the table
21 in section 2101(a) of the Military Construction Authoriza-
22 tion Act for Fiscal Year 2009 (division B of Public Law
23 110–417; 122 Stat. 4658) for Fort Benning, Georgia, for
24 construction of a Multipurpose Training Range at the in-
25 stallation, the Secretary of the Army may construct up

1 to 1,802 square feet of loading dock consistent with the
2 Army's construction guidelines for Multipurpose Training
3 Ranges.

4 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
5 **CERTAIN FISCAL YEAR 2011 PROJECTS.**

6 (a) HAWAII.—In the case of the authorization con-
7 tained in the table in section 2101(a) of the Military Con-
8 struction Authorization Act for Fiscal Year 2011 (division
9 B of Public Law 111–383; 124 Stat. 4437) for Schofield
10 Barracks, Hawaii, for renovations of buildings 450 and
11 452, the Secretary of the Army may renovate building 451
12 in lieu of building 452.

13 (b) NEW YORK.—In the case of the authorization
14 contained in the table in section 2101(a) of the Military
15 Construction Authorization Act for Fiscal Year 2011 (di-
16 vision B of Public Law 111–383; 124 Stat. 4437) for Fort
17 Drum, New York, for construction of an Aircraft Mainte-
18 nance Hangar at the installation, the Secretary of the
19 Army may construct up to 39,049 square yards of parking
20 apron consistent with the Army's construction guidelines
21 for Aircraft Maintenance Hangars and associated parking
22 aprons.

23 (c) GERMANY.—In the case of the authorization con-
24 tained in the table in section 2101(b) of the Military Con-
25 struction Authorization Act for Fiscal Year 2011 (division

1 B of Public Law 111–383; 124 Stat. 4437) for Wiesbaden,
2 Germany, for construction of an Information Processing
3 Center at the installation, the Secretary of the Army may
4 construct up to 9,400 square yards of vehicle parking ga-
5 rage consistent with the Army’s construction guidelines
6 for parking garages, in lieu of renovating 9,400 square
7 yards of parking area.

8 **SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
9 **TAIN FISCAL YEAR 2012 PROJECT.**

10 (a) **PROJECT AUTHORIZATION.**—The Secretary of
11 the Army may carry out a military construction project
12 to construct a water treatment facility for Fort Irwin,
13 California, in the amount of \$115,000,000.

14 (b) **USE OF UNOBLIGATED PRIOR-YEAR ARMY MILI-**
15 **TARY CONSTRUCTION FUNDS.**—The Secretary may use
16 available, unobligated Army military construction funds
17 appropriated for a fiscal year before fiscal year 2012 for
18 the project described in subsection (a).

19 (c) **CONGRESSIONAL NOTIFICATION.**—The Secretary
20 of the Army shall provide information in accordance with
21 section 2851(c) of title 10, United States Code, regarding
22 the project described in subsection (a). If it becomes nec-
23 essary to exceed the estimated project cost, the Secretary
24 shall utilize the authority provided by section 2853 of such

1 title regarding authorized cost and scope of work vari-
2 ations.

3 **SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
4 **FISCAL YEAR 2008 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2008 (division B of Public Law 110–181; 122 Stat.
8 503), authorizations set forth in the table in subsection
9 (b), as provided in section 2101 of that Act (122 Stat.
10 504), shall remain in effect until October 1, 2012, or the
11 date of the enactment of an Act authorizing funds for mili-
12 tary construction for fiscal year 2013, whichever is later.

13 (b) TABLE.—The table referred to in subsection (a)
14 is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Child Care Facility	\$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range.	\$4,150,000.

15 **SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
16 **FISCAL YEAR 2009 PROJECTS.**

17 (a) EXTENSION.—Notwithstanding section 2002 of
18 the Military Construction Authorization Act for Fiscal
19 Year 2009 (division B of Public Law 110–417; 122 Stat.
20 4658), authorizations set forth in the table in subsection
21 (b), as provided in section 2101 of that Act (122 Stat.
22 504), shall remain in effect until October 1, 2012, or the

1 date of the enactment of an Act authorizing funds for mili-
 2 tary construction for fiscal year 2013, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)
 4 is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot.	Lake Yard Interchange	\$1,400,000
Hawaii	Schofield Barracks	Brigade Complex	\$65,000,000
	Schofield Barracks	Battalion Complex	\$69,000,000
	Schofield Barracks	Battalion Complex	\$27,000,000
New Jersey	Schofield Barracks	Infrastructure Expansion	\$76,000,000
	Picatimny Arsenal ..	Ballistic Evaluation Facility Phase I.	\$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	\$3,900,000.

5 **SEC. 2110. TECHNICAL AMENDMENTS TO CORRECT CER-**
 6 **TAIN PROJECT SPECIFICATIONS.**

7 The table in section 3002 of the Ike Skelton National
 8 Defense Authorization Act for Fiscal Year 2011 (Public
 9 Law 111–383; 124 Stat. 4503) is amended—

10 (1) in the project specification for the Army for
 11 “Entry Control Point and Access Roads” that ap-
 12 pears immediately below the project specification for
 13 “Vet Clinic & Kennel” at Bagram Air Force Base,
 14 Afghanistan, by striking “Delaram Ii” and inserting
 15 “Delaram II”; and

16 (2) in the project specification for the Army
 17 that appears immediately below the project specifica-
 18 tion for “Electrical Utility Systems, Ph.2” at the
 19 “Shank” installation, Afghanistan, by striking the

1 entry in the column under the heading “Project
2 Title” and inserting “Expand Entry Control Point 1
3 and Entry Control Point 2”.

4 **TITLE XXII—NAVY MILITARY**
5 **CONSTRUCTION**

6 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2204(1), the Secretary of the Navy may
11 acquire real property and carry out military construction
12 projects for the installations or locations inside the United
13 States, and in the amounts, set forth in the following
14 table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$162,785,000
California	Marine Corps Base, Camp Pendleton	\$335,080,000
	Naval Base, Coronado	\$108,435,000
	Marine Corps Base, Twentynine Palms	\$67,109,000
	Marine Corps Logistics Base, Barstow	\$8,590,000
	Marine Corps Mountain Warfare Training Center, Bridgeport.	\$19,238,000
	Naval Base Ventura County Point Mugu ..	\$15,377,000
Florida	Naval Air Station, Jacksonville	\$36,552,000
	Naval Station, Mayport	\$14,998,000
	Naval Air Station, Whiting Field (Eglin Air Force Base).	\$20,620,000
Georgia	Naval Submarine Base, Kings Bay	\$86,063,000
Hawaii	Marine Corps Base, Kaneohe Bay	\$57,704,000
	Pacific Missile Range Facility, Barking Sands.	\$9,679,000
	Joint Base Pearl Harbor-Hickam	\$7,492,000
Illinois	Naval Station, Great Lakes	\$91,042,000
Maryland	Naval Support Facility, Indian Head	\$67,779,000
	Naval Air Station, Patuxent River	\$45,844,000
North Carolina	Marine Corps Base, Camp Lejeune	\$200,482,000
	Marine Corps Air Station, Cherry Point	\$17,760,000
	Marine Corps Air Station, New River	\$78,930,000
South Carolina	Marine Corps Air Station, Beaufort	\$21,096,000
Virginia	Naval Station, Norfolk	\$81,304,000
	Naval Support Activity, Norfolk	\$26,924,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Naval Ship Yard, Portsmouth	\$74,864,000
	Marine Corps Base, Quantico	\$183,690,000
	Naval Base Kitsap, Bremerton (Puget Sound Ship Yard).	\$13,341,000
	Naval Base Kitsap, Bremerton (Bangor) ...	\$758,842,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Naval Support Activity Bahrain/Southwest Asia.	\$100,204,000
Djibouti	Camp Lemonnier	\$89,499,000
Guam	Joint Region Marianas	\$77,267,000
Diego Garcia	Naval Support Facility, Diego Garcia	\$35,444,000.

8 SEC. 2202. FAMILY HOUSING.

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2204(5)(A), the Sec-
11 retary of the Navy may carry out architectural and engi-
12 neering services and construction design activities with re-
13 spect to the construction or improvement of family hous-
14 ing units in an amount not to exceed \$3,199,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(5)(A), the
6 Secretary of the Navy may improve existing military fam-
7 ily housing units in an amount not to exceed \$97,773,000.

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2011, for mili-
11 tary construction, land acquisition, and military family
12 housing functions of the Department of the Navy in the
13 total amount of \$2,930,382,000, as follows:

14 (1) For military construction projects inside the
15 United States authorized by section 2201(a),
16 \$1,974,622,000.

17 (2) For military construction projects outside
18 the United States authorized by section 2201(b),
19 \$302,414,000.

20 (3) For unspecified minor military construction
21 projects authorized by section 2805 of title 10,
22 United States Code, \$21,495,000.

23 (4) For architectural and engineering services
24 and construction design under section 2807 of title
25 10, United States Code, \$84,362,000.

26 (5) For military family housing functions:

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$100,972,000.

4 (B) For support of military family housing
5 (including functions described in section 2833
6 of title 10, United States Code), \$367,863,000.

7 (6) For the construction of increment 2 of
8 north ramp utilities at Andersen Air Force Base,
9 Guam, authorized by section 2201(b) of the Military
10 Construction Authorization Act for Fiscal Year 2010
11 (division B of Public Law 111–84; 123 Stat. 2633),
12 \$78,654,000.

13 **SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN**
14 **FISCAL YEAR 2008 PROJECT.**

15 (a) **EXTENSION.**—Notwithstanding section 2002 of
16 the Military Construction Authorization Act for Fiscal
17 Year 2008 (division B of Public Law 110–181; 122 Stat.
18 503), the authorization set forth in the table in subsection
19 (b), as provided in section 2201(c) of that Act (122 Stat.
20 511) and extended by section 2206 of the Military Con-
21 struction Authorization Act for Fiscal Year 2011 (division
22 B of Public Law 111–383; 124 Stat. 4443), shall remain
23 in effect until October 1, 2012, or the date of an Act au-
24 thORIZING funds for military construction for fiscal year
25 2013, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Unspecified Worldwide.	Various	Host Nation Infrastructure.	\$2,700,000.

3 (c) TECHNICAL AMENDMENT FOR CONSISTENCY IN
 4 PROJECT AUTHORIZATION DISPLAY.—The table in sec-
 5 tion 2201(c) of the Military Construction Authorization
 6 Act for Fiscal Year 2008 (division B of Public Law 110–
 7 181; 122 Stat. 511) is amended to read as follows:

“Navy: Unspecified Worldwide

Location	Installation or Location	Project	Amount
Unspecified Worldwide.	Various	Wharf Utilities Upgrade ...	\$8,900,000
Unspecified Worldwide.	Various	Host Nation Infrastructure.	\$2,700,000”

8 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 2009 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2002 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 2009 (division B of Public Law 110–417; 122 Stat.
 13 4658), the authorization set forth in the table in sub-
 14 section (b), as provided in section 2201 of that Act (122
 15 Stat 4670), shall remain in effect until October 1, 2012,
 16 or the date of an Act authorizing funds for military con-
 17 struction for fiscal year 2013, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

Navy: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton.	Operations Assess Points, Red Beach.	\$11,970,000
California	Marine Corps Air Station, Miramar.	Emergency Response Station.	\$6,530,000
District of Columbia.	Washington Navy Yard.	Child Development Center	\$9,340,000.

3 **TITLE XXIII—AIR FORCE**
 4 **MILITARY CONSTRUCTION**

5 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 6 **LAND ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2304(1), the Secretary of the Air Force
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations or locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$45,000,000
	Joint Base Elmendorf-Richardson	\$97,000,000
Arizona	Davis-Monthan Air Force Base	\$33,000,000
	Luke Air Force Base	\$24,000,000
California	Travis Air Force Base	\$22,000,000
	Vandenberg Air Force Base	\$14,200,000
Colorado	U.S. Air Force Academy	\$13,400,000
Delaware	Dover Air Force Base	\$2,800,000
Kansas	Fort Riley, Kansas	\$7,600,000
Louisiana	Barksdale Air Force Base	\$23,500,000
Missouri	Whiteman Air Force Base	\$4,800,000
Nebraska	Offutt Air Force Base	\$564,000,000
Nevada	Nellis Air Force Base	\$35,850,000
New Mexico	Cannon Air Force Base	\$22,598,000
	Holloman Air Force Base	\$29,200,000
	Kirtland Air Force Base	\$25,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Pope Air Force Base	\$6,000,000
North Dakota	Minot Air Force Base	\$67,800,000
Texas	Joint Base San Antonio	\$110,000,000
Utah	Hill Air Force Base	\$23,300,000
Virginia	Joint Base Langley Eustis	\$50,000,000
Washington	Fairchild Air Force Base	\$27,600,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$34,697,000
Greenland	Thule Air Base	\$28,000,000
Guam	Joint Region Marianas	\$211,600,000
Italy	Naval Air Station, Sigonella	\$15,000,000
Korea	Osan Air Base	\$23,000,000
Qatar	Al Udeid air Base	\$37,000,000.

8 **SEC. 2302. FAMILY HOUSING.**

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2304(5)(A), the Sec-
11 retary of the Air Force may carry out architectural and
12 engineering services and construction design activities
13 with respect to the construction or improvement of family
14 housing units in an amount not to exceed \$4,208,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2304(5)(A), the
6 Secretary of the Air Force may improve existing military
7 family housing units in an amount not to exceed
8 \$80,596,000.

9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
10 **FORCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2011, for mili-
13 tary construction, land acquisition, and military family
14 housing functions of the Department of the Air Force in
15 the total amount of \$1,854,423,000, as follows:

16 (1) For military construction projects inside the
17 United States authorized by section 2301(a),
18 \$834,648,000.

19 (2) For military construction projects outside
20 the United States authorized by section 2301(b),
21 \$349,297,000.

22 (3) For unspecified minor military construction
23 projects authorized by section 2805 of title 10,
24 United States Code, \$20,000,000.

1 (4) For architectural and engineering services
2 and construction design under section 2807 of title
3 10, United States Code, \$81,913,000.

4 (5) For military family housing functions:

5 (A) For construction and acquisition, plan-
6 ning and design, and improvement of military
7 family housing and facilities, \$84,804,000.

8 (B) For support of military family housing
9 (including functions described in section 2833
10 of title 10, United States Code), \$404,761,000.

11 (6) For the construction of increment 2 of the
12 Air Force Technical Applications Center at Patrick
13 Air Force Base, Florida, authorized by section
14 2301(a) of the Military Construction Authorization
15 Act for Fiscal Year 2011 (division B of Public Law
16 111–383; 124 Stat. 4444), \$79,000,000.

17 **SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY**
18 **OUT CERTAIN FISCAL YEAR 2010 PROJECT.**

19 In the case of the authorization contained in the table
20 in section 2301(a) of the National Defense Authorization
21 Act for Fiscal Year 2010 (Division B of Public Law 111–
22 84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii,
23 for construction of a Ground Control Tower at the instal-
24 lation, the Secretary of the Air Force may construct 43
25 vertical meters (141 vertical feet) in lieu of 111 square

1 meters (1,195 square feet), consistent with the Air Force's
 2 construction guidelines for control towers, using amounts
 3 appropriated pursuant to authorizations of appropriations
 4 in prior years.

5 **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN**
 6 **FISCAL YEAR 2009 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2009 (division B of Public Law 110–417; 122 Stat.
 10 4658), the authorization set forth in the table in sub-
 11 section (b), as provided in section 2301(b) of that Act
 12 (122 Stat. 4676) shall remain in effect until October 1,
 13 2012, or the date of the enactment of an Act authorizing
 14 funds for military construction for fiscal year 2013, which-
 15 ever is later:

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Air Force: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Germany	Spangdahlem AB ..	Construct Child Development Center.	\$11,400,000.

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **Subtitle A—Defense Agency**
 5 **Authorizations**

6 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 7 **TION AND LAND ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2403(1), the Secretary of Defense may
 11 acquire real property and carry out military construction
 12 projects for the installations or locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$58,800,000
Alaska	Anchorage	\$18,400,000
	Eielson Air Force Base	\$14,800,000
Arizona	Davis-Monthan Air Force Base	\$23,000,000
California	Defense Distribution Depot Tracy	\$15,500,000
	Marine Corps Base, Camp Pen-	\$12,141,000
	dleton.	
	Naval Base, Coronado	\$42,000,000
	Naval Base, Coronado (San	\$21,800,000
	Clemente).	
Colorado	Buckley Air Force Base	\$140,932,000
District of Columbia	Bolling Air Force Base	\$16,736,000
Florida	Eglin Air Force Base	\$61,100,000
	Macdill Air Force Base	\$15,200,000
	Naval Air Station, Whiting Field	\$3,800,000
Georgia	Fort Benning	\$37,205,000
	Fort Gordon	\$11,340,000
	Fort Stewart	\$72,300,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$14,400,000
Illinois	Naval Station, Great Lakes	\$16,900,000
Kentucky	Fort Campbell	\$138,500,000
	Fort Knox	\$38,845,000
Louisiana	Barksdale Air Force Base	\$6,200,000
Maryland	Fort Meade	\$860,579,000
	Joint Base Andrews	\$265,700,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	National Naval Medical Center, Bethesda.	\$18,000,000
Massachusetts	Hanscom Air Force Base	\$34,040,000
	Westover Air Reserve Base	\$23,300,000
Mississippi	Columbus Air Force Base	\$2,600,000
	Construction Battalion Center, Gulfport.	\$34,700,000
Missouri	Arnold	\$9,253,000
New Mexico	Cannon Air Force Base	\$132,997,000
New York	Fort Drum	\$20,400,000
North Carolina	Camp Lejeune	\$6,670,000
	Fort Bragg	\$206,274,000
	Marine Corps Air Station, New River.	\$22,687,000
	Pope Air Force Base	\$5,400,000
Ohio	Defense Supply Center Columbus	\$10,000,000
Oklahoma	Altus Air Force Base	\$8,200,000
Pennsylvania	Defense Distribution Depot New Cumberland	\$46,000,000
	Defense Supply Center Philadelphia.	\$8,000,000
South Carolina	Joint Base Charleston	\$24,868,000
Texas	Joint Base San Antonio	\$194,300,000
Virginia	Charlottesville	\$10,805,000
	Fort Belvoir	\$54,625,000
	Joint Expeditionary Base Little Creek-Story.	\$37,000,000
	Marine Corps Base, Quantico	\$46,727,000
	Naval Air Station, Oceana (Dam Neck).	\$23,116,000
	Dahlgren	\$1,988,000
	Pentagon Reservation	\$8,742,000
Washington	Joint Base Lewis-McChord	\$35,000,000
	Naval Air Station, Whidbey Island	\$25,000,000
West Virginia	Camp Dawson	\$2,200,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	\$24,118,000
Germany	Ansbach	\$11,672,000
	Baumholder	\$59,419,000

Defense Agencies: Outside the United States—Continued

Country	Installation or Location	Amount
	Grafenwoehr	\$6,529,000
	Rhine Ordnance Barracks	\$1,196,650,000
	Spangdalem Air Base	\$129,043,000
	Stuttgart-Patch Barracks	\$2,434,000
Italy	Vicenza	\$41,864,000
Japan	Yokota Air Base	\$61,842,000
United Kingdom	Menwith Hill Station	\$68,601,000
	Royal Air Force Alconbury	\$35,030,000.

1 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2403(6), the Secretary
4 of Defense may carry out energy conservation projects
5 under chapter 173 of title 10, United States Code, in the
6 amount of \$135,000,000.

7 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
8 **FENSE AGENCIES.**

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2011, for mili-
11 tary construction, land acquisition, and military family
12 housing functions of the Department of Defense (other
13 than the military departments) in the total amount of
14 \$3,902,948,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2401(a),
17 \$2,128,131,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2401(b),
20 \$511,144,000.

1 (3) For unspecified minor military construction
2 projects under section 2805 of title 10, United
3 States Code, \$39,329,000.

4 (4) For contingency construction projects of the
5 Secretary of Defense under section 2804 of title 10,
6 United States Code, \$10,000,000.

7 (5) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$454,602,000.

10 (6) For energy conservation projects under
11 chapter 173 of title 10, United States Code,
12 \$135,000,000.

13 (7) For military family housing functions:

14 (A) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$50,723,000.

17 (B) For credits to the Department of De-
18 fense Family Housing Improvement Fund
19 under section 2883 of title 10, United States
20 Code, and the Homeowners Assistance Fund es-
21 tablished under section 1013 of the Demonstra-
22 tion Cities and Metropolitan Development Act
23 of 1966 (42 U.S.C. 3374), \$3,468,000.

24 (8) For the construction of increment 6 of the
25 Army Medical Research Institute of Infectious Dis-

1 eases Stage I at Fort Detrick, Maryland, authorized
2 by section 2401(a) of the Military Construction Au-
3 thorization Act of Fiscal Year 2007 (division B of
4 Public Law 109–364; 120 Stat. 2457),
5 \$137,600,000.

6 (9) For the construction of increment 4 of re-
7 placement fuel storage facilities at Point Loma
8 Annex, California, authorized by section 2401(a) of
9 the Military Construction Authorization Act of Fis-
10 cal Year 2008 (division B of Public Law 110–181;
11 122 Stat. 521), as amended by section 2406 of the
12 Military Construction Authorization Act of Fiscal
13 Year 2010 (division B of Public Law 111–84; 123
14 Stat. 2646), \$27,000,000.

15 (10) For the construction of increment 4 of the
16 United States Army Medical Research Institute of
17 Chemical Defense replacement facility at Aberdeen
18 Proving Ground, Maryland, authorized by section
19 2401(a) of the Military Construction Authorization
20 Act of Fiscal Year 2009 (division B of Public Law
21 110–417; 122 Stat. 4689), \$22,850,000.

22 (11) For the construction of increment 3 of a
23 National Security Agency data center at Camp Wil-
24 liams, Utah, authorized as a Military Construction,
25 Defense-Wide project by the Supplemental Appro-

1 priations Act, 2009 (Public Law 111–32; 123 Stat.
2 1888), \$246,401,000.

3 (12) For the construction of increment 3 of the
4 hospital at Fort Bliss, Texas, authorized by section
5 2401(a) of the Military Construction Authorization
6 Act for Fiscal Year 2010 (division B of Public Law
7 111–84; 123 Stat. 2642), \$136,700,000.

8 **Subtitle B—Chemical**
9 **Demilitarization Authorizations**

10 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
11 **ICAL DEMILITARIZATION CONSTRUCTION,**
12 **DEFENSE-WIDE.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2011, for mili-
15 tary construction and land acquisition for chemical demili-
16 tarization in the total amount of \$75,312,000, as follows:

17 (1) For the construction of phase 13 of a chem-
18 ical munitions demilitarization facility at Pueblo
19 Chemical Activity, Colorado, authorized by section
20 2401(a) of the Military Construction Authorization
21 Act for Fiscal Year 1997 (division B of Public Law
22 104–201; 110 Stat. 2775), as amended by section
23 2406 of the Military Construction Authorization Act
24 for Fiscal Year 2000 (division B of Public Law 106–
25 65; 113 Stat. 839), section 2407 of the Military

1 Construction Authorization Act for Fiscal Year 2003
2 (division B of Public Law 107–314; 116 Stat.
3 2698), and section 2413 of the Military Construc-
4 tion Authorization Act for Fiscal Year 2009 (divi-
5 sion B of Public Law 110–417; 122 Stat. 4697),
6 \$15,338,000.

7 (2) For the construction of phase 12 of a muni-
8 tions demilitarization facility at Blue Grass Army
9 Depot, Kentucky, authorized by section 2401(a) of
10 the Military Construction Authorization Act for Fis-
11 cal Year 2000 (division B of Public Law 106–65;
12 113 Stat. 835), as amended by section 2405 of the
13 Military Construction Authorization Act for Fiscal
14 Year 2002 (division B of Public Law 107–107; 115
15 Stat. 1298), section 2405 of the Military Construc-
16 tion Authorization Act for Fiscal Year 2003 (divi-
17 sion B of Public Law 107–314; 116 Stat. 2698),
18 section 2414 of the Military Construction Authoriza-
19 tion Act for Fiscal Year 2009 (division B of Public
20 Law 110–417; 122 Stat. 4697), and section 2412 of
21 the Military Construction Authorization Act for Fis-
22 cal Year 2011 (division B Public Law 111–383;
23 124 Stat. 4450), \$59,974,000.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2011, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$272,611,000.

**TITLE XXVI—GUARD AND
RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-
STRUCTION AND LAND ACQUISITION
PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$16,500,000
Arizona	Papago Military Reservation	\$17,800,000
Arkansas	Fort Chaffee	\$3,500,000
California	Camp Roberts	\$38,160,000
	Camp San Luis Obispo	\$8,000,000
Colorado	Alamosa	\$6,400,000
	Aurora	\$3,600,000
	Fort Carson	\$43,000,000
District of Columbia	Anacostia	\$5,300,000
Florida	Camp Blanding	\$5,500,000
Georgia	Atlanta	\$11,000,000
	Hinesville	\$17,500,000
	Macon	\$14,500,000
Hawaii	Kalaeloa	\$33,000,000
Illinois	Normal	\$10,000,000
Indiana	Camp Atterbury	\$81,900,000
	Indianapolis	\$25,700,000
Maine	Bangor	\$15,600,000
	Brunswick	\$23,000,000
Maryland	Dundalk	\$16,000,000
	La Plata	\$9,000,000
	Westminster	\$10,400,000
Massachusetts	Natick	\$9,000,000
Minnesota	Camp Ripley	\$8,400,000
Mississippi	Camp Shelby	\$64,600,000
Nebraska	Grand Island	\$22,000,000
	Mead	\$9,100,000
Nevada	Las Vegas	\$23,000,000
New Jersey	Lakehurst	\$49,000,000
New Mexico	Santa Fe	\$5,200,000
North Carolina	Greensboro	\$3,700,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
Oklahoma	Camp Gruber	\$13,361,000
Oregon	The Dalles	\$13,800,000
South Carolina	Allendale	\$4,300,000
Utah	Camp Williams	\$6,500,000
Virginia	Fort Pickett	\$11,000,000
West Virginia	Buckhannon	\$10,000,000
Wisconsin	Camp Williams	\$7,000,000
Wyoming	Cheyenne	\$8,900,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606(1), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the Army National Guard locations outside
6 the United States, and in the amounts, set forth in the
7 following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	\$57,000,000.

8 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
9 **AND LAND ACQUISITION PROJECTS.**

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2606(2), the Secretary
12 of the Army may acquire real property and carry out mili-
13 tary construction projects for the Army Reserve locations
14 inside the United States, and in the amounts, set forth
15 in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	\$5,200,000
Colorado	Fort Collins	\$13,600,000

Army Reserve—Continued

State	Location	Amount
Illinois	Homewood	\$16,000,000
	Rockford	\$12,800,000
Indiana	Fort Benjamin Harrison	\$57,000,000
Kansas	Kansas City	\$13,000,000
Massachusetts	Attleboro	\$22,000,000
Minnesota	Saint Joseph	\$11,800,000
Missouri	Weldon Springs	\$19,000,000
New York	Schenectady	\$20,000,000
North Carolina	Greensboro	\$19,000,000
South Carolina	Orangeburg	\$12,000,000
Wisconsin	Fort McCoy	\$27,300,000.

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
2 **CORPS RESERVE CONSTRUCTION AND LAND**
3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2606(3), the Secretary
6 of the Navy may acquire real property and carry out mili-
7 tary construction projects for the Navy Reserve and Ma-
8 rine Corps Reserve locations inside the United States, and
9 in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Pennsylvania	Pittsburgh	\$13,759,000
Tennessee	Memphis	\$7,949,000.

10 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
11 **TION AND LAND ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
13 ization of appropriations in section 2606(4), the Secretary
14 of the Air Force may acquire real property and carry out
15 military construction projects for the Air National Guard

1 locations inside the United States, and in the amounts,
 2 set forth in the following table:

Air National Guard

State	Location	Amount
California	Beale Air Force Base	\$6,100,000
	Moffett Field	\$26,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$39,521,000
Indiana	Fort Wayne International Airport	\$4,000,000
Maryland	Martin State Airport	\$4,900,000
Massachusetts	Otis Air National Guard Base	\$7,800,000
Ohio	Springfield Beckley-Municipal Airport	\$6,700,000.

3 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2606(5), the Secretary
 7 of the Air Force may acquire real property and carry out
 8 military construction projects for the Air Force Reserve
 9 locations inside the United States, and in the amounts,
 10 set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Force Base	\$16,393,000
South Carolina	Charleston Air Force Base	\$9,593,000.

11 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 12 **TIONAL GUARD AND RESERVE.**

13 Funds are hereby authorized to be appropriated for
 14 fiscal years beginning after September 30, 2011, for the
 15 costs of acquisition, architectural and engineering services,
 16 and construction of facilities for the Guard and Reserve
 17 Forces, and for contributions therefor, under chapter
 18 1803 of title 10, United States Code (including the cost

1 of acquisition of land for those facilities), in the following
2 amounts:

3 (1) For the Department of the Army, for the
4 Army National Guard of the United States,
5 \$773,592,000.

6 (2) For the Department of the Army, for the
7 Army Reserve, \$280,549,000.

8 (3) For the Department of the Navy, for the
9 Navy and Marine Corps Reserve, \$26,299,000.

10 (4) For the Department of the Air Force, for
11 the Air National Guard of the United States,
12 \$116,246,000.

13 (5) For the Department of the Air Force, for
14 the Air Force Reserve, \$33,620,000.

15 **SEC. 2607. EXTENSION OF AUTHORIZATION OF CERTAIN**
16 **FISCAL YEAR 2008 PROJECT.**

17 (a) **EXTENSION.**—Notwithstanding section 2002 of
18 the Military Construction Authorization Act for Fiscal
19 Year 2008 (division B of Public Law 110–181; 122 Stat.
20 503), the authorization set forth in the table in subsection
21 (b), as provided in section 2601 and 2604 of that Act (122
22 Stat. 527–528), shall remain in effect until October 1,
23 2012, or the date of the enactment of an Act authorizing
24 funds for military construction for fiscal year 2013, which-
25 ever is later.

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	Coatesville	Readiness Center	\$8,300,000.

3 **SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2009 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2009 (division B of Public Law 110–417; 122 Stat.
 8 4658), the authorization set forth in the tables in sub-
 9 section (b), as provided in sections 2601, 2602, and 2603
 10 of that Act, shall remain in effect until October 1, 2012,
 11 or the date of the enactment of an Act authorizing funds
 12 for military construction for fiscal year 2013, whichever
 13 is later.

14 (b) TABLES.—The tables referred to in subsection (a)
 15 are as follows:

Army National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Indiana	Camp Atterbury	Multipurpose Machine Gun Range.	\$5,800,000
Nevada	Elko	Readiness Center	\$11,375,000.

Army Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
New York	Staten Island	Army Reserve Center	\$18,550,000.

**Navy Reserve and Marine Corps Reserve: Extension of 2009
Project Authorization**

State	Installation or Location	Project	Amount
Delaware	Wilmington	Armed Forces Reserve Center.	\$11,530,000.

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2011, for base
10 closure and realignment activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account 1990 established by sec-
16 tion 2906 of such Act, in the total amount of
17 \$323,543,000, as follows:

18 (1) For the Department of the Army,
19 \$70,716,000.

20 (2) For the Department of the Navy,
21 \$129,351,000.

1 (3) For the Department of the Air Force,
2 \$123,476,000.

3 **SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLO-**
4 **SURE ACTIVITIES FUNDED THROUGH DE-**
5 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
6 **COUNT 2005.**

7 Using amounts appropriated pursuant to the author-
8 ization of appropriations in section 2703, the Secretary
9 of Defense may carry out base closure and realignment
10 activities, including real property acquisition and military
11 construction projects, as authorized by the Defense Base
12 Closure and Realignment Act of 1990 (part A of title
13 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
14 funded through the Department of Defense Base Closure
15 Account 2005 established by section 2906A of such Act,
16 in the amount of \$258,776,000.

17 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
18 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
19 **TIES FUNDED THROUGH DEPARTMENT OF**
20 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

21 Funds are hereby authorized to be appropriated for
22 fiscal years beginning after September 30, 2011, for base
23 closure and realignment activities, including real property
24 acquisition and military construction projects, as author-
25 ized by the Defense Base Closure and Realignment Act

1 of 1990 (part A of title XXIX of Public Law 101–510;
2 10 U.S.C. 2687 note) and funded through the Department
3 of Defense Base Closure Account 2005 established by sec-
4 tion 2906A of such Act, in the total amount of
5 \$258,776,000, as follows:

6 (1) For the Department of the Army,
7 \$229,190,000.

8 (2) For the Department of the Navy,
9 \$25,829,000.

10 (3) For the Department of the Air Force,
11 \$1,966,000.

12 (4) For the Defense Agencies, \$1,791,000.

13 **SEC. 2704. AUTHORITY TO EXTEND DEADLINE FOR COM-**
14 **PLETION OF LIMITED NUMBER OF BASE CLO-**
15 **SURE AND REALIGNMENT RECOMMENDA-**
16 **TIONS.**

17 Section 2904 of the Defense Base Closure and Re-
18 alignment Act of 1990 (part A of title XXIX of Public
19 Law 101–510; 10 U.S.C. 2687 note) is amended—

20 (1) in subsection (a)(5), by striking “complete”
21 and inserting “except in the case of a closure or re-
22 alignment recommendation extended pursuant to
23 subsection (c), complete”; and

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

1 “(c) LIMITED AUTHORITY TO EXTEND IMPLEMEN-
2 TATION PERIOD.—(1) In the case of the recommendations
3 of the Commission contained in the report of the Commis-
4 sion transmitted by the President to Congress in accord-
5 ance with section 2914(e) on September 15, 2005, the
6 Secretary may extend the period for completing not more
7 than 10 of the closure or realignment recommendations
8 until the later of the following:

9 “(A) September 15, 2012.

10 “(B) The date of the enactment of an Act au-
11 thorizing funds for military construction for fiscal
12 year 2013.

13 “(2) To extend a closure or realignment recommenda-
14 tion under this subsection, the Secretary shall submit to
15 the congressional defense committees a report containing
16 the following:

17 “(A) A justification of the need for the exten-
18 sion of the closure or realignment recommendation.

19 “(B) A certification that the extension is nec-
20 essary to ensure the operational readiness of units or
21 functions being relocated as part of the implementa-
22 tion of the recommendation.

23 “(C) An explanation of the impact of the exten-
24 sion on communities in the vicinity of the affected
25 installations.

1 “(D) An explanation of the impacts of not pro-
2 viding the extension on operational readiness.

3 “(E) An estimation of the costs to the Govern-
4 ment associated with the extension.

5 “(F) A schedule for completing the closure or
6 realignment recommendation in light of the exten-
7 sion.

8 “(3) The extension of a closure or realignment rec-
9 ommendation under this subsection shall take effect only
10 after—

11 “(A) the end of the 21-day period beginning on
12 the date on which the report required by paragraph
13 (2) with respect to that recommendation is received
14 by the congressional defense committees; or

15 “(B) if earlier, the end of the 14-day period be-
16 ginning on the date on which a copy of the report
17 is provided in an electronic medium pursuant to sec-
18 tion 480 of title 10, United States Code.

19 “(4) The authority of the Secretary under paragraph
20 (1) may be exercised only by the Secretary or Deputy Sec-
21 retary of Defense.”.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **SEC. 2801. CLARIFICATION OF AUTHORITY TO USE THE**
5 **PENTAGON RESERVATION MAINTENANCE RE-**
6 **VOLVING FUND FOR MINOR CONSTRUCTION**
7 **AND ALTERATION ACTIVITIES AT THE PEN-**
8 **TAGON RESERVATION.**

9 Section 2674(e)(4) of title 10, United States Code,
10 is amended—

11 (1) by striking “The authority” and inserting
12 “(A) Except as provided in subparagraph (B), the
13 authority”; and

14 (2) by adding at the end the following new sub-
15 paragraph:

16 “(B) The Secretary may use monies from
17 the Fund to support construction or alteration
18 activities at the Pentagon Reservation within
19 the limits stated in section 2805 of this title.”.

20 **SEC. 2802. INCREASE IN DOLLAR THRESHOLD FOR CER-**
21 **TAIN AUTHORITIES RELATING TO UNSPEC-**
22 **IFIED MINOR CONSTRUCTION PROJECTS.**

23 Section 2805(a)(2) of title 10, United States Code,
24 is amended by striking “\$3,000,000” in the second sen-
25 tence and inserting “\$4,000,000”.

1 **SEC. 2803. ENHANCED AUTHORITY FOR USE OF OPERATION**
2 **AND MAINTENANCE FUNDS FOR UNSPEC-**
3 **IFIED MINOR MILITARY CONSTRUCTION**
4 **PROJECTS IN SUPPORT OF OPERATION EN-**
5 **DURING FREEDOM.**

6 (a) **INCREASED COST THRESHOLD.**—Notwith-
7 standing the cost limitations of section 2805 of title 10,
8 United States Code, the Secretary concerned may use
9 funds available for overseas contingency operations for op-
10 eration and maintenance to carry out unspecified minor
11 military construction projects in direct support of Oper-
12 ation Enduring Freedom costing not more than
13 \$3,000,000.

14 (b) **SECRETARY CONCERNED.**—For purposes of this
15 section, the term “Secretary concerned” has the meaning
16 applicable to such term under section 2805 of title 10,
17 United States Code.

18 (c) **APPROVAL AND CONGRESSIONAL NOTIFICA-**
19 **TION.**—The Secretary concerned shall meet the reporting
20 requirements pursuant to subsection (b) of section 2805
21 of title 10, United States Code.

22 (d) **EXPIRATION OF AUTHORITY.**—The authority
23 provided in subsection (a) shall expire on September 30,
24 2012.

1 **SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
2 **ITY TO USE OPERATION AND MAINTENANCE**
3 **FUNDS FOR CONSTRUCTION PROJECTS OUT-**
4 **SIDE THE UNITED STATES.**

5 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Section
6 2808 of the Military Construction Authorization Act for
7 Fiscal Year 2004 (division B of Public Law 108–136; 117
8 Stat. 1723), as most recently amended by section 2804
9 of the Military Construction Authorization Act for Fiscal
10 Year 2011 (division B of Public Law 111–383; 124 Stat.
11 4459), is amended—

12 (1) in subsection (e)(2), by striking “fiscal year
13 2011” and inserting “fiscal year 2012”; and

14 (2) in subsection (h)—

15 (A) in paragraph (1), by striking “Sep-
16 tember 30, 2011” and inserting “September 30,
17 2012”; and

18 (B) in paragraph (2), by striking “fiscal
19 year 2012” and inserting “fiscal year 2013”.

20 (b) MODIFICATION OF QUARTERLY REPORTING RE-
21 QUIREMENT.—Subsection (g) of such section is amended

22 (1) by striking “QUARTERLY REPORTS OR” in
23 the subsection heading;

24 (2) by striking “the report for a fiscal-year
25 quarter under subsection (d) or”; and

26 (3) by striking “report or”.

1 (c) TECHNICAL AMENDMENT.—Subsections (a) and
2 (i) of such section are amended by striking “Combined
3 Task Force-Horn of Africa” each place it appears and in-
4 serting “Combined Joint Task Force-Horn of Africa”.

○