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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 5, 2011.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

UNITED STATES POSTAL SERVICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Later today, something stunning is going to happen that will catch many Americans by surprise. The so-called Postmaster General is going to announce details that will lead to the end of the United States Postal Service and universal postal delivery in this country.

This is an incredible blow to our economy. You're talking about closing processing centers. Let me just be specific. In my area, they're talking about closing the Eugene/Springfield processing center. It means if I mail a letter from Springfield to Eugene, 6, 7 miles away, it will be carried by truck to Portland, Oregon, and then sorted there and then trucked back down sometime that week.

They're saying they will no longer guarantee 1-day or 2-day delivery on first-class mail. They're going to move to a guarantee of sometime. If you mail it on Wednesday it will be a minimum of three days till—oops, wait—we don't have Saturday delivery anymore under this plan. So, actually, you mail a letter on Wednesday or a bill on Wednesday, it won't get there until the next Monday.

They will drive more people to use the services that have cut into their revenues. But some people don't have that option, and some things are essential to commerce in this country. There are many, many businesses that will be affected by these delays, and in addition to the delays of prescription drugs or Netflix, mailing DVDs, or, you know, people buying things on eBay, Amazon.com—these things will flood over to UPS and to FedEx and further undermine their revenues.

This guy, this so-called Postmaster General, should be fired because of a lack of any imagination or initiative in proposing the death knell for the great United States Postal Service. With 100,000 people laid off, oh, that's just what we need in America today. Let's lay off 100,000 people. Great idea.

And then he's going to close local post offices. Let's talk about little Tiller, Oregon, in my district, 16 miles on a winding road subject to heavy rain, subject to black ice and snow in the wintertime to the next town, a generally elderly population and generally not very affluent.

These sorts of closures, which will save minuscule amounts of money for the post office, are going to be death knell blows to small rural communities across America.

Now, weekly periodicals: Get today's news next week, sometime. Yep, that's right, 7 to 9 days for your weekly periodicals. That's going to do a great thing for the remaining periodical industry. That's really, really special and, again, driving people to look for alternatives that will further undermine their revenues.

I don't think there could be a more shortsighted proposal. Now, there's plenty of blame to go around because this Congress has failed to act. The Postal Service overpaid $7 billion into a Federal retirement account, but the Republicans are refusing to give the money back to the post office.

They'd rather lay off 100,000 people. They think somehow the private sector will take this over. Tell me, who in the private sector is going to deliver a letter for 45 cents to a small rural community 40 miles from the nearest or 100 miles from the nearest sorting facility? That's not going to happen. These people will be deprived of any meaningful service.

There are other critical reforms that could be undertaken short of dismantling, killing the United States Postal Service. If these proposals go forward and if this Congress continues to fail to act, and this guy gets to continue to put in place his dyspeptic vision of a future for the Postal Service—and the White House continues to be totally silent, absent from this debate, as they are so many—we will no longer have a United States Postal Service in this country.

That would be an incredible blow to our economy, to our future, and to the prestige of the United States of America. I guess we'll become the first developed nation on Earth without a postal service, just like we're the only developed industrial nation on Earth without universal health care.

We're the best.

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RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day. At the beginning of a new day and another week, help us to discover the power of resting in You and receiving assurance and encouragement in Your amazing grace.

Send Your Spirit down upon the Members of the people's House who have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government.

May they be reminded always of whom they are. May they be open to Your inspiration, that they might overcome the temptation to work through the issues of this day on their own strength and cleverness. Grant them wisdom, insight, and vision, that the work they do will be for the betterment of our Nation during a time of struggle for so many millions of Americans.

May they earn the trust and respect of those they represent, whether or not they had earned their vote, and make history that expands the great legacy of so many who have served in this Chamber before now, a legacy of noble service, sometimes political risk, but always great leadership.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE SENATE MUST TAKE ACTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday the U.S. Bureau of Labor Statistics released its November jobs report citing the gruesome unemployment rate of 8.6 percent. This revelation marks the 34th straight month where the Nation's unemployment rate has remained at or above 8 percent. This is a tragedy for American families who do not have jobs or have given up looking for jobs.

House Republicans continue to remain focused on job creation, making the issue our number one priority. Since January, the House has submitted numerous bills, many with bipartisan support, to the Senate in hopes of passage, which will help put American families back to work. Just last week, the House passed three more commonsense bills, bringing the total number of job-creating bills awaiting action by the liberal Senate to 25.

I urge the Senate majority leader to bring any of the House jobs bills up for a vote and begin focusing on ways to promote job growth.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 31 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1540) ''An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (NE), Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN (MA), Mr. PORTMAN, Mr. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CALIFORNIA COASTAL NATIONAL MONUMENT CONSOLIDATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 944) to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESERVATION OF ROCKS AND SMALL ISLANDS ALONG THE COAST OF ORANGE COUNTY, CALIFORNIA.

(a) CALIFORNIA COASTAL NATIONAL MONUMENT.—The Act of February 18, 1931, entitled ''An Act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, California'' is amended by striking ''temporarily reserved'' and all that follows through ''United States'' and inserting ''part of the California Coastal National Monument and shall be administered as such''.

(b) REPEAL OF RESERVATION.—Section 31 of the Act of May 28, 1935, entitled ''An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes'' is hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 944, introduced by our colleague from California (Mr. CAMPBELL) will remove an unused lighthouse reservation currently in place for certain rocks and small islands along the coast of Orange County, California. The bill would add them to the California Coastal National Monument.

The lighthouse reservation has been in place since 1935 to provide locations for searchlights and other coastal defense equipment of that time. The bill will provide for the consistent management of geological features along the coast of Orange County.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. H.R. 944 would correct a situation in which two acts from the 1930s are inadvertently preventing certain rocks, pinnacles, reefs, small islands, and lighthouses off the coast of Orange County from being included in the California Coastal National Monument.

In 2000 President Clinton created the California Coastal National Monument, which spans the entire 1,100 miles of the California coast and encompasses more than 20,000 small islands, rocks, exposed reefs, and pinnacles. However, the act designating the monument included only unreserved and unappropriated rocks and islands, and under the 1930s acts, these natural and cultural sites were reserved.

H.R. 944 would strike the reservation language in one act and repeal another act to provide that these areas finally be permanently protected as part of the California Coastal National Monument. Therefore, we support the passage of H.R. 944.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman from Washington for yielding.

Mr. Speaker, the facts of the bill have been presented by both of the gentlemen speaking before me.

This bill actually passed the floor of this House by a vote of 397–4 in the last Congress. They simply ran out of time in the Senate; otherwise, I think it would be law today. So I appreciate everyone's indulgence with passing this bill off this floor again today, I hope.

It has been mentioned that this was from 1935. Of these rocks and small islands, they originally thought, oh, we might put lighthouses there. Then they thought they might use them to help defend the California coast against Japanese submarines during World War II. Neither of those purposes is of much value anymore. So that's why, if we put this in the California Coastal National Monument, we will be able to preserve these rocks and islands and the sea life around them, and they will become a part of our environmental heritage going forward.

With that, I thank everyone for their assistance.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge the adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 944.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Pulaski National Monument Lease Authorization Act''.

SEC. 2. LEASE AUTHORIZATION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the ''Monument'') at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary's discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 535 would allow the Savannah Bar Pilots Association to continue leasing a facility at Fort Pulaski National Monument as they have done since the 1940s.

Congressman JACK KINGSTON of Georgia is the author of the House version of this bill, H.R. 2687, that the Committee on Natural Resources heard in September. The National Park Service testified in support, and we are pleased that this is one piece of legislation that will not cost the taxpayers a dime.

So I urge my colleagues to support the legislation, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. Fort Pulaski was completed in 1812. The Savannah Bar Pilots were founded in 1864, and they have had a lease to use part of the fort since 1940. It would appear that Congress is a little late in getting around to formalizing this arrangement.

The Bar Pilots provide an invaluable service by protecting the people and the cargo entering the Port of Savannah. This has been a good use of part of the fort and should continue, so we support the passage of S. 535.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge the adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 535.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR OUR WORKFORCE AND ENERGY RESOURCES ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2360) to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Providing for Our Workforce and Energy Resources Act'' or the ''POWER Act''.

SEC. 2. EXTENSION OF CONSTITUTION, LAWS, AND JURISDICTION OF THE UNITED STATES TO ENERGY FACILITIES AND DEVICES ON THE OUTER CONTINENTAL SHELF.

Section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) is amended by—

(1) inserting ''or producing or supporting production of energy from sources other than oil and gas'' after ''therefrom'';

(2) inserting ''or transmitting such energy'' after ''transporting such resources''; and

(3) inserting ''and other energy'' after ''That mineral''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1540

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the opportunity to bring to the floor the Providing for Our Workforce and Energy Resources or POWER Act, introduced by our colleague from Louisiana (Mr. LANDRY).

The House Natural Resources Committee is dedicated to creating domestic American jobs and protecting the safety of our workers. When we pass legislation that encourages safe and efficient energy development on Federal lands, not only are we decreasing domestic energy production, but we are also generating the millions of jobs that support those industries; and when I say that, I mean all energy jobs.

Republicans in Congress are committed to an all-of-the-above energy strategy. We are committed to promoting jobs in wind, solar, oil, gas, hydro, and geothermal energy. Developing all of these resources to ensure reliable and affordable energy for the American people will benefit families and businesses across our country in the form of lower energy costs and greater job growth.

To help foster this private sector job growth, eliminating regulatory uncertainty can really clear the way to spur investment, protect American workers, and spur job creation. The bill under consideration does just that.

The POWER Act clarifies the Outer Continental Shelf Lands Act to ensure the full and fair application of our Nation's laws to all offshore energy development, including renewable energy, rather than waiting for various rulings and interpretations by Federal agencies. This simple, commonsense bill will provide greater certainty to those looking to invest and develop renewable energy projects and the infrastructure to support those projects off our shores.

I want everyone to be clear that this is not a major change in law. It is merely a technical clarification to ensure that Federal agencies have the important guidance they need to ensure that our Nation's laws are applied in the manner in which they were intended.

Although not a major change, it is an important one, and Mr. LANDRY should get the credit for putting this bill forward.

American companies are on the verge of investing hundreds of millions of dollars in developing renewable energy on our Outer Continental Shelf, and they need the certainty that our laws will be applied fairly to their activities.

Developing our Nation's energy resources benefits our economy, our people, and our national security. I believe this bill helps provide the certainty needed to help move America down the path. I applaud Mr. LANDRY for his work, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. H.R. 2360 would clarify that U.S.-flagged vessels must be used for the transportation of merchandise, supplies, construction materials, and maintenance materials between the U.S. mainland and offshore wind farms.

The American Wind Energy Association has indicated that their member companies already operate in conformance with Jones Act requirements for offshore wind farms. The Offshore Wind Development Coalition testified on H.R. 2360 that wind developers already accept the applicability of the Jones Act for offshore wind farms.

The Department of the Interior has testified that the relevant statutes already apply to offshore renewable energy installations. In addition, the Interior Department has also testified that H.R. 2360 would not expand current law, but that it would simply clarify that section 4(a) of Outer Continental Shelf Lands Act applies to renewable energy production offshore to the extent that there is any uncertainty.

Comments on this bill from Customs and Border Protection echo the Interior Department's interpretation that H.R. 2360 would simply clarify that the Jones Act applies to offshore wind farms. The Customs and Border Protection comments also reaffirm the interpretation that H.R. 2360 would not expand current law to cover vessels responsible for laying transmission lines or other vessels assisting in the construction process beyond what the current law already provides.

We share these interpretations of H.R. 2360 and of the underlying statutes. However, to the extent that there may be any uncertainty that would be aided by clarification, we have no problem with the legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the author of this legislation, the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Mr. Speaker, when I talk to business owners around the country, there are two things that I hear prevent them from putting Americans back to work, and that is regulatory uncertainty and inequity in government regulations.

Both the industry and the administration have confirmed the existence of ambiguity in the current law governing energy development on the Outer Continental Shelf. This is creating uncertainty and inequity, affecting job creation.

This bill corrects the problem and strengthens our renewable energy industry by giving our stakeholders the information needed to make the right business decisions and investments. It levels the playing field for all industries operating on the Outer Continental Shelf.

We agree that to effectively rid ourselves of foreign oil we need an all-of-the-above approach to energy development, and our laws should follow suit as this industry develops.

Both sides of the aisle don't often agree on ways to strengthen our energy independence and on ways to create jobs; however, this bill affords us the opportunity to do just that.

I'm proud to have bipartisan support for this bill and want to thank both the distinguished chairman from the State of Washington (Mr. HASTINGS) and the distinguished gentleman from New Jersey (Mr. HOLT), who helped us on this bill.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back my time and urge adoption of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2360.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX FISH STOCKING ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2351) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Cascades National Park Service Complex Fish Stocking Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.—The term ''North Cascades National Park Service Complex'' means collectively the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

(2) PLAN.—The term ''plan'' means the document entitled ''North Cascades National Park Service Complex Mountain Lakes Fishery Management Plan and Environmental Impact Statement'' and dated June 2008.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. STOCKING OF CERTAIN LAKES IN THE NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall authorize the stocking of fish in lakes in the North Cascades National Park Service Complex.

(b) CONDITIONS.—

(1) IN GENERAL.—The Secretary is authorized to allow stocking of fish in not more than 42 of the 91 lakes in the North Cascades National Park Service Complex that have historically been stocked with fish.

(2) NATIVE NONREPRODUCING FISH.—The Secretary shall only stock fish that are—

(A) native to the slope of the Cascade Range on which the lake to be stocked is located; and

(B) nonreproducing, as identified in management alternative B of the plan.

(3) CONSIDERATIONS.—In making fish stocking decisions under this Act, the Secretary shall consider relevant scientific information, including the plan and information gathered under subsection (c).

(4) REQUIRED COORDINATION.—The Secretary shall coordinate the stocking of fish under this Act with the State of Washington.

(c) RESEARCH AND MONITORING.—The Secretary shall—

(1) continue a program of research and monitoring of the impacts of fish stocking on the resources of the applicable unit of the North Cascades National Park Service Complex; and

(2) beginning on the date that is 5 years after the date of enactment of this Act and every 5 years thereafter, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the research and monitoring under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I am the author of H.R. 2351, the North Cascades National Park Service Complex Fish Stocking Act.

This bill has enjoyed broad bipartisan support for some time. It passed the House under suspension of the rules in the last Congress and was favorably reported from the Senate Energy and Natural Resources Committee by voice vote.

H.R. 2351 is necessary to ensure the National Park Service, in coordination with the State of Washington, has the authority to continue stocking fish in certain alpine lakes in the North Cascades National Park Complex. This complex includes the North Cascades National Park, Ross Lake National Recreation Area, and the Lake Chelan National Recreation Area.

In 2008, the park service prepared an environmental impact statement regarding the management of the fisheries in these mountain lakes. The preferred alternative was to allow continued fish stocking in 42 of those lakes. The park service also requested explicit authority to allow fish stocking to continue within the park complex. And this is exactly what H.R. 2351 does.

Many tourists visit the park for its scenic beauty as well as fishing opportunities, making fish stocking an important component of the central Washington economy.

I urge support of this legislation.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, I want to recognize the chairman as well and his work on this legislation and the importance of it. And as a general matter, the introduction of nonnative species into wilderness designated within a national park should be prohibited.

But in this instance, however, the National Park Service has found that fish stocking can continue within the Mather Wilderness without harm to other national park resources. Importantly, the legislation contains significant protections for those resources.

We worked closely with Chairman HASTINGS last Congress to secure House passage of this legislation and are pleased to do so again today. The chairman is to be commended for his efforts on behalf of the North Cascades National Park Complex.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. I, again, urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2351.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1550

ALLOWING YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE MEMBERSHIP REQUIREMENTS

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1560) to amend

the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLOOD QUANTUM REQUIREMENT DETERMINED BY TRIBE.

Section 108(a)(2) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 1300g–7(a)(2)) is amended to read as follows:

''(2) any person of Tigua Ysleta del Sur Pueblo Indian blood enrolled by the tribe.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The Ysleta del Sur Pueblo was originally based in New Mexico and then relocated after the 1860 Pueblo Revolt to its present location in El Paso County, Texas.

In 1967, Congress enacted Public Law 90–287, terminating the Federal trust relationship with the tribe and placing the tribe under the jurisdiction of the State of Texas. In 1987, the Federal trust relationship was restored by Public Law 100–89.

The Restoration Act limited the tribe's membership to individuals listed on a certain tribal membership roll and to descendants of such individuals as long as they have a minimum of one-eighth degree of Ysleta del Sur Indian blood.

In recent years, the tribe has passed resolutions in favor of legislation to eliminate this limitation which is consistent with the modern congressional policy of allowing recognized tribes to set their own membership when they enroll Indian people.

H.R. 1560 permits the tribe to enroll Indian members with a minimum blood requirement. Similar versions of this bill have been passed by the House in the last two Congresses.

The Committee on Natural Resources has not heard any objection to passing this bill again. I think it's a good idea to treat the tribe consistently with how Congress treats other federally recognized tribes.

With that, I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, I rise in support of H.R. 1560, a bill that removes the blood quantum threshold requirement for membership in the Ysleta del Sur Pueblo tribe.

No other tribe in the State of Texas has had a similar limitation to tribal membership conditioned on its recognition by the United States. H.R. 1560 corrects this inequity.

By modifying the tribal enrollment requirements, the tribe will be able to preserve the unique character and traditions of their tribe based on shared history, customs, and language, in addition to tribal blood. This bill will ensure their survival as the oldest community in Texas and the only pueblo still in existence in the State.

H.R. 1560 passed the House under both Republican and Democratic leadership in the 106th Congress and in the previous two Congresses. I ask my colleagues to again support the passage of this very important legislation at this time.

Mr. Speaker, I yield such time he may consume to the gentleman from Texas (Mr. REYES).

Mr. REYES. I want to thank my good friend from New Mexico for yielding me time, as well as thanking Chairman HASTINGS from Washington and Ranking Member RAHALL for their help in getting this legislation to the floor. I want to thank the gentleman from New Mexico (Mr. LUJÁN) for handling the bill on the Democratic side.

I rise today in support of H.R. 1560, the Ysleta del Sur Pueblo blood quantum bill. This bill is crucial to the members of the Ysleta del Sur Pueblo tribe, which is located in El Paso, my district, the 16th District of Texas. This will grant them the right to determine their own membership. It seeks to correct unjust legislation approved by Congress in 1987, which imposed a one-eighth blood quantum Federal requirement for tribe membership. This law singles out the Tigua; and if not amended, the tribe will lose their federally recognized status and the right to self-govern their community.

The Tigua tribal community was established, as was stated by both the chairman and Mr. LUJÁN, in 1862 after the Pueblo Revolt against the Spanish colonization of the Americas, nearly a century before the Declaration of Independence, and more than 160 years before the annexation of Texas to the United States. This community represents a central part of our district's rich culture and our heritage.

The Ysleta del Sur Pueblo has been an important part of the community's cultural heritage for nearly 330 years. The tribe is an inseparable part of our history, and it should be allowed to preserve its status as a sovereign nation for future generations. So I strongly urge all Members to support this bill.

Mr. HASTINGS of Washington. I have no further requests for time, and I am prepared to yield back if the gentleman from New Mexico is.

Mr. LUJÁN. Mr. Speaker, again, we appreciate the work of the majority and the work of Chairman REYES on this important issue as well.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1560.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

BOX ELDER UTAH LAND CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Box Elder Utah Land Conveyance Act''.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Box Elder Utah Land Conveyance Act'' and dated June 23, 2011.

(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) TOWN.—The term ''Town'' means the town of Mantua, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 683 would convey approximately 31.5 acres of the Wasatch-Cache National Forest to the town of Mantua, Utah. The lands in question are primarily open grasslands surrounded by agricultural lands. The town is seeking these lands for expansion of the cemetery and construction of a town hall and fire station.

National Parks, Forests and Public Lands Subcommittee Chair ROB BISHOP is the author of the House version of this bill, and I commend him and Senator MIKE LEE of Utah for their efforts in seeing this small, but important, conveyance enacted into law.

I urge adoption of the measure, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, this is a land conveyance to a small town in Utah which requires that the land be used for public purposes. Assuming this measure is approved today, this will be the third Congress in which the House has approved this legislation. We have been pleased to work with Mr. BISHOP in the last two Congresses to secure passage of this measure and support passage again today.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of the House version of this legislation, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, 70 years ago the Forest Service paid the huge sum of $1 for two parcels of land, a total of 30 acres, surrounded on three sides by private property. In that intervening time period, per the Forest Service's own plans, not only have they not needed them, they have not used them and, until 5 years ago, forgot they had them.

The city of Mantua now desperately needs this for its cemetery expansion as well as for a town hall and a fire station to protect people who actually go on the real forest lands.

Three times this House has passed this piece of legislation, and the Senate has found it too complex to consider. This time, the Senate has passed a very similar bill over to us, not as good as the one we had, but when one considers we have sent over to them a budget bill, multiple appropriation bills, repeal of ObamaCare, 16 job bills, and numerous regulatory reform bills, the fact that the Senate did anything should be a cause of our celebration today.

And, therefore, I urge, even though this is not a perfect bill, it's a pretty good one, so I urge its adoption so that we can send it to the President's desk and let the Senate know we do appreciate them when they finally, finally do their work.

Mr. LUJÁN. Mr. Speaker, although I really enjoy the opportunity to have a conversation about all of the work that's happening over at the Senate, I have no further speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge my colleagues to support the Senate bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 683.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1600

CORRECTING ENROLLMENT OF H.R. 470, HOOVER POWER ALLOCATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike ''General'' and insert ''Conformed General''.

(2) In section 2(e), strike ''as redesignated as'' and insert ''as redesignated by''.

(3) In section 2(f), strike ''as redesignated as'' and insert ''as redesignated by''.

(4) In section 2(g), strike ''as redesignated as'' and insert ''as redesignated by''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 32 is an enrolling correction for H.R. 470, bipartisan legislation introduced by our Nevada colleague, Dr. JOE HECK.

Dr. HECK's bill, which allocates hydropower generated at Hoover Dam to a number of utilities in California, Arizona, and Nevada, has been passed by both the House and the Senate. However, some in the Senate insisted that a number of technical changes needed to be made to the bill even though the affected agency indicated that it could implement H.R. 470 as passed by both Chambers.

Nevertheless, we'll not object to this enrolling resolution making such technical changes because the base legislation is important for that area. So I urge adoption of this measure.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUJÁN asked and was given permission to revise and extend his remarks.)

Mr. LUJÁN. On October 18, the Senate approved H.R. 470, the Hoover Allocation Power Act of 2011, by unanimous consent. The Senate also approved Concurrent Resolution 32, which authorizes the Clerk of the House of Representatives to make small technical changes to the enrolled version of H.R. 470.

We fully support the proposed changes to H.R. 470 and urge adoption of Senate Concurrent Resolution 32.

I yield back the balance of my time.

Mr. HASTINGS. Mr. Speaker, again, I urge adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 32.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUJÁN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 6, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions for Primary Lead Processing [EPA-HQ-OAR-2004-0305; FRL-9491-2] (RIN: 2060-AQ43) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4119. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2009-0839; FRL-9489-6) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey [Docket No.: EPA-R02-OAR-2011-0499; FRL-9486-1] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Charlotte-Gastonia-Rock Hill, North Carolina and South Carolina; Determination of Attainment of the 1997 8-Hour Ozone Standard [EPA-R04-OAR-2011-0029-201103; FRL-9490-5] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4122. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Permit Renewals [EPA-R06-OAR-2010-0978; FRL-9489-9] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4123. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2011-0537; FRL-9489-2] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4124. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions for Shipbuilding and Ship Repair (Surface Coating); National Emission Standards for Wood Furniture Manufacturing Operations [EPA-HQ-OAR-2010-0786; FRL-9491-4] (RIN: 2060-AQ42) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4125. A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0701; FRL-9490-1] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4126. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2011-0845; FRL-9492-2] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4127. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards [EPA-HQ-OAR-2009-0443; FRL-9492-3] (RIN: 2060-AR17) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4128. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Sudan (RIN: 1400-AC93) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4129. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4130. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes; Equipped with Certain Cockpit Door Installations [Docket No.: FAA-2011-0479; Directorate Identifier 2010-NM-154-AD; Amendment 39-16827; AD 2011-21-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called Model A300-600 Series Airplanes); Model A310 Series Airplanes; Model A318 Series Airplanes, Model A319 Series Airplanes; Model A320-211, -212, -214, -231, -232, and -233 Airplanes; Model A321 Series Airplanes; Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No.: FAA-2011-0388; Directorate Identifier 2010-NM-004-AD; Amendment 39-16761; AD 2011-16-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400 and -400F Series Airplanes [Docket No.: FAA-2011-0041; Directorate Identifier 2010-NM-227-AD; Amendment 39-16764; AD 2011-16-06] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP Airplanes [Docket No.: FAA-2011-0832; Directorate Identifier 2011-CE-025-AD; Amendment 39-16771; AD 2011-17-07] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes [Docket No.: FAA-2011-0224; Directorate Identifier 2010-NM-210-AD; Amendment 39-16772; AD 2011-17-08] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4136. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfart GmbH) Model 328-100 and

-300 Airplanes [Docket No.: FAA-2010-1163; Directorate Identifier 2009-NM-233-AD; Amendment 39-16795; AD 2011-18-13] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4137. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300 B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0389; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4138. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2011-0569; Directorate Identifier 2010-NM-240-AD; Amendment 39-16811; AD 2011-20-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4139. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2009-0218; Directorate Identifier 2009-CE-006-AD; Amendment 39-16820; AD 2009-13-06 R1] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4140. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2010-1199; Directorate Identifier 2010-NM-225-AD; Amendment 39-16818; AD 2011-20-07] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4141. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4142. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CT7-8, CT7-8A, CT7-8A1, CT7-8E, and CT7-8F5 Turboshaft Engines [Docket No.: FAA-2011-0392; Directorate Identifier 2011-NE-12-AD; Amendment 39-16808; AD 2011-19-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4143. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, -900ER Series Airplanes [Docket No.: FAA-2008-1118; Directorate Identifier 2007-NM-318-AD; Amendment 39-16792; AD 2011-18-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4144. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes; and Model F.28 Airplanes [Docket No.: FAA-2011-0568; Directorate Identifier 2011-NM-010-AD; Amendment 39-16824; AD 2011-21-01] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4145. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2010-1312; Directorate Identifier 2010-NM-220-AD; Amendment 39-16826; AD 2011-21-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2369. A bill to amend title 36, United States Code to provide for an additional power for the American Legion under its Federal charter (Rept. 112–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2815. A bill to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership (Rept. 112–314). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STIVERS:

H.R. 3559. A bill to prohibit the Federal Insurance Office of the Department of the Treasury and other financial regulators from collecting data directly from an insurance company; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 3560. A bill to provide for the conveyance of certain Federal lands in Yuma County, Arizona; to the Committee on Natural Resources.

By Mr. KIND (for himself, Mr. GERLACH, and Mr. NEAL):

H.R. 3561. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to reduce administrative burdens and encourage retirement plan formation and retention; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Mr. BISHOP of New York):

H.R. 3562. A bill to amend the Federal Water Pollution Control Act with respect to the use of dispersants, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

170. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 520 urging the Congress to ensure adequate funding for the United States Postal Service and to take all appropriate steps to keep the United States Postal Service open for all Americans to Use; to the Committee on Oversight and Government Reform.

171. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 136 urging the President and the Congress to support the continued and increased importation of oil derived from Canadian Oil Sands; jointly to the Committees on Foreign Affairs, Energy and Commerce, and Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. STIVERS:

H.R. 3559.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States).

By Mr. GRIJALVA:

H.R. 3560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. KIND:

H.R. 3561.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. NADLER:

H.R. 3562.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 1, 3, and 18.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. SULLIVAN.

H.R. 139: Ms. SCHWARTZ and Ms. SCHAKOWSKY.

H.R. 234: Mr. MCCLINTOCK.

H.R. 487: Ms. SCHAKOWSKY and Mr. CONYERS.

H.R. 733: Mr. HIMES.

H.R. 835: Mr. THOMPSON of California, Mr. ANDREWS, Mr. RUSH, and Mr. JOHNSON of Georgia.

H.R. 942: Mr. GALLEGLY.

H.R. 1063: Mr. GRIFFITH of Virginia, Mr. PAYNE, Mr. YARMUTH, and Mr. GALLEGLY.

H.R. 1175: Mr. LATOURETTE.

H.R. 1221: Mr. KISSELL.
H.R. 1259: Mr. GERLACH.
H.R. 1546: Mr. TONKO, Mr. COHEN, Mrs. MCCARTHY of New York, Mr. TURNER of Ohio, Mr. BROUN of Georgia, and Mr. MCCOTTER.
H.R. 1755: Mr. YOUNG of Alaska and Mr. AMODEI.
H.R. 1834: Mr. AMODEI, Mr. AUSTIN SCOTT of Georgia, Mr. POSEY, and Mr. PALAZZO.
H.R. 1842: Mr. TOWNS, Ms. HAHN, and Mr. WELCH.
H.R. 1897: Mr. DIAZ-BALART.
H.R. 1964: Mrs. BLACK, Mr. SOUTHERLAND, Ms. NORTON, and Mr. RUNYAN.
H.R. 2077: Ms. JENKINS.
H.R. 2139: Mr. HOLDEN, Mr. RIBBLE, Ms. MATSUI, and Mr. ALTMIRE.
H.R. 2288: Mr. ACKERMAN.
H.R. 2751: Mr. PRICE of North Carolina.
H.R. 2815: Mr. RIVERA, Ms. WILSON of Florida, Mr. DOLD, Mrs. BLACK, Mr. LUETKEMEYER, Mr. MCKINLEY, and Mr. SCHILLING.
H.R. 2874: Mrs. BLACK.
H.R. 2918: Mr. MCCAUL.
H.R. 3000: Mr. LAMBORN.
H.R. 3068: Mrs. HARTZLER.
H.R. 3091: Mr. BOREN.
H.R. 3126: Mrs. NAPOLITANO.
H.R. 3213: Mr. JOHNSON of Illinois.
H.R. 3233: Mr. BRADY of Pennsylvania.
H.R. 3235: Mr. JOHNSON of Illinois.
H.R. 3271: Ms. BUERKLE and Ms. SCHAKOWSKY.
H.R. 3315: Mr. INSLEE and Mr. GINGREY of Georgia.
H.R. 3370: Mr. MICHAUD.
H.R. 3422: Mr. JONES.
H.R. 3425: Mrs. NAPOLITANO, Ms. NORTON, Mr. CONYERS, Mr. TOWNS, Mr. DAVIS of Illinois, and Mrs. CHRISTENSEN.
H.R. 3485: Ms. MATSUI.
H.R. 3510: Mrs. ADAMS, Mr. MEEHAN, and Mr. WALZ of Minnesota.
H.R. 3548: Mrs. ELLMERS, Mr. GUTHRIE, Mr. HUIZENGA of Michigan, Mr. MCKINLEY, and Mr. COFFMAN of Colorado.
H.J. Res. 86: Mr. DEFAZIO.
H.J. Res. 91: Mr. SESSIONS.
H. Con. Res. 85: Ms. WATERS, Ms. LORETTA SANCHEZ of California, Mr. FILNER, and Mr. JOHNSON of Georgia.
H. Con. Res. 87: Mr. RIVERA.
H. Res. 25: Mr. AMODEI.
H. Res. 137: Mr. DAVID SCOTT of Georgia.
H. Res. 475: Mrs. ADAMS, Mr. PAUL, Mr. KELLY, and Mr. LAMBORN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. HASTINGS OF WASHINGTON

S. 683 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clauses 9(e), 9(f) and 9(g) of rule XXI of the Rules of the House of Representatives.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, DECEMBER 5, 2011 No. 185

Senate

The Senate met at 2 p.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, take our Senators this day and make them what they cannot be without Your power. Enlighten their minds so they will know what is best for the good of our land. Break for them the habits they cannot break, calm for them the worries they cannot still, soothe for them the sorrows no human comfort can ease. May they always remember that nothing can separate them from Your great love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today following leader remarks, the Senate will be in morning business until 4:30 p.m. Following morning business, the Senate will be in executive session to consider four U.S. District judges. At 5:30 p.m., there will be a rollcall vote on confirmation of the Ramos nomination. We hope the rest of the nominations can be confirmed by voice vote.

PAYROLL TAX CUT

Mr. REID. Mr. President, last week, my friend the Republican leader tried to convince us that Republicans realize it would be disastrous to raise taxes on the middle class. Here on the Senate floor, he quoted half a dozen news reports as evidence that the Senate Republicans support an extension of payroll cuts for 160 million American workers. I said at that time I was skeptical the Republicans support this tax cut. It turns out I was right. Last Thursday the Republicans shot down the Democrats' proposal to cut taxes for middle-class Americans, supposedly on the grounds it raised taxes on the richest of the rich. But a few minutes later the Republicans also shot down their own proposal—one they had placed on the Senate floor—to expand the payroll tax cuts even though it was paid for with their own hand-picked reductions in government spending. Well, they shot that down. They only got 19 votes plus the vote of the cosponsor.

Whatever my friend Senator MCCONNELL may say, it is obvious that the Republicans are not interested in preventing a $1,000 tax increase on nearly every family in the Nation from taking effect on January 1. Democrats will not relent on keeping taxes low for the middle class.

Today Senator CASEY will unveil a modified version of the proposed payroll tax cut that he introduced last week. Like our previous proposal, it will cut back taxes for 160 million American workers. That is 160 million workers, including 1.2 million Nevadans. This proposal will allow the average family to keep $1,500 to spend on necessities next year. Like our previous proposal, it will be fully paid for with a mixture of spending cuts that Republicans have already agreed to and a tiny surtax on the top .2 percent of Americans. Every spending reduction was agreed to by a bicameral group of Republicans in the supercommittee, so we know they support these cuts—or they should support these cuts. In an effort to make our proposal more palpable to Republicans, we conceded significantly to cut the tax on income above $1 million and make it temporary.

Democrats know how important extending and expanding the payroll tax cut is to working families. It is also important to our economy. Economists of every political persuasion agree that if Republicans block this proposal—raising taxes on American families by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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$1,000 next month—it will have an immediate negative impact on our economy. It will halt our still fragile recovery in its tracks and drag us back into a recession.

We all know Congress cannot afford to play chicken with the economy. That is why Democrats are committed to passing the tax cut. Republicans need to be prepared to meet us part way. We are offering a serious proposal with meaningful concessions, including spending cuts to which Republicans have already agreed.

The scaled-back, temporary tax on the very richest Americans—a group with an average income of $3 million a year—is also an attempt to get Republicans onboard to pass what they say they want to do. We know a few of them said publicly that they are open to asking millionaires and billionaires to contribute to our economic recovery. I was happy to see those press reports. I hope we have the courage to vote accordingly, as one Republican did last Thursday. One Republican voted the right way.

I repeat, this is a serious proposal and the Republicans should take it seriously. Here is why: Americans, regardless of political affiliation, say they wholeheartedly support the Democrats' plan to cut taxes for middle-class families. Fifty-eight percent of Republicans agree we should extend payroll tax cuts for 160 million American workers. Further, Americans overwhelmingly support our proposal to have millionaires and billionaires pay their fair share to help this country. Americans from every corner of the country agree. Democrats, Republicans, and Independents agree. When asked if they support a plan that would require people making more than $1 million to contribute a little more to ensure this country's economic success, the results were decisive: 75 percent, or three-quarters of Americans, said yes. Wealthy Americans agree. Two-thirds of people making more than $1 million said they would gladly contribute more. A supermajority of Republicans agrees, with two-thirds supporting the idea. Even a majority of 52 percent of members of the tea party agree. It seems the only place in the country they cannot find a majority of Republicans willing to speak up for sacrifice are Republicans in the U.S. Senate. Republicans across the country support our plan and the way to pay for it. Republicans in Congress dismiss it at their peril. I repeat, Republicans dismiss this at their peril. The American people are watching what my Republican colleagues will do.

Mr. President, will the Acting President pro tempore be so kind as to introduce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

JOINT STRIKE FIGHTER

Mr. MCCAIN. Last week, AOL Defense published an interview with VADM David J. Venlet, who heads up the Lightning II Joint Strike Fighter Program for the Department of Defense. In this interview, Admiral Venlet candidly offered his concerns about where the Joint Strike Fighter Program stands today. His professional judgment, while welcome in its forthrightness, is deeply troubling. His concerns, which I share, are what bring me to the floor this afternoon.

I ask unanimous consent to have printed in the RECORD a copy of Admiral Venlet's remarks as contained in the AOL Defense article entitled ''JSF's Build and Test Was 'Miscalculation,' Adm. Venlet Says; Production Must Slow.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From AOL Defense, Dec. 1, 2011]

JSF'S BUILD AND TEST WAS 'MISCALCULATION,' ADM. VENLET SAYS; PRODUCTION MUST SLOW

(By Richard Whittle)

WASHINGTON.—Fatigue testing and analysis are turning up so many potential cracks and ''hot spots'' in the Joint Strike Fighter's airframe that the production rate of the F–35 should be slowed further over the next few years, the program's head declared in an interview.

''The analyzed hot spots that have arisen in the last 12 months or so in the program have surprised us at the amount of change and at the cost,'' Vice Adm. David Venlet said in an interview at his office near the Pentagon. ''Most of them are little ones, but when you bundle them all up and package them and look at where they are in the airplane and how hard they are to get at after you buy the jet, the cost burden of that is what sucks the wind out of your lungs. I believe it's wise to sort of temper production for a while here until we get some of these heavy years of learning under our belt and get that managed right. And then when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production.''

Venlet also took aim at a fundamental assumption of the JSF business model: concurrency. The JSF program was originally structured with a high rate of concurrency—building production model aircraft while finishing ground and flight testing—that assumed less change than is proving necessary.

''Fundamentally, that was a miscalculation,'' Venlet said. 'You'd like to take the keys to your shiny new jet and give it to the fleet with all the capability and all the service life they want. What we're doing is, we're taking the keys to the shiny new jet, giving it to the fleet and saying, 'Give me that jet back in the first year. I've got to go take it up to this depot for a couple of months and tear into it and put in some structural mods, because if I don't, we're not going to be able to fly it more than a couple, three, four, five years.' That's what concurrency is doing to us.'' But he added: ''I have the duty to navigate this program through concurrency. I don't have the luxury to stand on the pulpit and criticize and say how much I dislike it and wish we didn't have it. My duty is to help us navigate through it.''

Lockheed Martin, prime contractor on the Pentagon's biggest program, has been pushing hard to increase the production rate, arguing its production line is ready and it has reduced problems on the line to speed things up. Speeding up production, of course, would boost economies of scale and help lower the politically sensitive price per plane.

But slowing production would help reduce the cost of replacing parts in jets that are being built before testing is complete, Venlet said. Although fatigue testing has barely begun—along with ''refined analysis''—it's already turned up enough parts that need to be redesigned and replaced in jets already built that the changes may add $3 million to $5 million to each plane's cost.

The price of the F–35, being built by Lockheed Martin Corp. in three variants, has averaged roughly $111 million under the most recent Low Rate Initial Production (LRIP) Lot 4 contract.

The required changes to the aircraft aren't a matter of safety or of the F–35's ability to perform its missions, Venlet said. They're necessary, though, to make sure the plane's structural parts last the 8,000 hours of service life required. Nor are the weaknesses surprising in the world of fighter jets, he added. The discoveries are ''not a quote 'problem with the airplane,'" Venlet said. ''It's a fighter made out of metal and composites. You always find some hot spots and cracks and you have to go make fixes. That's normal. This airplane was maybe thought to be a little bit better, wouldn't have so much discovery. Well, no. It's more like standard fighters.''

Venlet declined to say how much he thinks production should be slowed. Earlier plans called for the Pentagon to order 42 F–35s in fiscal 2011, but that was cut to 35 and more recently it was dropped to 30. Previous plans, which Venlet's comments and the unprecedented pressure to cut the defense budget make clear will change, had been to ramp up orders to 32 in fiscal 2012, 42 in fiscal 2013, 62 in fiscal 2014, 81 in fiscal 2015 and 108 in fiscal 2016 before jumping to more than 200 a year after fundamental fatigue and flight testing is done.

Officially the ''Lightning II,'' the F–35 is a stealthy attack jet Lockheed is building with major subcontractors Northrop Grumman Corp. and BAE Systems for the Air Force, Navy, Marine Corps and II allied nations. There is a conventional take off and landing (CTOL) version, an aircraft carrier-suitable (CV) model and a short takeoff/vertical landing (STOVL) jump jet that hovers and lands much like a helicopter. The U.S. services alone are scheduled to buy 2,443 to replace a variety of older fighters, making the $379 billion program the Pentagon's largest.

Venlet's comments address a key issue in negotiations between the government and

Lockheed for the next contract, LRIP 5. The government paid for design changes and retrofits through the first four lots, but Pentagon acquisition chief Frank Kendall issued a memo in August requiring Lockheed to bear a ''reasonable'' share of such costs in LRIP 5. Lockheed complained last month that the government was refusing to reimburse it for parts the company was buying in advance for LRIP 5 aircraft as the price and terms of that next production contract are negotiated.

''We negotiated the LRIP 4 contract with a certain amount of resources considered to pay for concurrent changes,'' Venlet said. ''We were probably off on the low side by a factor of four. Maybe five. And we've discovered that in this calendar year, '11, and it's basically sucked the wind out of our lungs with the burden, the financial burden.'' On top of that, he added, the cost of concurrency changes figures to grow as more testing is done—one reason it's important to slow production rather than testing.

''Slowing down the test program would be probably the most damaging thing anybody could do to the program,'' Venlet said. ''The test program must proceed as fast as possible.''

Flight testing of the F–35, though going extremely well lately, is only 18 percent complete, Venlet said. As of Nov. 29, 1,364 test flights had been flown—896 of them in the past 10 months, despite two stoppages of a couple of weeks each to fix problems found by flying. Under a new program baseline created after the JSF project breached cost limits under the Nunn-McCurdy law, about 7,700 hours of flight tests are planned. ''That's a lot,'' Venlet said, adding that number will grow if more problems are found.

Fatigue testing has barely begun, Venlet said. The CTOL variant's fatigue testing is about 20 percent complete; the CV variant has not started yet. For the STOVL variant, fatigue testing was halted at 6 percent last year and has not resumed after a crack in a large bulkhead in the wing was found, requiring a major redesign of that part.

That bulkhead crack was one of five discoveries in the F–35B that required engineering changes, one reason former Defense Secretary Robert Gates placed it on ''probation'' last January and said the Marine's plane should be canceled if the problems weren't solved within two years. Venlet repeated earlier statements that he was sure the changes needed to take care of the problems are now in place, though he wants to await final testing of them this winter before saying it's time for the jump jet to come off of probation.

After discovering the bulkhead crack in the B variant last year, Venlet explained, ''We said, 'Well, where else do we need to look?' The fallout of that additional analysis has revealed additional spots that (may fail in) less than 8,000 hours of service life. We call them 'analyzed low-life hot spots.'" In other words, he said, engineering analysis indicates those spots ''are going to crack'' well before the parts in question have flown 8,000 hours.

''The question for me is not: 'F–35 or not?'" Venlet said. ''The question is, how many and how fast? I'm not questioning the ultimate inventory numbers, I'm questioning the pace that we ramp up production for us and the partners, and can we afford it?''

Mr. McCAIN. Mr. President, I will briefly summarize the history of the Joint Strike Fighter Program that has taken us where we are today.

In a nutshell, the Joint Strike Fighter Program has been both a scandal and a tragedy. The JSF Program has been in the development phase for 10 years. Over that time, it has been the beneficiary of an estimated $56 billion of taxpayer investment. Yet after so much time and so great an investment by the taxpayers, we still don't have an aircraft that provides the Air Force, Navy, and Marine Corps with the combat capability they need. In fact, flight testing sufficient to demonstrate the full mission systems and weapons delivery capability of F–35 aircraft has not even started. At this point, this most advanced phase of flight testing won't begin any sooner than 2015.

Developing and buying these aircraft and building the facilities to support them was originally supposed to cost $233 billion. However, according to the April 2011 Government Accountability Office report on the Joint Strike Fighter, these costs are now estimated to be closer to $383 billion. Let me repeat that. The original cost was estimated to be $233 billion. Now it is estimated to be $383 billion. That is an increase of some $150 billion of the taxpayers' money. This increase in total development and acquisition costs will only get worse when the Department announces a new baseline cost estimate, which resulted from a second restructuring of the program over the last 2 years.

Overall, the schedule for the end of the development phase and start of full-rate production has slipped 5 years since the current baseline was set in 2007, and it is now planned for 2018. I want to point out that during this period of time, the manufacturer, Lockheed Martin, has continued to make record profits. In fact, they just announced their third-quarter profits to be $700 million. Here is the manufacturer that was supposed to build an aircraft that was going to cost $233 billion, and now it is estimated at close to $383 billion—a $150 billion increase—and it is well known now that there will be significant cost increases to follow in light of the production manager, Admiral Venlet's remarks.

In 2001, 10 years ago, the Department of Defense told Congress that the Joint Strike Fighter would cost about $69 million per aircraft. But according to the GAO's report from April, the cost of each F–35 aircraft has now risen to about $133 million per plane. Including the cost of research, development, and testing across the entire program, the unit cost of each individual aircraft goes up to $156 million. In inflation-adjusted dollars, that is about double the original 2001 estimate. Unfortunately, we know that the estimate will go up substantially when the Pentagon releases its latest projections, with the costs of restructuring the program factored in and a new cost baseline is established for the program.

As if these costs of developing and buying the aircraft were not high enough, the Pentagon now estimates that operating and sustaining these new aircraft may cost as much as $1 trillion over their planned service life. Thankfully, I think we have reason to believe this jaw-dropping number may be artificially high and can be reduced. But keep in mind that the rule of thumb is that the cost of developing and buying a major weapons system tends to be about one-third of its total cost; the other two-thirds is in operating and sustaining it. So with the development and procurement costs of the F–35 already approaching $400 billion, it would not be unreasonable to expect sustainment costs of about $800 billion over the F–35's lifespan. That amounts to about a $1.2 trillion investment of taxpayer resources, which makes the F–35 the most expensive weapons program in history.

Over the nearly 10-year life, so far, of the F–35 program, Congress has authorized and appropriated funds for 113 of these weapons systems, but as of today the program has delivered just 18 aircraft, most of which are being used for flight testing. The first production aircraft intended for training just started to be delivered this summer—3 years late.

In July, the numbers came in on how much these early production model jets will cost compared to original estimates. That was a shocking $1 billion over the original estimate of about $7 billion. Under the cost-plus contracts for these early production aircraft, taxpayers will be on the hook for $771 million to cover their share of this cost overrun for these first 28 aircraft. Let me repeat that taxpayers of America are now on the hook for $771 million in cost overruns to cover their share for the first 28 aircraft, and Lockheed Martin will absorb the cost of $283 million. Maybe that helps you understand why Lockheed Martin, in the third quarter of this year, has been able to announce a profit of some $700 million. The cost of the first 28 is a 15-percent cost overrun when you total everybody's share. So for about $8.1 billion, we get 28 aircraft at a cost per aircraft of about $289 million.

Just last week, we learned that the costs associated with the fourth lot of these early production aircraft may be as high as 10 percent over that contract's $3.46 billion target cost. That is a $350 million overrun, with only about 40 percent of the work completed to date. That tells us that the costs of the program have still not been contained despite 2 years of very concentrated effort by the Pentagon to bring costs under control, knowing the future of the program hangs in the balance.

This brings us to where we are today and the context of Admiral Venlet's remarks. The Pentagon has recently completed its analysis of how much the next lot—the fifth lot—of early production aircraft ''should cost'' and is negotiating with Lockheed Martin on who will bear the cost of changes to the design and manufacturing of the aircraft that could result from thousands of hours of flight testing that lie ahead.

It is at this exact moment that the excessive overlap between the development and production that was originally structured into the JSF Program—called concurrency—is now coming home to roost. It means that you deliver aircraft to the owners—in this case, the Air Force—and at the same time continue testing. That is something we warned against over and over as not having worked, but it was done in order to make an effort to have some semblance of their schedule being adhered to of delivery of aircraft. Lockheed Martin doesn't want to bear the risk of new discoveries that may require retrofit or redesign of the aircraft.

Based on the in-depth studies the Department has conducted to date, Admiral Venlet told the publication AOL Defense last week that the Joint Strike Fighter Program needs to slow down production and deliveries of the aircraft. He explained that this was necessary to open the aircraft and install fixes to numerous structural cracks and ''hot spots'' the program has discovered in the plane in the last year or so. He estimated that the work needed to remedy these cracks could add an additional $3 million to $5 million per aircraft.

Bear in mind that this revelation comes on top of the fact that the Department has just reduced the latest F–35 purchase—what will be lot five—by five jets. Admiral Venlet concluded that even as the Pentagon negotiates with Lockheed Martin on lot five of the aircraft under the terms of a fixed-price contract, there is much ''heavy learning'' that remains in the program.

Here is what Admiral Venlet said:

> The analyzed hot spots that have arisen in the last 12 months or so in the program have surprised us at the amount of change and at the cost. Most of them are little ones, but when you bundle them all up and package them and look at where they are in the airplane and how hard they are to get at after you buy the jet, the cost burden of that is what sucks the wind out of your lungs. I believe it's wise to sort of temper production for a while here until we get some of these heavy years of learning under our belt and get that managed right. And when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production.

Mr. President, 2001 was the year we decided to build this aircraft. So here we are 11 years later, and the manager of the program says, ''And when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production.'' I am not making this up. Admiral Venlet, who overseas the JSF Program for the Pentagon, is basically saying that even after the program was restructured 2 years ago by Secretary Gates to add $7.3 billion and 33 more months to development, there is still too much concurrency baked into this program. In other words, the overlap between development and production is still too great to assure taxpayers that they will not have to continue paying for costly redesigns or retrofits due to discoveries made late in production. In that context, ramping up production—even under the program's revised schedule—would not be a move in the right direction. I absolutely agree.

When the head of the most expensive, highest profile weapons system program in U.S. history effectively says: Hold it, we need to slow down how much we are buying, we should all pay close attention.

What does this mean in terms of the pending negotiations for the next production lot? As I said a few days ago during my opening remarks on Senate consideration of the fiscal year 2012 National Defense Authorization Act, I strongly support the Department's position. I think Admiral Venlet's concerns are completely consistent with the view reflected in the Senate Armed Services Committee's markup of the Defense authorization bill.

As we negotiate to buy more early production jets at a time when most of the developmental testing of the aircraft is yet to be done, Lockheed Martin must be held increasingly accountable for cost overruns that come as a result of wringing out necessary changes in the design and manufacturing process for this incredibly expensive weapons system. For this reason, the Department must negotiate a fixed-price contract for this next lot of aircraft that requires Lockheed Martin to assume fully any cost overruns. I expect that this contract negotiation will reflect unit costs that are lower than for the last lot purchased and that the contract will ensure shared responsibility for reasonable concurrency cost increases.

Put simply, the deal we negotiate on this next production lot must be at least as good, if not better, than the deal we negotiated under the previous one; otherwise, I can only conclude that we are moving in the wrong direction, and it will only be a matter of time before the American people and the Congress and our allies lose faith with the F–35 program, which is already the most expensive weapons program in history.

One thing is clear: The culprit is, among other things, excessive concurrency, which is overlap of trying to develop an advance aircraft at the same time as we buy production model aircraft intended for training and operations. The danger of excessive concurrency is the grand, enormously expensive lesson of the Joint Strike Fighter Program, a lesson we continue to overlook at our peril: Trying to execute a strategy for the acquisition of a major weapons system that has too much concurrency based into it under a cost-type contract is absolutely a recipe for disaster.

In so many different aspects, the F–35 program truly represents a tragedy. The Air Force, Navy, and Marine Corps desperately need a new aircraft to take the place of the current strike and fighter jets that have been at war for most of the last 10 years. These well-worn legacy aircraft are coming to the end of their service lives, but we are saddled with a program that has little to show for itself after 10 years and $56 billion in taxpayer investment that has produced less than 20 test and operational aircraft, a bill for $¾ billion, and the promise of considerable ''heavy learning'' yet to go.

Admiral Venlet's message last week clearly conveyed the path we are on is neither affordable nor sustainable. On that fact he and I are in total agreement. But that agreement provides very little solace. If things don't improve quickly, taxpayers and the warfighters will insist all options will be on the table, and they should be.

Mr. President, I came to the Senate floor today to talk specifically about the F–35 aircraft. I will be coming to the floor again on the whole issue of what is, unfortunately, a culture of corruption in the Pentagon as far as weapon systems acquisition is concerned. Time after time, with regard to the future combat system, the F–35, the shipbuilding, the littoral combat ship, there is story after story after story of cost overruns, of cancellation, of delays, of incredible cost to the taxpayer. We never should have gotten into it. We simply cannot afford to do it now. We have to reform the culture of corruption that pervades the Pentagon, and we must reform the way we acquire the weapons and the systems necessary to defend this Nation.

I am not saying there aren't success stories. Certainly, there are. MRAP is an example of a success story. But when we look at the tens of billions and billions of dollars that have been wasted on research and development on weapons systems that never got off the ground, when we look at what happened to the future combat systems, the littoral combat ship, now the F–35, there must be reform or the taxpayers and citizens of America will lose faith in our ability to defend this Nation at a cost that is reasonable in these extremely difficult economic times for all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX HOLIDAY

Mr. KYL. Mr. President, the reason I wish to speak is because there is a lot

of confusion around something called the payroll tax holiday. It is legislation that is likely to be acted upon by the Congress and perhaps a bill will be sent to the President before the end of this year. It is something the President is pushing very strongly to try to achieve. There are a lot of different versions of it and a lot of confusing ideas about what people support and what they do not. I wish to talk a little bit about that.

First of all, what is it? The payroll tax is the tax that funds Social Security. It is a tax that is paid on the employee's wages. Half of that is paid by the employee, half of it is paid by the employer. From the employee's standpoint, the more they pay in, the more they get out when they retire; the less they pay in, the less they get out. That is what funds Social Security.

There is a question: Why would someone not support a reduction in the payroll tax—or as it is called right now a temporary payroll tax holiday because what is being proposed is that a portion of that tax would not be paid. It represents one-third the amount of the tax an employee would ordinarily be paying that is not being paid today. The President would actually like to cut that to the point that an employee would only pay half the payroll tax liability. I understand he is going to revise his proposal and not ask there be any relief on the employer's side. What the President, therefore, is asking is that half of what an employee pays—or 3.1 percent of payroll—not be paid for 1 more year.

The first reason one should think carefully about extending this holiday is that, as I said, this is what funds Social Security. For an employee, the less they pay in, the less they are going to get out. If you are OK with that, then think about the program writ large. Social Security is in big financial trouble. We all know that. As a result, the less we put into it, then the less money there is to pay benefits for people who are on retirement.

What is happening with this particular shortfall is that we are paying for it out of general revenues. What is happening is, since we borrow 40 cents out of every $1 we spend in this country, we are going to go someplace, such as to the Chinese, for example, and we are going to borrow the money. Out of $1 that we want to spend, we are going to borrow 40 cents of that, and then we are going to put that money into the Social Security trust fund that is immediately going to be paid to somebody who is on Social Security.

What is the problem with that? Severalfold. First of all, as we said, the amount of money we put through the payroll tax into Social Security is what we are going to get back. If we put less in, we are going to get less back.

Second, because Social Security is already broke, that means the United States has to borrow the money to put back into Social Security in order to keep it going. When we do that, then there is less money in general revenues to pay for other things. So, yes, our general tax revenues and borrowing can make up for that difference in the payroll tax that is not being paid in now, but that means there is that amount of money less available for education benefits or agriculture or the Defense Department or whatever else we might be wanting to spend the money on. The fact is, if we are going to spend the same amount of money as the Federal Government and now we are increasing the amount we have to spend on Social Security, there is less to spend elsewhere.

I find it ironic that our Democratic friends in particular would think this is a good idea. I ran across something from the AARP, back in 2010. I wish to quote from it. This is a press release dated just about exactly 1 year ago, December 7, 2010, by Thomas Bethell. The subject is ''What the Payroll Tax Cut Means for Social Security.'' He quotes Nancy Altman, who is co-director for Social Security Works, which, as he said, describes ''a worst-case scenario.''

She thinks the cut could well become permanent.

If that happens, Social Security's long-term shortfall could double over 75 years, she says, and political pressure to downsize the program could mount. That could lead to converting Social Security from a universal insurance program to a welfare program, with the numerous drawbacks of programs for the poor, including low public support.

If this scenario unfolds, says Altman, ''it's good-bye, Social Security.''

His conclusion is ''there is little doubt that reducing the payroll tax carries a risk.''

That is the first reason I think one should be very careful about deciding that since tax cuts are usually appreciated by people, therefore, this is one we should extend, even though it is just temporary.

That brings up the second point. It can be argued this is very bad economic policy. There is no evidence this temporary tax cut has actually produced any new jobs, which is the whole idea. In fact, our economy has decelerated. In 2010, we had a 2.8-percent GDP growth. We are now down to just over 1 percent. Unemployment remains stubbornly high. In fact, I thought I would quote from a commentary of Ed Gillespie on ''FOX News Sunday.'' Yesterday, he was asked a question by Chris Wallace about the payroll tax.

First of all, 50,000 of those jobs—

Meaning the jobs that have been created now in the economy over the last month—

50,000 of those jobs are retail jobs that likely could be temporary for the holiday season. On top of that, for every two people who found a new job, five people left the workforce entirely, which is part of a continuing pattern.

In fact, if the labor force today were the same size it was when President Obama took office, the unemployment rate would be 11 percent. So, shrinking the labor force is not the right way to bring down the unemployment rate. . . .

The point is, a lot of people have stopped looking for jobs. That is one reason why the unemployment rate actually went down. There are plenty of economists who will tell us reducing the payroll tax is not a good way to create jobs. I am going to quote from three or four.

As taxes go, the payroll tax is a big revenue raiser and one of the least damaging to work incentives. So cutting it is a poor choice if jobs are the objective.

Arthur Laffer, economist, in the National Review, the last day of October this year.

Troy Davig, an economist with Barclays Capital, Reuters:

Hiring is a long-term contract and this is a short-term stimulus.

Meaning the temporary payroll tax holiday.

Neil Dutta, an economist with Bank of America Merrill Lynch, says:

Nothing that's likely to get done—with regard to the payroll tax—is going to have a meaningful impact in terms of lowering the unemployment rate and creating jobs.

Bruce Bartlett, in the New York Times, is quoted in August of this year:

There is no evidence that the lower payroll tax has done much of anything to stimulate either spending or hiring.

In the New York Post, by Andrew Biggs, some time ago now:

The payroll-tax holiday is a dubious idea. . . .

Finally, Charles Blahous, who is a real expert on Social Security and an economic research fellow at Stanford's Hoover Institution, says:

Taking real tax revenue away from Social Security and issuing debt in its place—the policy now in effect—is the worst of all worlds, both for the program and for the budget.

It does not stimulate the economy, doesn't produce jobs, and it creates a budgetary problem for Social Security itself.

I also believe, the third point is, it can be bad tax policy. I note from a Wall Street Journal editorial, dated December 2—here is the beginning of it:

So here's the latest Democratic job growth plan: Pay for a temporary tax cut that has already proven not to create jobs with a permanent tax increase that almost certainly will cost jobs.

That's the essence of Senate Majority Leader Harry Reid's plan to finance a one-year payroll tax cut with a 3.25 percent tax surcharge on upper-income Americans that would last for at least 10 years. I understand now they are thinking about revising that for this exact reason, but that is the point. The surtax is, in reality, a new tax that primarily hits small business owners. They are the ones who create the jobs. Almost all of the new net jobs created since the 1980s are in small businesses. They create about 70 percent of the new jobs, most of them coming out of the recessionary time we are in.

And what does Treasury say about the people who would be hit by this surtax? Treasury estimates 392,000 returns have an income over $1 million,

and of that 311,000 are classified as business owners. So about 80 percent of the people who would get hit by this surtax are the very job creators we are hoping will invest their money into their businesses to help the economy and to create new jobs. How do you create new jobs by taking more earnings away from the very employers who are creating the jobs? So, third, it is bad tax policy.

Fourth, Democrats argue: Well, the wealthy are not paying their fair share, and this too is something that doesn't stand up to scrutiny. These are from the Internal Revenue Service. These are their tables. The top earners pay the bulk of the taxes in this country. In fact, we have the most progressive income tax system of all of the industrialized countries—all of the countries in the OECD. The top 1 percent in our country earns 20 percent of all the income—that is pretty good—but they pay 38 percent of all of the income taxes. The top 2 percent earns about 28 percent of the total income. They pay over 48 percent—almost 50 percent. They pay almost half of all of the income taxes that are paid by the top 2 percent.

Some people say: Well, what about the payroll tax? That is exactly what we are cutting here. Remember? That is what they are getting a tax holiday from paying. So you have the top 2 percent of the people paying 50 percent of the taxes.

What do the bottom half pay? It turns out the Joint Committee on Taxation estimates that 51 percent of all households had either zero or negative income liability for the tax year 2009. So you have 2 percent of the people paying 50 percent and the bottom 50 percent paying none. In fact, the top 5 percent pays a whole lot more than the bottom 95 percent combined. Think of that. In our country the top 5 percent of the earners pay a lot more than the bottom 95 percent combined.

Then the question is: Is it fair to say about the United States progressive income tax code that the wealthy don't pay their ''fair share'' when the top 1 percent pays 38 percent, the top 2 percent pays almost half of all the taxes? I think that is a canard. I am not trying to defend rich people here, but what I am saying is it is unfair to say they are not paying their fair share.

Finally, my colleague DICK DURBIN—who I believe is going to be here shortly, and I hope will respond to what I am saying here—was interviewed on MSNBC on November 30. He said something that in retrospect I suspect he would say is inaccurate and would take back, but I want to quote him. He is talking about the payroll tax holiday and he said:

> Jon Kyl rejected it. He said, no. There's no way we're going to impose any taxes on the wealthy people in this country.

Well, of course, Senator DURBIN knows that we impose a lot of taxes on the wealthy people in this country. He simply misspoke. I understand he simply misspoke, but it is a manifestation of the political dialogue here of one side accusing the other of favoring the rich over the poor. Can't we ask them to contribute a little bit more? Well, if it is the IRS, we are not asking them, we are forcing them. When the top 2 percent of all of our citizens pays half of all of the taxes and the bottom half pays none, when the top 5 percent pays 95 percent of all of the taxes and 95 percent pays the rest, it is hard to say the rich are not paying taxes.

In any event, my colleague Senator DURBIN, I am sure, would acknowledge that I have not said nor has anyone said, ''There is no way we are going to impose any taxes on the wealthy people in this country.'' They are paying a lot of taxes.

Finally, we extended this tax cut holiday for 1 year a year ago in December. We did that as part of an overall budget deal. The Vice President of the United States, the leaders of the House and Senate negotiated this and the President went along with it. It was part of an overall agreement in which we said we will extend all of the existing tax rates, the so-called Bush tax cuts, that is, the rates that have been in effect since 2001 and 2003. We said we would extend this temporary tax holiday from the payroll tax cut. We would extend all of those. I supported that.

Frankly, that was the right thing to do, to extend all of these existing rates. The country at that point could not have stood an increase in taxes of over $4 trillion, which is what it would have been not to extend the so-called Bush tax cuts. If we can do that again, I am all for it. I will support the extension of the payroll tax holiday. I will support the extension of the payroll tax holiday with other things being done as well. The point is there are times when it absolutely does not make any sense and there are times when it could make sense.

But because of the four other reasons I pointed out, this is what pays for Social Security benefits, it is bad economic policy, it is bad tax policy, and certainly the surtax that would fund this is something that would very much hurt small businesses and job creation. Those are reasons to be very skeptical about continuing this supposedly temporary tax holiday, and we should therefore only do it under circumstances that, in effect, override these objections, one of which would be to extend all of the taxes that expire at the end of next year—at the end of 2012, and to include this in them. That would be a good idea. It is also a good idea to ''pay for'' it; that is, to find an offset for the revenue loss here because we cannot leave Social Security holding the bag. When we borrow 40 cents of every dollar in general revenue to pay for this lost revenue, obviously, that is not a good idea. So if we can find offsets for it, that is another factor in deciding whether to do it. I believe Republicans will work to find offsets if we, in fact, are going to extend this payroll tax holiday.

Clearly, you don't necessarily need to find offsets to pay for any tax or every tax reduction. We are keeping current rates where they are, for example, when they otherwise would expire at the end of next year. Some people say: Well, that is the Bush tax cuts. That is right. Did revenues to the Treasury go down when the Bush tax rates were reduced in 2001 and 2003? No. Tax revenues—the amount of money coming into the Treasury of the United States—actually increased after the so-called Bush tax cuts. So sometimes, for economic growth reasons, keeping taxes where they are or even reducing them in some cases makes a lot of sense. In this case, however, because you are having to take it out of the Social Security trust fund, you need to replenish that money, you need to pay for it, and that is why we need to have the offsets I spoke of.

The bottom line is the payroll tax cut holiday can be a little confusing. There are some very important reasons not to do this again. It doesn't produce a good result and it can produce some bad results. If there are offsetting policies that more than overcome these bad features, then it is something I think a lot of Republicans will look to. As I said a year ago, I was willing to support the extension of it because we extended the other tax rates as well. If we do that again, obviously, it is something I would be supportive of.

I hope this helps to clarify the debate when we deal with this subject later on this week and perhaps even in the final week—that we at least hope is the final week we are here—before Christmas.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF EDGARDO RAMOS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF ANDREW L. CARTER, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF JAMES RODNEY GILSTRAP TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS

NOMINATION OF DANA L. CHRISTENSEN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York; Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York; James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas; and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Today the Senate will finally consider nominations to fill four vacancies on Federal district courts, all of which were reported by the Judiciary Committee unanimously in September and early October. All four nominees Edgardo Ramos and Andrew Carter, nominated to the Southern District of New York, James Rodney Gilstrap, nominated to fill a judicial emergency vacancy in the Eastern District of Texas, and Dana Christensen, nominated to the District of Montana are superbly qualified nominees with the strong support of their home state Senators. It should not have taken three months or more for the Senate to vote on their nominations.

I thank the Majority Leader for securing a vote on these nominations, but I am disappointed that the Senate Republican leadership would not agree to a vote on the nomination of Jesse Furman to fill a third vacancy on the Southern District of New York. Like Edgardo Ramos, Andrew Carter and James Gilstrap, his nomination was reported by the Judiciary Committee on September 15 without opposition from a single member of the Committee, Democratic or Republican. Mr. Furman, an experienced Federal prosecutor who served as Counselor to Attorney General Michael Mukasey for two years during the Bush Administration, is a nominee with an impressive background and bipartisan support. There is no reason or explanation for why the Senate could not also consider his nomination today.

There is also no reason or explanation why Republican leadership will not consent to consider the other 20 judicial nominations waiting for final Senate action, all but four of which were reported by the Committee without any opposition, all but two of them with significant bipartisan support. Senator GRASSLEY and I have worked together to ensure that each of the 25 nominations now on the Senate Calendar was fully considered by the Judiciary Committee after a thorough, fair process, including completing our extensive questionnaire and questioning at a hearing. Before each of these nominees was selected by the President, the White House worked with the nominees' home state Senators who support them, the FBI completed an extensive background review, and each nominee was peer reviewed by the American Bar Association's Standing Committee on the Federal Judiciary. When the nominations have been favorably reported by the Judiciary Committee after this extensive and thorough process, there is no reason for months and months of further delay before they can start serving the American people.

It is now December 5, with only weeks left in the Senate's 2011 session. I am concerned that we are not able to move more quickly at a time when we continue to hear from chief judges around the country about the overburdened courts in their districts and circuits. We need to consider at least eight judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership.

We should not repeat the mistakes of last year, when the Senate Republican leadership refused to consent to consider 19 judicial nominations reported by the Judiciary Committee, an exercise in unnecessary delay I believe to be without precedent with respect to such consensus nominees. It took us until June of this year, halfway into 2011, to consider and confirm 17 of these nominations that could and should have been considered before the end of 2010. Before we adjourn this year, there is certainly no reason the Senate cannot at least consider the 17 judicial nominations reported unanimously by the Committee this session, who are by any measure consensus nominees.

I hope that we do not see a repeat of the damaging decision by Senate Republican leadership at the end of last year to refuse to agree to votes on those nominations. That decision stood in stark contrast to the practice followed by the Democratic majority in the Senate during President Bush's first two years. Last year, Senate Republicans refused to use the same standards for considering President Obama's judicial nominees as we did when the Senate gave up or down votes to all 100 of President Bush's judicial nominations reported by the Committee in his first two years. All 100 were confirmed before the end of the 107th Congress, including two controversial circuit court nominations reported and then confirmed during the lame duck session in 2002. The Senate last year should not have been forced to adjourn with 19 judicial nominations still on the Senate calendar.

With vacancies continuing at harmfully high levels, we cannot afford to repeat these unnecessary and damaging delays. There is no reason we cannot make significant progress this month and consider all of the consensus nominations now pending on the Senate calendar. That is what we did at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar. That is also what we did at the end of President George W. Bush's third year, when seven of the nine judicial nominations left on the calendar by the Senate's Republican majority were among President Bush's most extreme ideological picks and had previously been debated extensively by the Senate. The standard has been that noncontroversial judicial nominees reported by the Judiciary Committee get Senate action before the end of the year. That is the standard we should follow this year.

We remain well behind the pace set by the Senate during President Bush's first term. By the end of his first term, the Senate had confirmed 205 district and circuit nominees, and had already confirmed 167 by this point in his third year. So far, the Senate has confirmed only 119 of President Obama's district and circuit nominees. Senate action before adjournment on all 25 judicial nominations that are before the Senate today would go a long way to help resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

The 100 circuit and district court nominations we confirmed in President Bush's first two years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 the Senate was allowed to confirm in President Obama's first two years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real progress, in 2003 we

proceeded to confirm more judicial nominations than there were vacancies at the start of that year, and reduced vacancies even further, down to 5 percent, half of where they stand today.

Chief Justice Roberts, the Attorney General and the White House counsel have all spoken about the serious problems created by persistent judicial vacancies. More than half of all Americans over 167 million live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 23 states are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies before we adjourn for the year and not unnecessarily delay their consideration until next spring.

The four nominees we consider today will all be confirmed, I expect, with significant bipartisan support. Edgardo Ramos is nominated to fill a vacancy on the District Court for the Southern District of New York. Since 2002, Mr. Ramos has been in private practice after serving for ten years as an Assistant U.S. Attorney in the Eastern District of New York, where he was promoted to Deputy Chief of the Narcotics Section. The ABA's Standing Committee on the Federal Judiciary unanimously rated him ''well qualified'' to serve, its highest possible rating. The nomination of Mr. Ramos has the strong support of both his home state Senators, Senator SCHUMER and Senator GILLIBRAND, and was reported by the Judiciary Committee by voice vote with no dissent on September 15.

The nomination of Judge Andrew Carter to fill a vacancy on the District Court for the Southern District of New York also has the strong support of the New York Senators and was also reported unanimously by voice vote on September 15. Since 2009, Judge Carter has been a Magistrate Judge for the Eastern District of New York. Prior to joining the bench, Judge Carter served for 13 years as a public defender in New York state and Federal and spent two years at the Ford Foundation as a Program Assistant in its Rights and Social Justice Program.

James Rodney Gilstrap is nominated to fill a vacancy on the District Court for the Eastern District of Texas determined by the Administrative Office of the U.S. Courts to be a judicial emergency vacancy. His nomination has the support of both his Republican home state Senators, Senator CORNYN and Senator HUTCHISON. For 27 years Mr. Gilstrap has been a partner at the law firm of Smith & Gilstrap in Marshall, Texas. He has also served as a part-time County Judge for Harrison County, Texas. His nomination was reported unanimously by the Judiciary Committee by voice vote on September 15.

Dana Christensen is nominated to fill a vacancy on the District Court for the District of Montana. Mr. Christensen has spent his 34-year legal career in private practice and is currently the president of the law firm of Christensen, Moore, Cockrell, Cummings & Axelberg, P.C. in Kalispell, Montana. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Christensen ''well qualified'' to serve, its highest possible rating. His nomination has the support of both his home state Senators, Senator BAUCUS and Senator TESTER, and was reported by the Judiciary Committee by voice vote with no dissent on October 6.

I hope the Senate can build on today's progress to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

NOMINATION OF CAITLIN HALLIGAN

Tomorrow the Senate should be holding an up-or-down vote on the long-delayed nomination of Caitlin Halligan to fill one of three vacancies on the Court of Appeals for the D.C. Circuit. Instead, for the seventh time since President Obama took office 34 months ago, we are required to overcome a Republican filibuster for the Senate to consider one of President Obama's superbly qualified judicial nominees.

Ms. Halligan, President Obama's first nominee to the important D.C. Circuit, is the former Solicitor General for the State of New York. With an impressive record in private practice and public service, she is widely respected for the quality of her work as an advocate. Indeed, Ms. Halligan's nomination was greeted with bipartisan support and has since garnered endorsements from law enforcement officials and organizations, women's organizations, law school deans and professors, judges and preeminent lawyers from across the political spectrum. The Judiciary Committee favorably reported Ms. Halligan's nomination nearly nine months ago.

By any traditional standard, she is the kind of superbly qualified nominee who should easily have been confirmed by the Senate months ago with the support of both Republicans and Democrats. I am disappointed that yet again instead of seeing bipartisan cooperation we are required to seek cloture.

From the beginning of the Obama administration, we have seen some Senate Republicans shift significantly away from the standards they used to apply to the judicial nominations of a Republican President. During the administration of the last President, a Republican, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the ''nuclear option'' in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominations. Senator MCCONNELL, then the Republican whip, said: ''Any President's judicial nominees should receive careful consideration. But after that debate, they deserve a simple up-or-down vote. . . . It's time to move away from advise and obstruct and get back to advise and consent. The stakes are high. . . . The Constitution of the United States is at stake.''

Many Republican Senators declared that they would never support the filibuster of a judicial nomination—never. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana.

David Hamilton was a widely respected 15-year veteran of the Federal bench. President Obama nominated Judge Hamilton in March 2009, after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who strongly supported the nomination. Rather than welcome the nomination as an attempt by President Obama to step away from the ideological battles of the past, some Senate Republicans ignored Senator LUGAR's support, caricatured Judge Hamilton's record and filibustered his nomination. After the Senate rejected that filibuster, Judge Hamilton was confirmed.

The partisan delays and opposition to President Obama's judicial nominations have continued since. Senate Republicans have required cloture motions to be filed on judicial nominations that ultimately won unanimous support from the Senate. Earlier this year they filibustered the nomination of Professor Goodwin Liu of California, who was supported by both his home state Senators to fill a judicial emergency vacancy on the Ninth Circuit. That successful filibuster of a brilliant lawyer and a good man prevented the Senate from having an up-or-down vote on his nomination and prevented an outstanding nominee from serving the American people on the Federal bench. They attempted to justify that filibuster on ideological grounds. There is no such justification here, in connection with the nomination of Caitlin Halligan who is a mainstream lawyer and public servant from New York. Senate Republican leadership took the virtually unprecedented step this year of requiring cloture to be filed on a district court nomination. That effort to ratchet up the judge wars was rejected when 11 Republican Senators joined to ensure an up-or-down vote on the nomination of Jack McConnell to the District of Rhode Island.

With their latest filibuster, the Senate Republican leadership seeks to set yet another new standard, one that threatens to make confirmation of any nominee to the D.C. Circuit virtually impossible for the future. Caitlin Halligan is well-qualified nominee with a mainstream record as a brilliant advocate on behalf of the State of New York and in private practice. I have reviewed her record carefully in the course the Judiciary Committee's thorough process, including her response to our extensive questionnaire and her answers to questions at her hearing and

in writing following the hearing. In my view, there is no legitimate reason or justification for filibustering her nomination.

Caitlin Halligan is the kind of nominee who has demonstrated not only legal talent but also a dedication to the rule of law throughout her career. We should encourage nominees with the qualities of Ms. Halligan to engage in public service and we should welcome them on the Federal bench, not denigrate them. Concocted controversies and a blatant misreading of Ms. Halligan's record as an advocate are no reason to obstruct this outstanding nomination.

We must reject these misguided arguments. This filibuster against this qualified woman will set a standard that could not be met by judicial nominees of Presidents of either party. I trust that, as with the nomination of Jack McConnell, sensible Republican Senators will, again, join in preventing such an outcome. It is time to edge away from this dangerous precipice.

When Democratic Senators cooperated to confirm John Roberts to the D.C. Circuit in 2003, it broke the stalemate created by the Republicans refusal for years to even consider President Clinton's nominees to that Court. Like John Roberts, Caitlin Halligan is a highly regarded appellate advocate with the kind of impeccable credentials in both public service and private practice that make her unquestionably qualified to serve on the D.C. Circuit. She should be confirmed, not unjustifiably filibustered.

Ms. Halligan served for nearly six years as Solicitor General of New York and has been a leading appellate lawyer in private practice. She is currently General Counsel at the New York County District Attorney's Office, an office that investigates and prosecutes 100,000 criminal cases annually in Manhattan. Ms. Halligan has served as counsel of record in nearly 50 matters before the U.S. Supreme Court, arguing five cases before that court and many cases before Federal and state appellate courts. Just as John Roberts had served in government and clerked for the Supreme Court, she clerked for Supreme Court Justice Stephen Breyer. She also clerked for Judge Patricia Wald on the D.C. Circuit, the court to which she has been nominated. The American Bar Association's Standing Committee on the Federal Judiciary, which Republican Senators often cite, unanimously rated Ms. Halligan ''Well-Qualified'' to serve on the D.C. Circuit. That is the highest rating that can be received from its non-partisan peer review.

The letters of support we have received for Ms. Halligan's nomination from a broad range of people and organizations is a testament both to her exceptional qualifications to serve and to the fact that this should be a consensus nomination, not a source of controversy and contention.

Twenty-one prominent appellate advocates from across the political spectrum who have worked with Caitlin Halligan, including Miguel Estrada and Carter Phillips, endorsed her nomination, writing:

> ''We believe that Caitlin is an outstanding selection for the D.C. Circuit. She is a first-rate lawyer and advocate. She is well respected and highly regarded as a leader of the profession. Caitlin has an ideal judicial temperament. She brings reason, insight and judgment to all matters. Even those of us who have been on the opposite sides of Caitlin in litigation have been greatly impressed with her ability and character. We have no doubt she would serve with distinction and fairness.''

When Ms. Halligan was nominated, Carter Philips, a preeminent Supreme Court advocate who served as Assistant to the Solicitor General during the Reagan administration, described her as ''one of those extremely smart, thoughtful, measured and effective advocates'' and concluded that she ''will be a first-rate judge.'' Judge Albert Rosenblatt, who was appointed to serve on New York's highest court by former Republican Governor George Pataki, wrote in praise of Ms. Halligan's work as New York's Solicitor General, concluding that ''her sense of fairness and balance is among the best—if not the best—that I have ever seen in my 34 years as a judge and a prosecutor.'' This is not a nomination that should be filibustered. To do so will set a destructive standard that no one will be able to meet. If someone of Caitlin Halligan's outstanding credentials, character and experience cannot be confirmed, no one can be.

The nomination of Ms. Halligan has likewise received significant support from law enforcement officials and organizations. The National District Attorneys Association has called Caitlin Halligan's background ''impressive,'' stating that she ''would be an outstanding addition'' to the D.C. Circuit. District Attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, Jr., William Fitzpatrick, James Reams and Scott Burns, support her nomination, as do the New York Association of Chiefs of Police and the New York State Sheriff's Association. New York City Police Commissioner Raymond Kelly has said that Ms. Halligan has the ''three qualities important for a nominee: intelligence, a judicial temperament, and personal integrity.'' Legendary New York County District Attorney Robert Morgenthau, endorsing her nomination in the ''strongest of terms,'' described Ms. Halligan as ''qualified in terms of intellect, ability and temperament.'' This is not someone to be filibustered and blocked from serving as a Federal judge.

More than 20 former United States Supreme Court clerks, including clerks who worked for conservative Justices such as former Chief Justice Rehnquist, Justice Scalia and Justice Kennedy, wrote that they ''retain a distinct appreciation of Caitlin's sharp intelligence and her ability to cooperate with others in resolving difficult legal problems.'' They concluded their letter of support by praising her ''reasonableness and collegiality,'' and calling her a ''fair-minded colleague who was a pleasure to work with in a sophisticated and demanding legal setting.'' This is not a closed minded ideologue. Caitlin Halligan is an outstanding lawyer who will be an outstanding judge.

Ms. Halligan's nomination has received support from numerous women's law enforcement, business, and legal organizations, including the New York Women in Law Enforcement, the National Center for Women and Policing, the National Conference of Women's Bar Associations, and the Women's Bar Association of the District of Columbia. The U.S. Women's Chamber of Commerce asked the Senate to confirm Ms. Halligan, describing her as ''exceptionally well-qualified'' with ''outstanding legal credentials and legal experience that is both broad and deep.'' The National Conference of Women's Bar Associations, which supports Ms. Halligan because her ''broad experience, public service and intellect make her well suited to the federal appellate bench,'' also notes that ''her appointment would add much needed diversity to the federal court, where only three women are among the active judges on the DC Circuit.'' More than 100 women who are deans and professors at top law schools throughout the country strongly support the nomination because ''Ms. Halligan has won accolades for her judgment, legal acumen, and expertise in appellate litigation,'' and because her ''legal credentials, experience and accomplishments make her exceptionally well-qualified to serve'' on the D.C. Circuit. They also echo the need for bringing gender diversity to this critical court, noting that, ''women have been historically underrepresented on this court, as only five of the fifty-seven judges to serve there have been women.'' This outstanding nominee is a leader and role model whose career should not be short-circuited by petty partisanship.

I ask unanimous consent that some of these letters of support be printed in the RECORD at the conclusion of my remarks.

EXHIBIT 1

MARCH 4, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: We write in enthusiastic support of the nomination of Caitlin Halligan to be a judge on the United States Court of Appeals for the District of Columbia Circuit. We are lawyers who have worked with Caitlin in various capacities. We believe that Caitlin is an outstanding selection for the D.C. Circuit. She is a first-rate lawyer and advocate. She is well respected and highly regarded as a leader of the profession. Caitlin also has an ideal judicial temperament. She brings reason, insight and judgment to all matters. Even those of us who have been on opposite

sides of Caitlin in litigation have been greatly impressed with her ability and character. We have no doubt that she would serve with distinction and fairness.

Sincerely yours,

Clifford M. Sloan, Skadden, Arps, Slate, Meagher & Flom LLP; Sri Srinivasan, O'Melveny & Myers LLP; Miguel A. Estrada, Gibson, Dunn & Crutcher LLP; Carter G. Phillips, Sidley Austin LLP; Seth P. Waxman, WilmerHale; Walter Dellinger, O'Melveny & Myers LLP; David C. Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.; Andrew J. Levander, Dechert LLP; Richard J. Davis, Weil, Gotshal & Manges LLP; Michele Hirshman, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Dietrich L. Snell, Proskauer Rose LLP; Paul M. Smith. Jenner & Block LLP; Patricia Ann Millett, Akin Gump Strauss Hauer & Feld LLP; Kathleen M. Sullivan, Quinn Emanuel Urquhart & Sullivan, LLP, Stanford Law School; Thomas W. Brunner, Wiley Rein LLP; Meir Feder, Jones Day; Evan M. Tager, Mayer Brown LLP; Philip K. Howard, Covington & Burling LLP; Ira M. Millstein, Weil, Gotshal & Manges LLP; Roy L. Reardon, Simpson Thacher & Bartlett LLP; Michael H. Gottesman, Georgetown University Law Center.

MCCABE & MACK LLP,
ATTORNEYS AT LAW,
Poughkeepsie, NY, December 1, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I am a retired member of New York's highest court, the Court of Appeals, a position to which I was appointed by Governor George Pataki. Caitlin Halligan appeared frequently before me on behalf of the State of New York in her capacity as Solicitor General. The quality of her work was exemplary and serves as a model of how to deal with important issues. Her sense of fairness and balance is among the best—if not the best—that I have ever seen in my 34 years as a judge and as a prosecutor before that. In her appearances before our court, there is no one who commanded more respect and who had greater credibility. If I had to choose a candidate to serve on a federal appeals court I can think of no one better. I emphasize: No one. I urge the Senate to act expeditiously to confirm her to this position.

Most respectfully I hope the Senate sees fit to act expeditiously to confirm her for service on the U.S. Court of Appeals for the District of Columbia Circuit.

Please feel free to contact me, if you wish, by phone or email. I recall fondly, Senator Leahy, that we met many years ago at a convention when I was an assistant DA in New York and you were a prosecutor in Vermont.

Very truly yours,

ALBERT M. ROSENBLATT.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, June 2, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Committee on the Judiciary, Dirksen Senate Office Building Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National District Attorneys Association, the oldest and largest organization representing over 39,000 of America's state and local prosecutors, we would like to offer our full support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia.

Ms. Halligan has an impressive background which developed her into an extremely impressive and qualified candidate to serve as an U.S. Circuit Judge. Ms. Halligan currently serves as General Counsel of the New York County District Attorney's Office, where she helps to supervise more than 500 lawyers handling a wide range of criminal investigations and prosecutions. Prior to joining the District Attorney's Office in 2010, Ms. Halligan was a partner and head of the appellate practice at Weil, Gotshal & Manges, LLP, a leading New York law firm. From October 2001 until January 2007, Ms. Halligan served as the Solicitor General of New York State, where she represented the State in the federal and state appellate courts and headed an office of 45 appellate attorneys.

The National District Attorneys Association believes that Ms. Halligan would be an outstanding addition to the United States Circuit Court for the District of Columbia. We are happy to offer our full support for Ms. Halligan's nomination and encourage her swift confirmation by the Senate.

Sincerely,

JAMES REAMS,
President.
SCOTT BURNS,
Executive Director.

THE POLICE COMMISSIONER,
New York, NY, May 26, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I am writing in support of the nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia. I am familiar with the work of Ms. Halligan in her capacity as Counsel to the New York County District Attorney.

Ms. Halligan possesses the three qualities most important for a nominee: intelligence, a judicial temperament, and personal integrity. Ms. Halligan is without question an attorney with a keen legal intellect. Indeed, the rapid successes of her career since graduating from law school in 1995 provide ample evidence of her intelligence and abilities. With regard to her temperament, the interactions between Ms. Halligan and my staff consistently demonstrate an even-handed disposition in navigating potential conflicts between police and prosecutors in New York City. Lastly, Ms. Halligan's personal integrity is simply without question.

In sum, Ms. Halligan possesses all the qualities required for a successful federal appellate judge, and I highly recommend her for such a position.

Sincerely,

RAYMOND W. KELLY,
Police Commissioner.

WACHTELL, LIPTON, ROSEN & KATZ,
New York, NY, March 23, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: I write this letter in support of the nomination of Caitlin Halligan to the United States Court of Appeals for the District of Columbia Circuit. I have known Caitlin personally a short time, but her reputation for even-handedness and excellence as an attorney are well-known in New York's legal community.

I will not belabor her exemplary record as an attorney: Georgeton Law Review, clerk to Justice Patricia Wald of the D.C: Circuit, to Justice Stephen Breyer of the United States :Supreme Court, adjunct faculty member of Columbia University Law School and Georgetown University Law Center, Solicitor General of the State of New York, Partner and Head of Appellate Practice Group at the firm Weil, Gotshal & Manges LLP, and most recently, General Counsel to the District Attorney of New York County. Certainly this is a resume and career that is grounded solidly in the law, and I submit that her legal qualifications are beyond question.

More recently, I have worked with Caitlin in her capacity as General Counsel to my former office. Ske is well-known and well-regarded as a lawyer's lawyer. She follows the law and holds herself to the highest ethical standards. She is as intellectually honest as she is tough—she does not take short cuts and she does not pull her punches; both necessary attributes for her to be effective in her current position.

At the Manhattan District Attorney's Office, she handles some of the toughest issues that a lawyer has to address; issues that go to the core of law enforcement authority; issues that involve claims of wrongful conviction and the use of prosecutorial discretion. I can speak from experience to tell you that these are weighty issues that can keep any lawyer awake at night. A District Attorney needs counsel who is tough but fair, and counsel who can advise the district attorney on these weighty issues not from a gut feeling or personal agenda, but based solely on the law and the facts. She meets these high standards. I cannot stress enough the difficulties of the issues that Ms. Halligan has to address every day. And, based on both my personal observation and accounts I hear from my former colleagues at the D.A.'s Office—Caitlin handles these pressures with grace and poise, and is a tough proponent of the core mission of the Manhattan D.A.'s Office—to keep the citizenry safe, to enforce the law without fear or favor, and to hold accountable those who break the law. She brings solid law enforcement perspective to her work, and upholds the highest standards of my former office.

In sum, Caitlin Halligan is qualified in terms of intellect, ability and temperament, and I endorse her in the strongest of terms.

Sincerely,

ROBERT M. MORGENTHAU.

FEBRUARY 28, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. CHUCK GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write as former clerkship colleagues of Caitlin Halligan in support of her nomination for a seat on the U.S. Court of Appeals for the District of Columbia Circuit. All of us worked alongside Caitlin as law clerks at the U.S. Supreme Court during the 1997–98 Term. Our shared experience left us with an indelible impression of Caitlin's brilliant legal mind, her collegiality and fair-mindedness, and her abiding respect for the rule of law. Even now, almost a decade and a half later, as we have moved on to disparate careers in the government, private sector, and the legal academy, we retain a distinct appreciation of Caitlin's sharp intelligence and her ability to cooperate with others in resolving difficult legal problems.

As you well know, the work of the Supreme Court is intense and eclectic, encompassing a vast array of intricate legal matters, a host of overlapping deadlines, and a variety of formal and informal procedures for internal deliberation and discussion among the Justices and their clerks. Our work on the difficult cases the Court decided during the 1997–98 Term generated among our group an unending discussion of legal issues, both in connection with our specific law clerk tasks and in more freewheeling conversations in the clerks' dining room and related settings. In this milieu Caitlin stood out for her ability to meaningfully discuss and explicate tough legal questions with an open mind and a willingness to consider multiple perspectives on the law. Throughout the year, Caitlin displayed a keen ability to listen to and accommodate the views of others, all the while simultaneously expressing and justifying her own view of the law. Although the Court during the 1997 Term issued an unusually high proportion of unanimous decisions, Caitlin's demeanor as a law clerk exuded reasonableness and collegiality even in those areas where we law clerks—and the Justices for whom we worked—disagreed.

In sum, we hold Caitlin Halligan in high regard as a talented and fair-minded colleague who was a pleasure to work with in a sophisticated and demanding legal setting. We have no doubt that if she is confirmed by the Senate, her colleagues on the federal bench will soon arrive at a similar conclusion, and we appreciate your attention to her nomination.

Respectfully submitted,

Samuel R. Bagenstos, Professor of Law, University of Michigan Law School, Ann Arbor, MI; J. Scott Ballenger, Partner, Latham & Watkins LLP, Washington, DC; Rachel E. Barkow, Professor of Law, New York University School of Law, New York, NY; Paul Schiff Berman, Dean and Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University, Phoenix, AZ;

Stephanos Bibas, Professor of Law and Criminology, Director, Supreme Court Clinic, University of Pennsylvania Law School, Philadelphia, PA; Elizabeth Cavanagh, Adjunct Professor, American University Washington College of Law, Washington, DC; Thomas Colby, Professor of Law, George Washington University Law School, Washington, DC; Laura A. Dickinson, Foundation Professor of Law, Faculty Director, Center for Law and Global Affairs, Sandra Day O'Connor College of Law, Arizona State University, Phoenix, AZ; David Friedman, Senior Vice President/Special Counsel, Boston Red Sox, Boston, MA; Lisa Kern Griffin, Professor of Law, Duke University School of Law, Durham, NC; Deborah Hamilton, Trial Attorney, Equal Employment Opportunity Commission, Chicago, IL; Rachel A. Harmon, Associate Professor, University of Virginia School of Law, Charlottesville, VA; Sarah O. Jorgensen, King & Spalding, Atlanta, GA; John P. Kelsh, Partner, Sidley & Austin LLP, Chicago, IL; Jeremy Maltby, Partner, O'Melveny & Myers LLP, Washington, DC;

Christopher Meade, Washington, DC; Gillian E. Metzger, Professor of Law, Columbia Law School, New York, NY; Charles Moore, Partner, Trilantic Capital Partners, New York, NY; John B. Owens, Assistant United States Attorney, Chief, Criminal Division, Southern District of California, San Diego, CA; Mary-Rose Papandrea, Associate Professor, Boston College Law School, Boston, MA; Theodore W. Ruger, Professor of Law, University of Pennsylvania Law School, Philadelphia, PA; Sri Srinivasan, Partner, O'Melveny & Myers LLP, Washington, DC; Silvija A. Strikis, Partner, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC Washington, DC; Harry P. Susman, Partner, Susman Godfrey LLP, Houston, TX; Christopher S. Yoo, Professor of Law, Director, Center for Technology, Innovation and Competition, University of Pennsylvania Law School, Philadelphia, PA.

U.S. WOMEN'S CHAMBER OF COMMERCE,
Washington, DC, June 28, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. CHUCK GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the U.S. Women's Chamber of Commerce, I write in enthusiastic support of the nomination of Caitlin Halligan to be a judge on the United States Court of Appeals for the District of Columbia Circuit. Ms. Halligan is exceptionally well-qualified, and would be an excellent addition to that court. She would not only bring extraordinary legal talents but also increase the gender diversity of that court, increasing the representation of women on what has been called the second-highest court in the land.

Her résumé speaks for itself. Ms. Halligan has outstanding legal credentials and legal experience that is both broad and deep. Over the course of her career, she has developed significant expertise in appellate litigation, including before the U.S. Supreme Court. She has also generously contributed of her own time to pro bono service.

We ask that the Senate vote to confirm Caitlin Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Sincerely,

MARGOT DORFMAN,
CEO.

NATIONAL CONFERENCE OF WOMEN'S BAR ASSOCIATIONS,
Portland, OR, June 23, 2011.

Re Nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Hon. PATRICK J. LEAHY, *Chair,*
Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES GRASSLEY, *Ranking Member,*
Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National Conference of Women's Bar Associations, we write to express our enthusiastic support for the nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Halligan's broad experience, public service and intellect make her well suited to the federal appellate bench, and her appointment would add much needed diversity to the federal court, where currently only three women are among the active judges on the DC Circuit.

We join with many other organizations such as the National District Attorneys Association, the New York Women in Law Enforcement and the Women's Bar Association of the District of Columbia in urging the speedy confirmation of this outstanding nominee.

Very truly yours,

MARY E. SHARP,
President.

NOVEMBER 15, 2011.

Re Nomination of Caitlin J. Halligan to United States Court of Appeals for the District of Columbia Circuit.

Hon. HARRY REID,
Hart Senate Office Building, Washington, DC.
Hon. MITCH MCCONNELL,
Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: We, the undersigned law school deans and professors, write in strong support of the nomination of Caitlin Halligan to the United States Court of Appeals for the District of Columbia Circuit. Ms. Halligan's legal credentials, experience, and accomplishments make her exceptionally well-qualified to serve on this court. We also note that women have been historically underrepresented on this court, as only five of the fifty-seven judges to serve there have been women, and only three of the court's eight active judges are women.

Ms. Halligan graduated from Georgetown University Law Center with honors, including Order of the Coif. She clerked for Judge Patricia M. Wald on the D.C. Circuit Court, and for Justice Stephen G. Breyer on the U.S. Supreme Court. Ms. Halligan's career includes public service, private practice, and legal education. She worked for the Attorney General of the State of New York, including as Solicitor General of the State of New York, and currently serves as General Counsel to the New York County District Attorney's office. She was a partner and head of the appellate practice at Weil, Gotshal and Manges, LLP. In addition, she has taught as an adjunct professor at Georgetown University Law Center and Columbia Law School. In all of these capacities, Ms. Halligan has won accolades for her judgment, legal acumen, and expertise in appellate litigation, which includes five arguments before the Supreme Court. Throughout her career, she has also contributed significant pro bono services.

Ms. Halligan received a unanimous ''Well-Qualified'' rating from the ABA Standing Committee on the Federal Judiciary. She

has been endorsed by numerous organizations, including the District Attorneys Association of the State of New York, the National District Attorneys Association, the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the New York Women in Law Enforcement, the Women's Bar Association of the District of Columbia, the National Conference of Women's Bar Associations, the U.S. Women's Chamber of Commerce, and the National Center for Women & Policing.

We likewise offer our strong support of Ms. Halligan, and urge you to support her nomination to the United States Court of Appeals for the District of Columbia Circuit. If you have questions or if we can be of assistance, please contact Columbia Law School Professor Gillian Metzger at (212) 854–2667 or at gillian.metzger@law.columbia.edu.

Sincerely,

(Signed by 107 women law professors).

Mr. LEAHY. I fear that what is behind this misguided filibuster attempt is a continuation of a decades-long attempt by some Senate Republicans to play politics with the Federal court and, in particular, to engage in a rear guard action to preserve the D.C. Circuit as a Republican bastion, despite the fact that the American people elected a Democratic President. A recent Washington Post editorial urging the Senate to confirm Ms. Halligan's confirmation, suggested as much, stating: ''GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill.'' Yet again, we see some Senate Republicans shifting the standards they use and the arguments they make based on the party of the President making the nominations. They say one thing when President Clinton is in office, flip when the President is a Republican, and flop when the American people elect President Obama.

When President Clinton nominated qualified moderates to vacancies on the D.C. Circuit, Republicans refused to proceed. The last of three Clinton nominees to the D.C. Circuit was confirmed in 1997, after being nominated in 1995 and stalled through the 1996 session when not a single circuit nominee was confirmed by the Senate Republican majority. When Senate Republicans stalled the nomination of Merrick Garland to the D.C. Circuit beyond the 1996 election, even Senator HATCH became frustrated, and in March 1997 he proclaimed that the way that Republicans were opposing judicial nominees was ''playing politics with judges,'' was ''unfair'' and that he was ''sick of it.'' He was right. Merrick Garland, like Caitlin Halligan, was superbly qualified, and was only being obstructed for partisan political gain.

But once the blockade against Judge Garland was broken by President Clinton's reelection, Senate Republicans erected an impenetrable wall around the D.C. Circuit. Neither of President Clinton's two other nominees were allowed a Senate vote, or even Judiciary Committee consideration. That escalation in the judge wars was untoward, it was wrong. It hurt the court and was unfair to both Allen Snyder and Elena Kagan, President Clinton's outstanding nominees. Allen Snyder had served as a clerk to Justice Rehnquist and was an experienced and respected litigator. Elena Kagan went on to become Dean of the Harvard Law School and win confirmation to the United States Supreme Court. These were unquestionably qualified nominees. The fact is that for the rest of President Clinton's second term, virtually his entire second four years, given that Judge Garland had actually first been nominated in his first term, Senate Republicans would not consider another nominee to the D.C. Circuit. They just blocked and pocket filibustered outstanding nominees because they could.

Republican Senators pretended to justify their refusal to proceed on President Clinton's D.C. Circuit nominees not by arguing against the nominees, but by arguing that the caseload of the D.C. Circuit did not justify the confirmation of any more judges. They were contending that the 11th and 12th judgeships on the D.C. Circuit should not be filled. They argued that 10 judges were enough.

But what happened when George W. Bush became President? Republican Senators set aside those arguments when considering the nominations of a Republican President to the same court even as the caseload numbers went down, Senate Republicans abandoned their hollow caseload arguments to press for confirmation of multiple Bush nominees to the D.C. Circuit. Their actions showed that they were not really concerned with a caseload justification. Their reversal now to readopt a caseload argument is not consistency of principle, but relates to the principal who is making the nomination and appears political.

Despite the unwillingness of Senate Republicans to act on President Clinton's nominees to the D.C. Circuit for years, Senate Democrats did proceed to consider President Bush's nominations. The first confirmation, for which I voted, was of now-Chief Justice John Roberts to be a judge on the D.C. Circuit. At the time, John Roberts had been Allen Snyder's junior and his partner at Hogan and Hartson. He was the first judge confirmed to the circuit in six years.

The Senate then confirmed a series of questionable nominees to the D.C. Circuit: Janice Rogers Brown, Thomas Griffith and Brett Kavanaugh. The same Republican Senators who blocked President Clinton's nominations from even being considered by the Judiciary Committee supported every nomination of President Bush's to the D.C. Circuit, as they filled the ninth seat, twice filled the 10th seat on the court and went on to fill the 11th seat that they had said was unnecessary when a Democratic President was doing the nominating. With the change of administration, Republican Senators have now dusted off an old obstructionist argument about the D.C. Circuit's caseload, something they ignored for eight years as President Bush's nominees were confirmed to fill the 10th seat twice and also the 11th judgeship. But they have ratcheted up their partisan opposition and now oppose even filling the ninth judgeship. With three vacancies on the D.C. Circuit, that is the judgeship that Caitlin Halligan would be filling not the 11th that Senate Republicans filled just recently, or the 10th that they voted twice to fill, but the ninth. This is not a basis on which to oppose as qualified a nominee as Caitlin Halligan, who has widespread support from law enforcement and the legal community.

The so-called ''caseload'' concern is no justification for filibustering this nomination. The D.C. Circuit is now more than one-quarter vacant, with three judicial vacancies. In fact, the Senate has acted on the so-called caseload argument. We have already eliminated effective in 2008 the 12th judgeship on that court. In so doing, the Senate and the Congress reaffirmed the authorization of 11 judges needed for the important D.C. Circuit. This court is often considered the second most important court in the land because of the complex cases that it handles. The court reviews complicated decisions and rulemaking of many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. As noted in the recent Washington Post editorial: ''[Caseload numbers do] not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.''

The D.C. Circuit's cases have only increased in importance and the court's caseload has not gone down since Republican Senators supported every one of President Bush's nominations to that court. According to the Administrative Office of U.S. Courts, the caseload per active judge has increased by one third since 2005, when the Senate confirmed President Bush's nomination of Thomas Griffith to fill the 11th seat on the D.C. Circuit. That is right—the D.C. Circuit's caseload has actually increased. Judge Griffith's confirmation resulted in there being approximately 121 pending cases per active D.C. Circuit judge. There are currently 161 pending cases for each active judge on the D.C. Circuit, one-third higher. If Ms. Halligan were confirmed to the ninth seat, there would be approximately 143 pending cases for each active D.C. Circuit judge, still significantly higher than after the Senate confirmed President Bush's nominee to the 11th seat in 2005. In addition, according to the Administrative Office of the U.S. Courts, written decisions per active judge have risen 20 percent since 2007. By any objective measure the

work of the D.C. Circuit has grown and the multiple vacancies should be filled, not preserved and extended for partisan purposes.

Of course, if Republican Senators seeking to use caseload figures to justify their opposition to this nomination were serious, they would not be continuing their refusal to consent to the Senate considering the nominations of Morgan Christen of Alaska to the Ninth Circuit, and Judge Adalberto Jordan of Florida to the Eleventh Circuit, the two circuits with the highest number of cases per active judge. They would not be doing everything they can to delay filling vacancies on the Ninth Circuit, a court burdened by multiple vacancies and the largest caseload in the Nation, and we would instead take up and confirm the nomination of Jacqueline H. Nguyen who is nominated to fill the judicial emergency vacancy that remains open after the Republican filibuster of Goodwin Liu. I have repeatedly urged the Senate to take up and consider these nominations, which are supported by home state Senators, yet Republicans have refused to consider them for months. In fact, courts throughout the country are in need of more confirmed judges and more judgeships to handle high and increasingly complicated caseloads, yet we currently have 25 judicial nominations favorably reported by the Judiciary Committee awaiting final action by the Senate. Republicans concerned about caseload should join with us to consider these nominations.

The Senate should not filibuster but should be voting to confirm the nomination of Caitlin Halligan to fill a vacancy on a critical court that is one quarter vacant with only eight active judges and higher caseloads than when Republicans voted to confirm President Bush's nominees fill the ninth, 10th and 11th judgeships on this court just a couple of years ago.

Some have sought to criticize Ms. Halligan for positions she advocated on behalf of the State of New York while serving as its Solicitor General. At her confirmation hearing, Ms. Halligan made clear she filed briefs under the direction of New York's Attorney General, arguing on behalf of the State of New York, not based on her personal views. Yet some outside groups and even some Senators ignore this and seek to use those advocacy positions as a basis to filibuster her nomination.

These arguments are particularly hard to accept for anybody who understands the role of advocates in our legal system. Our legal system is an adversary one, predicated upon legal advocacy for both sides. Nominees such as Chief Justice John Roberts have said lawyers do not stand in the shoes of their clients. Since when do we impose a litmus test for nominees that they can never have been legal advocates? If we were to do that, we would have no judges. Almost every nominee who had been a practicing lawyer would be disqualified by one side or the other. This is especially hard to understand for any Senators who support the rights of states to defend their interests in courts, the duty Caitlin Halligan owed to New York as its Solicitor General.

Some have pointed to her role as New York's Solicitor General acting at the direction of New York's Attorney General in tort lawsuits against gun manufacturers as suggesting that she will not uphold the Second Amendment if confirmed as a judge. As a strong supporter of the Second Amendment, I asked her during her hearing whether as a judge she would faithfully follow and apply the Supreme Court's precedent from District of Columbia v. Heller and McDonald v. Chicago, which held that the Second Amendment protects an individual right to keep and bear arms for self defense. She testified that she would. When asked by Senator GRASSLEY whether the rights conferred under the Second Amendment are fundamental, Ms. Halligan answered: ''That is clearly what the Supreme Court held and I would follow that precedent, Senator.''

In her personal capacity, Ms. Halligan has never challenged or otherwise criticized the Protection of Lawful Commerce in Arms Act (PLCAA) or been critical of the Second Amendment. As New York State's Solicitor General, she prepared an amicus brief at the direction of the New York Attorney General in a case where New York City challenged the PLCAA, seeking to safeguard New York's police powers. The arguments made in the brief were made on behalf of New York State. In the amicus brief, New York State argued that the PLCAA should be struck down as an unconstitutional exercise of Congress's legislative power that infringed on states' rights to exercise the police power within their borders. The amicus brief did not make a single reference to the Second Amendment. Any criticism of the PLCAA in New York State's brief or in the speech she gave as a surrogate for and on behalf of New York Attorney General Spitzer reflected New York State's federalism concerns. It is hardly surprising that New York State—like many other states—advocated for a position that supported state powers.

As Solicitor General for the State of New York, Caitlin Halligan vigorously advocated for New York's interests, in particular the right to govern in traditional state law areas. For example, in the Grutter v. Bollinger affirmative action case, New York joined 20 other states in arguing that they ''must have the freedom and flexibility'' to set their own education policy. I assume that position does not raise concerns for those seeking a basis for opposing her nomination. Nor I assume did her defense as New York's Solicitor General of the constitutionality of the death penalty.

Indeed, Ms. Halligan's time as Solicitor General shows all the hallmarks of serious advocacy consistent with the interests of her ''client''. When New York municipal attorneys requested advice as to whether clerks could issue marriage licenses to same-sex couples, Ms. Halligan carefully analyzed New York's statutory law and concluded that the state legislature did not intend to authorize marriage licenses to be given to same-sex couples, even though the statutory language is gender neutral. After observing that this interpretation raised ''constitutional questions,'' she outlined the current case law and stated that it was for the courts to resolve the issue. This measured response is no basis on which to caricature her record.

Most disconcerting of all are the attacks from some on the outside suggesting that Ms. Halligan lacked candor in the answers she provided to the Judiciary Committee. I hope that we do not see any Senators repeating these baseless charges to create another false controversy. Ms. Halligan has been honest and forthcoming throughout the confirmation process, providing the Committee with her entire record and giving detailed, accurate, and clear answers to over 150 questions from Judiciary Committee members at her hearing and in written follow-up questions on a wide range of topics, such as judicial philosophy, constitutional interpretation, the Tenth Amendment, the Second Amendment, the Commerce Clause, the Eighth Amendment and the death penalty, military commissions and indefinite detention, tort liability, Federal preemption, and standing. In my view, Ms. Halligan's answers to questions from Committee members were detailed and substantive, and show an impressive depth and breadth of knowledge on complex legal issues. There is no lack of record or failure to respond as there was, unfortunately, when the Bush administration would not make information available to Senators in connection with the nomination of Miguel Estrada. There is no lack of forthrightness, as there was when Brett Kavanaugh was manipulating the confirmation process as a political crony and insider during the Bush administration.

Those concerned with a 2004 report that questioned the indefinite detention of enemy combatants issued by the Association of the Bar of the City of New York's Committee on Federal Courts at a time when she served on the Committee continue to ignore Ms. Halligan's repeated testimony that she had no role in preparing the report, that she was not aware of the report until preparing for her nomination and that report ''does not reflect [her] views.'' At no time during Ms. Halligan's hearing or in the Committee's consideration of her nomination did any Senator question Ms. Halligan's candor or thoroughness in answering questions. I hope that no Senator does so now to attempt to justify this unjustifiable filibuster.

Given Caitlin Halligan's impeccable credentials and widespread support,

this should be the kind of consensus nomination supported by Senators of both parties who seek to ensure that the Federal bench continues to attract the best and brightest. Certainly, her nomination should not be subject to a filibuster. Regrettably, however, the Senate's Republican leadership seems intent on continuing with the practices they began when President Obama first took office, engaging in narrow, partisan attacks on his judicial nominations. They seem intent on setting a new standard that could not be met by the judicial nominees of Presidents of either party.

Republican Senators who just a few years ago protested that the filibuster of any judicial nomination was unconstitutional, Republican Senators who joined in a bipartisan memorandum of understanding to head off the ''nuclear option'' and agreed that nominees should only be filibustered under ''extraordinary circumstances,'' abandoned all that they said they stood for and joined together in an attempt to prevent an up-or-down vote on President Obama's very first judicial nominee, David Hamilton. There were certainly no ''extraordinary circumstances'' to justify the Republican filibuster of Judge Hamilton, and several Republican Senators joined together with Democratic Senators in rejecting that filibuster. I trust that they will do so, again, and reject this unjustifiable filibuster of Caitlin Halligan.

By the standard utilized in 2005 to end filibusters and vote on President Bush's controversial nominees, this filibuster should be ended and the Senate should vote on the nomination. Those Senators who claim to subscribe to a standard that prohibits filibusters of judicial nominees except in ''extraordinary circumstances'' cannot support this filibuster. There are no ''extraordinary circumstances'' here. The 14 Senators who signed the Memorandum of Understanding in 2005, the then ''Gang of 14,'' wrote about their ''responsibilities under the Advice and Consent Clause of the United States Constitution'' and that fulfilling their constitutional responsibilities in good faith meant that nominations '' should only be filibustered under extraordinary circumstance.'' Here there are none.

In 2005, Senator GRAHAM, a member of the ''Gang of 14'' described his view of what comprises the ''extraordinary circumstances'' justifying a filibuster. He said: ''Ideological attacks are not an 'extraordinary circumstance.' To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.'' Caitlin Halligan has no ''character problem,'' no ''ethics problem,'' and there is no justification for this filibuster. Caitlin Halligan is a superbly qualified nominee whose personal integrity, temperament and abilities have been attested to by lawyers and judges from both sides of the aisle. The many leading lawyers who have worked with Ms. Halligan, law enforcement officials and organizations supporting her nomination have all attested to Ms. Halligan's ''temperament,'' ''fairness'' and ''balance'' in addition to her legal judgment and qualifications for the D.C. Circuit. Hollow contentions about the caseload of the quarter-vacant D.C. Circuit fall well short of any standard of ''extraordinary circumstances.''

The signers of that 2005 Memorandum of Understanding, and the Senate, demonstrated what they thought that agreement entailed when they proceeded to invoke cloture on a number of controversial nominations. The Senate invoked cloture on the nomination of Janice Rogers Brown to the D.C. Circuit, the circuit to which Caitlin Halligan has been nominated.

As a Justice on the California Supreme Court, Janice Rogers Brown was a nominee with a consistent and extensive record, both on the bench and off, of using her position as a member of the court to put her views above the law. This was not a question of one case or one issue on which Democrats differed with the nominee—I have voted for hundreds of nominees of Republican and Democratic Presidents which whom I differ on many issues. But this was a nominee with views so extreme she was opposed not just by her home state Senators, but also by more than 200 law school professors from around the Nation who wrote to the Committee expressing their opposition.

Her record in numerous decisions as a judge showed that she was willing to put her personal views above the law on issue after issue, including a willingness to roll back the clock 100 years on workers' and consumers' rights, to undermine clean air and clean water protections for Americans and their communities, laws providing affordable housing, zoning laws that protect homeowners, and protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, while serving on the California Supreme Court, Justice Brown had argued that Social Security is unconstitutional, a position clearly at odds with well established law. She went so far as to say ''today's senior citizens blithely cannibalize their grandchildren.''

Despite her ideological extremism and willingness to implement her radical personal views as a judge without regard to the existing law, she was confirmed to the D.C. Circuit, her nomination judged not to present ''extraordinary circumstances'' supporting a filibuster. There is no justification under the standard applied to the nomination of Janice Rogers Brown for a filibuster of the nomination of Caitlin Halligan, a widely respected nominee with a clear devotion to the rule of law and no record of ideological extremism.

Under the Gang of 14's Memorandum of Understanding, the Senate also agreed to invoke cloture on the nomination of Priscilla Owen to the Fifth Circuit, a nominee whose rulings on the Texas Supreme Court were so extreme they drew the condemnation of other conservative judges on that court. Alberto Gonzales, President Bush's White House counsel and later his Attorney General, went so far as to describe one of her opinions as advocating ''an unconscionable act of judicial activism.'' Her nomination was determined not to present ''extraordinary circumstances.''

Neither was the nomination of Thomas Griffith to the D.C. Circuit, despite his decision to practice law without a license for a good part of his career, which I felt should be disqualifying. Yet his nomination was not judged to present ''extraordinary circumstances'' and he was confirmed to fill the 11th seat on the D.C. Circuit. There is no question under the standard Republicans applied to the nomination of Thomas Griffith, Caitlin Halligan should be confirmed to fill the ninth judgeship on that court.

I urge Republican and Democratic Senators to come together and end this misguided filibuster of Caitlin Halligan's nomination to the D.C. Circuit. There is no basis under any standard for blocking her nomination from having an up-or-down vote. To the contrary, Caitlin Halligan's impeccable credentials and record as an accomplished advocate make her nomination worthy of bipartisan support. I look forward to ending this filibuster and voting to confirm Caitlin Halligan to the D.C. Circuit.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum but ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, Henry Clay once said:

> Of all the properties which belong to honorable men, not one is so highly priced as that of character.

It is my distinct privilege to rise today to speak on a nominee that possesses such character, Dana Christensen. The Senate will soon take up Dana's nomination for U.S. district judge for the District of Montana. To ensure the most ethical and qualified attorney was appointed as district judge, I created an advisory selection panel made up of five Montana lawyers with diverse legal backgrounds from across our State and across party lines.

I said to them: You just get me the best, the four or five best people I can choose from. I do not care if they are Republicans or Democrats or liberals or conservatives, you just get me the very best qualified.

That is what they did. From them I chose Dana Christensen, and the panel unanimously and enthusiastically recommended the nomination of Dana Christensen. I was proud to pass this recommendation on to the President.

Dana is a fourth generation Montanan, raised in Missoula, MT. He graduated from Stanford University in 1973, received his law degree from the University of Montana Law School in 1976. Dana started his legal career at the Billings, MT, law firm of Moulton, Belingham, Longo & Mather, and then moved to Kalispell in 1981 to join the law firm of Murphy, Robinson, Heckathorn & Phillips. In 1998, Dana and two of his partners formed a new firm in Kalispell, MT, which has become one of the leading firms in Montana for civil defense, business law, real estate, and estate planning. Dana has tried more than 50 trials in State and Federal courts. He has an active mediation and arbitration practice. Outside of the office, Dana has been an active member of his community: a member of the board of directors of his local chamber of commerce, a member of the University of Montana School of Law board of visitors, and a member of the faculty of the University of Montana Advanced Trial Advocacy Program.

Over the past 35 years, Dana has commanded the respect of his colleagues across the State of Montana and elsewhere. Dana has received the highest rankings from peer review organizations, Chambers USA and Super Lawyers. He is also a member of the selective American Board of Trial Advocates and the American College of Trial Lawyers.

Upon his nomination in May, Montana's legal community lent their strong support for Dana's selection. U.S. District Judge Richard Cebull, who was appointed by President George Bush in 2001, said:

> I do not think there is a better prospect in the whole State.

U.S. District Judge Sam Haddon, also appointed by President Bush, echoed his colleague. Judge Haddon said:

> He's a good lawyer, a good man, and in my opinion, ethically totally qualified. The district will be well served by him.

I have gotten to know Dana over the past several decades. I could not agree more with Judge Sebold and Judge Haddon. Dana embodies those qualities that Montana and America need on the Federal bench: intellect, extensive experience in the courtroom, commitment to public service, integrity, and respect for precedent and the rule of law.

I congratulate Dana, his wife Stephanie, and his wonderful children, Cassidy and Ben, on this extraordinary achievement. I urge my colleagues to join me in supporting his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate is expected to confirm four additional judicial nominees. With these votes, we will have confirmed 61 article III nominees this Congress.

I want to note that in the first session of the 112th Congress we have now confirmed more nominees than during the entire 111th Congress. So I think we can declare real progress. Over 72 percent of President Obama's judicial nominees have been confirmed.

Despite this record of confirmations, we continue to hear complaints about the way this President's nominees are being treated. So I point out that in only six sessions of Congress in the last 30 years have more nominees been confirmed in a single session. Furthermore, given the cooperation we have shown, I am disappointed that the Senate majority wants to turn to a controversial nomination next rather than continue on the path of cooperative confirmations.

The Senate majority leader has scheduled a cloture vote for tomorrow on the nomination of Caitlin Halligan to be U.S. Circuit Judge for the District of Columbia Circuit. I will speak more about the merits of that nomination Tuesday. But I wanted to put that vote in some context.

It seems to me that the scheduling of such a controversial vote in the closing days of a session of Congress is designed to simply heat up the partisanship of judicial nominations. Perhaps that is the objective. The result may well be that such a divisive vote might have a chilling effect on reaching agreement on additional judicial nomination votes. I hope that is not the case. But everyone knows the final weeks of a session are often filled with unpredictable actions and outcomes.

With regard to the vote tomorrow, there will be some who say this nomination has been vacant for too long and that this nominee is being treated unfairly, needlessly waiting on the calendar for too many weeks. Well, such arguments fail to consider the history of this particular seat of the DC Circuit and of the record established by my colleagues on the other side regarding the consideration of nominations for this very same DC Circuit.

This seat has been vacant for over 6 years. It became vacant upon the elevation of John Roberts as Chief Justice. That was back in September 2005. Following Justice Robert's appointment, Peter Keisler was nominated to fill the vacancy in June 2006, with a hearing held August 1, 2006.

With a Republican majority in the 109th Congress, one would wonder why he never made it out of committee. Well, it is not that he did not have the votes in committee. The fact is, the Democratic minority would not allow a vote. This was accomplished by holding him over at his first markup, which the rules permit and is a legitimate exercise of the right of a minority and a right that this minority on our side exercised quite frequently this very year.

However, for the remaining executive sessions in September of that year, prior to final adjournment they either made sure the committee did not have a quorum so we could not vote or they took the extraordinary step of invoking the 2-hour rule so the committee could not meet. I note that a quorum was present early in one meeting but evaporated when Mr. Keisler's nomination was the pending business. So basically the opponents ran out the clock on this nomination. He did not get a committee vote. He did not get the courtesy of floor consideration, not even a cloture vote like the nominee tomorrow will have.

Mr. Keisler was renominated in June 2007 when the Democrats assumed control of the Senate. But his nomination sat in committee with no action until it was returned to the President in January 2009. He was the recipient of a pocket filibuster. This was despite being rated ''unanimously well qualified'' by the ABA Standing Committee of the Federal judiciary and possessing outstanding qualifications to fill this position. So complaints about this seat being vacant for too long just ring hollow with this Senator.

Likewise, when one considers the treatment of previous nominees to the DC Circuit, it is evident that the nomination of Ms. Halligan is not being treated in an unfair manner. In fact, her nomination is proceeding far better than many nominated to this court. I would remind my colleagues that previous nominees were subjected to delay or multiple hearings, to extensive delays in committee, and to multiple filibusters on the Senate floor.

These include the nomination of Estrada, a Hispanic immigrant with a compelling personal story and outstanding judicial qualifications, who was subject to seven cloture votes; Janice Brown, an African-American female who had two cloture votes; Brett Kavanaugh; and Thomas Griffin. While all of these individuals were eventually confirmed, the procedural tactics used in their nominations made the confirmations very difficult.

I am not suggesting this is a pattern to follow, but it is relevant to the arguments that Ms. Halligan is being treated quite differently or in an unfair manner than other nominees.

With regard to the nomination before us today, I will say a few words about, first, Mr. Ramos, who is nominated to be U.S. District Judge for the Eastern District of New York. Mr. Ramos earned a BA from Yale in 1982; JD Harvard, 1987. Upon graduation from law school, Mr. Ramos worked as an associate at the law firm of Simpson, Thatcher & Bartlett in New York City.

In 1992, Mr. Ramos joined the Office of the U.S. Attorney for the Eastern District of New York, where he prosecuted a variety of Federal crimes, including white-collar crime, defense contractor fraud, money laundering, narcotics trafficking, labor racketeering, and violation of the Arms Export Control Act. In June 2000, he was

promoted to Deputy Chief of the Narcotics Section, where he supervised assistant U.S. attorneys prosecuting international narcotics trafficking and racketeering cases.

In 2002, the nominee joined the law firm of Day, Berry & Howard LLP, predecessor to the firm Day Pitney LLP, as a partner in the government investigations practice group. Currently, he represents corporations and individuals in connection with criminal and regulatory investigations involving antitrust, bank fraud, public corruption, securities fraud, and government program fraud.

The American Bar Association's Standing Committee on the Federal Judiciary has rated Mr. Ramos with a unanimous ''well qualified'' rating.

We are also considering the nomination of Judge Andrew L. Carter to be U.S. District judge, Southern District of New York. Judge Carter earned his B.A. from the University of Texas in 1991 and his J.D. from Harvard Law School in 1994.

Judge Carter's legal career began in 1996 as a staff attorney for the criminal defense division, Legal Aid Society, in New York, NY. In 2000, he became staff attorney for the Federal defenders division. The nominee became affiliated with the Federal Defenders of New York in 2005, first as staff attorney and, 1 year later, as a supervising attorney. His Federal practice included drug cases, gun cases, and immigration fraud.

In 2009, Judge Carter was appointed to his current position of U.S. magistrate judge for the Eastern District of New York, where he is primarily responsible for handling civil matters.

The American Bar Association's Standing Committee on the Federal Judiciary has rated Judge Carter with a unanimous ''qualified'' rating.

The third nominee we are considering is James Rodney Gilstrap to be a district judge for the Eastern District of Texas, a seat deemed to be a judicial emergency. Mr. Gilstrap received his B.A. from Baylor in 1978 and his J.D. from Baylor University School of Law 1981.

Mr. Gilstrap served as an associate attorney for Abney, Baldwin & Searcy from 1981 to 1984. In 1984, he left to begin his own legal practice, Smith & Gilstrap, where he currently practices representing individuals, corporations, and local governments on civil matters.

From 1989 to 2002, Mr. Gilstrap served as a county judge for Harrison County, where he had both administrative and judicial responsibilities.

The ABA Standing Committee on the Federal Judiciary has rated Mr. Gilstrap with a unanimous ''qualified'' rating.

Then we have the distinguished nominee from Montana, whom Senator BAUCUS just spoke about, Dana L. Christensen, to be U.S. District Judge for the District of Montana.

Mr. Christensen earned his B.A. from Stanford University in 1973 and his J.D. from the University of Montana School of Law in 1976.

Earlier in his legal career, Mr. Christensen practiced natural resources law, representing coal mining and oil and gas companies in litigation in administrative matters. He went on to practice general insurance defense litigation and medical malpractice cases.

In 1996, he founded his own firm and continues to represent these entities and practices in this area. He has also represented defendants in large class-action lawsuits filed in the U.S. District Court for the District of Montana.

In addition to his litigation practices, Mr. Christensen has also represented at least 15 physicians in confidential disciplinary matters before the Montana Board of Medical Examiners. He has also represented health care providers in more than 200 matters before the Montana Medical Legal Panel.

The American Bar Association's Standing Committee on the Federal Judiciary has rated Mr. Christensen with a unanimous ''well qualified'' rating.

I intend to vote for all these candidates. I urge my colleagues to do the same.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 1944 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CASEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I am proud to support Caitlin Halligan's nomination to the U.S. Court of Appeals for the DC Circuit.

Caitlin Halligan's impeccable career spans public and private practice, similar to that of John Roberts when he was confirmed unanimously to the DC Circuit. Ms. Halligan served as solicitor general of New York, a leading appellate lawyer at Weil, Gotshal & Manges, and currently as general counsel at the New York County district attorney's office, which investigates and prosecutes 100,000 criminal cases annually.

She clerked for Supreme Court Justice Breyer and Judge Patricia Wald on the DC Circuit. The ABA's Standing Committee on the Federal Judiciary unanimously rated Ms. Halligan ''well qualified'' to serve on the DC Circuit.

Ms. Halligan has support from across the political spectrum, including Miguel Estrada, Carter Phillips, and officials in Democratic and Republican administrations. Twenty-three former U.S. Supreme Court clerks, the National District Attorneys Association, the National Conference of Women's Bar Associations, and the U.S. Women's Chamber of Commerce are supporting her nomination.

New York City police commissioner Ray Kelly has said Ms. Halligan has three qualities that are important for a nominee—intelligence, judicial temperament, and personal integrity.

Unfortunately, it appears some of my colleagues are determined to criticize Caitlin Halligan regardless of the facts.

One of the criticisms of Ms. Halligan is positions she advocated for while serving as solicitor general. She filed briefs at the direction of New York's attorney general and argued on behalf of the State. That was her job. She was not promoting her personal views.

Ms. Halligan testified she would faithfully follow and apply the Supreme Court's precedent from Heller and McDonald. When asked whether the rights conferred under the second amendment are fundamental, she answered: ''That is clearly what the Supreme Court held, and I would follow that precedent.''

Let me also address the workload concerns brought up by some of my fellow Senators. There are currently only eight active judges on the DC Circuit, making it one-quarter vacant. Miss Halligan has been nominated to fill the ninth seat—one of three current vacancies on the court. The Senate confirmed four of President Bush's nominees for the DC Circuit; however, the court's caseload is higher now than it was when President Bush's nominees were confirmed. If Ms. Halligan was confirmed today, it would reduce the caseload from its current level of 161 cases to approximately 143 cases per judge.

Women have been woefully underrepresented by the DC Circuit, often characterized as the second most important court in our entire Nation. Only 5 of the 57 judges serving throughout the history of the DC Circuit have been women. Ninety-one percent of the judges on this court throughout its 41-year history have been men.

If we continue down this road of filibustering nominees simply because their nomination originates across the aisle, we will establish an impossible standard that no nominee could or would ever meet.

Caitlin deserves an up-or-down vote, just as the Republicans advocated for

their past judicial nominees. The bottom line is that there is no credible opposition to her nomination or her confirmation. Caitlin Halligan has distinguished herself throughout her career. She has established a commitment to fairness, reasoned intellect, steadfast integrity, and profound respect for the law.

I look forward to supporting Caitlin Halligan's confirmation to the U.S. Court of Appeals for the District of Columbia, and I urge my fellow colleagues to support her nomination.

NOMINATION OF JAMES RODNEY GILSTRAP

• Mrs. HUTCHISON. Mr. President, I am pleased today to support the nomination of Mr. James Rodney Gilstrap to serve as a Federal district judge for the Eastern District of Texas in Marshall, TX.

Mr. Gilstrap attended Baylor University where he graduated magna cum laude with a bachelor of arts degree in religion. Following his graduation, Mr. Gilstrap continued his studies at Baylor University Law School, where he served as associate editor of the Baylor Law Review and received his juris doctor in 1981.

Mr. Gilstrap began his professional career in Marshall, TX, where he still resides today. In August of 1989, Mr. Gilstrap was appointed county judge of Harrison County and was then elected to the same position for the next three terms. In 2002, he retired as a county judge and returned to private practice at Smith & Gilstrap, where he still practices today.

Mr. Gilstrap has earned the respect and esteem of the legal community he has served and his professional credentials will continue the strong history of the Federal bench in Texas.

Mr. Gilstrap's impressive career is complemented by his dedication to his community. In addition to serving for years as county judge, Mr. Gilstrap has served on the board for the Harrison County Historical Society, the United Way for Harrison County, and the Trinity Episcopal Day School. He also served for 16 years on the Courthouse Preservation Council to help with the renovation of the Marshall courthouse that was completed in 2009. Mr. Gilstrap's passion for his work and his community will be a tremendous asset to the Marshall bench.

I join his family in congratulating him on all his outstanding accomplishments: his wife Sherry Sullivan Gilstrap, his daughter Lauren, who is continuing her medical studies at Harvard Medical School, and his son Stephen, who graduated from Yale Law School this year.

I am pleased to recommend his confirmation to my colleagues.•

NOMINATION OF CAITLIN HALLIGAN

Mrs. FEINSTEIN. Mr. President, I rise to speak on the nomination of Caitlin Halligan to be U.S. Circuit Judge for the D.C. Circuit Court of Appeals.

As the first woman to serve on the Senate Judiciary Committee—a committee on which I have served for 18 years—it is my great pleasure to speak in support of Ms. Halligan, who has excelled at every turn during her distinguished legal career.

She graduated cum laude from Princeton University in 1988. She received her law degree, magna cum laude, from Georgetown University Law Center, where she was managing editor of the Georgetown Law Journal and inducted into the Order of the Coif.

She began her legal career with a clerkship with Judge Patricia Wald on the U.S. Court of Appeals for the D.C. Circuit—the first woman to serve on that Court.

She then spent a year in private practice at the Washington, DC firm, Wiley, Rein, and Fielding, followed by a clerkship with Supreme Court Justice Stephen Breyer.

After another year in private practice, Ms. Halligan began work in the office of the Attorney General of the State of New York, first as Chief of the Internet Bureau.

She rose to become Solicitor General of the State of New York, the State's top appellate lawyer. She served in that role from 2001 through 2007.

During nearly all of Ms. Halligan's time as Solicitor General, George Pataki—a Republican—was Governor. Her job was to represent the State of New York zealously, and by all accounts she did so with skill and dignity.

Judith Kaye, the former Chief Judge of New York's highest court, writes on behalf of the Court's entire bench that ''it was invariably a treat'' to have Ms. Halligan argue before the Court.

In fact, the National Association of Attorneys General awarded Ms. Halligan the ''Best Brief Award'' for five consecutive years, 2001, 2002, 2003, 2004, and 2005.

Ms. Halligan left the Solicitor General post in 2007 to become the head of the appellate practice at the prestigious New York law firm, Weil, Gotshal, and Manges.

She has now returned to public service as the General Counsel of the New York County District Attorney's Office—one of the largest prosecutor's offices in the country.

Over the course of her distinguished career, Halligan has served as counsel for a party or amicus in the Supreme Court more than 45 times.

She has argued in the Supreme Court herself in five cases, most recently in March of this year. She also has argued or participated in numerous other cases before State and Federal appellate courts, including the New York Court of Appeals and the U.S. Court of Appeals for the Second Circuit.

In short, Ms. Halligan is an accomplished woman whose sterling qualifications for the bench are unassailable.

Ms. Halligan was first nominated more than 14 months ago. She was approved by the Senate Judiciary Committee nearly 9 months ago. She has been waiting for an up-or-down vote on the floor ever since.

It is an unfortunate sign of the times that my colleagues on the other side have held up her confirmation.

I understand that the National Rifle Association is opposed to Ms. Halligan's confirmation.

Behind the NRA's opposition is the fact that, while she was New York's Solicitor General, the State of New York pursued public nuisance litigation against gun manufacturers.

Think about that—any time a person represents a State or local government, or the Federal Government, and takes a controversial position, that may jeopardize a later confirmation vote.

That is not fair. A government lawyer's job is to pursue the government's interest vigorously and to do justice.

Ms. Halligan was appointed by the Attorney General to represent the State of New York, while the State had a Republican Governor, George Pataki. Her job was to advance New York's interest, and she did so with vigor. She should not be penalized for it.

Senator SESSIONS made this point when the Senate was considering Judge Kavanaugh's nomination. He said that ''[s]uggesting that service in an elective branch of Government somehow tarnishes a lawyer's reputation would be a terrible message for this body to send to the legal community and to all citizens.''

I couldn't agree more.

My Republican colleagues might also say that the D.C. Circuit's caseload does not support another judge, but they have short memories.

There are now three vacancies on the D.C. Circuit. That means that Ms. Halligan would only fill the ninth seat, out of 11 on the Court. Two seats would remain vacant.

However, my colleagues were not so concerned about this issue when President Bush's appointees were before the Senate. In fact, my Republican colleagues supported filling the 10th seat on the Court twice, and the 11th seat once.

I will conclude by simply saying that Ms. Halligan is a woman with sterling credentials, an exemplary record, and a wealth of experience.

She is President Obama's first and only nominee to the D.C. Circuit. She should be confirmed.

NOMINATIONS OF EDGARDO RAMOS AND ANDREW CARTER, SDNY

Mr. SCHUMER. Mr. President, today I rise to support two outstanding nominees to the federal bench in the Southern District of New York.

Over the years, I have had the great good fortune to support many outstanding candidates to the federal bench.

Rarely, however, have I come across two nominees who are as qualified, in every possible way, to be federal judges as Edgardo Ramos and Judge Andrew Carter.

Ramos is the quintessential example of the American dream—he was born in

Puerto Rico and was 1 of 7 children raised by a single mother in Newark, NJ. He excelled in school, earning his bachelor's degree from Yale and his law degree from Harvard.

After graduating, he was an associate at the New York firm Simpson, Thatcher & Bartlett, and then served for 10 years as an Assistant U.S. Attorney in the Eastern District of New York, including as Deputy Chief of the Narcotics Section. Since 2002, he has been a partner in the New York law firm Day Pitney. Ramos has earned an outstanding reputation among his fellow lawyers, prosecutors, and judges and in the Hispanic community. I have complete confidence that he will make an excellent judge.

Magistrate Judge Andrew Carter was born in Albany, GA and he came to New York after graduating from the University of Texas at Austin and Harvard Law School. After law school, he worked for two years at the Ford Foundation and became a public defender in New York courts, both state and federal. He spent nine years at the New York office of the Legal Aid Society, and then four years at the Federal Defenders of New York.

Since 2009, he has served as a United States magistrate judge in the Eastern District of New York, a position for which he was selected by a vote of the sitting district judges. And that is terrific training to be a Federal judge. Judge Carter is widely respected as a fair and mild-mannered magistrate judge who understands the courtroom and the needs of litigants.

Both Ramos and Judge Carter embody the three criteria that I look for in a federal judge—excellence, moderation, and diversity.

Both have consistently risen to the top, academically and professionally.

Both are entirely non-ideological—they are lawyers who are respected by all of their peers, and who have approached the law with respect and humility.

And, both increase the diversity of a bench that serves one of the most diverse populations in the country. I have always said that, all other things being equal, diversity of backgrounds, experience, and ethnicity is an important consideration for federal judges. So, I am pleased to have recommended two nominees to the federal bench who are outstanding in every way.

The bench of the Southern District of New York has been one of the hardest hit by judicial vacancies—currently, 21 percent of its seats are open. With the addition of Edgardo Ramos and Judge Andrew Carter, this important court will be closer to firing on all cylinders.

I look forward, with all New Yorkers, to their joining the bench.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we are soon going to a rollcall vote on Edgardo Ramos, of Connecticut, to be U.S. district judge for the Southern District of New York. We also have three others on here: Andrew L. Carter, Jr., of New York, to be U.S. district judge for the Southern District of New York; James Rodney Gilstrap, of Texas, to be U.S. district judge for the Eastern District of Texas; and Dana L. Christensen, of Montana, to be U.S. district judge for the District of Montana.

I ask unanimous consent that following the rollcall vote for Edgardo Ramos, Andrew L. Carter, Jr., James Rodney Gilstrap, and Dana L. Christensen be considered by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Ramos nomination.

The question is, Will the Senate advise and consent to the nomination of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. MERKLEY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—89

Akaka	Burr	Crapo
Alexander	Cantwell	Durbin
Ayotte	Cardin	Feinstein
Barrasso	Carper	Franken
Baucus	Casey	Gillibrand
Begich	Chambliss	Graham
Bennet	Coats	Grassley
Bingaman	Coburn	Hagan
Blumenthal	Cochran	Hatch
Blunt	Collins	Heller
Boozman	Conrad	Hoeven
Boxer	Coons	Inhofe
Brown (MA)	Corker	Inouye
Brown (OH)	Cornyn	Isakson
Johanns	McConnell	Schumer
Johnson (SD)	Menendez	Sessions
Johnson (WI)	Mikulski	Shaheen
Kerry	Moran	Shelby
Kirk	Murkowski	Snowe
Klobuchar	Murray	Stabenow
Kohl	Nelson (NE)	Tester
Kyl	Nelson (FL)	Thune
Lautenberg	Paul	Toomey
Leahy	Portman	Udall (CO)
Lee	Pryor	Udall (NM)
Levin	Reed	Warner
Lieberman	Reid	Webb
Manchin	Risch	Whitehouse
McCain	Roberts	Wyden
McCaskill	Sanders	

NOT VOTING—11

DeMint	Landrieu	Rubio
Enzi	Lugar	Vitter
Harkin	Merkley	Wicker
Hutchison	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PEGGY BULGER

Mr. REID. Mr. President, Dr. Peggy A. Bulger will retire at the end of December after more than 12 years of service to the Library of Congress. As the Director of the Library's American Folklife Center, Dr. Bulger has worked to preserve our Nation's history for future generations.

Dr. Bulger began her service as Director of the American Folklife Center in 1999. She is the second person to hold the position since the Folklife

Center was established in 1976. The American Folklife Preservation Act states ''that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people.'' I couldn't agree more. Dr. Bulger has worked to preserve the unique nature of American folklife for future generations.

During her tenure, the center's archive has tripled. With more than 5 million items, it is the largest ethnographic archive in the United States and possibly the largest in the world. The collection is a treasure trove of American creativity that is reflected through music, stories, crafts, dances, foodways, and other forms of traditional expression.

I am particularly proud that under her leadership the Folklife Center developed and expanded the Veterans History Project. The project contains more than 78,000 pieces of war-time memories and experiences from Americans across our country. The Veterans History Project has become the largest oral history project in our Nation's history, and it will all be preserved for generations at the Library of Congress.

The Folklife Center also uses the latest technology to share its holdings via online presentations, as well as through webcasts and social media. As a result, students in Nevada and other States can access the Folklife Center's collections from their homes, classrooms, and others venues.

It is also important to note that Dr. Bulger and her colleagues have provided advice and support to struggling cultural programs during these difficult economic times. In my home State, for example, the center has served the Western Folklife Center in Elko as well as the Nevada Humanities. The assistance to Nevada's arts and cultural organizations has been invaluable as my State has weathered the economic recession.

I am proud to recognize Peggy Bulger, and I appreciate her important contributions to the American Folklife Center. I know I speak for the Senate when we wish you the best in your future endeavors.

DEFENSE AUTHORIZATION

SECTION 647

Mr. KOHL. Mr. President, I understand there has been some confusion about the application of section 647 of the National Defense Authorization Act for Fiscal Year 2008, which is codified in 10 U.S.C. 12731(f). This law reduces the eligibility age for retired pay for non-regular service, to provide a benefit to Reserve component members called to Active Duty in support of a contingency operation. Mr. President, 10 U.S.C. 101(a)(13)(B) defines contingency operation to include section 688 relating to the ordering of retired members to Active Duty but does not include section 688a, added in response to 9/11 and relating to the ordering to Active Duty of retired members in high-demand, low-density assignments.

I filed an amendment to resolve this inconsistency by including mobilizations under section 688a to qualify for earlier receipt of Reserve retired pay under 10 U.S.C. 12731(f). However, I would withdraw my amendment if we can clarify that the provisions of 10 U.S.C. 12731(f) should include mobilizations under 10 U.S.C. 688a.

I ask the chairman of the Armed Services Committee whether he understands that Reserve retirees recalled to Active Duty in support of a contingency operation should qualify for earlier receipt of reserve retired pay under section 12731(f).

Mr. LEVIN. I agree that the authorities allowing for earlier receipt of Reserve retired pay should apply to members of the retired Reserve called to Active Duty in support of a contingency operation to the same extent it applies to other members of the reserves.

Mr. KOHL. I agree with the chairman.

TRIBUTE TO FREDERICK M. KAISER

Mr. AKAKA. Mr. President, I rise today to recognize Frederick M. Kaiser, who retired from the Congressional Research Service, CRS, on November 3, 2011.

Mr. Kaiser, a former Specialist in American National Government at CRS, was an authority on congressional oversight issues of great importance to the Congress.

Mr. Kaiser's career in service to Congress began in the summer of 1974, when he worked as a special staff consultant to the House Committee on Foreign Affairs, chaired by Representative Thomas E. ''Doc'' Morgan of Pennsylvania. At the request of Chairman Morgan, Mr. Kaiser conducted an evaluation of the committee's oversight activities, which was subsequently published by the committee. This early focus on congressional oversight foretold key aspects of Mr. Kaiser's CRS career.

Mr. Kaiser began his employment with CRS on February 18, 1975, where he was given responsibility for the subjects of general congressional oversight, congressional oversight of foreign policy, and the authority and role of the General Accounting Office, which is now known as the Government Accountability Office, GAO. These are subjects on which Mr. Kaiser has advised Congress throughout his career. As a result of his high-quality work in service to the Congress, Mr. Kaiser quickly earned the title of Specialist in American National Government just 6 years after joining CRS. Mr. Kaiser continued his high level of service throughout his career, and his areas of expertise gradually expanded. He was regularly recognized for his service to Congress through special achievement awards and other recognition.

Mr. Kaiser produced hundreds of CRS publications; testified before congressional committees and commissions; and organized policy institutes, workshops, and other policy discussions for congressional staff. Over the course of his career, Mr. Kaiser developed a reputation among colleagues for being supportive and generous in sharing his knowledge and insights.

Mr. Kaiser was regularly at the forefront of emerging legislative issues. As the possibility of organizing Federal homeland security functions into a new department began to develop, Mr. Kaiser undertook studies of agencies that might be included in a new department. As Congress considered the Help America Vote Act, he contributed his expertise on the organization of agencies that might be established to carry out the purposes of the act. Mr. Kaiser's analysis and insights were important to informing successful efforts to improve GAO's ability to support congressional oversight of the intelligence community. In February 2008, Mr. Kaiser testified on congressional oversight of the intelligence community before the subcommittee I chair, the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, of the Homeland Security and Governmental Affairs Committee. In his testimony, as well as separate research conducted for the subcommittee, he examined the importance of intelligence community oversight, congressional structures for conducting such oversight, and options for enhancing oversight.

Other examples of Mr. Kaiser's writing and briefings in the area of congressional oversight of the intelligence community include analyses of proposals for a joint intelligence committee, organizational reform of the House Intelligence Committee, intelligence community whistleblower protection, unauthorized disclosure of classified information, and use of classified information by Members of Congress. Mr. Kaiser also advised Congress on creation of the 9/11 Commission and on implementation of its recommendations, particularly concerning the Commission's authority and recommendations related to the intelligence community.

Mr. Kaiser has been a leading authority on the management and oversight of the executive branch. Mr. Kaiser analyzed the Government Performance and Results Act, private citizens' complaint-handling mechanisms, postal reorganization, audit institutions in other nations, statutory inspectors general, privatization of government background investigations, and security clearances. He also authored, with other selected CRS specialists, the Congressional Oversight Manual. The 1993 bipartisan House Joint Committee on the Organization of Congress noted the value of this publication, stating:

''As a way to further enhance the oversight work of Congress, the Joint Committee would encourage the Congressional Research Service to conduct on a regular basis, as it has done in the past, oversight seminars for Members and congressional staff and to update on a regular basis its Congressional Oversight Manual.'' Mr. Kaiser contributed the chapter on congressional-executive relations to the final report of the Joint Committee on the Organization of Congress.

Mr. Kaiser sought to enhance public understanding of the Federal Government as well. He wrote the introductory-level CRS report ''American National Government: An Overview,'' which explains the American national government structure. He also served as project coordinator for updates of Congress's booklet on the Federal Government for the American people, ''Our American Government.''

Finally, Mr. Kaiser has been a respected member of the academic community, and he has participated in numerous symposia; served as an adjunct professor at American University and the University of Maryland; and consulted with the Congress, the Department of State, and the Agency for International Development on democratic institution building in emerging democracies. Mr. Kaiser's work has also appeared in numerous journals, including the Administrative Law Review, Annals of the American Academy of Political and Social Science, and the International Journal of Intelligence and Counterintelligence, and he has contributed to the Encyclopedia of the American Presidency and the Encyclopedia of the U.S. Congress.

As chairman of the subcommittee, I thank Mr. Kaiser for his dedication, professionalism, and lifetime of service to the Congress and our Nation. I wish him the best in retirement with his wife Carol and their children and grandchildren, and I am confident Congress, CRS, and the academic and professional community will continue to benefit from Mr. Kaiser's research and analysis for many years to come.

TRIBUTE TO GENERAL PETER W. CHIARELLI

Mr. AKAKA. Mr. President, on behalf of myself and my Army Caucus cochair, the senior Senator from Oklahoma, Mr. JIM INHOFE, I rise to congratulate GEN Peter W. Chiarelli, the 32nd Vice Chief of Staff of the Army, on his monumental contributions to our national security over the course of his distinguished 39-year career.

Throughout his career, General Chiarelli has been the consummate soldier's soldier. His career is distinguished by excellence in command of troops from platoon to corps. General Chiarelli is known for his having an open mind and for his candor while addressing the issues affecting the Army today. He is a tremendous advocate for soldiers both within the Pentagon and here on Capitol Hill. His advice, counsel, and friendship have been very valuable to us as Army Caucus cochairs, and he will be sorely missed. Who he is today though began being shaped many years ago.

After his graduation from Seattle University in 1972, Pete married his sweetheart, Beth, went to the Basic Course, and reported to his first assignment in the 9th Infantry Division at Fort Lewis, WA. After his time there, the Army offered him a job teaching at West Point, where he taught cadets in the distinguished Social Science Department.

In 1985, he graduated from the Naval Command and Staff College and returned to leading soldiers, this time in Germany with the 3rd Armored Division—the same division in which his father, also Pete Chiarelli, earned the Silver Star for heroism and a battlefield commission in 1945 as a tanker in World War II. It seems that character runs in the Chiarelli family. While in Germany, General Chiarelli showed his battlefield prowess—under his guidance, the U.S. tank crews won NATO's distinguished Canadian Army Trophy for the nation with the best tankers.

After his success in Germany, he moved back to Washington in 1990, where took command of the 2nd Battalion, 1st Infantry Regiment, in the 9th Infantry Division. Following his time in command of the 2nd Battalion, he was sent to the prestigious National War College here in Washington, DC, and then to the 1st Cavalry Division at Fort Hood, TX, to serve as the operations officer. He continued to impress his peers and his superiors and was selected to return to his home State of Washington to command the 3rd Brigade of the 2nd Infantry Division at Fort Lewis.

In 1998, following his successful brigade command, he was hand-selected to be the executive officer to the Supreme Allied Commander Europe in Belgium, where he served for 2 years before heading back to the 1st Cavalry Division to be the assistant division commander in 2000. When the Nation was attacked on September 11, 2001, then-Brigadier General Chiarelli was serving in the Pentagon on the Army staff, where he played a key role in mobilizing Army forces for the wars in Iraq and Afghanistan. He was promoted to major general in 2003 and assumed command of the 1st Cavalry Division.

Over the next several years, General Chiarelli would spend the majority of his time deployed in support of Operation Iraqi Freedom. He served in Baghdad from 2003 to 2005 as the commander of Multi-National Division—Baghdad. At this time, Baghdad served as the center of gravity for Operation Iraqi Freedom. General Chiarelli was given the difficult task of maintaining order in this sprawling city of 7 million people. During his command, General Chiarelli was instrumental in developing several innovations that contributed to our success in Iraq. Chief among these were job-creating civil service projects. His commitment to using ''money as a weapons system'' brought stability and saved the lives of Americans and Iraqis alike.

In 2006, General Chiarelli was given command of all troops in Iraq, totaling 160,000 at that time. As the commander of the Multi-National Corps-Iraq, he continued to innovate, pushing his troops to adopt practices that protected the populace even as they destroyed the insurgent networks. His time as the commander of day-to-day operations in Iraq was, perhaps, the most difficult period of our operations there, but General Chiarelli's performance garnered the highest praise of then-Secretary of Defense Robert Gates.

After 5 years in Iraq, General Chiarelli earned his fourth star and was selected as the 32nd Vice Chief of Staff of the Army, an honor that speaks to the confidence that his superiors and peers had in his abilities. As the ''Vice,'' General Chiarelli is responsible for the day-to-day operations of the Army staff and its responsibility to man and equip the world's greatest Army.

In this capacity, he has excelled on many fronts. He has been the military's principal advocate for caring for our veterans with psychological health issues such as post-traumatic stress and traumatic brain injury. These ''invisible wounds'' affect thousands of our soldiers, sailors, airmen, and marines, who have deployed to Iraq and Afghanistan. His 2010 report entitled ''Health Promotion, Risk Reduction, Suicide Prevention'' was an effective call to action for leaders at the tactical level within the Army. This transparent and forthright self-evaluation of the Army's small-unit leadership contained 45 hard-hitting pages of conclusions and recommendations, and we have been pleased with the general's progress at following up with those.

As the Nation focuses on deficit reduction and budget cuts, General Chiarelli has been an important voice urging leaders to carefully consider the options. In testimony before both Chambers of Congress, he has advocated measured, strategy-based decisions that would meet budgetary needs, while maintaining a force that balances end-strength and capabilities.

Throughout all this important work, General Chiarelli is widely recognized as one of the most genuine and personable senior leaders in the military. One widely repeated anecdote is applicable here. While at a dinner at the White House in February 2011, General Chiarelli was passing behind another distinguished guest who, having seen his uniform pants and nothing more, asked him to refill her wine glass. The woman almost immediately recognized her error and was understandably mortified. Rather than be angry or embarrassed, General Chiarelli, as the second-ranking officer in the most powerful Army in the world, graciously filled

the glass. That speaks a lot about the character of the officer about whom we are speaking today.

Mr. President, we both extend our heartfelt thanks to GEN Pete Chiarelli, to his wife Beth, and to his children and their families for their lifetime of service to the Nation. Words cannot characterize properly the extraordinary character of General Chiarelli's accomplishments.

The Nation thanks him and wishes him success and happiness in all his future endeavors.

HONORING REGINALD COOPER AUGUSTINE, JR.

Mr. KIRK. Mr. President, I rise in tribute to an American hero and Illinois resident who was laid to rest at Arlington National Cemetery on December 2.

Reginald Cooper Augustine, Jr. was born on October 12, 1913 in Decatur, IL. His parents, Reginald and Pauline, were prominent members of the community, both serving at different times on the Decatur school board.

Reginald was an all American kid growing up in Illinois during the Great Depression. As a teenager in the 1920s, he spent his Saturdays at the silent moving pictures. In junior high, he spent a year delivering the Decatur Herald—getting up every morning at 3 a.m. and returning to bed by 5 a.m. During high school, he played football and participated in the school band, while also working at the Biflex Bumper Company.

After graduating from Decatur High School in 1931, Reginald attended Northwestern University as a member of the third entering class of Austin Scholars. This program, launched in September 1929, provided full room, board, and tuition for 4 undergraduate years, plus a year of all-expenses paid study and travel abroad. He received his bachelor's degree from Northwestern in 1935, with a major in Latin and a minor in German. These language skills proved pivotal in the direction of the rest of his life.

After college, Reginald spent 16 months touring Europe and North Africa on a Harley-Davidson motorcycle that he acquired in Rotterdam, perfecting his knowledge of German, French, Italian, Dutch, and Spanish. During an extended stay in Germany, he witnessed a Nazi party rally in Heidelberg that he later described as akin to a Fourth of July celebration with scarlet swastika banners and leather-booted storm troopers. He returned to the U.S. in late September 1937, never forgetting what he had witnessed.

The Selective Service Act of 1940 required all U.S. residents between the ages of 21 and 35 to register, and in 1940, Mr. Augustine was 27. He was to be drafted in February, 1942, but after the Japanese Empire bombed Pearl Harbor, he went straight to the enlistment center in Peoria to sign up and serve his country in the U.S. Army Air Corps.

During the Second World War, Mr. Augustine was selected to join an elite detachment of linguists, spies and scientists by COL Boris Pash, who headed a mission code-named Alsos. This mission was led by LTG Leslie R. Groves under the Manhattan Project. Groves suspected German physicists were engaging in a similar nuclear program and feared that they would complete a bomb first. The Alsos mission was tasked with determining whether the Nazis had developed an atomic bomb. Mission operatives moved into newly liberated areas just behind advancing Allied lines to find Nazi scientists, capture and interrogate them, as well as confiscate and secure stocks of refined uranium that were urgently needed by the Manhattan Project.

Reginald was selected as an ideal candidate and put in charge of field operations for this elite detachment because of his knowledge of French and German, as well as his extensive experience in Europe. During one operation in search of uranium in September 1944, he and Colonel Pash entered a plant located near Antwerp, Belgium where fighting was still going on between British and German forces. There, they found approximately 70 tons of refined uranium.

Far more difficult was a mission to southern France, which at that time was a dangerous no man's land, occupied by 2 competing resistance movements—one Communist, the other non-Communist. According to Reginald's memoirs, ''no British or American forces, and not even any units of the regular French army'' were present in the area. As part of a group of 6 Alsos officers, he conducted the negotiations with partisans and officials. At a French arsenal in Toulouse, armed with a Geiger counter, he discovered a major cache of uranium. Reginald, Colonel Pash, and a well-armed U.S. military contingent later returned to remove the uranium by force. Reginald accompanied the shipment of uranium back to the U.S. on a U.S. Navy ship. This uranium was eventually used in the Little Boy bomb dropped on Hiroshima.

Reginald went on many other critical missions, including one to recover the international radium standards from a small eastern German town only hours before it was handed over to Soviet forces. He oversaw the safe transfer of Nazi scientists, as well as American scientists, from one place to another. On one occasion, he found himself face-to-face with a Nazi checkpoint, manned by an armed German crew, but escaped unharmed.

Another mission that Reginald described as ''a grand climax to all Alsos operations in the war,'' was the seizure of a strategic German atomic research center near Stuttgart. Once the area had been secured, he escorted several captured German scientists to American territory, including Otto Hahn, discoverer of the nuclear fission principle, Nobelist Max von Laue, and physicists Karl Wirtz, Erich Bagge and Carl von Weizsacker.

Robert Norris, author of the 2003 book Racing for the Bomb: General Leslie R. Groves, the Manhattan Project's Indispensable Man, noted that ''Alsos was one of the most successful intelligence operations of the war.''

Reginald was promoted to the rank of captain by the end of the war. He was decorated for his service, including the Bronze Star and Order of the British Empire, which he received personally from King George VI.

After the war, he continued to serve his country for over two decades as a member of the Central Intelligence Agency. This included postings in Munich and Frankfurt during the 1950s and 60s, and to Saigon in 1968.

Reginald Augustine passed away on June 30 at the age of 97 and will be laid to rest today at Arlington Cemetery. He is an example of our nation's Greatest Generation of heroes that grew up during the Depression, responded to their country's call to arms during World War II, and continued to serve during the long Cold War against communism. As President Franklin D. Roosevelt described, ''This generation of Americans [had] a rendezvous with destiny.''

Mr. Augustine is survived by his wife of 61 years, two daughters, two sons-in-law, and two grandchildren. We owe him and his family, as well as his generation, a debt of gratitude.

HONORING JOHN KATZ

Mr. BEGICH. Mr. President, I rise today to commend the distinguished public service of a true statesman from my State of Alaska, John Katz. At the new year, John will step down as director of the State of Alaska's national office here in Washington, DC, after nearly three decades in that position. John Katz is an Alaska pioneer. He has been a key player in virtually every major public policy decision in Alaska for the past 40 years—and Alaska has only been a State for 52 years. John helped Alaska's transition to statehood in our formative years. He shaped and implemented key congressional laws, including the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

John laid the foundation for Alaska's robust resource-based economy, which at one point was providing this Nation a quarter of its domestic oil. John has helped transform the Last Frontier into a modern society, bringing basic facilities like water, sewer, and phone service to a territory one-fifth the size of the lower 48 States. Overall, John has helped carefully manage Alaska's often strained relationship with the Federal Government. After working as a high school teacher and coach in Baltimore public schools, John began his long career of service to Alaska when he joined the staff of Alaska Congressman Howard Pollock. My dad, Nick

Begich, succeeded Representative Pollock as Alaska's lone Member of the U.S. House.

In 1971, John became a legislative assistant to then-Senator Ted Stevens. His wise counsel to Senator Stevens would continue until Senator Stevens' tragic passing last year. John worked in Alaska on Native claims issues and as counsel to the Joint Federal-State Land Use Planning Commission. The Commission didn't have a very sexy title, but it crafted important policy about the land management relations between the State and Federal Governments. From 1981 to 1983, John served as commissioner of the Alaska Department of Natural Resources, arguably the most influential agency in Alaska State government. It oversees Alaska's 103 million acres of land and manages the resource base for our economy: oil and gas, mining, forestry, parks, and agriculture. In 1983, John was asked by then-Governor Bill Sheffield to move to Washington to direct the State's office here. It was a position in which he would serve seven different Alaska Governors, as varied politically as Alaska is richly diverse.

Democrats, Republicans, one Alaska Independent—all have relied heavily on John's encyclopedic knowledge of our State and his helping navigating the often choppy waters of Washington. Too often John's mission has been fighting against Federal encroachment into the lives of Alaskans. It is a battle we fight here every day. I, too, have relied on John's wisdom and insight, as mayor of our State's largest city, and now as I serve Alaska in this Chamber. After a distinguished career, John has cited what he called ''the increased polarization and deterioration of the public policy process at the Federal level.'' He says it is the worst he has ever seen in nearly half a century of thankless public service. I am saddened by this turn of events and sad to agree with John about the state of our national discourse.

But I am heartened by John's dedication to the people of Alaska, to tirelessly working each and every day to educate non-Alaskans about the unique challenges and opportunities of our State. I also commend the contributions of John's longtime partner and wife, Sherry, and thank her for her sacrifice on behalf of Alaskans. John will be sorely missed as director of State and Federal relations for the State of Alaska. I only hope that he continues his distinguished service to Alaskans in the next phase of his life—and I wish him all the best.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 527. An act to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

H.R. 3010. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

H.R. 3463. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 527. An act to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3010. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3463. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4171. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures'' (RIN0648–BB22) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4172. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Update to Information on the Effective Date of Atlantic Smoothhound Shark Fishery Management Measures'' (RIN0648–BB43) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4173. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XA802) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4174. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean'' (RIN0648–BA66) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4175. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 26 and Amendment 29 Supplement'' (RIN0648–BB15) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4176. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–BB47) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4177. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' (RIN0648–XA803) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4178. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of Herring Trip Limit in Atlantic Herring Management Area 3'' (RIN0648–XA805) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4179. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Inseason

Action to Close the Commercial Non-Sandbar Large Coastal Shark Fishery in the Atlantic Region'' (RIN0648–XA781) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4180. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA812) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4181. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 5 Through No. 26'' (RIN0648–XA551) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4182. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) CF6 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–1151)) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4183. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Reciprocating Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0683)) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4184. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0907)) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4185. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers'' (RIN2130–AB96) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1940. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes (Rept. No. 112–98).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON of South Dakota:

S. 1940. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. HUTCHISON (for herself, Mr. PRYOR, Mr. CRAPO, Mr. BLUNT, Mrs. MCCASKILL, Mr. MORAN, Mr. VITTER, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. TOOMEY, Mr. SHELBY, and Mr. WICKER):

S. 1941. A bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 1942. A bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Ms. AYOTTE):

S. 1943. A bill to amend section 513 of the Federal Food, Drug, and Cosmetic Act to expedite the process for requesting de novo classification of a device; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL):

S. 1945. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. BENNET, Mrs. MCCASKILL, and Mr. PRYOR):

S. 1946. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Mr. INHOFE):

S. Res. 343. A resolution commemorating the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 506

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 707

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 806

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 806, a bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests.

S. 834

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1190

At the request of Mr. BLUNT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging,

and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1616, supra.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1727

At the request of Mr. HELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1727, a bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes.

S. 1855

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1855, a bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Pennsylvania (Mr. CASEY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1911

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. RES. 342

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 342, a resolution honoring the life and legacy of Laura Pollan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. WYDEN):

S. 1942. A bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Transportation and Mobility Improvement Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to projections from the 2010 decennial census, the number of individuals in the United States who are 65 years of age or older will increase from 40,000,000 in 2010 to 72,000,000 in 2030. Yet, a 2004 report by the Surface Transportation Policy Project found that more than 1 in 5 (or 21 percent) of individuals who are 65 years of age or older do not drive.

(2) According to a 2011 report by the National Association of Area Agencies on Aging, inadequate transportation options for older adults has emerged as the second greatest challenge identified by communities during the 5-year period ending in 2011.

(3) According to a 2004 report by the Surface Transportation Policy Project, more than ½ of seniors who are 65 years of age and older (numbering 3,600,000 individuals) who no longer drive due to a decline in health, stay at home on any given day partially because they lack transportation options. Alternatives to driving are particularly sparse in some regions and in rural and small town communities.

(4) According to a 2004 report by the Surface Transportation Policy Project, compared with older drivers, older non-drivers in the United States make 15 percent fewer trips to the doctor, 59 percent fewer shopping trips, and 65 percent fewer trips for social, family, and religious activities.

(5) In 2009, the program under section 5310 of title 49, United States Code, provided more than 43,000,000 rides to older adults and people with disabilities.

(6) Access to mobility management services help transit and human services systems meet the needs of older adults and people with disabilities. This person-centered strategy helps individuals and families review available transportation options and support their decisions regarding the transportation options that are best suited to their circumstances, preferences and mobility needs.

SEC. 3. PUBLIC TRANSPORTATION SERVICES FOR ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.—

(1) USE OF FUNDS.—Section 5310 of title 49, United States Code, is amended by adding at the end the following:

''(i) OPERATING COSTS.—

''(1) DEFINITION.—In this subsection, the term 'covered amounts' means, for a fiscal year, any amounts apportioned to a State under this section in excess of the amounts apportioned to the State under this section for fiscal year 2010.

''(2) USE OF FUNDS.—A State may use not more than 33 percent of any covered amounts for costs relating to the operation and maintenance of vehicles and other capital assets acquired by the State using funds under this section, including insurance, fuel, and driver compensation.

''(3) FEDERAL SHARE.—The Federal share of the cost of operation and maintenance carried out using funds under this subsection may not exceed 50 percent.''.

(2) ADDITIONAL REQUIREMENTS FOR GRANT RECIPIENTS.—Section 5310(d) of title 49, United States Code, is amended by adding at the end the following:

''(3) REPORTING REQUIREMENTS.—Each recipient of funding under this section shall submit to the Administrator of the Federal Transit Administration an annual report that describes how the recipient will coordinate, or is coordinating, the activities carried out by the recipient using a grant under this section with the activities, if any, carried out by the recipient using a grant under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.).''.

(3) FEDERAL SHARE.—Section 5310(c)(1)(B) of title 49, United States Code, is amended—

(A) by striking ''(B) EXCEPTION.—A State'' and inserting the following:

''(B) EXCEPTIONS.—

''(i) CERTAIN STATES.—A State''; and

(B) by adding at the end the following:

''(ii) MOBILITY MANAGEMENT.—A grant under this section for a capital project described in section 5302(a)(1)(L) shall be for 90 percent of the capital costs of the project, as determined by the Secretary.''.

(b) NATIONAL TRANSIT DATABASE.—Section 5335 of title 49, United States Code, is amended—

(1) in subsection (b), by striking ''section 5307 or 5311'' and inserting ''section 5307, 5310, or 5311''; and

(2) by adding at the end the following:

''(c) DATA RELATING TO SECTIONS 5310 AND 5311.—The reporting and uniform systems established under subsection (a) shall include information with respect to activities carried out using a grant under section 5310 or 5311, including, for each recipient of a grant under section 5310 or 5311 and for each State—

''(1) the number of vehicles purchased; and

''(2) the number of rides provided.''.

SEC. 4. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) METROPOLITAN TRANSPORTATION PLANNING.—Section 5303(i) of title 49, United States Code, is amended by adding at the end the following:

''(8) PARTICIPATION BY OLDER INDIVIDUALS AND PEOPLE WITH DISABILITIES.—

''(A) DEFINITIONS.—In this paragraph, the terms 'disability' and 'older individual' have the same meanings as in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(B) PARTICIPATION REQUIRED.—In developing a transportation plan under this section, a metropolitan planning organization shall—

''(i) ensure that organizations that represent older individuals and individuals with disabilities (including community action agencies, area agencies on aging, aging and disability resource centers, and other representatives of the aging and disability networks) have a reasonable opportunity to comment on the transportation plan and document the efforts of the metropolitan planning organization to solicit such comments;

''(ii) take into consideration any comments received under clause (i) and document how any such comments were taken into consideration in the development of the transportation plan; and

''(iii) give organizations that represent older individuals and individuals with disabilities (including community action agencies, area agencies on aging, aging and disability resource centers, and other representatives of the aging and disability networks) an opportunity to review and comment on the transportation plan before the transportation plan becomes final.''.

(b) STATEWIDE TRANSPORTATION PLANNING.—Section 5304 of title 49, United States Code, is amended by adding at the end the following:

''(k) PARTICIPATION BY OLDER INDIVIDUALS AND PEOPLE WITH DISABILITIES.—

''(1) DEFINITIONS.—In this subsection, the terms 'disability' and 'older individual' have the same meanings as in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(2) PARTICIPATION REQUIRED.—In developing a statewide transportation plan or a statewide transportation improvement program under this section, a State shall—

''(A) ensure that organizations that represent older individuals and individuals with disabilities have a reasonable opportunity to comment on the plan or program and document the efforts of the State to solicit such comments;

''(B) take into consideration any comments received under subparagraph (A) and document how any such comments were taken into consideration in the development of the plan or program; and

''(C) give organizations that represent older individuals and individuals with disabilities an opportunity to review and comment on the plan or program before the plan or program becomes final.''.

SEC. 5. TECHNICAL ASSISTANCE AND MOBILITY MANAGEMENT.

(a) TECHNICAL ASSISTANCE.—

(1) DEFINITION.—For purposes of this subsection—

(A) the term ''eligible entity'' means a nonprofit organization that provides transportation services to older individuals;

(B) the term ''older individual'' has the same meaning as in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

(C) the term ''urbanized area'' has the same meaning as in section 5302 of title 49, United States Code.

(2) IN GENERAL.—The Administrator of the Federal Transit Administration shall enter into a cooperative agreement with the National Center on Senior Transportation—

(A) to provide technical assistance to transit and human services organizations;

(B) to disseminate best practices with respect to transportation for older individuals to consumers, Federal, State, and local transportation and aging services providers, and researchers; and

(C) to make grants to eligible entities to test innovative and replicable approaches for addressing the mobility needs of older individuals, including individuals in other than urbanized areas.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $5,500,000 for fiscal year 2012; and

(B) $6,000,000 for fiscal year 2013.

(b) MOBILITY MANAGEMENT PROGRAM.—

(1) IN GENERAL.—The Federal Transit Administration shall make grants to nonprofit aging services organizations—

(A) to offer mobility management services, including mobility management activities and projects described in section 5302(a)(1)(L) of title 49, United States Code; and

(B) to develop and implement enhanced technology to support mobility management services.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $3,000,000 for fiscal year 2012; and

(B) $5,000,000 for fiscal year 2013.

By Mr. CASEY:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes; read the first time.

Mr. CASEY. Mr. President, I am here to speak about legislation I am introducing today that will prevent a huge tax hike from hitting working families across America and in Pennsylvania.

As the clock continues to tick down, it is imperative we come together—Democrats and Republicans, Members of both parties, in both Chambers—and pass legislation to provide more take-home pay by cutting the payroll tax, as we did in 2010.

The legislation I am introducing is a compromise offer designed to bridge the gap and to get at least 60 votes in the Senate.

The legislation is fully paid for and includes measures that have received bipartisan support in the past. We can no longer afford to jeopardize middle-income Americans in order to protect the wealthiest few across our country.

This legislation will help working families by extending the current payroll tax cut and expanding that cut to a 3.1-percent level—a 3.1-percent reduction in the payroll tax. In essence, what we are talking about is cutting the payroll tax in half as it relates to employees.

Small businesses will benefit from this legislation by benefiting directly from the additional money in the pockets of Americans across the country.

Those with incomes above $1 million should help in carrying a portion of this burden, and that is why the surtax is still in this legislation, but the surtax will now be only 1.9 percent, compared to the 3.25-percent in an earlier version of my legislation.

In addition, I have offered a few more offsets that have received bipartisan support.

The bottom line is—just as the first bill was that I offered—this legislation is indeed paid for.

The tax cut is key and an essential ingredient to job creation and economic growth in 2012. Economists and forecasters—from Moody's Analytics to RBC Capital Markets, to Barclay's Capital, to Macroeconomic Advisers—have all emphasized that the tax cut will accelerate growth in 2012. Without it, economic growth will slow and job creation will take a hit.

Mark Zandi, of Moody's Analytics, has said that without the payroll tax cut for 2012, ''we'll likely go into recession.''

Congress should act quickly to expand tax relief and remove the uncertainty for working families in this holiday season about whether their taxes

will go up in the new year. More take-home pay to keep the economy growing is what we need right now—and especially in the year ahead.

I encourage all our colleagues in the Senate, as well as those in the House, to pass this legislation to continue and to expand a cut in the payroll tax.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL):

S. 1945. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

"§ 678. Televising Supreme Court proceedings

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mrs. FEINSTEIN, Mr. NELSON, of Florida, Mr. BENNET, Mrs. MCCASKILL, and Mr. PRYOR):

S. 1946. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of the Foreign Manufacturers Legal Accountability Act of 2011, which I am introducing today with Senator SESSIONS, Senator DURBIN, Senator GRAHAM, Senator LEAHY, Senator FEINSTEIN, Senator NELSON of Florida, Senator BENNET, Senator MCCASKILL, and Senator PRYOR.

This bipartisan bill is an important step in protecting American consumers and businesses from injuries caused by defective products manufactured outside the United States. Those products hurt American consumers—they lead to serious injuries, and even death—and they hurt the American businesses that must deal with angry customers, product recalls, and unusable inventory.

The list of recent examples of Americans injured by defective foreign products is shocking. Sadly, the situation is no better than when we first introduced this legislation in 2009. A recent rash of cases involving children's toys is particularly chilling because children are so susceptible to the effects of defective products, and because there is no worse nightmare as a parent than seeing harm befall your child, particularly when that harm is preventable.

The following are just a few of the many examples of defective and dangerous toys and children's products that are being sold to unknowing parents:

On October 27, the Consumer Product Safety Commission announced a settlement with a foreign toy maker because a line of its craft kits contained beads that were, unbelievably, coated with the chemical GHB, also known as ''the date-rape drug.'' Children who swallowed the beads became comatose, developed respiratory depression, or had seizures. Over 4.2 million of these toys were sold.

A week earlier, a line of wooden peg toys made by a foreign manufacturer were recalled for having small parts that could choke toddlers.

Earlier this year, there was a recall of jewelry marketed to children 12 years old and under because it contained cadmium, which can cause cancer. The cadmium levels in these products were as high as 2,300 times the legal limit in California, where the jewelry was distributed.

Foreign toys have been found to contain dangerous levels of lead. In 2007, a major toy company was forced to recall 18.6 million foreign-made toys for containing lead or dangerous magnets. The same year, another major company had to recall more than 1.6 million foreign-made toys for containing lead. In 2006, a foreign-made, lead-tainted charm bracelet claimed the life of a 4-year-old. The autopsy demonstrated that the charm was 99 percent lead, 1,650 times more than the 0.06 percent lead limit specified in enforcement guidelines for children's jewelry.

However, it is not just toys and other children's products that pose risks. In 2008, a contaminated blood thinner from a foreign manufacturer caused severe medical reactions and contributed to numerous deaths. Imported food products from seafood to honey have been contaminated with unthinkable chemicals, including veterinary drugs banned in domestic production, potentially harmful antibiotics, and unapproved food additives. Tens of millions of packages of pet food contaminated with tainted wheat gluten have been recalled. Substandard tires have failed, leading to fatalities. Defective drywall imported from China has been found to contain excessively high levels of sulfur, causing houses to smell like rotten eggs, corroding copper wiring, making expensive appliances fail, causing respiratory an other health problems, and making homes unlivable. Thousands of homes have been affected. I am very pleased that tomorrow Senator PRYOR will chair an important hearing of the Commerce Committee Subcommittee on Consumer Protection, Product Safety, and Insurance, focusing on this contaminated drywall, and its awful consequences.

At a hearing that I chaired in 2009, the Senate Judiciary Committee Subcommittee on Administrative Oversight and the Courts explored the legal hurdles facing consumers who are injured by defective foreign products and by businesses that find that their foreign partners refuse to honor their contracts. These hurdles allow foreign manufacturers to injure American businesses and consumers with impunity. They also put American manufacturers at a competitive disadvantage since they allow foreign manufacturers to offer cheaper products that do not comply with American safety requirements.

Two major hurdles to proper accountability are the inability to serve process on the foreign manufacturer and the ability of that foreign manufacturer, even if served, to evade the jurisdiction of American courts. Legislation to address these issues is both necessary and appropriate. The Foreign Manufacturers Legal Accountability Act addresses both concerns.

The first problem, the inability to serve process on a manufacturer, essentially means that it is difficult for an American to give a foreign manufacturer the legally required notice that it is the subject of a lawsuit. This sounds like a simple step, and it should be. Unfortunately, however, it is very hard to serve process on foreign companies abroad. Service abroad is complicated by the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters, to which the United States is a signatory. Under that convention, a complaint must be translated into the foreign language, transmitted to the Central Authority in the foreign country, and then delivered according to the rules of service in the home country of the defendant. This can cause months and even years of delay, not to mention great expense for Americans.

The Foreign Manufacturers Legal Accountability Act will allow Americans to overcome that procedural hurdle by serving legal papers inside the United States on registered agents of foreign manufacturers. The bill requires the heads of Federal Government agencies such as the Food and Drug Administration to pass regulations requiring that foreign manufacturers of products regulated by their agencies register an agent who will accept service of process. It allows regulators to exclude manufacturers who only import a minimal amount of products into the United States. It imposes a minimal burden on foreign manufacturers, since they would only have to appoint one agent to accept service of process for all State and Federal regulatory and civil actions anywhere in the United

States. The bill allows the manufacturer to choose any location for that agent with a ''substantial connection to the importation, distribution, or sale'' of their products. This clear and straightforward system will allow Americans to commence their lawsuits fairly and promptly, and ensure that foreign manufacturers have proper and fair notice of the proceedings brought against them. It will not conflict with American obligations under the Hague convention, since that convention applies to service of process on foreign manufacturers in their home countries, not in the United States.

The second hurdle, the inability to establish personal jurisdiction over foreign manufacturers, can end a lawsuit against a foreign manufacturer before it even begins. Think about how unfair this is. A foreign manufacturer sells its defective products in the United States, injures American consumers and businesses, and then argues that it is not subject to the courts in the state where the American was injured—in legal parlance, that the courts do not have personal jurisdiction over it. Foreign manufacturers raise this technical legal defense to avoid liability even when serious injuries or even death have been caused by their products—their defective tires, fireworks, exercise equipment, bikes, and toys.

The Foreign Manufacturers Legal Accountability Act will enable injured Americans to surmount this hurdle. It will make clear to foreign manufacturers that by importing their products into the United States and by registering an agent in the United States, they are consenting to the jurisdiction of the courts in the state where their agent is located. By consenting to jurisdiction, the manufacturers will be unable to engage in unnecessary and expensive legislation about technical legal issues and allow courts to settle the merits of disputes. This approach is fair to foreign manufacturers since all American manufacturers are subject to the jurisdiction of the courts of at least one state. This bill therefore complies with the trade principle that we should not subject foreign manufacturers to burdens not already imposed on domestic manufacturers.

Indeed, the Foreign Manufacturers Legal Accountability Act is ultimately about fairness. We all know American manufacturers comply with regulations that ensure the safety of American consumers and businesses. When they fail to do so, they must answer to regulators and are held accountable through the American tort system. Unfortunately, foreign manufacturers are not being held to the same standards—injuring American consumers and businesses, and putting American manufacturers at a competitive disadvantage. We must level the playing field for all manufacturers and provide justice for American consumers and businesses. The Foreign Manufacturers Legal Accountability Act will allow us to make a major step in that direction. It covers major product categories including consumer goods, drugs, cosmetics, and chemicals, and it requires relevant agencies to study workable approaches to ensure that foreign food producers also are brought within the ambit of the American legal system.

Because of its benefits to consumers, this legislation has the support of several leading consumer groups, including Consumers Union, Consumer Federation of America, U.S. PIRG, and the National Association of Consumer Advocates.

Protecting Americans and holding foreign manufacturers accountable when their products harm American consumers and businesses is a bipartisan issue. Everyone agrees that we should do what we can to keep Americans safe from defective products. So too, I think, do we all agree that American companies should not be at a competitive disadvantage to their foreign counterparts. The Foreign Manufacturers Legal Accountability Act builds on those fundamental agreements. I am grateful to my colleague Senator SESSIONS, and the bill's other cosponsors, for their hard work on this bill. I know that they all feel the impacts of harmful, defective foreign products in their home states, just as we feel it in Rhode Island.

I look forward to working with my colleagues on both sides of the aisle to see this important legislation passed into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 343—COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ ON DECEMBER 5, 2011

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas on June 9, 1946, His Majesty King Bhumibol Adulyadej ascended to the throne and celebrated his 65th year as King of Thailand earlier this year;

Whereas King Bhumibol is the world's longest-serving monarch;

Whereas King Bhumibol has enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts in 1927, while his father was completing his studies in the United States;

Whereas on March 20, 1833, the United States and Thailand (then known as Siam) signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the first treaty ally of the United States in the Asia-Pacific region;

Whereas bilateral trade between Thailand and the United States grew by 38 percent between 2002 and 2010;

Whereas the United States and Thailand have remained strong security allies for 57 years, as memorialized in the Manila Pact in 1954, and later expanded under the Thanat-Rusk Communique of 1962;

Whereas President Bush designated Thailand as a major Non-NATO Ally on December 30, 2003;

Whereas Secretary of State Hillary Clinton, while in Bangkok on November 16, 2011, stated ''Our nations are connected through not only security cooperation and business ties, but the democratic values we share and the bonds of family and friendship that link our people.'';

Whereas the Fulbright Program, which was established between Thailand and the United States in 1950, and other exchanges, provide graduate, undergraduate, and high school students from each country the opportunity to study in the other country;

Whereas collaboration between Thailand and the United States has resulted in significant public health achievements;

Whereas in response to the worst flooding in Thailand's history—

(1) the United States Government—

(A) has provided humanitarian assistance and disaster relief;

(B) is working to help improve Thailand's capacity to prepare and respond to such disasters in the future; and

(C) has declared the United States will support Thailand's long-term recovery; and

(2) United States citizens and the private sector have donated to reconstruction efforts; and

Whereas more than 150,000 people of Thai descent live in the United States.

Now, therefore, be it

Resolved, That the Senate—

(1) sends warm wishes to the people of Thailand as they celebrate the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011, and commemorate his 65-year reign as King of Thailand;

(2) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 178-year diplomatic history, and, most importantly, shared values, including democracy, good governance, and the rule of law; and

(3) expresses its deepest sympathies for the recent historic floods in Thailand, and supports continuing efforts to provide civilian and military assistance to save lives, restore health, and facilitate Thailand's economic recovery.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, December 8, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider S. 1763, the SAVE Native Women Act, and S. 1065, the Blackfeet River Land Settlement Act, to be followed by a hearing entitled ''State and Federal Tax Policy: Building New Markets in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

On Thursday, December 1, 2011, the Senate passed H.R. 1540, as amended, as follows:

H.R. 1540

Resolved, That the bill from the House of Representatives (H.R. 1540) entitled ''An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department

of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2012''.

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

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A–Department of Defense Authorizations.

(2) Division B–Military Construction Authorizations.

(3) Division C–Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D–Funding Tables.

(5) Division E–SBIR and STTR Reauthorization.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Scoring of budgetary effects.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Navy Programs

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

Subtitle C—Air Force Programs

Sec. 131. Procurement of advanced extremely high frequency satellites.
Sec. 132. Availability of fiscal year 2011 funds for research and development relating to the B–2 bomber aircraft.
Sec. 133. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.
Sec. 134. Limitations on use of funds to retire B–1 bomber aircraft.
Sec. 135. Limitation on retirement of U–2 aircraft.
Sec. 136. Strategic airlift aircraft force structure.
Sec. 137. Limitation on retirement of C–23 aircraft.

Subtitle D—Joint and Multiservice Matters

Sec. 151. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
Sec. 152. F–35 Joint Strike Fighter aircraft.
Sec. 153. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.
Sec. 154. Multiyear procurement authority for airframes for Army UH–60M/HH–60M helicopters and Navy MH–60R/MH–60S helicopters.
Sec. 155. Designation of undersea mobility acquisition program of the United States Special Operations Command as a major defense acquisition program.
Sec. 156. Transfer of Air Force C–12 Liberty Intelligence, Surveillance, and Reconnaissance aircraft to the Army.
Sec. 157. Joint Surveillance Target Attack Radar System aircraft re-engining program.
Sec. 158. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
Sec. 159. Authority for exchange with United Kingdom of specified F–35 Lightning II Joint Strike Fighter aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Prohibitions relating to use of funds for research, development, test, and evaluation on the F136 engine.
Sec. 212. Limitation on use of funds for Increment 2 of B–2 bomber aircraft extremely high frequency satellite communications program.
Sec. 213. Unmanned Carrier Launched Airborne Surveillance and Strike.
Sec. 214. Marine Corps ground combat vehicles.

Subtitle C—Missile Defense Matters

Sec. 231. Enhanced oversight of missile defense acquisition programs.
Sec. 232. Ground-based Midcourse Defense Program.
Sec. 233. Missile defense cooperation with Russia.
Sec. 234. Report on the United States missile defense hedging strategy.

Subtitle D—Reports

Sec. 251. Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics.

Subtitle E—Other Matters

Sec. 261. Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.
Sec. 262. Laboratory facilities, Hanover, New Hampshire.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Modification of energy performance goals.
Sec. 312. Streamlined annual report on defense environmental programs.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 314. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.
Sec. 315. Discharge of wastes at sea generated by ships of the Armed Forces.
Sec. 316. Consideration of energy security and reliability in development and implementation of energy performance goals.
Sec. 317. Installation energy metering requirements.
Sec. 318. Training policy for Department of Defense energy managers.

Subtitle C—Workplace and Depot Issues

Sec. 321. Minimum capital investment for certain depots.
Sec. 322. Limitation on revising the definition of depot-level maintenance.
Sec. 323. Designation of military industrial facilities as Centers of Industrial and Technical Excellence.
Sec. 324. Reports on depot-related activities.

Subtitle D—Reports

Sec. 331. Study on Air Force test and training range infrastructure.
Sec. 332. Study on training range infrastructure for special operations forces.
Sec. 333. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.
Sec. 334. Modified deadline for annual report on budget shortfalls for implementation of operational energy strategy.

Subtitle E—Other Matters

Sec. 341. Extension of authority for Army industrial facilities to enter into cooperative agreements with non-Army entities.
Sec. 342. Working-capital fund accounting.
Sec. 343. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.
Sec. 344. Authority to accept contributions of funds to study options for mitigating adverse effects of proposed obstructions on military installations.
Sec. 345. Utility disruptions to military installations.
Sec. 346. Eligibility of active and reserve members, retirees, gray area retirees, and dependents for space-available travel on military aircraft.

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 POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty.
Sec. 502. Voluntary retirement incentive.
Sec. 503. National Defense University outplacement waiver.
Sec. 504. Modification of definition of ''joint duty assignment'' to include all instructor assignments for joint training and education.

Subtitle B—Reserve Component Management

Sec. 511. Authority for order to active duty of members of the Selected Reserve and certain members of the Individual Ready Reserve for preplanned missions.
Sec. 512. Modification of eligibility for consideration for promotion for certain reserve officers employed as military technicians (dual status).
Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
Sec. 514. Report on termination of military technician as a distinct personnel management category.
Sec. 515. Authority to order army reserve, navy reserve, marine corps reserve, and air force reserve to active duty to provide assistance in response to a major disaster or emergency.

Subtitle C—General Service Authorities

Sec. 521. Repeal of mandatory high-deployment allowance.

Sec. 522. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.

Sec. 523. Expansion of regular enlisted members covered by early discharge authority.

Sec. 524. Extension of voluntary separation pay and benefits.

Sec. 525. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.

Sec. 526. Policy on military recruitment and enlistment of graduates of secondary schools.

Sec. 527. Freedom of conscience of military chaplains with respect to the performance of marriages.

Subtitle D—Education and Training

Sec. 541. Enhancement of authorities on joint professional military education.

Sec. 542. Grade of commissioned officers in uniformed medical accession programs.

Sec. 543. Reserve component mental health student stipend.

Sec. 544. Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the Armed Forces in associate degree programs of the Community College of the Air Force in order to complete degree program.

Sec. 545. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC.

Sec. 546. Temporary authority to waive maximum age limitation on admission to the military service academies.

Sec. 547. Pilot program on receipt of civilian credentialing for skills required for military occupational specialties.

Subtitle E—Military Justice and Legal Matters Generally

Sec. 551. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.

Sec. 552. Authority to compel production of documentary evidence.

Sec. 553. Procedures for judicial review of certain military personnel decisions.

Sec. 554. Department of Defense support for programs on pro bono legal representation for members of the Armed Forces.

Subtitle F—Sexual Assault Prevention and Response

Sec. 561. Director of the Sexual Assault Prevention and Response Office.

Sec. 562. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

Sec. 563. Access of sexual assault victims to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

Sec. 564. Requirement for privilege in cases arising under Uniform Code of Military Justice against disclosure of communications between sexual assault victims and Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, and certain other persons.

Sec. 565. Expedited consideration and decision-making on requests for permanent change of station or unit transfer of victims of sexual assault.

Sec. 566. Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

Subtitle G—Defense Dependents' Education

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 572. Impact aid for children with severe disabilities.

Sec. 573. Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies.

Subtitle H—Military Family Readiness

Sec. 576. Modification of membership of Department of Defense Military Family Readiness Council.

Sec. 577. Comptroller General of the United States report on Department of Defense military spouse employment programs.

Subtitle I—Other Matters

Sec. 581. Cold War Service Medal.

Sec. 582. Enhancement and improvement of Yellow Ribbon Reintegration Program.

Sec. 583. Report on process for expedited determination of disability of members of the Armed Forces with certain disabling conditions.

Sec. 584. Report on the achievement of diversity goals for the leadership of the Armed Forces.

Sec. 585. Specification of period in which application for voter registration or absentee ballot from an overseas voter is valid.

Sec. 586. Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War.

Sec. 587. Authorization for award of the distinguished service cross for captain Fredrick L. Spaulding for acts of valor during the Vietnam War.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Sec. 612. Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay.

Subtitle B—Consolidation and Reform of Travel and Transportation Authorities

Sec. 621. Consolidation and reform of travel and transportation authorities of the uniformed services.

Sec. 622. Transition provisions.

Subtitle C—Disability, Retired Pay, and Survivor Benefits

Sec. 631. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.

Sec. 632. Limitation on availability of certain funds pending report on provision of special compensation for members of the uniformed services with injury or illness requiring assistance in everyday living.

Sec. 633. Repeal of sense of Congress on age and service requirements for retired pay for non-regular service.

Sec. 634. Death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Sec. 635. Repeal of requirement of reduction of Survivor Benefits Plan survivor annuities by dependency and indemnity compensation.

Subtitle D—Pay and Allowances

Sec. 641. No reduction in basic allowance for housing for National Guard members who transition between active duty and full-time National Guard duty without a break in active service.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Annual cost-of-living adjustment in enrollment fees in TRICARE Prime.

Sec. 702. Maintenance of the adequacy of provider networks under the TRICARE program.

Sec. 703. Transition enrollment of uniformed services family health plan Medicare-eligible retirees to TRICARE for Life.

Sec. 704. Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra.

Sec. 705. Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States.

Subtitle B—Other Health Care Benefits

Sec. 711. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States.

Sec. 712. Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH–60R/S HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts, beginning with the fiscal year 2012 program year, for the procurement of mission avionics and common cockpits for MH–60R/S helicopters.

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

Subtitle C—Air Force Programs

SEC. 131. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract for such procurement.

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

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

(B) Cost reduction initiatives.

(3) USE OF INCREMENTAL FUNDING.—The Secretary may use incremental funding for a contract entered into under paragraph (1) for a period not to exceed six fiscal years.

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

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

(B) the total liability of the Federal Government for the termination of the contract shall be limited to the total amount of funding obligated at the time of the termination of the contract.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed $3,100,000,000.

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

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program-related support costs.

(D) Technical support for obsolescence studies.

(c) ADJUSTMENT TO LIMITATION AMOUNT.—

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

(2) INCREASE DESCRIBED.—An increase described in this paragraph is one of the following:

(A) An increase in costs that is attributable to economic inflation after September 30, 2011.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) An increase in the cost of an advanced extremely high frequency satellite that is attributable to the insertion of a new technology into the satellite that was not built into such satellites procured before fiscal year 2012, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology into the satellite is—

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

(ii) required to meet an emerging threat that poses grave harm to the national security of the United States.

(d) REPORTS.—

(1) REPORT ON CONTRACTS.—Not later than 30 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on the contract that includes the following:

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

(B) The type and duration of the contract.

(C) The total value of the contract.

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

(E) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(2) PLAN FOR USING COST SAVINGS.—Not later than 90 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a plan for using the cost savings described in paragraph (1)(A) to improve the capability of military satellite communications that includes a description of the following:

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

(B) The specific activities or subprograms to be funded using such cost savings and the funds, by year, allocated to each such activity or subprogram.

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

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

(E) The method by which the Secretary will determine which such activities or subprograms to fund, including whether that determination will be on a competitive basis.

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

(G) The process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2012 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 6.

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

SEC. 132. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO THE B–2 BOMBER AIRCRAFT.

Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B–2 bomber aircraft modifications, post-production support, and other charges, $20,000,000 shall be available for fiscal year 2012 for research, development, test, and evaluation with respect to a conventional mixed load capability for the B–2 bomber aircraft.

SEC. 133. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO SUPPORT ALTERNATIVE OPTIONS FOR EXTREMELY HIGH FREQUENCY TERMINAL INCREMENT 1 PROGRAM OF RECORD.

(a) IN GENERAL.—Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B–2 bomber aircraft aircraft modifications, post-production support, and other charges, $15,000,000 shall be available to support alternative options for the extremely high frequency terminal Increment 1 program of record.

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

SEC. 134. LIMITATIONS ON USE OF FUNDS TO RETIRE B–1 BOMBER AIRCRAFT.

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

(1) on or before the date on which the Secretary of the Air Force submits to the congressional defense committees the plan described in subsection (b), to retire any B–1 bomber aircraft; or

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

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

(1) An identification of each B–1 bomber aircraft that will be retired and the disposition plan for such aircraft.

(2) An estimate of the savings that will result from the proposed retirement of six B–1 bomber aircraft in each calendar year through calendar year 2022.

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

(4) A modernization plan for sustaining the remaining B–1 bomber aircraft through at least calendar year 2022.

(5) An estimate of the amount of funding required to fully fund the modernization plan described in paragraph (4) for each calendar year through calendar year 2022.

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

(1) an amount that is not less than 60 percent of the savings achieved in each calendar year through calendar year 2022 resulting from the retirement of B–1 bomber aircraft should be reinvested in modernizing and sustaining bomber aircraft; and

(2) an amount that is not less than 35 percent of the amount described in paragraph (1) should be reinvested in modernizing and sustaining the remaining B–1 bomber aircraft through at least calendar year 2022.

SEC. 135. LIMITATION ON RETIREMENT OF U–2 AIRCRAFT.

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

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

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

SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''October 1, 2009'' and inserting ''October 1, 2011''; and

(2) by striking ''316 aircraft'' and inserting ''301 aircraft''.

SEC. 137. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C–23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

(d) SUSTAINMENT.—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated with operating, maintaining, sustaining, and modernizing the aircraft.

Subtitle D—Joint and Multiservice Matters

SEC. 151. INCLUSION OF INFORMATION ON APPROVED COMBAT MISSION REQUIREMENTS IN QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENT FUNDS.

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

''(6) A table setting forth the Combat Mission Requirements approved during the fiscal year in which such report is submitted and the two preceding fiscal years, including for each such Requirement—

''(A) the title of such Requirement;

''(B) the date of approval of such Requirement; and

''(C) the amount of funding approved for such Requirement, and the source of such approved funds.

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

SEC. 152. F–35 JOINT STRIKE FIGHTER AIRCRAFT.

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

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

(2) That the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

SEC. 153. REPORT ON PLAN TO IMPLEMENT WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009 MEASURES WITHIN THE JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

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

(1) Specific goals for implementing the requirements of the Weapon Systems Acquisition Reform Act of 2009, and the amendments made by that Act, within the Joint Strike Fighter aircraft program.

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

SEC. 154. MULTIYEAR PROCUREMENT AUTHORITY FOR AIRFRAMES FOR ARMY UH–60M/HH–60M HELICOPTERS AND NAVY MH–60R/MH–60S HELICOPTERS.

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

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

SEC. 155. DESIGNATION OF UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) DESIGNATION.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate the undersea mobility acquisition program of the United States Special Operations Command as a major defense acquisition program (MDAP).

(b) ELEMENTS.—The major defense acquisition program designated under subsection (a) shall consist of the elements as follows:

(1) The Dry Combat Submersible-Light program.

(2) The Dry Combat Submersible-Medium program.

(3) The Shallow Water Combat Submersible program.

(4) The Next-Generation Submarine Shelter program.

SEC. 156. TRANSFER OF AIR FORCE C–12 LIBERTY INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT TO THE ARMY.

(a) PLAN FOR TRANSFER.—The Secretary of Defense shall develop and carry out a plan for the orderly transfer of the Air Force C–12 Liberty Intelligence, Surveillance, and Reconnaissance (ISR) aircraft to the Army to avoid the need for the Army to procure additional C–12 aircraft for the replacement of the Guardrail aircraft fleet under the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) program.

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

(1) take into account the ability of Army personnel now operating the Guardrail aircraft to take over operation of C–12 Liberty aircraft as Guardrail aircraft are retired, freeing up Air Force personnel for reallocation to meet the expanding orbit requirements for Unmanned Aerial Systems;

(2) take into account the need to sustain intelligence, surveillance, and reconnaissance support for forces deployed to Afghanistan and elsewhere; and

(3) provide for the modification of the Liberty C–12 aircraft transferred under the plan to meet the long-term needs of the Army for the Enhanced Medium Altitude Reconnaissance and Surveillance System configuration to replace the Guardrail system.

(c) REPORT.—Not later than the date on which the budget for fiscal year 2013 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense and intelligence committees a report on the plan required by subsection (a). The report shall include a description of the plan and an estimate of the costs to be avoided through cancellation of aircraft procurement under the Enhanced Medium Altitude Reconnaissance and Surveillance System program by reason of the transfer of aircraft under the plan.

SEC. 157. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT RE-ENGINING PROGRAM.

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

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

(2) ELEMENTS.—The report on the audit required by paragraph (1) shall include the following:

(A) A description of how the funds described in that paragraph were expended, including—

(i) an assessment of the existence, completeness, and cost of the assets acquired with such funds; and

(ii) an assessment of the costs that were capitalized as military equipment and inventory and the cost characterized as operating expenses (including payroll, freight and shipment, inspection, and other operating costs).

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

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

SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F–35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F–35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F–35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F–35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

SEC. 159. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F–35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) AUTHORITY.—

(1) EXCHANGE AUTHORITY.—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the ''United Kingdom'') all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—The aircraft authorized to be transferred by the United States under this subsection is an F–35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—The aircraft for which the exchange under paragraph (1) may be made is an F–35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) FUNDING FOR PRODUCTION OF AIRCRAFT.—

(1) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) EXCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) IMPLEMENTATION.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled ''Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding'', which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. PROHIBITIONS RELATING TO USE OF FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON THE F136 ENGINE.

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

(b) PROHIBITION ON TREATMENT OF CERTAIN EXPENDITURES AS ALLOWABLE CHARGES.—No research, development, test, or evaluation on the F136 engine that is conducted and funded by the contractor may be considered an allowable charge on any future government contract, whether as a direct or indirect cost.

SEC. 212. LIMITATION ON USE OF FUNDS FOR INCREMENT 2 OF B–2 BOMBER AIRCRAFT EXTREMELY HIGH FREQUENCY SATELLITE COMMUNICATIONS PROGRAM.

None of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201 and available for Increment 2 of the B–2 bomber aircraft extremely high frequency satellite communications program may be obligated or expended until the date that is 15 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The certification of the Secretary that—

(A) the United States Government will own the data rights to any extremely high frequency active electronically steered array antenna developed for use as part of a system to support extremely high frequency protected satellite communications for the B–2 bomber aircraft; and

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

(2) A detailed plan setting forth the projected cost and schedule for research, development, and testing on the extremely high frequency active electronically steered array antenna.

SEC. 213. UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE.

Of the amounts authorized to be appropriated for fiscal year 2012 for the Navy for research, development, test, and evaluation and available for purposes of the Unmanned Carrier Launched Airborne Surveillance and Strike (UCLASS) program (PE 64404N) as specified in the funding table in section 4201, not more than 50 percent may be obligated or expended for such purposes until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the Under Secretary has approved an acquisition plan for that program at Milestone A approval that requires implementation of open architecture standards for that program.

SEC. 214. MARINE CORPS GROUND COMBAT VEHICLES.

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

(1) LIMITATION.—Milestone B approval may not be granted for the Marine Personnel Carrier (MPC) until 30 days after the date of the submittal to the congressional defense committees of an Analysis of Alternatives (AoA) for the Amphibious Combat Vehicle (ACV).

(2) REQUIREMENTS FOR ANALYSIS OF ALTERNATIVES.—The Analysis of Alternatives for the Amphibious Combat Vehicle required by paragraph (1) shall include each of the following:

(A) An assessment of the ability of the Navy to defend its vessels against attacks at distances from shore ranging from 10-to-30 nautical miles during amphibious assault operations in multiple potential future conflict scenarios, based on existing and planned and budgeted defense capabilities. The assessment shall identify the key issues and variables that determine survivability in each of the scenarios assessed.

(B) An assessment of the amount of time Marines can be expected to ride in a non-planing amphibious assault vehicle without suffering a significant degradation in combat effectiveness. The Marine Corps shall conduct tests to support such assessment using existing Amphibious Assault Vehicles and Expeditionary Fighting Vehicle SDD–2 prototypes.

(C) An assessment of the armor protection levels the Amphibious Combat Vehicle would require to satisfy the requirements for the Marine Personnel Carrier program, and an assessment whether a non-planing Amphibious Combat Vehicle could practically achieve that armor protection level while meeting other objectives for mobility and cost.

(D) An assessment of whether an Amphibious Combat Vehicle system could perform the range of amphibious assault and land warfare missions for the Marine Corps at a life-cycle cost approximately equal to or less than the combined cost of the Amphibious Combat Vehicle and Marine Personnel Carrier programs, and an assessment of the extent to which a ground combat vehicle fleet composed entirely of Amphibious Combat Vehicles would enhance the amphibious assault capabilities of the Marine Corps when compared with a fleet composed of a mixture of Amphibious Combat Vehicles and Marine Personnel Carriers.

(3) SUPPORT OF ANALYSIS OF ALTERNATIVES.—The Marine Corps may conduct such technology development and demonstration, and such other pre-acquisition activities, tests, exercises, and modeling, as the Marine Corps considers necessary to support the Analysis of Alternatives required by paragraph (1) and the establishment of requirements for the Amphibious Combat Vehicle.

(b) LIMITATION ON MILESTONE B APPROVAL FOR VARIOUS VEHICLES PENDING LIFE-CYCLE COST ASSESSMENT.—

(1) LIMITATION.—Milestone B approval may not be granted for any Marine Corps ground combat vehicle specified in paragraph (2) until 30 days after the date of the submittal to the congressional defense committees of a life-cycle cost assessment of the portfolio of Marine Corps ground vehicles performed by the Director of Cost Assessment and Program Evaluation of the Department of Defense.

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

(A) The Marine Personnel Carrier.

(B) The Amphibious Combat Vehicle.

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

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

(c) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2012 by section 201 and available for research, development, test, and evaluation for the Navy as specified in the funding tables in section 4201 for Program Elements 0603611M and 0206623M for the Amphibious Combat Vehicle, the Assault Amphibious Vehicle 7A1, and the Marine Personnel Carrier, $30,000,000 is available for pre-acquisition activities in support of the Analysis of Alternatives and requirements definition for the Amphibious Combat Vehicle.

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

Subtitle C—Missile Defense Matters

SEC. 231. ENHANCED OVERSIGHT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

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

(1) in subsection (d), by striking ''each report'' and inserting ''each of the first three reports''; and

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

''(e) COMPTROLLER GENERAL ASSESSMENT.—(1) At the end of each of fiscal years 2012 through 2015, the Comptroller General of the United States shall review the annual reports on acquisition baselines and variances required under subsection (c) and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.

''(2) Not later than February 15, 2013, and each year thereafter through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year. Each report shall include any findings and recommendations on missile defense acquisition programs and accountability therefore that the Comptroller General considers appropriate.''.

(b) REPEAL OF SUPERSEDED REPORTING AUTHORITY.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsection (g).

SEC. 232. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.

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

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

(2) As the Director of Operational Test and Evaluation has reported, prior to the decision in December 2002 to deploy the system, an operationally representative variant of the Ground-Based Interceptor had not been flight-tested.

(3) As the Department of Defense and the Government Accountability Office have acknowledged, the Ground-based Midcourse Defense system experienced high levels of concurrency in development and deployment, which led to a number of problems. In April 2011, the Missile Defense Agency acknowledged that the system ''is still evolving and has not attained a stable configuration between missiles. It is still an 'operational prototype' system''.

(4) The Director of Operational Test and Evaluation reported in December 2010 that there have not been enough flight tests of the Ground-based Midcourse Defense system to permit an objective assessment of its operational effectiveness, suitability data remain insufficient, evaluation of survivability remains limited, and a ''full end-to end performance assessment is still a minimum of 6 years away''.

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

(6) In 2009, the Secretary of Defense announced that the Department of Defense would refocus efforts on improving the operational capability, reliability, and availability of the Ground-based Midcourse Defense system in order to maintain its ability to stay ahead of projected threats from North Korea and Iran for the foreseeable future.

(7) In February 2010 the Ballistic Missile Defense Review stated the United States is currently protected against limited intercontinental ballistic missile attacks as a result of investments made over the past decade in the Ground-based Midcourse Defense system and reiterated the commitment to improving the operational capability, reliability, and availability of the Ground-based Midcourse Defense System.

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

(9) The two most recent flight tests are not indicative of the functionality of the Capability Enhancement-1 Exo-atmospheric Kill Vehicle design, which continues to provide the United States protection against a limited intercontinental ballistic missile attack.

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

(11) The Missile Defense Agency plans to design a correction of the problem causing the December 2010 flight-test failure and to verify the correction through extensive modeling and simulation, ground testing, and two flight tests, the first of which will not be an interception test.

(12) Until completing the verification of its corrective action, the Missile Defense Agency has suspended further production of Exo-atmospheric Kill Vehicles to ensure that potential flaws are not incorporated into them, and to permit any corrective action that may be needed to Exo-atmospheric Kill Vehicles at minimal cost and schedule risk.

(13) The Director of the Missile Defense Agency has testified that the Missile Defense Agency has sufficient funding available and planned for fiscal years 2011 and 2012, respectively, to implement the planned correction of the problem causing the December 2010 flight-test failure.

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

(1) it is essential for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland, throughout its operational service life, against limited future missile attacks from nations such as North Korea and Iran;

(2) the Missile Defense Agency should, as its highest priority, determine the root cause of the December 2010 flight-test failure of the Ground-based Midcourse Defense system, design a correction of the problem causing the flight-test failure, and verify through extensive testing that such correction is effective and will allow the Ground-based Midcourse Defense system to reach levels described in paragraph (1);

(3) before verifying the success of the correction of the problem causing the December 2010 flight-test failure, the Missile Defense Agency should suspend further production of Exo-atmospheric Kill Vehicles to ensure that they will not be deployed with any component or design flaws that may have caused the flight-test failure;

(4) after the Missile Defense Agency has verified the correction of the problem causing the December 2010 flight-test failure, including through the two previously unplanned verification flight tests, the Agency should assess the need for any additional Ground-Based Interceptors and any additional steps needed for the Ground-based Midcourse Defense testing and sustainment program; and

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

(c) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, and one year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan of the Department of Defense to correct the problem causing the December 2010 flight-test failure of the Ground-based Midcourse Defense system, and any progress toward the achievement of that plan.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A detailed discussion of the plan to correct the problem described in that paragraph, including plans for diagnostic, design, testing, and manufacturing actions.

(B) A detailed discussion of any results obtained from the plan described in subparagraph (A) as of the date of such report, including diagnostic, design, testing, or manufacturing results.

(C) A description of any cost or schedule impact of the plan on the Ground-based Midcourse Defense program, including on testing, production, refurbishment, or deferred work.

(D) A description of any planned adjustments to the Ground-based Midcourse Defense program as a result of the implementation of the plan, including future programmatic, schedule, testing, or funding adjustments.

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

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

SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.

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

(1) For more than a decade, the United States and Russia have discussed a variety of options for cooperation on shared early warning and ballistic missile defense. For example, on May 1,

2001, President George W. Bush spoke of a ''new cooperative relationship'' with Russia and said it ''should be premised on openness, mutual confidence and real opportunities for cooperation, including the area of missile defense. It should allow us to share information so that each nation can improve its early warning capability, and its capability to defend its people and territory. And perhaps one day, we can even cooperate in a joint defense''.

(2) Section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 1654A–329) authorized the Department of Defense to establish in Russia a ''joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles'', also known as the Joint Data Exchange Center (JDEC).

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

(4) On July 6, 2009, President Barack Obama and Russian President Dmitry Medvedev issued a joint statement on missile defense issues, which stated that ''Russia and the United States plan to continue the discussion concerning the establishment of cooperation in responding to the challenge of ballistic missile proliferation. . . We have instructed our experts to work together to analyze the ballistic missile challenges of the 21st century and to prepare appropriate recommendations''.

(5) The February 2010 report of the Ballistic Missile Defense Review established as one of its central policy pillars that increased international missile defense cooperation is in the national security interest of the United States and, with regard to cooperation with Russia, the United States ''is pursuing a broad agenda focused on shared early warning of missile launches, possible technical cooperation, and even operational cooperation''.

(6) at the November 2010 Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to develop a missile defense system to ''protect NATO European populations, territory and forces'' and also to seek cooperation with Russia on missile defense. In its Lisbon Summit Declaration, the North Atlantic Treaty Organization reaffirmed its readiness to ''invite Russia to explore jointly the potential for linking current and planned missile defence systems at an appropriate time in mutually beneficial ways''. The new NATO Strategic Concept adopted at the Lisbon Summit states that ''we will actively seek cooperation on missile defence with Russia'', that ''NATO-Russia cooperation is of strategic importance'', and that ''the security of the North Atlantic Treaty Organization and Russia is intertwined''.

(7) In a December 18, 2010, letter to the leadership of the Senate, President Obama wrote that the North Atlantic Treaty Organization ''invited Russia to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance's missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States' or NATO's missile defense capabilities. Effective cooperation with Russia could enhance the overall efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security''.

(8) Section 221(a)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4167) states that it is the sense of Congress ''to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats''.

(9) In a speech in Russia on March 21, 2011, Secretary of Defense Robert Gates cited ''the NATO-Russian decision to cooperate on defense against ballistic missiles. We've disagreed before, and Russia still has uncertainties about the European Phased Adaptive Approach, a limited system that poses no challenges to the large Russian nuclear arsenal. However, we've mutually committed to resolving these difficulties in order to develop a roadmap toward truly effective anti-ballistic missile collaboration. This collaboration may include exchanging launch information, setting up a joint data fusion center, allowing greater transparency with respect to our missile defense plans and exercises, and conducting a joint analysis to determine areas of future cooperation''.

(10) In testimony to the Committee on Armed Services of the Senate on April 13, 2011, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley H. Roberts stated that the United States has been pursuing a Defense Technology Cooperation Agreement with Russia since 2004, and that such an agreement is necessary ''for the safeguarding of sensitive information in support of cooperation'' on missile defense, and to ''provide the legal framework for undertaking cooperative efforts.'' Further, Dr. Roberts stated that the United States would not provide any classified information to Russia without first conducting a National Disclosure Policy review. He also stated that the United States is not considering sharing ''hit-to-kill'' technology with Russia.

(11) The United States and Russia already engage in substantial cooperation on a number of international security efforts, including nuclear nonproliferation, anti-piracy, counter-narcotics, nuclear security, counter-terrorism, and logistics resupply through Russia of coalition forces in Afghanistan. These areas of cooperation require each side to share and protect sensitive information, which they have both done successfully.

(12) The United States currently has shared early warning agreements and programs of cooperation with eight nations in addition to the North Atlantic Treaty Organization. The United States has developed procedures and mechanisms for sharing early warning information with partner nations while ensuring the protection of sensitive United States information.

(13) Russia and the United States each have missile launch early warning and detection and tracking sensors that could contribute to and enhance each others' ability to detect, track, an defend against ballistic missile threats from Iran.

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

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

(1) it is in the national security interest of the United States to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, particularly against missile threats from Iran;

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

(3) missile defense cooperation with Russia should not ''in any way limit United States' or NATO's missile defense capabilities'', as acknowledged in the December 18, 2010, letter from President Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature; and

(4) the United States should pursue missile defense cooperation with Russia in a manner that ensures that—

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

(B) prior to sharing classified information with Russia, the United States conducts a National Disclosure Policy review and determines the types and levels of information that may be shared and whether any additional procedures are necessary to protect such information;

(C) prior to entering into missile defense technology cooperation projects, the United States enters into a Defense Technology Cooperation Agreement with Russia that establishes the legal framework for a broad spectrum of potential cooperative defense projects; and

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

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the status of efforts to reach agreement with Russia on missile defense cooperation.

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

(A) A summary of the status of discussions between the United States and Russia, and between the North Atlantic Treaty Organization and Russia, on efforts to agree on missile defense cooperation.

(B) A description of any agreements reached pursuant to such discussions, and any specific cooperative measures agreed, implemented, or planned.

(C) A discussion of the manner in which such cooperative measures would enhance the security of the United States, and the manner in which such cooperative measures fit within the larger context of United States-Russian cooperation on international security.

(D) A description of the status of efforts to conclude a bilateral Defense Technology Cooperation Agreement with Russia.

(E) A description of the status of any National Disclosure Policy Review relative to the possible sharing of classified information with Russia concerning missile defense cooperation.

(F) A discussion of the actions that are being taken or are planned to be taken to safeguard United States classified information in any agreement or discussions with Russia concerning missile defense cooperation.

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

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

SEC. 234. REPORT ON THE UNITED STATES MISSILE DEFENSE HEDGING STRATEGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the findings and conclusions of the homeland missile defense hedging strategy review, including a discussion of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Reports

SEC. 251. EXTENSION OF REQUIREMENTS FOR BIENNIAL ROADMAP AND ANNUAL REVIEW AND CERTIFICATION ON FUNDING FOR DEVELOPMENT OF HYPERSONICS.

Section 218(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2126; 10 U.S.C. 2358 note) is amended by striking ''2012'' and inserting ''2020''.

Subtitle E—Other Matters

SEC. 261. CONTRACTOR COST-SHARING IN PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.

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

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

(2) by inserting after subsection (a) the following new subsection (b):

''(b) COST-SHARING.—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system either (1) for the development of program protection strategies for the system, or (2) for the design and incorporation of exportability features into the system shall include a cost-sharing provision that requires the contractor to bear at least one half of the cost of such activities.''.

SEC. 262. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the ''Secretary'') may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) DESCRIPTION OF REAL PROPERTY.—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) AMOUNT PAID FOR PROPERTY.—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) REVOLVING FUND.—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

Subtitle B—Energy and Environmental Provisions

SEC. 311. MODIFICATION OF ENERGY PERFORMANCE GOALS.

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

(1) in the subsection heading, by striking ''GOAL'' and inserting ''GOALS''; and

(2) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively; and

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

''(A) to produce or procure not less than 12 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2015 through 2017 from renewable energy sources;

''(B) to produce or procure not less than 16 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2018 through 2020 from renewable energy sources;

''(C) to produce or procure not less than 20 percent of the total quantity of facility energy it consumes within its facilities during each of fiscal years 2021 through 2024 from renewable energy sources;''.

(b) INCLUSION OF DIRECT SOLAR AS ENERGY EFFICIENT PRODUCT.—Section 2915(e)(2)(A) of such title is amended by inserting ''direct solar,'' after ''Roof-top solar thermal,''.

SEC. 312. STREAMLINED ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2711. Annual report on defense environmental programs

''(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on defense environmental programs. Each report shall include:

''(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, the following elements:

''(A) Information on the Installation Restoration Program, including the following:

''(i) The total number of sites in the IRP.

''(ii) The number of sites in the IRP that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding calendar year.

''(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the environmental restoration program during the fiscal year for which the budget is submitted.

''(iv) The Secretary's assessment of the overall progress of the IRP.

''(B) Information on the Military Munitions Restoration Program (MMRP), including the following:

''(i) The total number of sites in the MMRP.

''(ii) The number of sites that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding calendar year.

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

''(iv) The Secretary's assessment of the overall progress of the MMRP.

''(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

''(A) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted; and

''(B) an explanation for any significant change in such amounts during the period covered.

''(3) With respect to the environmental technology program of the Department of Defense—

''(A) a report on the progress made by in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years; and

''(B) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'environmental quality program' means a program of activities relating to environmental compliance, conservation, pollution prevention, and other activities relating to environmental quality as the Secretary may designate; and

''(2) the term 'major activities' with respect to an environmental program means—

''(A) environmental compliance activities;

''(B) conservation activities; and

''(C) pollution prevention activities.''.

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

''2711. Annual report on defense environmental programs.''.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than $45,000 to the Hazardous Substance Superfund Jackson Park Housing Complex, Washington, special account.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 7, 2009, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to submit a draft Final Remedial Investigation/Feasibility Study for the Jackson Park Housing Complex Operable Unit (OU–3T–JPHC) in accordance with the requirements of the Interagency Agreement (Administrative Docket No. CERCLA–10–2005–0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301 for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

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

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to make a final decision on or final adjudication of any claim filed regarding water contamination at Marine Corps Base Camp Lejeune unless the Agency for Toxic Substances and Disease Registry completes all epidemiological and water modeling studies relevant to such contamination that are ongoing as of June 1, 2011, and certifies the completion of all such studies in writing to the Committees on Armed Services for the Senate and the House of Representatives. This provision does not prevent the use of funds for routine administrative tasks required to maintain such claims nor does it prohibit the use of funds for matters pending in Federal court.

(b) RESOLUTION OF CERTAIN DISPUTES.—The Secretary of the Navy shall make every effort to resolve any dispute arising between the Department of the Navy and the Agency for Toxic Substances and Disease Registry that is covered by the Interagency Agreement between the Department of Health and Human Services Agency for Toxic Substances and Disease Registry and the Department of the Navy or any successor memorandum of understanding and signed agreements not later than 60 days after the date on which the dispute first arises. In the event the Secretary is unable to resolve such a dispute within 60 days, the Secretary shall submit to the congressional defense committees a report on the reasons why an agreement has not yet been reached, the actions that the Secretary plans to take to reach agreement, and the schedule for taking such actions.

(c) COORDINATION PRIOR TO RELEASING INFORMATION TO THE PUBLIC.—The Secretary of the Navy shall make every effort to coordinate with the Agency for Toxic Substances and Disease Registry on all issues pertaining to water contamination at Marine Corps Base Camp Lejeune, and other exposed pathways before releasing anything to the public.

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

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

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

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

''(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

''(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

''(A) has unique military design, construction, manning, or operating requirements; and

''(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

''(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

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

''(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

''(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

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

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

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

''(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

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

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

''(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

''(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

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

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

''(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.''.

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

(1) in paragraph (1), by striking ''Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)'' and inserting ''subsection (b)''; and

(2) in paragraph (2), by inserting ''and subsection (b)(3)(B)(i) of this section'' after ''Annex V to the Convention''.

SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.''.

SEC. 317. INSTALLATION ENERGY METERING REQUIREMENTS.

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SEC. 318. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

Subtitle C—Workplace and Depot Issues

SEC. 321. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

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

(1) in subsection (a), by striking ''Each fiscal year, the Secretary of a military department shall invest'' and inserting ''Each fiscal year, it shall be the objective of the Secretary of a military department to invest'';

(2) in subsection (b)—

(A) by striking ''includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support'' and inserting ''includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support''; and

(B) by adding at the end the following: ''It does not include funds spent for any other repair or activity to maintain or sustain existing facilities, infrastructure, or equipment.'';

(3) in subsection (d)—

(A) by striking ''(1) Not later than'' and inserting ''Not later than'';

(B) by striking ''summarizing the level of capital investment for each military department'' and inserting ''summarizing the level of capital investment in the military departments''; and

(C) by striking paragraph (2); and

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

''(I) Crane Ammunition Activity, Indiana.

''(J) McAlester Ammunition Plant, Oklahoma.

''(K) Radford Ammunition Plant, Virginia.

''(L) Lake City Ammunition Plant, Missouri.

''(M) Holsten Ammunition Plant, Tennessee.

''(N) Scranton Ammunition Plant, Pennsylvania.

''(O) Iowa Ammunition Plant, Iowa.

''(P) Milan Ammunition Plant, Tennessee.

''(Q) Joint System Manufacturing Center, Lima Ohio.''.

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

(a) LIMITATION.—The Secretary of Defense or any of the Secretaries of the military departments may not issue guidance, regulations, policy, or revisions to any Department of Defense or service instructions containing a revision to the definition of depot-level maintenance unless the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) is a report prepared by the Defense Business Board regarding the advisability of establishing a single definition of depot-level maintenance, taking into consideration—

(1) the total industrial capacity, both in the private sector industry and in the depots;

(2) the importance of establishing requirements and allocating workload on the basis of sound business case analyses; and

(3) establishing transparency and accountability in the development of the core workload requirements and in the allocation of workload under the requirements in section 2466 of title 10, United States Code.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

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

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde and Reset Program for the equipment used in support of operations in Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

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

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

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

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

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

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

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

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), an examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

Subtitle D—Reports

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

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a study on the ability of the major air test and training range infrastructure, including major military operating area airspace and special use airspace, to support the full spectrum of Air Force operations. The Secretary shall incorporate the results of the study into a master plan for requirements and proposed investments to meet Air Force training and test needs through 2025. The study and the master plan shall be known as the ''2025 Air Test and Training Range Enhancement Plan''.

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required under paragraph (1), consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges. The Secretary shall also consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges.

(3) CONTINUATION OF RANGE INFRASTRUCTURE IMPROVEMENTS.—The Secretary of the Air Force may proceed with all ongoing and scheduled range infrastructure improvements while conducting the study required under paragraph (1).

(b) REPORTS.—

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

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

(A) document the current condition and adequacy of the major Air Force test and training range infrastructure in the United States to meet test and training requirements;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of such infrastructure;

(C) identify potential issues and threats related to the sustainability of the test and training infrastructure, including electromagnetic spectrum encroachment, overall bandwidth availability, and protection of classified information;

(D) assess coordination among ranges and local, state, regional, and Federal entities involved in land use planning, and develop recommendations on how to improve communication and coordination of such entities;

(E) propose remedies and actions to manage economic development on private lands on or surrounding the test and training infrastructure to preserve current capabilities;

(F) identify critical parcels of land not currently under the control of the Air Force for acquisition of deed or restrictive easements in order to protect current operations, access and egress corridors, and range boundaries, or to expand the capability of the air test and training ranges;

(G) identify which parcels identified pursuant to subparagraph (F) could, through the acquisition of conservation easements, serve military interests while also preserving recreational access to public and private lands, protecting wildlife habitat, or preserving opportunities for energy development and energy transmission;

(H) prioritize improvements and modernization of the facilities, equipment, and technology supporting the infrastructure in order to provide a test and training environment that accurately simulates and or portrays the full spectrum of threats and targets of likely United States adversaries in 2025;

(I) incorporate emerging requirements generated by requirements for virtual training and new weapon systems, including the F–22, the F–35, space and cyber systems, and Remotely Piloted Aircraft;

(J) assess the value of State and local legislative initiatives to protect Air Force test and training range infrastructure;

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

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified

form, but may include a classified annex as necessary.

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

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

(a) STUDY.—

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

(2) CONSULTATION.—The Commander shall, in conducting the study required under paragraph (1), consult with the Secretaries of the military departments, the Office of the Secretary of Defense, and the Joint Staff on—

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

(B) requirements and proposed investments to meet special operations training requirements through 2025.

(b) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan to meet the requirements under subsection (a).

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

(A) assess the current condition and adequacy of, and access to, all existing training ranges in the United States used by special operations forces;

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

(C) identify issues and challenges related to the availability and sustainability of the existing training ranges used by special operations forces, including support of a full spectrum of operations and protection of classified missions and tactics;

(D) assess coordination among ranges and local, State, regional, and Federal entities involved in land use planning and the protection of ranges from encroachment;

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

(F) prioritize improvements and modernization of the facilities, equipment, and technology supporting the ranges in order to adequately simulate the full spectrum of threats and contingencies for special operations forces; and

(G) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade training range infrastructure.

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

SEC. 333. GUIDANCE TO ESTABLISH NON-TACTICAL WHEELED VEHICLE AND EQUIPMENT SERVICE LIFE EXTENSION PROGRAMS TO ACHIEVE COST SAVINGS.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a survey of the quantity and condition of each class of non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments and report to the congressional defense committees on the advisability of establishing service life extension programs for such classes of vehicles.

SEC. 334. MODIFIED DEADLINE FOR ANNUAL REPORT ON BUDGET SHORTFALLS FOR IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

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

(1) by striking ''10 days after the date on which the budget for a fiscal year is submitted pursuant to section 1105 of title 31'' and inserting ''March 31 each year, beginning March 31, 2012''; and

(2) by striking ''for that fiscal year'' and inserting ''for the fiscal year beginning in that calendar year''.

Subtitle E—Other Matters

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH NON-ARMY ENTITIES.

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

(1) in subsection (a), by striking ''enter into not more than eight contracts or cooperative agreements'' and all that follows through the period at the end and inserting ''enter into not more than 15 contracts or cooperative agreements in any fiscal year.''; and

(2) in subsection (k), by striking ''September 30, 2014'' and inserting ''September 30, 2025''.

(b) APPROVAL AUTHORITY.—Subsection (f) of such section is amended by striking ''exercised at the level of the commander of the major subordinate command'' and all that follows through ''The commander may approve'' and inserting ''exercised at the level of the Commander of Army Materiel Command. The Commander may approve''.

SEC. 342. WORKING-CAPITAL FUND ACCOUNTING.

Section 2208(k) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) All capital assets financed by a working-capital fund and subject to paragraph (2) shall be capitalized and depreciated for budgeting, rate setting, and financial accounting purposes. Procurements not subject to paragraph (2) shall be immediately expensed and shall not be capitalized or depreciated in financial accounting records or reported on financial statements as an asset.''.

SEC. 343. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

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

''SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

''(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION, SMALL AMMUNITION COMPONENTS, AND FIRED CARTRIDGE CASES.—Small arms ammunition and small ammunition components which are in excess of military requirements, and intact fired small arms cartridge cases shall be made available for commercial sale. Such small arms ammunition, small arms ammunition components, and intact fired cartridge cases shall not be demilitarized, destroyed, or disposed of, unless in excess of commercial demands or certified by the Secretary of Defense as unserviceable or unsafe. This provision shall not apply to ammunition, ammunition components, or fired cartridge cases stored or expended outside the continental United States (OCONUS).

''(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

''(c) PREFERENCE.—No small arms ammunition or small arms ammunition components in excess of military requirements, or fired small arms cartridge cases may be made available for commercial sale under this section before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to another Federal department or agency or for sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies pursuant to section 2576 of title 10, United States Code, as amended by this Act.

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

''(e) DEFINITIONS.—In this section:

''(1) SMALL ARMS AMMUNITION.—The term 'small arms ammunition' means ammunition or ordnance for firearms up to and including .50 caliber and for shotguns.

''(2) SMALL ARMS AMMUNITION COMPONENTS.—The term 'small arms ammunition components' means components, parts, accessories, and attachments associated with small arms ammunition.

''(3) FIRED CARTRIDGE CASES.—The term 'fired cartridge cases' means expended small arms cartridge cases (ESACC).''.

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

Section 358(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 10 U.S.C. 44718 note) is amended by amending the second sentence to read as follows: ''Amounts so accepted shall be and will remain available until expended for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such project on military operations and readiness and the cost of studying options for mitigating such adverse impacts.''.

SEC. 345. UTILITY DISRUPTIONS TO MILITARY INSTALLATIONS.

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

(b) INSTALLATION PLANS.—The guidance developed pursuant to subsection (a) shall require that, subject to such exceptions as the Secretary may determine to be appropriate, commanders of military installations inside the United States develop appropriate action plans to minimize the effects of events described in subsection (a).

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

SEC. 346. ELIGIBILITY OF ACTIVE AND RESERVE MEMBERS, RETIREES, GRAY AREA RETIREES, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

"§2641c. Space-available travel on department of defense aircraft: eligibility

''(a) AUTHORITY TO ESTABLISH BENEFIT PROGRAM.—The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis. The program shall be conducted in a budget neutral manner.

''(b) BENEFIT.—If the Secretary establishes such a program, the Secretary shall, subject to section (c), provide the benefit equally to the following individuals:

''(1) Active duty members and members of the Selected Reserve holding a valid Uniformed Services Identification and Privilege Card.

''(2) A retired member of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

''(3) An unremarried widow or widower of an active or reserve component member of the armed forces.

''(4) A dependent that—

''(A)(i) is the child of an active or reserve component member or former member described in paragraph (1) or (2); or

''(ii) is the child of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unremarried spouse; and

''(B) is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

''(5) The surviving dependent of a deceased member or former member described in paragraph (2) holding a valid Uniformed Services Identification and Privilege Card, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

''(6) Other such individuals as determined by the Secretary in the Secretary's discretion.

''(c) DISCRETION TO ESTABLISH PRIORITY ORDER.—The Secretary, in establishing a program under this section, may establish an order of priority that is based on considerations of military needs and military readiness.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

''2641c. Space-available travel on Department of Defense aircraft: eligibility.''.

(c) REQUIREMENT FOR COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(B) Estimates of the effect on availability based on future projections.

(C) A discussion of the logistical and managements problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(D) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(E) Other factors relating to the efficiency and cost effectiveness of space available travel.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 562,000.

(2) The Navy, 325,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,800.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,200.

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

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

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

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

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,688.

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

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

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

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

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

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

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

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

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

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

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

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

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for military personnel for fiscal year 2012 a total of $142,347,648,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY.

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

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

SEC. 502. VOLUNTARY RETIREMENT INCENTIVE.

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

''§ 638b. Voluntary retirement incentive

''(a) INCENTIVE FOR VOLUNTARY RETIREMENT FOR CERTAIN OFFICERS.—The Secretary of Defense may authorize the Secretary of a military department to provide a voluntary retirement incentive payment in accordance with this section to an officer of the armed forces under that Secretary's jurisdiction who is specified in subsection (b) as being eligible for such a payment. Any such authority provided the Secretary of a military department under the preceding sentence shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.

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

''(A) has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;

''(B) meets the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer in accordance with section 3911, 6323, or 8911 of this title, as applicable to that officer;

''(C) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement years of active service for the member's grade as specified in section 633 or 634 of this title;

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

''(E) meets any additional requirements for such eligibility as is specified by the Secretary concerned, including any requirement relating to years of service, skill rating, military specialty or competitive category, grade, any remaining period of obligated service, or any combination thereof.

''(2) The following officers are not eligible for a voluntary retirement incentive payment under this section:

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

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

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

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

''(E) An officer subject to pending disciplinary action or subject to administrative separation or mandatory discharge under any other provision of law or regulation.

''(c) AMOUNT OF PAYMENT.—The amount of the voluntary retirement incentive payment paid an officer under this section shall be an amount determined by the Secretary concerned, but not to exceed an amount equal to 12 times the amount of the officer's monthly basic pay at the time of the officer's retirement. The amount may be paid in a lump sum at the time of retirement.

''(d) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraph (2), a member of the armed forces who, after having received all or part of a voluntary retirement incentive under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary retirement incentive received.

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

''(3) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States. The authority in this paragraph may be delegated only to the Under Secretary of Defense for Personnel and Readiness and the Principal Deputy Under Secretary of Defense of Personnel and Readiness.''.

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

''638b. Voluntary retirement incentive.''.

SEC. 503. NATIONAL DEFENSE UNIVERSITY OUTPLACEMENT WAIVER.

(a) WAIVER AUTHORITY FOR OFFICERS NOT DESIGNATED AS JOINT QUALIFIED OFFICERS.—Subsection (b) of section 663 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after ''to a joint duty assignment'' the following: ''(or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment)''; and

(2) in paragraph (2)—

(A) by striking ''the joint duty assignment'' and inserting ''the assignment''; and

(B) by striking ''a joint duty assignment'' and inserting ''such an assignment''.

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

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

''(2) Subsection (b) does not apply with respect to any group of officers graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.''.

SEC. 504. MODIFICATION OF DEFINITION OF ''JOINT DUTY ASSIGNMENT'' TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.

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

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR ORDER TO ACTIVE DUTY OF MEMBERS OF THE SELECTED RESERVE AND CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR PREPLANNED MISSIONS.

(a) AUTHORITY.—

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

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

''(a) AUTHORITY.—When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission, the Secretary may, subject to subsection (b), order any unit, and any member not assigned to a unit organized to serve as a unit, of the Selected Reserve (as defined in section 10143(a) of this title), or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary, under the jurisdiction of the Secretary, without the consent of the members, to active duty for not more than 365 consecutive days.

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

''(A) the manpower and associated costs of such active duty are specifically included and identified in the defense budget materials for the fiscal year or years in which such units or members are anticipated to be ordered to active duty; and

''(B) the budget information on such costs includes a description of the mission for which such units or members are anticipated to be ordered to active duty and the anticipated length of time of the order of such units or members to active duty on an involuntary basis.

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

''(c) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.

''(d) NOTICE TO CONGRESS.—Whenever the Secretary of a military department orders any unit or member of the Selected Reserve or Individual Ready Reserve to active duty under subsection (a), such Secretary shall submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of such units or members.

''(e) TERMINATION OF DUTY.—Whenever any unit of the Selected Reserve or any member of the Selected Reserve not assigned to a unit organized to serve as a unit, or any member of the Individual Ready Reserve, is ordered to active duty under subsection (a), the service of all units or members so ordered to active duty may be terminated by—

''(1) order of the Secretary of the military department concerned, or

''(2) law.

''(f) RELATIONSHIP TO WAR POWERS RESOLUTION.—Nothing contained in this section shall be construed as amending or limiting the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).

''(g) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY.—In determining which members of the Selected Reserve and the Individual Ready Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

''(1) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

''(2) the frequency of assignments during service career;

''(3) family responsibilities; and

''(4) employment necessary to maintain the national health, safety, or interest.

''(h) POLICIES AND PROCEDURES.—The Secretaries of the military departments shall prescribe policies and procedures to carry out this section, including on determinations of orders to active duty under subsection (g). Such policies and procedures shall not go into effect until approved by the Secretary of Defense.

''(i) DEFINITIONS.—In this section:

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

''(2) The term 'Individual Ready Reserve mobilization category' means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by inserting after the item relating to section 12304 the following new item:

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

(b) CLARIFYING AMENDMENTS RELATING TO AUTHORITY TO ORDER ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(a) of such title is amended—

(1) by inserting ''named'' before ''operational mission''; and

(2) by striking ''365 days'' and inserting ''365 consecutive days''.

SEC. 512. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR CERTAIN RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) CERTAIN RESERVE OFFICERS.—A reserve officer who is employed as military technician (dual status) under section 10216 of this title, and who has been retained beyond the mandatory removal date for years of service under section 10216(f) or 14702(a)(2) of this title, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.''.

SEC. 513. MODIFICATION OF TIME IN WHICH PRESEPARATION COUNSELING MUST BE PROVIDED TO RESERVE COMPONENT MEMBERS BEING DEMOBILIZED.

Section 1142(a)(3)(B) of title 10, United States Code, is amended by inserting ''or in the event a member of a reserve component is being demobilized under circumstances in which (as determined by the Secretary concerned) operational requirements make the 90-day requirement under subparagraph (A) unfeasible,'' after ''or separation date,''.

SEC. 514. REPORT ON TERMINATION OF MILITARY TECHNICIAN AS A DISTINCT PERSONNEL MANAGEMENT CATEGORY.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall conduct an independent study of the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense.

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

(1) identify various options for deploying units of the Selected Reserve of the Ready Reserve that otherwise use military technicians through use of a combination of active duty personnel, reserve component personnel, State civilian employees, and Federal civilian employees in a manner that meets mission requirements without harming unit readiness;

(2) identify various means for the management by the Department of the transition of military technicians to a system that relies on traditional personnel categories of active duty personnel, reserve component personnel, and civilian personnel, and for the management of any effects of that transition on the pay and benefits of current military technicians (including means for mitigating or avoiding such effects in the course of such transition);

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

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

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

(6) develop a recommendation on the feasibility and advisability of terminating the military technician as a distinct personnel management category, and, if the termination is determined to be feasible and advisable, develop recommendations for appropriate legislative and administrative action to implement the termination;

(7) address any other matter relating to the management and long-term viability of the military technician as a distinct personnel management category that the Secretary shall specify for purposes of the study; and

(8) ensure the involvement and input of military technicians (dual status).

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

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 511(a)(1), is further amended by inserting after section 12304a the following new section:

''§ 12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

''(a) AUTHORITY.—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor's request.

''(b) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

''(c) TERMINATION OF DUTY.—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

''12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.''.

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting ''12304b,'' after ''12304,''.

(c) USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

Subtitle C—General Service Authorities

SEC. 521. REPEAL OF MANDATORY HIGH-DEPLOYMENT ALLOWANCE.

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

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

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

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

(b) CONFORMING AMENDMENT.—Subsection (c)(3) of such section is amended by inserting ''or denial of reenlistment'' after ''to warrant administrative separation''.

(c) CLERICAL AMENDMENTS.—

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

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

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 61 of such title is

amended by striking the item relating to section 1214a and inserting the following new item:

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

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

Section 1171 of title 10, United States Code, is amended by striking ''within three months'' and inserting ''within one year''.

SEC. 524. EXTENSION OF VOLUNTARY SEPARATION PAY AND BENEFITS.

Section 1175a(k)(1) of title 10, United States Code, is amended by striking ''December 31, 2012'' and inserting ''December 31, 2018''.

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

Section 1143 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) EMPLOYMENT SKILLS TRAINING.—(1) The Secretary of a military department may carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training to help prepare such members for employment in the civilian sector.

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

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

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

''(3) Any program under this subsection shall be carried out in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 526. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.—

(1) EQUAL TREATMENT.—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(2) COVERED GRADUATES.—Paragraph (1) applies with respect to a person who—

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

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

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

(1) Means for identifying persons described in subsection (a)(2) who are qualified for recruitment and enlistment in the Armed Forces, which may include the use of a noncognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

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

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) RECRUITMENT PLAN.—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

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

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

Subtitle D—Education and Training

SEC. 541. ENHANCEMENT OF AUTHORITIES ON JOINT PROFESSIONAL MILITARY EDUCATION.

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

(1) JOINT PROFESSIONAL MILITARY EDUCATION PHASE I.—Section 2154(a)(1) of title 10, United States Code, is amended by inserting ''or at a joint intermediate level school'' before the period at the end.

(2) JOINT INTERMEDIATE LEVEL SCHOOL DEFINED.—Section 2151(b) of such title is amended by adding at the end the following new paragraph:

''(3) The term 'joint intermediate level school' includes the National Defense Intelligence College.''.

(b) AUTHORITY FOR OTHER-THAN-IN RESIDENCE PROGRAM TAUGHT THROUGH JOINT FORCES STAFF COLLEGE.—

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

(A) in the matter preceding subparagraph (A), by striking ''in residence at'';

(B) in subparagraph (A), by inserting ''by'' after ''(A)''; and

(C) in subparagraph (B), by inserting ''in residence at'' after ''(B)''.

(2) CONFORMING AMENDMENT.—Section 2156(b) of such title is amended by inserting ''in residence'' after ''course of instruction offered''.

SEC. 542. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

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

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

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

(1) in the subsection heading, by striking ''APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE'' and inserting ''SERVICE ON ACTIVE DUTY''; and

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

''(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.''.

SEC. 543. RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.

(a) RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

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

''(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

''(C) signs an agreement that, unless sooner separated, the person will—

''(i) complete the educational phase of the program;

''(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

''(iii) participate in a residency program if required for clinical licensure; and

''(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill that has been designated by the Secretary as a critically needed wartime skill.

''(2) Under the agreement—

''(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

''(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

''(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

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

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

(1) in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(2) in subsection (g), as redesignated by subsection (a)(1) of this section, by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (f)''.

SEC. 544. ENROLLMENT OF CERTAIN SERIOUSLY WOUNDED, ILL, OR INJURED FORMER OR RETIRED ENLISTED MEMBERS OF THE ARMED FORCES IN ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE IN ORDER TO COMPLETE DEGREE PROGRAM.

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

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.—(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a former or retired enlisted member of the armed forces who at the time of the person's separation from active duty—

''(A) had commenced but had not completed a program of higher education under subsection (a)(1); and

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

''(2) A person may not be authorized under paragraph (1) to participate in a program of higher education after the end of the 10-year period beginning on the date of the person's separation from active duty.''.

(b) CONFORMING AMENDMENTS.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by striking ''enlisted member'' both places it appears and inserting ''person''.

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

SEC. 545. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF JUNIOR ROTC.

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

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

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

''(1) offers a course in military training prescribed by that Secretary; and

''(2) has a student body of at least 100 physically fit students over 14 years of age.''.

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

(c) CLERICAL AMENDMENTS.—

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

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

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

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

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

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

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

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

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

(b) MAXIMUM AGE FOR RECEIPT OF WAIVER.—A waiver may not be granted under this section if the candidate would pass the candidate's twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy pursuant to the waiver.

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

(d) RECORD KEEPING REQUIREMENT.—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

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

(1) the number of applications for waivers received by the Secretary under this section;

(2) the number of waivers granted by the Secretary under this section;

(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(f) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under this section expires on September 30, 2016.

SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialties or duty speciality codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialities or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

Subtitle E—Military Justice and Legal Matters Generally

SEC. 551. REFORM OF OFFENSES RELATING TO RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) RAPE AND SEXUAL ASSAULT GENERALLY.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended as follows:

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

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

''(1) using unlawful force against that other person;

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

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

''(4) first rendering that other person unconscious; or

''(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;

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

(2) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120b.—Subsections (b), (d), (f), (g), (i), (j), and (o) are repealed.

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

''(b) SEXUAL ASSAULT.—Any person subject to this chapter who—

''(1) commits a sexual act upon another person by—

''(A) threatening or placing that other person in fear;

''(B) causing bodily harm to that other person;

''(C) making a fraudulent representation that the sexual act serves a professional purpose; or

''(D) inducing a belief by any artifice, pretense, or concealment that the person is another person;

''(2) commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or

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

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

''(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person;

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

(4) AGGRAVATED SEXUAL CONTACT.—Subsection (e) is redesignated as subsection (c) and is amended—

(A) by striking ''engages in'' and inserting ''commits''; and

(B) by striking ''with'' and inserting ''upon''.

(5) ABUSIVE SEXUAL CONTACT.—Subsection (h) is redesignated as subsection (d) and is amended—

(A) by striking ''engages in'' and inserting ''commits'';

(B) by striking ''with'' and inserting ''upon''; and

(C) by striking ''subsection (c) (aggravated sexual assault)'' and inserting ''subsection (b) (sexual assault)''.

(6) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120C.—Subsections (k), (l), (m), and (n) are repealed.

(7) PROOF OF THREAT.—Subsection (p) is redesignated as subsection (e) and is amended—

(A) by striking ''the accused made'' and inserting ''a person made'';

(B) by striking ''the accused actually'' and inserting ''the person actually''; and

(C) by inserting before the period at the end the following: ''or had the ability to carry out the threat''.

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

''(f) DEFENSES.—An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.''.

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

(10) DEFINITIONS.—Subsection (t) is redesignated as subsection (g) and is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''or anus or mouth'' after ''vulva''; and

(ii) in subparagraph (B)—

(I) by striking ''genital opening'' and inserting ''vulva or anus or mouth,''; and

(II) by striking ''a hand or finger'' and inserting ''any part of the body'';

(B) by striking paragraph (2) and inserting the following:

''(2) SEXUAL CONTACT.—The term 'sexual contact' means—

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

''(B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.

Touching may be accomplished by any part of the body.''.

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

(D) by redesignating paragraph (8) as paragraph (3), transferring that paragraph so as to appear after paragraph (2), and amending that paragraph by inserting before the period at the end the following: '', including any nonconsensual sexual act or nonconsensual sexual contact'';

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

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

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

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

''(5) FORCE.—The term 'force' means—

''(A) the use of a weapon;

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

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

''(6) UNLAWFUL FORCE.—The term 'unlawful force' means an act of force done without legal justification or excuse.'';

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

(i) by striking ''under paragraph (3)'' and all that follows through ''contact),''; and

(ii) by striking ''death, grievous bodily harm, or kidnapping'' and inserting ''the wrongful action contemplated by the communication or action.'';

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

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

(i) by inserting ''(A)'' before ''The term'';

(ii) by striking ''words or overt acts indicating'' and ''sexual'' in the first sentence;

(iii) by striking ''accused's'' in the third sentence;

(iv) by inserting ''or social or sexual'' before ''relationship'' in the fourth sentence;

(v) by striking ''sexual'' before ''conduct'' in the fourth sentence;

(vi) by striking ''A person cannot consent'' and all that follows through the period; and

(vii) by adding at the end the following new subparagraphs:

''(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (C) or (D) of subsection (b)(1).

''(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.''; and

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

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

''§ 920. Art. 120. Rape and sexual assault generally''.

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

''§ 920b. Art. 120b. Rape and sexual assault of a child

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

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

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

''(A) using force against any person;

''(B) threatening or placing that child in fear;

''(C) rendering that child unconscious; or

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

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

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

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

''(d) AGE OF CHILD.—

''(1) UNDER 12 YEARS.—In a prosecution under this section, it need not be proven that the accused knew the age of the other person engaging in the sexual act or lewd act. It is not a defense that the accused reasonably believed that the child had attained the age of 12 years.

''(2) UNDER 16 YEARS.—In a prosecution under this section, it need not be proven that the accused knew that the other person engaging in the sexual act or lewd act had not attained the age of 16 years, but it is a defense in a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), which the accused must prove by a preponderance of the evidence, that the accused reasonably believed that the child had attained the age of 16 years, if the child had in fact attained at least the age of 12 years.

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

''(f) MARRIAGE.—In a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), it is a defense, which the accused must prove by a preponderance of the evidence, that the persons engaging in the sexual act or lewd act were at that time married to each other, except where the accused commits a sexual act upon the person when the accused knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring or when the other person is incapable of consenting to the sexual act due to impairment by any drug, intoxicant, or other similar substance, and that condition was known or reasonably should have been known by the accused.

''(g) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this section. A child not legally married to the person committing the sexual act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

''(h) DEFINITIONS.—In this section:

''(1) SEXUAL ACT AND SEXUAL CONTACT.—The terms 'sexual act' and 'sexual contact' have the meanings given those terms in section 920(g) of this title (article 120(g)).

''(2) FORCE.—The term 'force' means—

''(A) the use of a weapon;

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

''(C) inflicting physical harm.

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

''(3) THREATENING OR PLACING THAT CHILD IN FEAR.—The term 'threatening or placing that child in fear' means a communication or action that is of sufficient consequence to cause the child to fear that non-compliance will result in the child or another person being subjected to the action contemplated by the communication or action.

''(4) CHILD.—The term 'child' means any person who has not attained the age of 16 years.

''(5) LEWD ACT.—The term 'lewd act' means—

''(A) any sexual contact with a child;

''(B) intentionally exposing one's genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse,

humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;

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

''(D) any indecent conduct, intentionally done with or in the presence of a child, including via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.''.

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

''§ 920c. Art. 120c. Other sexual misconduct

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

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

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

''(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2);

is guilty of an offense under this section and shall be punished as a court-martial may direct.

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

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

''(d) DEFINITIONS.—In this section:

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

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

''(3) REASONABLE EXPECTATION OF PRIVACY.—The term 'under circumstances in which that other person has a reasonable expectation of privacy' means—

''(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured; or

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

''(4) BROADCAST.—The term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

''(5) DISTRIBUTE.—The term 'distribute' means delivering to the actual or constructive possession of another, including transmission by electronic means.

''(6) INDECENT MANNER.—The term 'indecent manner' means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.''.

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

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

(1) STATUTE OF LIMITATIONS.—Subparagraph (B) of section 843(b)(2) (article 43(b)(2)) is amended—

(A) in clause (i), by striking ''section 920 of this title (article 120)'' and inserting ''section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)'';

(B) by striking clause (iii); and

(C) in clause (v)—

(i) by striking ''indecent assault'';

(ii) by striking ''rape, or sodomy,'' and inserting ''or rape,''; and

(iii) by striking ''or liberties with a child''.

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

(A) by striking ''sodomy,''; and

(B) by striking ''aggravated sexual assault,'' and all that follows through ''with a child,'' and inserting ''sexual assault, sexual assault of a child, aggravated sexual contact, sexual abuse of a child,''.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter X of such chapter (the Uniform Code of Military Justice) is amended—

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

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

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

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to offenses committed on or after such date.

SEC. 552. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY EVIDENCE.

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

(1) in subsection (a)(1), by striking ''board;'' and inserting ''board, or has been duly issued a subpoena duces tecum for an investigation, including an investigation pursuant to section 832(b) of this title (article 32(b)); and''; and

(2) in subsection (c), by striking ''or board'' and inserting ''board, trial counsel, or convening authority''.

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

(1) in subsection (a)—

(A) by striking paragraph (2); and

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

(2) by striking subsection (d).

(c) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by striking ''subpenaed'' in paragraphs (1) and (2), as redesignated by subsection (b)(1)(B), and inserting ''subpoenaed''.

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

SEC. 553. PROCEDURES FOR JUDICIAL REVIEW OF CERTAIN MILITARY PERSONNEL DECISIONS.

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

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

''(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the member or former member's record, the member or former member shall be provided a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.'';

(2) in subsection (g)—

(A) by inserting ''(1)'' before ''Upon the completion of all''; and

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

''(2) A submittal to the Secretary of Defense under paragraph (1) must be made within 90 days of the receipt of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the member or former member's record, the member or former member shall be provided a concise written statement of the basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.'';

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

(4) by inserting after subsection (g) the following new subsection (h):

''(h) JUDICIAL REVIEW.—A decision of the Secretary of Defense under subsection (g) or, in a case in which review by the Secretary of Defense under subsection (g) was not sought or in a case arising out of the Coast Guard when the Coast Guard is not operating as a service in the Navy, a decision of the Secretary of a military department or the Secretary of Homeland Security under subsection (f) shall be subject to judicial review only as provided in section 1560 of this title.''.

(b) CORRECTION OF MILITARY RECORDS.—Section 1552 of such title is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections:

''(g) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction, the claimant shall be provided a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1560 of this title.

''(h) If an application for correction of military records involves a historically significant military event (as defined by the Secretary concerned), or would, if the application is approved, substantially modify the results of any disciplinary action or promotion decision regarding a general or flag officer which includes in the remedy a promotion by and with the advice and consent of the Senate, the Secretary concerned shall ensure that an advisory opinion is included in the record of the decision that includes a detailed chronology of the events in question and, at a minimum, considers the following information:

''(1) A thorough compilation of the information available in the historical record, including testimony, contemporary written statements, and all available records which formed the basis for the military records in question.

''(2) The testimony or written views of contemporary decision makers, if available, regarding the matters raised in the application for relief regarding the military records in question.

''(3) A summary of the available evidence for and against the position taken by the applicant.

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

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Chapter 79 of such title is amended by adding at the end the following new section:

"§ 1560. Judicial review of decisions

''(a) After a final decision is issued pursuant to section 1552 of this title, or is issued by the Secretary of a military department or the Secretary of Homeland Security pursuant to section 1034(f) of this title or the Secretary of Defense pursuant to section 1034(g) of this title, any person aggrieved by the decision may obtain judicial review.

''(b) In exercising its authority under this section, the reviewing court shall review the record and may hold unlawful and set aside any decision demonstrated by the petitioner in the record to be—

''(1) arbitrary or capricious;

''(2) not based on substantial evidence;

''(3) a result of material error of fact or material administrative error, but only if the petitioner identified to the correction board how the failure to follow procedures substantially prejudiced the petitioner's right to relief, and shows to the reviewing court by a preponderance of the evidence that the error was harmful; or

''(4) otherwise contrary to law.

''(c) Upon review under this section, the reviewing court shall affirm, modify, vacate, or reverse the decision, or remand the matter, as appropriate.

''(d) No judicial review may be made under this section unless the petitioner shall first have requested a correction under section 1552 of this title, and the Secretary concerned shall have rendered a final decision denying that correction in whole or in part. In a case in which the final decision of the Secretary concerned is subject to review by the Secretary of Defense under section 1034(g) of this title, the petitioner is not required to seek such review by the Secretary of Defense before obtaining judicial review under this section. If the petitioner seeks review by the Secretary of Defense under section 1034(g) of this title, no judicial review may be made until the Secretary of Defense shall have rendered a final decision denying that request in whole or in part.

''(e) In the case of a final decision described in subsection (a) made on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, a petition for judicial review under this section must be filed within three years of the date on which the final decision was actually received by the petitioner.

''(f) Notwithstanding subsections (a), (b), and (c), a reviewing court does not have jurisdiction to entertain any matter or issue raised in a petition of review under this section that is not justiciable.

''(g)(1) In the case of a cause of action arising after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, no court shall have jurisdiction to entertain any request for correction of records cognizable under section 1552 of this title, except as provided in this section.

''(2) In the case of a cause of action arising after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, except as provided by chapter 153 of title 28 and this chapter, no court shall have jurisdiction over any civil action or claim seeking, in whole or in part, to challenge any decision for which administrative review is available under section 1552 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by adding at the end the following new item:

''1560. Judicial review of decisions.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act. Such amendments shall apply to all final decisions of the Secretary of Defense under section 1034(g) of title 10, United States Code, and of the Secretary of a military department or the Secretary of Homeland Security under section 1034(f) or 1552 of title 10, United States Code, whether rendered before or after the date of the enactment of this Act. During the period between the date of the enactment of this Act and the date on which the amendments made by this section take effect, in any case in which the final decision of the Secretary of Defense under section 1034 of title 10, United States Code, or the Secretary concerned under section 1552 of title 10, United States Code, results in denial, in whole or in part, of any requested correction of a record of a member, former member, or claimant, the individual shall be informed in writing of the time for obtaining review of the decision pursuant to section 1560 of title 10, United States Code, as provided therein.

(e) IMPLEMENTATION.—The Secretaries concerned may prescribe appropriate regulations, and interim guidance before prescribing such regulations, to implement the amendments made by this section. In the case of the Secretary of a military department, such regulations may not take effect until approved by the Secretary of Defense.

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

(g) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 554. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL REPRESENTATION FOR MEMBERS OF THE ARMED FORCES.

(a) SUPPORT AUTHORIZED.—The Secretary of Defense may provide support to one or more public or private programs designed to facilitate representation by attorneys who provide pro bono legal assistance of members of the Armed Forces who are in need of such representation.

(b) FINANCIAL SUPPORT.—

(1) IN GENERAL.—The support provided a program under subsection (a) may include financial support of the program.

(2) LIMITATION ON AMOUNT.—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed $500,000.

(3) DETERMINATION.—The Secretary may not provide financial support under subsection (a) unless the Secretary determines that services available at no cost to the Department of Defense or individual members of the Armed Forces that facilitate representation by attorneys who provide pro bono legal assistance to members of the Armed Forces who are in need of such assistance are not available.

(4) FUNDING.—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

Subtitle F—Sexual Assault Prevention and Response

SEC. 561. DIRECTOR OF THE SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4431; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: '', who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position''.

SEC. 562. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) GUIDANCE REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the appropriate recommendations of the Report of the Defense Task Force on Sexual Assault in the Military Services (December 2009). Such guidance shall—

(1) require the Secretary of each military department to determine (which determination shall be based on the unique mission, military population, and force structure of the applicable Armed Force) the appropriate number of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates to be assigned to deployed and non-deployed military units under the jurisdiction of such Secretary;

(2) require that each installation or similar organizational level have at least one Sexual Assault Response Coordinator;

(3) establish, or require the Secretary of each military department to establish, credentialing programs for Sexual Assault Response Coordinators and for Sexual Assault Victim Advocates; and

(4) ensure that, after October 1, 2013, only members of the Armed Forces on active duty or full-time civilian employees of the Department of Defense who have obtained the appropriate credentials under a program under paragraph (3) may be assigned to duty as a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit Congress a report on the status of the implementation of the recommendations of the Defense Task Force on Sexual Assault in the Military Services. The report shall set forth the anticipated date of the completion of the implementation by each military department of the guidance issued under subsection (a).

SEC. 563. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL ASSISTANCE AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT.—Not later than 60 days after the date of the enactment of this Act, the Secretaries of the military departments shall prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel pursuant to section 1044 of title 10, United States Code.

(b) ASSISTANCE AND REPORTING.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1565a the following new section:

"§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

''(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—(1) A member of the armed forces who is the victim of a sexual assault may be provided the following:

''(A) Legal assistance provided by military or civilian legal assistance counsel pursuant to section 1044 of this title.

''(B) Assistance provided by a Sexual Assault Response Coordinator.

''(C) Assistance provided by a Sexual Assault Victim Advocate.

''(2) A member of the armed forces who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.

''(3) Legal assistance and the services of Sexual Assault Response Coordinators and Sexual

Assault Victim Advocates under paragraph (1) shall be available to a member regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

''(b) RESTRICTED REPORTING.—(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces who is the victim of a sexual assault may elect to confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance under section 1044 of this title, or counseling, without initiating an official investigation of the allegations.

''(2) The individuals specified in this paragraph are the following:

''(A) A military legal assistance counsel.

''(B) A Sexual Assault Response Coordinator.

''(C) A Sexual Assault Victim Advocate.

''(D) Healthcare personnel specifically identified in the regulations required by paragraph (1).

''(E) A chaplain.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1565a the following new item:

''1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.''.

SEC. 564. REQUIREMENT FOR PRIVILEGE IN CASES ARISING UNDER UNIFORM CODE OF MILITARY JUSTICE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE COORDINATORS, SEXUAL ASSAULT VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.

Not later than 60 days after the date of the enactment of this Act, the President shall establish in the Manual for Courts-Martial an evidentiary privilege against disclosure of certain communications by victims of sexual assault with Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, and such other persons as the President shall specify for purposes of the privilege.

SEC. 565. EXPEDITED CONSIDERATION AND DECISION-MAKING ON REQUESTS FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER OF VICTIMS OF SEXUAL ASSAULT.

(a) EXPEDITED CONSIDERATION AND PRIORITY FOR DECISIONMAKING.—The Secretaries of the military departments shall provide guidance on expedited consideration and decision-making, to the maximum extent practicable, on requests for a permanent change of station or unit transfer submitted by a member of the Armed Forces serving on active duty who was a victim of a sexual assault.

(b) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section.

SEC. 566. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON RETENTION AND ACCESS TO EVIDENCE AND RECORDS RELATING TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON RETENTION AND ACCESS TO RECORDS.—Not later than February 1, 2013, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

(b) OBJECTIVES.—The comprehensive policy required by subsection (a) shall include policies and procedures (including systems of records) necessary to ensure preservation of records and evidence for periods of time that ensure that members of the Armed Forces and veterans of military service who were the victims of sexual assault during military service are able to substantiate claims for veterans benefits, to support criminal or civil prosecutions by military or civil authorities, and for such purposes relating to the documentation of the incidence of sexual assault in the Armed Forces as the Secretary of Defense considers appropriate.

(c) ELEMENTS.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall consider, at a minimum, the following matters:

(1) Identification of records, including non-Department of Defense records, relating to an incident of sexual assault, that must be retained.

(2) Criteria for collection and retention of records.

(3) Identification of physical evidence and non-documentary forms of evidence relating to sexual assaults that must be retained.

(4) Length of time records and evidence must be retained, except that the length of time documentary evidence, physical evidence and forensic evidence must be retained shall be not less than five years.

(5) Locations where records must be stored.

(6) Media which may be used to preserve records and assure access, including an electronic systems of records.

(7) Protection of privacy of individuals named in records and status of records under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''), and laws related to privilege.

(8) Access to records by victims of sexual assault, the Department of Veterans Affairs, and others, including alleged assailants and law enforcement authorities.

(9) Responsibilities for record retention by the military departments.

(10) Education and training on record retention requirements.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(d) UNIFORM APPLICATION TO MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

Subtitle G—Defense Dependents' Education

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2012 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF AUTHORITIES ON TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

(a) ADDITIONAL AUTHORITIES.—Paragraph (2)(B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended—

(1) by inserting ''grant assistance'' after ''To provide''; and

(2) by striking ''including—'' and all that follows and inserting ''including programs on the following:

''(i) Access to virtual and distance learning capabilities and related applications.

''(ii) Training for teachers.

''(iii) Academic strategies to increase academic achievement.

''(iv) Curriculum development.

''(v) Support for practices that minimize the impact of transition and deployment.

''(vi) Other appropriate services to improve the academic achievement of such students.''.

(b) THREE-YEAR EXTENSION.—Paragraph (3) of such section is amended by striking ''September 30, 2013'' and inserting ''September 30, 2016''.

Subtitle H—Military Family Readiness

SEC. 576. MODIFICATION OF MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Subsection (b) of section 1781a of title 10, United States Code, is amended to read as follows:

''(b) MEMBERS.—(1) The Council shall consist of the following members:

''(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary's absence.

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

''(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom may be a member of the armed force to be represented, the spouse of such a member, or the parent of such a member, and may represent either the regular component or a reserve component of that armed force.

''(ii) One representative of the Army National Guard or Air National Guard, who may be a member of the National Guard, the spouse of such a member, or the parent of such a member.

''(iii) One spouse of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse of a regular component member and two of whom shall be the spouse of a reserve component member.

''(iv) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

''(v) The senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.

''(C) The Director of the Office of Community Support for Military Families with Special Needs.

''(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of paragraph (1)(B) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that paragraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

''(B) The term on the Council of the members appointed under clause (iv) of paragraph (1)(B) shall be three years.''.

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

Subtitle I—Other Matters

SEC. 581. COLD WAR SERVICE MEDAL.

(a) MEDAL AUTHORIZED.—The Secretary of Defense may authorize the issuance by the Secretaries concerned of a service medal, to be known as the ''Cold War Service Medal'', to persons eligible to receive the medal under the regulations under subsection (b).

(b) REGULATIONS.—

(1) IN GENERAL.—The issuance of a Cold War Service Medal under this section shall be subject to regulations prescribed by Secretary of Defense.

(2) ELEMENTS.—The regulations shall—

(A) provide for an appropriate design for the Cold War Service Medal; and

(B) specify the persons eligible to receive the medal.

(c) SECRETARIES CONCERNED DEFINED.—In this section, the term ''Secretaries concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 582. ENHANCEMENT AND IMPROVEMENT OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) INCLUSION OF PROGRAMS OF OUTREACH IN PROGRAM.—Subsection (b) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended by inserting ''(including programs of outreach)'' after ''informational events and activities''.

(b) RESTATEMENT OF FUNCTIONS OF CENTER FOR EXCELLENCE IN REINTEGRATION AND INCLUSION IN FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN PROGRAMS OF OUTREACH.—Subsection (d)(2) of such section is amended by striking the second, third, and fourth sentences and inserting the following: ''The Center shall have the following functions:

''(A) To collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs.

''(B) To assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

''(C) To develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).

''(D) To develop and implement a process for identifying best practices in the delivery of information and services in programs of outreach as described in subsection (j).''.

(c) STATE-LED PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

''(j) STATE-LED PROGRAMS OF OUTREACH.—The Office for Reintegration Programs may work with the States, whether acting through or in coordination with their National Guard and Reserve organizations, to assist the States and such organizations in developing and carrying out programs of outreach for members of the Armed Forces and their families to inform and educate them on the assistance and services available to them under the Yellow Ribbon Reintegration Program, including the assistance and services described in subsection (h).''.

(d) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

''(k) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—For purposes of this section, the activities and services provided under programs of outreach may include personalized and substantive care coordination services targeted specifically to individual members of the Armed Forces and their families.''.

SEC. 583. REPORT ON PROCESS FOR EXPEDITED DETERMINATION OF DISABILITY OF MEMBERS OF THE ARMED FORCES WITH CERTAIN DISABLING CONDITIONS.

(a) IN GENERAL.—Not later than September 1, 2012, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect members of the Armed Forces, including regular members and members of the reserve components, who suffer from certain disabling diseases or conditions. If the establishment of such a process is considered feasible and advisable, the report shall set forth such recommendations for legislative and administrative action as the Secretary consider appropriate for the establishment of such process.

(b) REQUIREMENTS FOR STUDY FOR REPORT.—

(1) EVALUATION OF APPROPRIATE ELEMENTS OF SIMILAR FEDERAL PROGRAMS.—In conducting the study required for purposes of the preparation of the report required by subsection (a), the Secretary of Defense shall evaluate elements of programs for expedited determinations of disability that are currently carried out by other departments and agencies of the Federal Government, including the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration.

(2) CONSULTATION.—The Secretary of Defense shall conduct the study in consultation with the Secretary of Veterans Affairs.

SEC. 584. REPORT ON THE ACHIEVEMENT OF DIVERSITY GOALS FOR THE LEADERSHIP OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the achievement of diversity goals for the leadership of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment by each Secretary of a military department of progress towards the achievement of diversity goals for the leadership within each Armed Force under the jurisdiction of such Secretary, including the reserve components of such Armed Force.

(2) A discussion of the findings and recommendations included in the final report of the Military Leadership Diversity Commission entitled ''From Representation to Inclusion: Diversity Leadership for the 21st Century Military'', and in other relevant policies, studies, reports, evaluations, and assessments.

SEC. 585. SPECIFICATION OF PERIOD IN WHICH APPLICATION FOR VOTER REGISTRATION OR ABSENTEE BALLOT FROM AN OVERSEAS VOTER IS VALID.

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

(1) by inserting ''or overseas voter'' after ''absent uniformed services voter''; and

(2) by striking ''members of the uniformed services'' and inserting ''uniformed services voters or overseas voters''.

SEC. 586. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

SEC. 587. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

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

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

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

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

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

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

(c) TITLE 37 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

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

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

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(9) Section 335(k), relating to bonus and incentive pay authorities for officers in health professions.

(d) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

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

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

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

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

(e) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

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

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

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

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

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

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

(7) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(f) OTHER TITLE 37 BONUS AND SPECIAL PAY AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

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

(2) Section 307a(g), relating to assignment incentive pay.

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

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

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

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

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

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

(g) INCREASED BAH FOR AREAS EXPERIENCING DISASTERS OR SUDDEN INCREASES IN PERSONNEL.—Section 403(b)(7)(E) of title 37, United States Code, is amended by inserting before the period at the end the following: '', except that such an increase may be prescribed for the period beginning on January 1, 2012, and ending on December 31, 2012''.

SEC. 612. MODIFICATION OF QUALIFYING PERIOD FOR PAYMENT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND HAZARDOUS DUTY SPECIAL PAY.

(a) HOSTILE FIRE AND IMMINENT DANGER PAY.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''for any month or portion of a month'' and inserting ''for any day or portion of a day'';

(2) by striking subsection (b) and inserting the following new subsection (b):

''(b) SPECIAL PAY AMOUNT.—The amount of special pay authorized by subsection (a) for a day or portion of a day may not exceed an amount equal to $225 divided by the number of days of the month in which such day falls.'';

(3) in subsection (c)(1), by inserting ''for any day (or portion of a day) of'' before ''not more than three additional months''; and

(4) in subsection (d)(2), by striking ''any month'' and inserting ''any day''.

(b) HAZARDOUS DUTY PAY.—Section 351(c)(2) of such title is amended by striking ''receipt of hazardous duty pay,'' and all that follows and inserting ''receipt of hazardous duty pay—

''(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned shall prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; and

''(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011, and shall apply with respect to duty performed on or after that date.

Subtitle B—Consolidation and Reform of Travel and Transportation Authorities

SEC. 621. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.

(a) PURPOSE.—This section establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.

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

''CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

''Sec.

''SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

''451. Definitions.

''452. Allowable travel and transportation: general authorities.

''453. Allowable travel and transportation: specific authorities.

''454. Travel and transportation: pilot programs.

''455. Appropriations for travel: may not be used for attendance at certain meetings.

''SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

''461. Relationship to other travel and transportation authorities.

''462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.

''463. Program of compliance; electronic processing of travel claims.

''464. Regulations.

''SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

''471. Travel authorities transition expiration date.

''472. Definitions and other incorporated provisions of chapter 7.

''474. Travel and transportation allowances: general.

''474a. Travel and transportation allowances: temporary lodging expenses.

''474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.

''475. Travel and transportation allowances: per diem while on duty outside the continental United States.

''475a. Travel and transportation allowances: departure allowances.

''476. Travel and transportation allowances: dependents; baggage and household effects.

''476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.

''476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.

''476c. Travel and transportation allowances: members assigned to a vessel under construction.
''477. Travel and transportation allowances: dislocation allowance.
''478. Travel and transportation allowances: travel within limits of duty station.
''478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
''479. Travel and transportation allowances: house trailers and mobile homes.
''480. Travel and transportation allowances: miscellaneous categories.
''481. Travel and transportation allowances: administrative provisions.
''481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
''481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
''481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
''481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
''481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
''481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.
''481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.
''481i. Travel and transportation allowances: parking expenses.
''481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
''481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.
''481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.
''484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
''488. Allowance for recruiting expenses.
''489. Travel and transportation allowances: minor dependent schooling.
''490. Travel and transportation: dependent children of members stationed overseas.
''491. Benefits for certain members assigned to the Defense Intelligence Agency.
''492. Travel and transportation: members escorting certain dependents.
''494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
''495. Funeral honors duty: allowance.
''SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

''§ 451. Definitions

''(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

''(1) The term 'administering Secretary' or 'administering Secretaries' means the following:

''(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

''(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

''(2) The term 'authorized traveler' means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

''(A) A member of the uniformed services.

''(B) A family member of a member of the uniformed services.

''(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

''(D) A person who participates in a military funeral honors detail.

''(E) A Senior Reserve Officers' Training Corps cadet or midshipman.

''(F) An applicant or rejected applicant for enlistment.

''(G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.

''(H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of a particular travel incident.

''(3) The term 'family member', with respect to a member of the uniformed services, means the following:

''(A) A dependent.

''(B) A child, as defined in section 401(b)(1) of this title.

''(C) A parent, as defined in section 401(b)(2) of this title.

''(D) A sibling of the member.

''(E) A former spouse of the member.

''(F) Any person not covered by subparagraphs (A) through (E) who is in a category specified in regulations prescribed under section 464 of this title as having an association, connection, or affiliation with a member or the family of a member, including any person specifically designated by a member to receive travel benefits for a particular purpose.

''(4) The term 'dependent', with respect to a member of the uniformed services, has the meaning given that term in section 401(a) of this title.

''(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

''(1) The term 'official travel' means the following:

''(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

''(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

''(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

''(D) Local travel in or around the temporary duty or permanent duty station.

''(E) Other travel as authorized or ordered by the administering Secretary.

''(2) The term 'actual and necessary expenses' means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

''(3) The term 'travel allowances' means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

''(4) The term 'transportation allowances' means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

''(5) The term 'transportation-, lodging-, or meals-in-kind' means transportation, lodging, or meals provided by the Government without cost to an authorized traveler.

''(6) The term 'miscellaneous expenses' means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

''(7) The term 'personal property', with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

''(8) The term 'relocation allowances' means the costs associated with relocating a member of the uniformed services and the member's dependents between an old and new temporary or permanent duty assignment location or other authorized location.

''(9) The term 'dislocation allowances' means the costs associated with relocation of the household of a member of the uniformed services and the member's dependents in relation to a change in the member's permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

''§ 452. Allowable travel and transportation: general authorities

''(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

''(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

''(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

''(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

''(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

''(4) Recruiting duties for the armed forces.

''(5) Assignment or detail to another Government department or agency.

''(6) Rest and recuperative leave.

''(7) Convalescent leave.

''(8) Reenlistment leave.

''(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

''(10) Ready Reserve muster duty.

''(11) Unusual, extraordinary, hardship, or emergency circumstances.

''(12) Presence of family members at a military medical facility incident to the illness or injury of members.

''(13) Presence of family members at the repatriation of members held captive.

''(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

''(15) Attendance at Yellow Ribbon Reintegration Program events.

''(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

''(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

''(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

''(1) Allowances for transportation, lodging, and meals.

''(2) Dislocation or relocation allowances paid in connection with a change in a member's temporary or permanent duty assignment location.

''(3) Other related miscellaneous expenses.

''(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

''(1) as an actual expense;

''(2) as an authorized allowance;

''(3) in-kind; or

''(4) using a combination of the authorities under paragraphs (1), (2), and (3).

''(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization before such order or authorization is cancelled, revoked, or modified.

''(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

''(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

''(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

''§ 453. Allowable travel and transportation: specific authorities

''(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

''(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

''(c) MOVEMENT OF PERSONAL PROPERTY.—(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

''(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

''(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

''(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

''(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

''(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

''(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

''(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

''(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

''(3) A member who is discharged under section 1173 of title 10.

''(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

''§ 454. Travel and transportation: pilot programs

''(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be conducted so as to evaluate one or more of the following:

''(1) Alternative methods for performing and reimbursing travel.

''(2) Means for limiting the need for travel.

''(3) Means for reducing the environmental impact of travel.

''(b) LIMITATIONS.—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

''(2) The duration of a pilot program may not exceed four years.

''(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

''(c) REPORTS.—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

''(A) The purpose of the pilot program.

''(B) The duration of the pilot program.

''(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

''(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

''(A) A description of results of the pilot program.

''(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

''(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' has the meaning given that term in section 101(a)(16) of title 10.

''SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

''§ 461. Relationship to other travel and transportation authorities

''An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

''§ 462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

''(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

''(b) EXCEPTION.—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

''(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

''§ 463. Programs of compliance; electronic processing of travel claims

''(a) PROGRAMS OF COMPLIANCE.—The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

''(b) ELEMENTS.—The programs of compliance under subsection (a) shall—

''(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other means as the administering Secretaries may establish for purposes of the programs of compliance; and

''(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

''(c) ELECTRONIC PROCESSING OF TRAVEL CLAIMS.—(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

''(2) The administering Secretary, or the Secretary's designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

''(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

''§ 464. Regulations

''This subchapter and subchapter I shall be administered under terms, rates, conditions, and

regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.

''SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

''§ 471. Travel authorities transition expiration date

''In this subchapter, the term 'travel authorities transition expiration date' means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''§ 472. Definitions and other incorporated provisions of chapter 7

''(a) DEFINITIONS.—The provisions of section 401 of this title apply to this subchapter.

''(b) OTHER PROVISIONS.—The provisions of sections 421 and 423 of this title apply to this subchapter.''.

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 411g of title 37, United States Code, is repealed.

(d) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 454, and redesignated as section 455.

(2) TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a, 409, 410, 411, 411a through 411f, 411h through 411l, 428 through 432, 434, and 435 of such title are transferred (in that order) to chapter 8 of such title, as added by subsection (b), inserted after section 472, and redesignated as follows:

Section:	*Redesignated Section:*
404	*474*
404a	*474a*
404b	*474b*
405	*475*
405a	*475a*
406	*476*
406a	*476a*
406b	*476b*
406c	*476c*
407	*477*
408	*478*
408a	*478a*
409	*479*
410	*480*
411	*481*
411a	*481a*
411b	*481b*
411c	*481c*
411d	*481d*
411e	*481e*
411f	*481f*
411h	*481h*
411i	*481i*
411j	*481j*
411k	*481k*
411l	*481l*
428	*488*
429	*489*
430	*490*
432	*492*
434	*494*
435	*495*

(3) TRANSFER OF SECTION 554.—Section 554 of such title is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 481l (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

(e) SUNSET OF OLD-LAW AUTHORITIES.—Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by paragraphs (2) and (3) of subsection (c), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

''(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(2) Section 474a is amended by adding at the end the following new subsection:

''(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.''.

(3) Section 474b is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.''.

(4) Section 475 is amended by adding at the end the following new subsection:

''(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.''.

(5) Section 475a is amended by adding at the end the following new subsection:

''(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.''.

(6) Section 476 is amended by adding at the end the following new subsection:

''(n) No transportation, reimbursement, allowance, or per diem may be provided under this section—

''(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

''(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.''.

(7) Section 476a is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''Under uniform regulations''; and

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

''(b) TERMINATION.—No transportation or travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(8) Section 476b is amended by adding at the end the following new subsection:

''(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(9) Section 476c is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(10) Section 477 is amended by adding at the end the following new subsection:

''(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.''.

(11) Section 478 is amended by adding at the end the following new subsection:

''(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(12) Section 478a(e) is amended by striking ''December 31, 2011'' and inserting ''the travel authorities transition expiration date''.

(13) Section 479 is amended by adding at the end the following new subsection:

''(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.''.

(14) Section 480 is amended by adding at the end the following new subsection:

''(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(15) Section 481 is amended by adding at the end the following new subsection:

''(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.''.

(16) Section 481a is amended by adding at the end the following new subsection:

''(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.''.

(17) Section 481b is amended by adding at the end the following new subsection:

''(d) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.''.

(18) Section 481c is amended by adding at the end the following new subsection:

''(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.''.

(19) Section 481d is amended by adding at the end the following new subsection:

''(d) No transportation may be provided under this section after the travel authorities transition expiration date.''.

(20) Section 481e is amended by adding at the end the following new subsection:

''(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(21) Section 481f is amended by adding at the end the following new subsection:

''(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(22) Section 481h is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(23) Section 481i is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(24) Section 481j is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(25) Section 481k is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(26) Section 481l is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(27) Section 484 is amended by adding at the end the following new subsection:

''(k) No transportation, allowance, or reimbursement may be provided under this section

for a move that begins after the travel authorities transition expiration date.''.

(28) Section 488 is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''In addition''; and

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

''(b) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(29) Section 489 is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''In addition''; and

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

''(b) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(30) Section 490 is amended by adding at the end the following new subsection:

''(g) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(31) Section 492 is amended by adding at the end the following new subsection:

''(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(32) Section 494 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(33) Section 495 is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No allowance may be paid under this section for any day after the travel authorities transition expiration date.''.

(f) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 7 of such title is amended to read as follows: ***''CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES''.***

(2) TABLE OF CHAPTERS.—The table of chapter preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following:

''7. Allowances Other Than Travel and Transportation Allowances 401
''8. Travel and Transportation Allowances ..... 451''.

(3) TABLES OF SECTIONS.—

(A) The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(B) The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 554.

(4) CROSS-REFERENCES.—

(A) Any section of title 10 or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by subsection (c) is amended so as to conform the reference to the section number of the section as so redesignated.

(B) Any reference in a provision of law other than a section of title 10 or 37, United States Code, to a section of title 37 that is transferred and redesignated by subsection (c) is deemed to refer to the section as so redesignated.

SEC. 622. TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 621(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act.

(e) TRANSITION PERIOD.—In this section, the term ''transition period'' means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle C—Disability, Retired Pay, and Survivor Benefits

SEC. 631. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after ''insurable dependent of the member'' the following: ''(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)''; and

(2) in subparagraph (C)(ii), by inserting after ''insurable dependent of the member'' the following: ''(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)''.

SEC. 632. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT ON PROVISION OF SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH INJURY OR ILLNESS REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) LIMITATION ON FUNDS FOR TRAVEL OF USD(PR).—Of the amount authorized to be appropriated for fiscal year 2012 for the Department of Defense for operation and maintenance for defense-wide activities as specified in the funding table in section 4301 and available for purposes of travel of the Office of the Under Secretary of Defense for Personnel and Readiness, not more than 50 percent of such amount may be obligated or expended for such purposes until the Under Secretary of Defense for Personnel and Readiness submits to the congressional defense committees a report on the implementation by the Department of Defense of the authorities in section 439 of title 37, United States Code, for payment of special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.

(b) ELEMENTS.—The report described in subsection (a) shall include a detailed description of the implementation by the Department of the authorities in section 439 of title 37, United States Code, including the following:

(1) A description of the criteria established pursuant to such section for the payment of special compensation under that section.

(2) An assessment of the training needs of caregivers of members paid special compensation under that section, including—

(A) a description of the types of training currently provided;

(B) a description of additional types of training that could be provided; and

(C) an assessment whether current Department programs are adequate to meet such training needs.

SEC. 633. REPEAL OF SENSE OF CONGRESS ON AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

Section 635 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4241) is repealed.

SEC. 634. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: ''or while staying at the Reserve's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training''.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person's residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.''.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

SEC. 635. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting

''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty under title 10, United States Code, to full-time National Guard duty under title 32, United States Code, or from full-time National Guard duty under title 32, United States Code, to active duty under title 10, United States Code, when the transition occurs without a break in active service of at least one calendar day''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. ANNUAL COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEES IN TRICARE PRIME.

(a) IN GENERAL.—Section 1097a of title 10, United States Code, is amended—

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

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

''(c) COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.—(1) Whenever after September 30, 2012, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subsection, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title. The increase in such fee shall be effective as of January 1 following the date of the increase in such retired pay.

''(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

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

''§ 1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment options''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1097a and inserting the following new item:

''1097a. TRICARE Prime: automatic enrollment; enrollment fee; payment options.''.

SEC. 702. MAINTENANCE OF THE ADEQUACY OF PROVIDER NETWORKS UNDER THE TRICARE PROGRAM.

Section 1097b(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall to the extent practicable maintain adequate networks of providers, including institutional, professional, and pharmacy. Network providers under such provider network agreements are not considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.''.

SEC. 703. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 1073 note) is amended—

(1) by striking ''If a covered beneficiary'' and inserting ''(1) Except as provided in paragraph (2), if a covered beneficiary''; and

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

''(2) After September 30, 2011, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2011.''.

SEC. 704. MODIFICATION OF AUTHORITIES ON SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) SCOPE OF CERTAIN SURVEYS.—Subsection (a)(3)(A) of section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 190; 10 U.S.C. 1073 note) by striking ''2011'' and inserting ''2015''.

(b) FREQUENCY OF SUBMITTAL OF GAO REVIEWS.—Subsection (b)(2) of such section is amended by striking ''bi-annual basis'' and inserting ''biennial basis''.

SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking ''not later than'' and all that follows and inserting the following: ''as follows:

''(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

''(2) In the case of any other services, by not later than one year after the services are provided.''.

Subtitle B—Other Health Care Benefits

SEC. 711. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR COMMAND-SPONSORED DEPENDENTS OF MEMBERS ASSIGNED TO REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

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

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent includes, in the case of a dependent authorized to accompany a member at a location described in that paragraph, obstetrical anesthesia services for childbirth equivalent to the obstetrical anesthesia services for childbirth available in a military treatment facility in the United States.

''(B) In the case of a dependent at a remote location outside the continental United States who elects services described in subparagraph (A) and for whom air transportation would be needed to travel under paragraph (1) to the nearest appropriate medical facility in which adequate medical care is available, the Secretary may authorize the dependent to receive transportation under that paragraph to the continental United States and be treated at the military treatment facility that can provide appropriate obstetrical services that is nearest to the closest port of entry into the continental United States from such remote location.

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

''(D) The total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent by reason of this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to that dependent under paragraph (1) if the transportation and expenses were provided to that dependent without regard to this paragraph.

''(E) The authority under this paragraph shall expire on September 30, 2016.''.

SEC. 712. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS WITH EXTENSION OF ACTIVE DUTY FOLLOWING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: ''For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C),

or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.''.

SEC. 713. CODIFICATION AND IMPROVEMENT OF PROCEDURES FOR MENTAL HEALTH EVALUATIONS FOR MEMBERS OF THE ARMED FORCES.

(a) CODIFICATION AND IMPROVEMENT OF PROCEDURES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090 the following new section:

''§ 1090a. Commanding officer and supervisor referrals of members for mental health evaluations

''(a) REGULATIONS.—The Secretary of Defense shall prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations. The regulations shall incorporate the requirements set forth in subsections (b), (c), and (d) and such other matters as the Secretary considers appropriate.

''(b) REDUCTION OF PERCEIVED STIGMA.—The regulations required by subsection (a) shall, to the greatest extent possible—

''(1) seek to eliminate perceived stigma associated with seeking and receiving mental health services, promoting the use of mental health services on a basis comparable to the use of other medical and health services; and

''(2) clarify the appropriate action to be taken by commanders or supervisory personnel who, in good faith, believe that a subordinate may require a mental health evaluation.

''(c) PROCEDURES FOR INPATIENT EVALUATIONS.—The regulations required by subsection (a) shall provide that, when a commander or supervise determines that it is necessary to refer a member of the armed forces for a mental health evaluation—

''(1) the mental health evaluation shall only be conducted on an inpatient basis if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

''(2) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit the member pursuant to the referral for a mental health evaluation to be conducted on an inpatient basis.

''(d) PROHIBITION ON USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—(1) The regulations required by subsection (a) shall provide that no person may refer a member of the armed forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of this title, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

''(2) Such regulations shall provide that a referral for a mental health evaluation by a commander or supervisor, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of this title (article 92 of the Uniform Code of Military Justice). Persons not subject to chapter 47 of this title (the Uniform Code of Military Justice) who fail to comply with the provisions of this section are subject to adverse administrative action.

''(3)(A) No person may restrict a member of the armed forces in communicating with an Inspector General, attorney, member of Congress, or others about the referral of a member of the armed forces for a mental health evaluation.

''(B) Subparagraph (A) does not apply to a communication that is unlawful.

''(e) DEFINITIONS.—In this section:

''(1) The term 'Inspector General' means the following:

''(A) An Inspector General appointed under the Inspector General Act of 1978 (5 U.S.C. App.).

''(B) An officer of the armed forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the armed forces.

''(2) The term 'mental health professional' means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric clinical nurse specialist.

''(3) The term 'mental health evaluation' means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the state of mental health of a member of the armed forces.

''(4) The term 'least restrictive alternative principle' means a principle under which a member of the armed forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting—

''(A) that is no more restrictive than is conducive to the most effective form of treatment; and

''(B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090 the following new item:

''1090a. Commanding officer and supervisor referrals of members for mental health evaluations.''.

(b) CONFORMING REPEAL.—Section 546 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2416; 10 U.S.C. 1074 note) is repealed.

Subtitle C—Health Care Administration

SEC. 721. EXPANSION OF STATE LICENSURE EXCEPTIONS FOR CERTAIN MENTAL HEALTH-CARE PROFESSIONALS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end the following new subparagraph:

''(B) Notwithstanding any law regarding the licensure of health care providers, a health-care professional described in paragraph (4) may perform the duties relating to mental health care specified in the regulations under subparagraph (B) of that paragraph at any location in any State, the District of Columbia, or a Commonwealth, territory or possession of the United States, regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties specified in that subparagraph.'';

(2) in paragraphs (2) and (3), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''; and

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

''(4) A health-care professional referred to in paragraph (1)(B) is a member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for purposes of that paragraph who—

''(A) has a current license to practice medicine, osteopathic medicine, or another health profession; and

''(B) is performing such authorized duties relating to mental health care for the Department of Defense as the Secretary shall prescribe in regulations for purposes of this paragraph.''.

SEC. 722. CLARIFICATION ON CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Section 1102(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''any activity carried out'' and inserting ''any peer review activity carried out''; and

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

''(4) The term 'peer review' means an assessment of professional performance by professionally-equivalent health care providers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2012.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. WAIVER OF REQUIREMENTS RELATING TO NEW MILESTONE APPROVAL FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The requirements of subparagraphs (B) and (C) of paragraph (1) shall not apply to a program or subprogram if—

''(i) the Milestone Decision Authority determines in writing, on the basis of a cost assessment and root cause analysis conducted pursuant to subsection (a), that—

''(I) but for a change in the quantity of items to be purchased under the program or subprogram, the program acquisition unit cost or procurement unit cost for the program or subprogram would not have increased by a percentage equal to or greater than the cost growth thresholds for the program or subprogram set forth in subparagraph (B); and

''(II) the change in quantity of items described in subclause (I) was not made as a result of an increase in program cost, a delay in the program, or a problem meeting program requirements;

''(ii) the Secretary determines in writing that the cost to the Department of Defense of complying with such requirements is likely to exceed the benefits to the Department of complying with such requirements; and

''(iii) the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title—

''(I) a copy of the written determination under clause (i) and an explanation of the basis for the determination; and

''(II) a copy of the written determination under clause (ii) and an explanation of the basis for the determination.

''(B) The cost growth thresholds specified in this subparagraph are as follows:

''(i) In the case of a major defense acquisition program or designated major defense subprogram, a percentage increase in the program acquisition unit cost for the program or subprogram of—

''(I) 5 percent over the program acquisition unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

''(II) 10 percent over the program acquisition unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.

''(ii) In the case of a major defense acquisition program or designated major defense subprogram that is a procurement program, a percentage increase in the procurement unit cost for the program or subprogram of—

''(I) 5 percent over the procurement unit cost for the program or subprogram as shown in the

current Baseline Estimate for the program or subprogram; and

''(II) 10 percent over the procurement unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.''.

SEC. 802. MODIFICATION OF CERTAIN REQUIREMENTS OF THE WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.

(a) REPEAL OF CERTIFICATION OF COMPLIANCE OF CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS WITH ACTIONS ON TREATMENT OF SYSTEMIC PROBLEMS BEFORE MILESTONE APPROVAL.—Subsection (c) of section 204 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1723; 10 U.S.C. 2366a note) is repealed.

(b) WAIVER OF REQUIREMENT TO REVIEW PROGRAMS RECEIVING WAIVER OR CERTAIN CERTIFICATION REQUIREMENTS.—Section 2366b(d) of title 10, United States Code, is amended by adding the following new paragraph:

''(3) The requirement in paragraph (2)(B) shall not apply to a program for which a certification was required pursuant to section 2433a(c) of this title if the milestone decision authority—

''(A) determines in writing that—

''(i) the program has reached a stage in the acquisition process at which it would not be practicable to meet the certification component that was waived; and

''(ii) the milestone decision authority has taken appropriate alternative actions to address the underlying purposes of such certification component; and

''(B) submits the written determination, and an explanation of the basis for the determination, to the congressional defense committees.''.

SEC. 803. ASSESSMENT, MANAGEMENT, AND CONTROL OF OPERATING AND SUPPORT COSTS FOR MAJOR WEAPON SYSTEMS.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on actions to be taken to assess, manage, and control Department of Defense costs for the operation and support of major weapon systems.

(b) ELEMENTS.—The guidance required by subsection (a) shall, at a minimum—

(1) require the military departments to retain each estimate of operating and support costs that is developed at any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

(2) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

(3) establish standard requirements for the collection of data on operating and support costs for major weapon systems and require the military departments to revise their Visibility and Management of Operating and Support Costs (VAMOSC) systems to ensure that they collect complete and accurate data in compliance with such requirements and make such data available in a timely manner;

(4) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

(5) require the military departments—

(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

(6) require the military departments to ensure that sustainment factors are fully considered at key life cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

(7) require the military departments to conduct an independent logistics assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

(8) include—

(A) reliability metrics for major weapon systems; and

(B) requirements on the use of metrics under subparagraph (A) as triggers—

(i) to conduct further investigation and analysis into drivers of those metrics; and

(ii) to develop strategies for improving reliability, availability, and maintainability of such systems at an affordable cost; and

(9) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

(2) SUPPORT.—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

(C) with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, may direct the military departments to collect and retain information necessary to support the database.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 804. CLARIFICATION OF RESPONSIBILITY FOR COST ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.

Section 2334(e) of title 10, United States Code, is amended—

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

(2) in paragraph (1)—

(A) by striking ''shall provide that—'' and all that follows through ''cost estimates'' and inserting ''shall provide that cost estimates''; and

(B) by striking ''; and'' and inserting a period;

(3) by redesignating subparagraph (B) as paragraph (2) and indenting such paragraph two ems from the left margin;

(4) in paragraph (2) as redesignated by paragraph (3) of this section, by striking ''cost analyses and targets'' and inserting ''The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Director of Cost Assessment and Program Evaluation, develop policies, procedures, and guidance to ensure that cost analyses and targets'';

(5) in paragraph (3), as redesignated by paragraph (1) of this section, by striking ''issued by the Director of Cost Assessment and Program Evaluation'' and inserting ''issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)''; and

(6) in paragraph (5), as redesignated by paragraph (1) of this section, by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

SEC. 805. MODIFICATION OF REQUIREMENTS FOR GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 812(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4264; 10 U.S.C. 2430 note) is amended—

(1) by striking ''manufacturing readiness levels'' each place it appears and inserting ''manufacturing readiness levels or other manufacturing readiness standards'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) provide for the tailoring of manufacturing readiness levels or other manufacturing readiness standards to address the unique characteristics of specific industry sectors or weapon system portfolios;''.

SEC. 806. MANAGEMENT OF DEVELOPMENTAL TEST AND EVALUATION FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CHIEF DEVELOPMENTAL TESTER.—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2330), as amended by section 805(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–181; 123 Stat. 2403), is further amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) Chief developmental tester.''.

(b) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Section 139b of title 10, United States Code, is amended—

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

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

''(c) SUPPORT OF MDAPS BY CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—

''(1) SUPPORT.—The Secretary of Defense shall require that each major defense acquisition program be supported by—

''(A) a chief developmental tester; and

''(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

''(2) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER.—The chief developmental tester for a major defense acquisition program shall be responsible for—

''(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

''(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and

''(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

''(3) RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

''(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

''(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

''(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.''.

SEC. 807. ASSESSMENT OF RISK ASSOCIATED WITH DEVELOPMENT OF MAJOR WEAPON SYSTEMS TO BE PROCURED UNDER COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.

(a) ASSESSMENT OF RISK REQUIRED.—

(1) IN GENERAL.—Not later than two days after the President transmits a certification to Congress pursuant to section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)) regarding a proposed cooperative project agreement that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system, the Secretary of Defense shall submit to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a risk assessment of the proposed cooperative project.

(2) PREPARATION.—The Secretary shall prepare each report required by paragraph (1) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering, and the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(b) ELEMENTS.—The risk assessment on a cooperative project under subsection (a) shall include the following:

(1) An assessment of the design, technical, manufacturing, and integration risks associated with developing and procuring the weapon system to be procured under the cooperative project.

(2) A statement identifying any termination liability that would be incurred under the development contract to be entered into under subsection (a)(1), and a statement of the extent to which such termination liability would not be fully funded by appropriations available or sought in the fiscal year in which the agreement for the cooperative project is signed on behalf of the United States.

(3) An assessment of the advisability of incurring any unfunded termination liability identified under paragraph (2) given the risks identified in the assessment under paragraph (1).

(4) A listing of which, if any, requirements associated with the oversight and management of a major defense acquisition program (as prescribed under Department of Defense Instruction 5000.02 or related authorities) will be waived, or in any way modified, in carrying out the development contract to be entered into under (a)(1), and a full explanation why such requirements need to be waived or modified.

(c) DEFINITIONS.—In this section:

(1) The term ''engineering and manufacturing development'' has the meaning given that term in Department of Defense Instruction 5000.02.

(2) The term ''major weapon system'' has the meaning given that term in section 2379(f) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 821. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR SOURCE SELECTION DECISIONS.

(a) STRATEGY ON INCLUSION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used for making source selection decisions.

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to require the following:

(1) That agency evaluations of contractor past performance are included in the relevant past performance database as soon as such evaluations are completed.

(2) That affected contractors are notified in a timely manner when such agency evaluations are entered into such database.

(3) That such contractors are afforded a reasonable opportunity to submit comments, rebutting statements, or additional information pertaining to such agency evaluations for inclusion in such database.

(d) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to this section, including an assessment of the extent to which such actions have achieved the objectives of this section.

SEC. 822. IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON SERVICE CONTRACTING.

(a) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, acting pursuant to the Under Secretary's responsibility under section 2330 of title 10, United States Code, develop a plan for implementing the recommendations of the Defense Science Board Task Force on Improvements to Service Contracting.

(b) ELEMENTS.—The plan developed pursuant to subsection (a) shall include, to the extent determined appropriate by the Under Secretary for Acquisition, Technology, and Logistics, the following:

(1) A meaningful taxonomy to track services, which can be built into the inventory of contract services required by section 2330a(c) of title 10, United States Code.

(2) Standards, definitions, and performance measures for each portfolio of contract services which can be used for the purposes of performance assessments conducted pursuant to section 2548 of title 10, United States Code, and independent management reviews conducted pursuant to section 808 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 215; 10 U.S.C. 2330 note).

(3) Meaningful incentives to service contractors for high performance at low cost, consistent with the objectives of the Better Buying Power Initiative established by the Under Secretary.

(4) Improved means of communication between the Government and the services contracting industry in the process of developing requirements for services contracts.

(5) Clear guidance for defense acquisition personnel on the use of appropriate contract types for particular categories of services contracts.

(6) Formal certification and training requirements for services acquisition personnel, consistent with the requirements of sections 1723 and 1724 of title 10, United States Code.

(7) Appropriate emphasis on the recruiting and training of services acquisition personnel, consistent with the strategic workforce plan developed pursuant to section 115b of title 10, United States Code, and the funds available through the Department of Defense Acquisition Workforce Development Fund established pursuant to section 1705 of title 10, United States Code.

(8) Policies and guidance on career development for services acquisition personnel, consistent with the requirements of sections 1722a and 1722b of title 10, United States Code.

(9) Actions to ensure that the military departments dedicate portfolio-specific commodity managers to coordinate the procurement of key categories of contract services, as required by section 2330(b)(3)(C) of title 10, United States Code.

(10) Actions to ensure that the Department of Defense conducts realistic exercises and training that account for services contracting during contingency operations, as required by section 2333(e) of title 10, United States Code.

(c) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the following:

(1) The actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics to carry out the requirements of this section.

(2) The actions taken by the Under Secretary to carry out the requirements of section 2330 of title 10, United States Code.

(3) The actions taken by the military departments to carry out the requirements of section 2330 of title 10, United States Code.

(4) The extent to which the actions described in paragraphs (1), (2), and (3) have resulted in the improved acquisition and management of contract services.

SEC. 823. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2012 or 2013 may not exceed the total amount requested for the Department for contract services in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105(b) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) EXCEPTION.—Notwithstanding the limitation in subsection (a), the total amount obligated by the Department for contract services in fiscal year 2012 or 2013 may exceed the amount otherwise provided pursuant to subsection (a) by an amount elected by the Secretary that is not greater than the cost of any increase in such fiscal year in the number of civilian billets at the Department that has been approved by the Secretary over the number of such billets at the Department in fiscal year 2010.

(c) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance to the military departments and the Defense Agencies on implementation of this section during fiscal years 2012 and 2013. The guidance shall, at a minimum—

(1) establish a negotiation objective that labor rates and overhead rates in any contract or task order for contract services with an estimated value in excess of $10,000,000 awarded to a contractor in fiscal year 2012 or 2013 shall not exceed labor rates and overhead rates paid to the contractor for contract services in fiscal year 2010;

(2) require the Secretaries of the military departments and the heads of the Defense Agencies to approve in writing any contract or task order for contract services with an estimated value in excess of $10,000,000 awarded to a contractor in fiscal year 2012 or 2013 that provides

for continuing services at an annual cost that exceeds the annual cost paid by the military department or Defense Agency concerned for the same or similar services in fiscal year 2010;

(3) require the Secretaries of the military departments and the heads of the Defense Agencies to eliminate any contractor positions identified by the military department or Defense Agency concerned as being responsible for the performance of inherently governmental functions;

(4) require the Secretaries of the military departments and the heads of the Defense Agencies to reduce by 10 percent per fiscal year in each of fiscal years 2012 and 2013 the funding of the military department or Defense Agency concerned for—

(A) staff augmentation contracts; and

(B) contracts for the performance of functions closely associated with inherently governmental functions; and

(5) assign responsibility to the management officials designated pursuant to section 2330 of title 10, United States Code, and section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3378; 10 U.S.C. 2330 note) to provide oversight and ensure the implementation of the requirements of this section during fiscal years 2012 and 2013.

(d) DEFINITIONS.—In this section:

(1) The term ''contract services'' has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) The term ''function closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term ''staff augmentation contracts'' means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including, but not limited to, contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(4) The term ''transfers from funding for overseas contingency operations'' means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2012 or 2013.

SEC. 824. ANNUAL REPORT ON SINGLE-AWARD TASK AND DELIVERY ORDER CONTRACTS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Paragraph (2) of section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2611; 10 U.S.C. 2306a note) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) with respect to any determination pursuant to section 2304a(d)(3)(D) of title 10, United States Code, that because of exceptional circumstances it is necessary in the public interest to award a task or delivery order contract with an estimated value in excess of $100,000,000 to a single source, an explanation of the basis for the determination.''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''WITH PRICE OR VALUE GREATER THAN $15,000,000''.

(b) REPEAL OF CASE-BY-CASE REPORTING REQUIREMENT.—Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) by striking subparagraph (B);

(2) by striking ''(A)'';

(3) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively, of paragraph (1); and

(4) in subparagraph (B), as redesignated by paragraph (3), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 825. INCORPORATION OF CORROSION PREVENTION AND CONTROL INTO REQUIREMENTS APPLICABLE TO DEVELOPMENT AND ACQUISITION OF WEAPON SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Director of Corrosion Policy and Oversight, shall, for purposes of ensuring that corrosion prevention and control are addressed early in the development and acquisition of weapon systems—

(1) identify and disseminate throughout the Department of Defense recommendations from the 2010 Corrosion Evaluation of the F–22 Raptor and F–35 Lightning II Joint Strike Fighter that are applicable Department-wide;

(2) commence implementation of any modifications of policies and practices that the Under Secretary considers appropriate in light of such recommendations to improve corrosion prevention and control in new weapon systems; and

(3) establish a process for monitoring and assessing the effectiveness of the actions taken by the Department pursuant to paragraph (2) to improve corrosion prevention and control in new weapon systems.

(b) PLAN.—In carrying out subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan to achieve, to the extent and in a manner the Under Secretary determines to be feasible and appropriate, the following:

(1) Investment in research and development that increases the understanding of corrosion on materials and processes for weapon systems.

(2) Development and dissemination of expertise on corrosion in the acquisition programs for weapon systems and in the processes for developing requirements for weapon systems.

(3) Reestablishment of appropriate military specifications and standards regarding corrosion resistance in weapon systems.

(4) Establishment of new test protocols and methodologies with respect to corrosion in new materials and processes for weapon systems.

(5) Development of contract language, metrics, and incentives to improve the emphasis on corrosion prevention and control and the effects of corrosion on life cycle costs in weapon systems.

(6) Development of a corrosion-focused design decision methodology to support acquisition programs for weapon systems when required to evaluate alternative designs and help quantify future operation and sustainment costs.

(c) CORROSION CONTROL IN CERTAIN FIGHTER AIRCRAFT PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) identify in the Corrosion Evaluation referred to in subsection (a) specific recommendations on corrosion prevention and control that are applicable to the F–22 Raptor aircraft and to the F–35 Lightning II Joint Strike Fighter aircraft;

(B) commence implementation of appropriate actions to put the recommendations described in subparagraph (A) into effect; and

(C) establish and implement processes for monitoring and assessing the effectiveness of the actions put into effect under subparagraph (B).

(2) ACTIONS ON F–22 RAPTOR AIRCRAFT.—The actions implemented under paragraph (1) with respect to the F–22 Raptor aircraft shall include a plan and actions to manage cumulative corrosion damage to F–22 Raptor aircraft in order to mitigate long-term structural risk to such aircraft.

(3) ACTIONS ON F–35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.—The actions implemented under paragraph (1) with respect to the F–35 Lightning II Joint Strike Fighter aircraft shall include actions as follows:

(A) The updating of the F–35 Corrosion Prevention and Control Plan with lessons learned from corrosion prevention and control for the F–22 Raptor aircraft, guidelines for conducting trade studies, and appropriate test and verification methods.

(B) Planning for a full climatic test earlier in the acquisition schedule, and ensuring that—

(i) such test robustly addresses the effects of severe wet weather, temperature extremes, and high humidity; and

(ii) enclosed areas of the aircraft are opened and inspected for water or moisture intrusion.

(C) Developing an appropriate corrosion risk mitigation follow-on plan, including the management of the corrosion risk of parts qualified by similarity.

(D) Expanding the involvement of the Naval Air Systems Command (NAVAIR) corrosion testing capability and the Air Force Reserve Laboratory (AFRL) low observable testing capability as a means to independently test and assess materials and components.

(E) Reconsidering the selection of materials and coating for corrosion risks.

(F) Specifying responsibility for management of the Autonomic Logistics Information System (ALIS) link with the Aircraft Structural Integrity Program (ASIP).

(G) Ensuring that the officials covered by subparagraph (F) are involved in the development of the Autonomic Logistics Information System and are capable of receiving and analyzing the information to support the Aircraft Structural Integrity Program sustainment activity.

(d) CORROSION CERTIFICATION AND ASSESSMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.02 to ensure that the Milestone Decision Authority for a major defense acquisition program is required to consider issues of corrosion and materials degradation for the purpose of any certification under sections 2366a and 2366b of title 10, United States Code.

(2) TEST AND EVALUATION.—In carrying out section 2399 of title 10, United States Code, the Director of Operational Test and Evaluation shall—

(A) consider corrosion, environmental severity, and duration in the adequacy of operational test and evaluation plans;

(B) include in the annual report under subsection (g) of that section an assessment of the adequacy of the consideration of material degradation and corrosion in each major defense acquisition program.

SEC. 826. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS.

No amounts authorized to be appropriated by this Act may be obligated or expended to implement or carry out any program that creates a price evaluation adjustment as described in section 2323(e)(3) of title 10, United States Code, or any other authority, that is inconsistent with the holdings in the following:

(1) Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995).

(2) Rothe Development Corporation. v. Department of Defense, 545 F.3d 1023 (2008).

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

''(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring

any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the 'Buy American Act'), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

''(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are—

''(A) installed on property or in a facility owned by the Department of Defense; and

''(B) generate power consumed predominantly by the Department of Defense and counted toward federal renewable energy purchase requirements.

''(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

''(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term 'photovoltaic devices' means devices that convert light directly into electricity.

''(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into or after such date of enactment.''.

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 841. TREATMENT FOR TECHNICAL DATA PURPOSES OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS.

(a) TREATMENT.—Section 2320(a) of title 10, United States Code, is amended—

(1) in paragraph (2)(E), by striking ''the respective rights'' and inserting ''the Government may use, modify, release, reproduce, perform, display, or disclose the data pertaining to such item or process within the Government without restriction, but may release or disclose the data outside the Government only for Government purposes. The respective rights'';

(2) in paragraph (3), by striking ''and shall specify that amounts spent for independent research and development and bid and proposal costs shall not be considered to be Federal funds for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)''; and

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

''(4)(A) Except as provided in subparagraph (B), amounts spent for independent research and development and bid and proposal costs shall not be treated as Federal funds for the purposes of this section.

''(B) An item or process that is developed in whole or in part with amounts described in subparagraph (A) shall be treated as having been developed in part with Federal funds and in part at private expense in the following circumstances:

''(i) In the case of an item or process for which the total amount of costs referred to in subparagraph (A) allocable to contracts other than Federal contracts and any other contractor funds expended is less than 10 percent of the total funds provided for the development of such item or process (including all sources of Federal funding).

''(ii) In the case an item or process that is integrated into a major system for which the rights in technical data are otherwise described under paragraph (2)(A) or (2)(E) and for which—

''(I) the total amount of such costs allocable to contracts other than Federal contracts and any other contractor funds expended is less than 50 percent of the total funds provided for the development of such item or process (including all sources of Federal funding); or

''(II) such item or process cannot be segregated from other elements of the major system in a practicable manner in order to allow the system to be procured using competition.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 7, 2011, immediately after the enactment of section 824(b)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4269), to which such amendments relate.

SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

''(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.''.

SEC. 843. COVERED CONTRACTS FOR PURPOSES OF REQUIREMENTS ON CONTRACTOR BUSINESS SYSTEMS.

Paragraph (3) of section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note) is amended to read as follows:

''(3) The term 'covered contract' means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.''.

SEC. 844. COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS FOR PURPOSES OF INTERNAL CONTROLS OF NON-DEFENSE AGENCIES FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by striking ''with the requirements'' and all that follows and inserting ''with the following:

''(1) The Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies.

''(2) Laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made by the Department of Defense through other Federal agencies.''.

SEC. 845. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§2335. Prohibition on collection of political information

''(a) PROHIBITION ON REQUIRING SUBMISSION OF POLITICAL INFORMATION.—The head of an agency may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

''(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with the award of a contract for procurement of property or services;

''(2) during the course of contract performance as part of the process associated with modifying a contract or exercising a contract option; or

''(3) any time prior to contract completion and final contract closeout.

''(b) SCOPE.—The prohibition under this section applies to the procurement of commercial items, the procurement of commercial-off-the-shelf-items, and the non-commercial procurement of supplies, property, services, and manufactured items, irrespective of contract vehicle, including contracts, purchase orders, task or deliver orders under indefinite delivery/indefinite quantity contracts, blanket purchase agreements, and basic ordering agreements.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as—

''(1) waiving, superseding, restricting, or limiting the application of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) or preventing Federal regulatory or law enforcement agencies from collecting or receiving information authorized by law; or

''(2) precluding the Defense Contract Audit Agency from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to section 2324 of this title.

''(d) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

''(2) POLITICAL INFORMATION.—The term 'political information' means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for Federal office, party affiliation, and voting history. Each of the terms 'contribution', 'expenditure', 'independent expenditure', 'candidate', 'election', 'electioneering communication', and 'Federal office' has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2334 the following new item:

''2335. Prohibition on collection of political information.''.

SEC. 846. WAIVER OF "BUY AMERICAN" REQUIREMENT FOR PROCUREMENT OF COMPONENTS OTHERWISE PRODUCIBLE OVERSEAS WITH SPECIALTY METAL NOT PRODUCED IN THE UNITED STATES.

Section 2533b of title 10, United States Code, is amended—

(1) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and

(2) by inserting after subsection (k) the following new subsection (l):

''(l) ADDITIONAL WAIVER AUTHORITY.—(1) The Secretary of Defense may waive the requirement of subsection (a) with regard to the procurement of a component containing specialty metal if the Secretary determines that, in the absence of the waiver, the component will be produced overseas and will contain specialty metal not melted or produced in the United States.

''(2) The Secretary shall establish a process to review petitions for waivers under this subsection by interested persons. The process shall include an opportunity for comment by persons engaged in melting or producing specialty metals in the United States.

''(3) The authority to grant a waiver under paragraph (1) may be delegated to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.''.

SEC. 847. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON NONCOMPETITIVE AND ONE-OFFER CONTRACTS AWARDED BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than March 31 of each of 2013, 2014, and 2015, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review and assessment by the Comptroller General of the noncompetitive contracts and one-offer contracts awarded by the Department of Defense during the preceding fiscal year.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) The number of noncompetitive contracts awarded by the Department of Defense during the fiscal year covered by such report, and the percentage of such number to the total number of contracts awarded by the Department during such fiscal year.

(2) A description of the competition exceptions that served as the basis for the award of such noncompetitive contracts.

(3) An assessment of the adequacy of the justification and approvals issued under section 2304(f) of title 10, United States Code, in support of such noncompetitive contracts.

(4) The number of one-offer contracts awarded by the Department during the fiscal year covered by such report, and the percentage of such number to the total number of contracts awarded by the Department during such fiscal year.

(5) An assessment of the extent to which such one-offer contracts were awarded in compliance with applicable Department guidance on one-offer contracts.

(6) An assessment whether the contracting practices of the Department during the fiscal year covered by such report were in keeping with the objective of promoting full and open competition in the award of contracts in excess of the simplified acquisition threshold.

(c) DEFINITIONS.—In this section:

(1) The term ''competitive procedures'' has the meaning given that term in section 2302(2) of title 10, United States Code.

(2) The term ''noncompetitive contract'' means a contract awarded through other than competitive procedures.

(3) The term ''one-offer contract'' means a contract awarded after receiving a bid from only one qualified vendor.

SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) REVISED REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor of subcontractor for delivery to, or on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) INSPECTION OF IMPORTED ELECTRONIC PARTS.—

(1) INSPECTION PROGRAM.—The Secretary of Homeland Security shall establish a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(2) INFORMATION SHARING.—If United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Treasury is authorized to share information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging and labels, with the rightholders of the trademarks suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section.

(c) CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) ELEMENTS.—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.—In this subsection, the terms ''covered contractor'' and ''covered contract'' have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) DEPARTMENT OF DEFENSE RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or

otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures.

(e) TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(3) MILITARY GOODS OR SERVICES.—

''(A) IN GENERAL.—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

''(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

''(I) serious bodily injury or death;

''(II) disclosure of classified information;

''(III) impairment of combat operations; or

''(IV) other significant harm to a member of the Armed Forces or to national security; and

''(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

''(B) PENALTIES.—

''(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) shall be fined not more than $5,000,000, imprisoned for not more than 20 years, or both.

''(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than $15,000,000.

''(C) SUBSEQUENT OFFENSES.—

''(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than $15,000,000, imprisoned not more than 30 years, or both.

''(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than $30,000,000.''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(5) the term 'falsely identified as meeting military standards' relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

''(6) the term 'use in a military or national security application' means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

''(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

''(B) by the United States to perform or directly support—

''(i) combat operations; or

''(ii) critical national defense or national security functions.''.

(f) SENTENCING GUIDELINES.—

(1) DEFINITION.—In this subsection, the term ''critical infrastructure'' has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) DIRECTIVE.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) DEFINITIONS.—

(1) COUNTERFEIT ELECTRONIC PART.—The Secretary of Defense shall define the term ''counterfeit electronic part'' for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.—For the purposes of this section:

(A) A part is a ''suspect counterfeit electronic part'' if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An ''electronic part'' means an integrated circuit, a discrete electronic component (including but not limited to a transistor, capacitor, resistor, or diode), or a circuit assembly.

SEC. 849. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ADVANCED BIOFUELS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels (as defined by section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)). The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of advanced biofuels of sufficient length to reduce the impact to the Department of future price or supply shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

SEC. 850. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the Department of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

Subtitle D—Provisions Relating to Wartime Contracting

SEC. 861. PROHIBITION ON CONTRACTING WITH THE ENEMY IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to authorize the head of a contracting activity, pursuant to a request from the Commander of the United States Central Command under subsection (c)(2)—

(A) to restrict the award of Department of Defense contracts, grants, or cooperative agreements that the head of the contracting activity determines in writing would provide funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations;

(B) to terminate for default any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contractor, or the recipient of the grant or cooperative agreement, has failed to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations; or

(C) to void in whole or in part any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contract, grant, or cooperative agreement provides funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations.

(2) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as

contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(b) CONTRACT CLAUSE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation; and

(B) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (a).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT.—In this subsection, the term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations.

(c) IDENTIFICATION OF CONTRACTS WITH SUPPORTERS OF THE ENEMY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, acting through the Commander of the United States Central Command, shall establish a program to use available intelligence to review persons and entities who receive United States funds through contracts, grants, and cooperative agreements performed in the United States Central Command theater of operations and identify any such persons and entities who are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(2) NOTICE TO CONTRACTING ACTIVITIES.—If the Commander of the United States Central Command, acting pursuant to the program required by paragraph (1), identifies a person or entity as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation, the Commander may notify the head of a contracting activity in writing of such identification and request that the head of the contracting activity exercise the authority provided in subsection (a) with regard to any contracts, grants, or cooperative agreements that provide funding directly or indirectly to the person or entity.

(3) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon by the Commander of the United States Central Command to make an identification in accordance with this subsection may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (a), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(d) NONDELEGATION OF RESPONSIBILITIES.—

(1) CONTRACT ACTIONS.—The authority provided by subsection (a) to restrict, terminate, or void contracts, grants, and cooperative agreements may not be delegated below the level of the head of a contracting activity.

(2) IDENTIFICATION OF SUPPORT OF ENEMY.—The authority to make an identification under subsection (c)(1) may not be delegated below the level of the Commander of the United States Central Command.

(e) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS OF OTHER FEDERAL AGENCIES.—This section shall not be construed to preclude the issuance of a government-wide regulation—

(1) extending the authority in subsection (a) to the heads of contracting agencies outside the Department; or

(2) requiring the insertion of a contract clause similar to the clause described by subsection (b)(2) into contracts, grants, and cooperative agreements awarded by Federal agencies other than the Department.

(f) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) and explain the basis for the action taken. Any report under this subsection may be submitted in classified form.

(g) OTHER DEFINITION.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(h) SUNSET.—The authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) shall cease to be effective on the date that is three years after the date of the enactment of this Act.

SEC. 862. ADDITIONAL ACCESS TO CONTRACTOR AND SUBCONTRACTOR RECORDS IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) DEPARTMENT OF DEFENSE CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department of Defense that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the Secretary, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds available under the contract, grant, or cooperative agreement—

(A) are not subject to extortion or corruption; and

(B) are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the Commander of the United States Central Command, that there is reason to believe that funds available under the contract, grant, or cooperative agreement concerned may have been subject to extortion or corruption or may have been provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(4) FLOWDOWN.—A clause described in paragraph (2) shall also be required in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of $100,000.

(b) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS OF OTHER FEDERAL AGENCIES.—This section shall not be construed to preclude the issuance of a government-wide regulation requiring the insertion of a clause similar to the clause described by subsection (a)(2) into contracts, grants, and cooperative agreements awarded by Federal agencies other than the Department of Defense.

(c) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken, Any report under this subsection may be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) The term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations in support of a contingency operation.

(e) SUNSET.—

(1) IN GENERAL.—The clause described by subsection (a)(2) shall not be required in any contract, grant, or cooperative agreement that is awarded after the date that is three years after the date of the enactment of this Act.

(2) CONTINUING EFFECT OF CLAUSES INCLUDED BEFORE SUNSET.—Any clause described by subsection (a)(2) that is included in a contract, grant, or cooperative agreement pursuant this section before the date specified in paragraph (1) shall remain in effect in accordance with its terms.

SEC. 863. JOINT URGENT OPERATIONAL NEEDS FUND TO RAPIDLY MEET URGENT OPERATIONAL NEEDS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2216 the following new section:

''§ 2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund

''(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Joint Urgent Operational Needs Fund' (in this section referred to as the 'Fund').

''(b) ELEMENTS.—The Fund shall consist of the following:

''(1) Amounts appropriated to the Fund.

''(2) Amounts transferred to the Fund.

''(3) Any other amounts made available to the Fund by law.

''(c) USE OF FUNDS.—(1) Amounts in the Fund shall be available to the Secretary of Defense for capabilities that are determined by the Secretary, pursuant to the review process required

by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

''(2) The Secretary shall establish a merit-based process for identifying equipment, supplies, services, training, and facilities suitable for funding through the Fund.

''(3) Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section pursuant to a congressional earmark, as defined in clause 9 of Rule XXI of the Rules of the House of Representatives, or a congressionally directed spending item, as defined in paragraph 5 of Rule XLIV of the Standing Rules of the Senate.

''(d) TRANSFER AUTHORITY.—(1) Amounts in the Fund may be transferred by the Secretary of Defense from the Fund to any of the following accounts of the Department of Defense to accomplish the purpose stated in subsection (c):

''(A) Operation and maintenance accounts.

''(B) Procurement accounts.

''(C) Research, development, test, and evaluation accounts.

''(2) Upon determination by the Secretary that all or part of the amounts transferred from the Fund under paragraph (1) are not necessary for the purpose for which transferred, such amounts may be transferred back to the Fund.

''(3) The transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount so transferred.

''(4) The transfer authority provided by paragraphs (1) and (2) is in addition to any other transfer authority available to the Department of Defense by law.

''(e) SUNSET.—The authority to make expenditures or transfers from the Fund shall expire on the last day of the third fiscal year that begins after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2216 the following new item:

''2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.''.

(b) LIMITATION ON COMMENCEMENT OF EXPENDITURES FROM FUND.—No expenditure may be made from the Joint Urgent Operational Needs Fund established by section 2216a of title 10, United States Code (as added by subsection (a)), until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 864. INCLUSION OF ASSOCIATED SUPPORT SERVICES IN RAPID ACQUISITION AND DEPLOYMENT PROCEDURES FOR SUPPLIES.

(a) INCLUSION.—Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking ''supplies'' each place it appears (other than subsections (a)(1)(B) and (f)) and inserting ''supplies and associated support services''.

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

''(g) ASSOCIATED SUPPORT SERVICES DEFINED.—In this section, the term 'associated support services' means training, operation, maintenance, and support services needed in connection with the deployment of supplies to be acquired pursuant to the authority of this section. The term does not include functions that are inherently governmental or otherwise exempted from private sector performance.''.

(c) LIMITATION ON AVAILABILITY OF AUTHORITY.—The authority to acquire associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, shall not take effect until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 865. REACH-BACK CONTRACTING AUTHORITY FOR OPERATION ENDURING FREEDOM AND OPERATION NEW DAWN.

(a) AUTHORITY TO DESIGNATE LEAD CONTRACTING ACTIVITY.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may designate a single contracting activity inside the United States to act as the lead contracting activity with authority for use of domestic capabilities in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn. The contracting activity so designated shall be known as the ''lead reach-back contracting authority'' for such operations.

(b) LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-UNITED-STATES-THRESHOLDS.—The head of the contracting authority designated pursuant to subsection (a) may, when awarding a contract inside the United States for performance in the theater of operations for Operation Enduring Freedom or Operation New Dawn, use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner and to the same extent as if the contract were to be awarded and performed outside the United States.

(c) DEFINITIONS.—In this section:

(1) The term ''overseas increased micro-purchase threshold'' means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(2) The term ''overseas increased simplified acquisition threshold'' means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

SEC. 866. INCLUSION OF CONTRACTOR SUPPORT REQUIREMENTS IN DEPARTMENT OF DEFENSE PLANNING DOCUMENTS.

(a) ELEMENTS IN QDR REPORTS TO CONGRESS.—Section 118(d) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) the roles and responsibilities that would be discharged by contractors.'';

(2) in paragraph (6), by striking ''manpower and sustainment'' and inserting ''manpower, sustainment, and contractor support''; and

(3) in paragraph (8), by inserting '', and the scope of contractor support,'' after ''Defense Agencies''.

(b) CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESSMENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.—

(1) ASSESSMENTS UNDER CONTINGENCY PLANNING.—Paragraph (3) of subsection (a) of section 153 of such title is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Identifying the support functions that are likely to require contractor performance under those contingency plans, and the risks associated with the assignment of such functions to contractors.''.

(2) ASSESSMENTS UNDER ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—Paragraph (4)(E) of such subsection is amended by inserting ''and contractor support'' after ''area of manpower''.

(3) ASSESSMENTS FOR BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—Subsection (d) of such section is amended—

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

''(I) Assessment of the requirements for contractor support of the armed forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.''; and

(B) in paragraph (3)(B), by striking ''and the levels of support from allies and other friendly nations'' and inserting ''the levels of support from allies and other friendly nations, and the levels of contractor support''.

Subtitle E—Other Matters

SEC. 881. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) EXTENSION OF AVAILABILITY.—Section 1705(e)(6) of title 10, United States Code, is amended by striking ''under subsection (d)(2)'' and inserting ''(whether by credit in accordance with subsection (d)(2), by transfer pursuant to subsection (d)(3), by direct appropriation, or by deposit)''.

(b) PROSPECTIVE APPLICABILITY.—The amendment made by subsection (a) shall not apply to funds appropriated before the date of the enactment of this Act.

(c) NATURE OF AVAILABILITY.—Such section is further amended by striking ''expenditure'' and inserting ''obligation''.

SEC. 882. MODIFICATION OF DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS ON ENTRY INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO AND OTHER FRIENDLY ORGANIZATIONS AND COUNTRIES.

Section 2350a(b)(2) of title 10, United States Code, is amended by striking ''and to one other official of the Department of Defense'' and inserting '', the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics''.

SEC. 883. RATE OF PAYMENT FOR AIRLIFT SERVICES UNDER THE CIVIL RESERVE AIR FLEET PROGRAM.

(a) RATE OF PAYMENT.—

(1) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

''§ 9511a. Civil Reserve Air Fleet contracts: payment rate

''(a) AUTHORITY.—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program. Such rate of payment shall be determined in accordance with—

''(1) the methodology and ratemaking procedures in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012; and

''(2) such other procedures as the Secretary may prescribe by regulation.

''(b) REGULATIONS.—The Secretary shall prescribe regulations for purposes of subsection (a). Such regulations shall include a process for modifying the ratemaking methodology referred to in paragraph (1) of that subsection. The Secretary may exclude from the applicability of such regulations any airlift services contract made through the use of competitive procedures.

''(c) COMMITMENT OF AIRCRAFT AS BUSINESS FACTOR.—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

''(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by inserting after the item relating to section 9511 the following new item:

''9511a. Civil Reserve Air Fleet contracts: payment rate.''.

(b) INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

SEC. 884. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDAN VEHICLES AND ADJUSTMENT OF THRESHOLD FOR INFLATION.

(a) CLARIFICATION OF AUTHORITY.—Section 2253(a)(2) of title 10, United States Code, is amended by striking ''at a cost of not more than $30,000 each'' and inserting '', but at a cost of not more than $40,000 each for passenger sedans''.

(b) ADJUSTMENT FOR INFLATION.—The Department of Defense representative to the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall ensure that the threshold established in section 2253 of title 10, United States Code, for the acquisition of right-hand drive passenger sedans is included on the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of section 1908 of title 41, United States Code, and is adjusted pursuant to such provision, as appropriate.

SEC. 885. EXTENSION AND EXPANSION OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF SBIR PROGRAM.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2018''.

(b) EXTENSION OF STTR PROGRAM.—Section 9(n)(1)(A)(ii) of the Small Business Act (15 U.S.C. 638(n)(1)(A)(ii)) is amended by striking ''2010'' and inserting ''2018''.

(c) EXTENSION AND EXPANSION OF COMMERCIALIZATION PILOT PROGRAM.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraphs (1), (2), and (4), by inserting ''and the Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(2) in paragraph (6), by striking ''2010'' and inserting ''2018''.

SEC. 886. THREE-YEAR EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) THREE-YEAR EXTENSION.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2014''.

(b) ADDITIONAL REPORT.—Subsection (f) of such section is amended by inserting ''and March 1, 2012,'' after ''March 1, 1994,''.

SEC. 887. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking ''September 30, 2010'' and inserting ''September 30, 2015''; and

(2) in paragraph (2), by striking ''September 30, 2013'' and inserting ''September 30, 2018''.

SEC. 888. REPORT ON ALTERNATIVES FOR THE PROCUREMENT OF FIRE-RESISTANT AND FIRE-RETARDANT FIBER AND MATERIALS FOR THE PRODUCTION OF MILITARY PRODUCTS.

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

(1) Vehicle and aircraft fires remain a significant force protection and safety threat for the members of the Armed Forces, whether deployed in support of ongoing military operations or while training for future deployment.

(2) Since 2003, the United States Army Institute of Surgical Research, the sole burn center within the Department of Defense, has admitted and treated more than 800 combat casualties with burn injuries. The probability of this type of injury remains extremely high with continued operations in Iraq and the surge of forces into Afghanistan and the associated increase in combat operations.

(3) Advanced fiber products currently in use to protect first responders such as fire fighters and factory and refinery personnel in the United States steel and fuel refinery industries may provide greater protection against burn injuries to members of the Armed Forces.

(b) REPORT.—Not later than February 28, 2012, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on fire-resistant and fire-retardant fibers and materials for the production of military products. The report shall include the following:

(1) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) currently used for the production of military products that require such properties or capabilities (including include uniforms, protective equipment, firefighting equipment, lifesaving equipment, and life support equipment), and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

(2) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) otherwise available in the United States that are suitable for use in the production of military products that require such properties or capabilities, and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

SEC. 890. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

SEC. 891. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) IN GENERAL.—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO–11–641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

SEC. 892. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than October 1, 2012, the Department of Defense shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENT.—The report required by subsection (a) shall include a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term ''foreign boycott'' means any policy or practice adopted by a foreign government or foreign business enterprise intended to penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. QUALIFICATIONS FOR APPOINTMENTS TO THE POSITION OF DEPUTY SECRETARY OF DEFENSE.

Section 132(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: ''The Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience.''.

SEC. 902. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.

SEC. 903. MEMORANDA OF AGREEMENT ON SYNCHRONIZATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES WITH THE REQUIREMENTS OF SPECIAL OPERATIONS FORCES.

By not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command establishing procedures by which the availability of the enabling capabilities of the general purpose forces of the Armed Forces under the jurisdiction of such Secretary will be synchronized with the training and deployment cycle of special operations forces under the United States Special Operations Command.

SEC. 904. ENHANCEMENT OF ADMINISTRATION OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) IN GENERAL.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

''§ 9314b. United States Air Force Institute of Technology: administration

''(a) COMMANDANT.—

''(1) SELECTION.—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

''(2) ELIGIBILITY.—The Commandant shall be one of the following:

''(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

''(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

''(3) TERM FOR CIVILIAN COMMANDANT.—An individual selected for the position of Commandant under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

''(b) PROVOST AND ACADEMIC DEAN.—

''(1) IN GENERAL.—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

''(2) TERM.—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

''(3) COMPENSATION.—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by inserting after the item relating to section 9314a the following new item:

''9314b. United States Air Force Institute of Technology: administration.''.

SEC. 905. DEFENSE LABORATORY MATTERS.

(a) REPEAL OF SUNSET ON DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES.—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 1580 prec. note) is amended by striking subsection (e).

(b) REPEAL OF SUNSET ON MECHANISMS TO PROVIDE FUNDS FOR LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.—Section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) REPEAL OF SUNSET ON AUTHORITY FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR LABORATORY REVITALIZATION.—Section 2805(d) of title 10, United States Code, is amended by striking paragraph (5).

(d) ASSESSMENT OF MILITARY CONSTRUCTION REQUIRED FOR LABORATORY REVITALIZATION AND RECAPITALIZATION.—

(1) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the current requirements of the defense laboratories for the revitalization and recapitalization of their infrastructure in order to identity required military construction.

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) identify the military construction requirements of the defense laboratories described in paragraph (1) that cannot be met by current authorities for unspecified minor military construction; and

(B) establish for each Armed Force a prioritized list of military construction projects to meet the requirements described in subparagraph (A), and identify among the projects so listed each project previously submitted to a military construction review panel and the length of time such project has remained unaddressed.

(3) REPORTS.—

(A) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by paragraph (1).

(B) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(i) The results of the assessment.

(ii) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

(4) DEFENSE LABORATORY DEFINED.—In this subsection, the term ''defense laboratory'' means a laboratory (as that term is defined in section 2805(d)(4) of title 10, United States Code) that is owned by the United States and under the jurisdiction of the Secretary of a military department.

SEC. 906. ASSESSMENT OF DEPARTMENT OF DEFENSE ACCESS TO NON-UNITED STATES CITIZENS WITH SCIENTIFIC AND TECHNICAL EXPERTISE VITAL TO THE NATIONAL SECURITY INTERESTS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of current and potential mechanisms to permit the Department of Defense to employ non-United States citizens with critical scientific and technical skills that are vital to the national security interests of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of the critical scientific and technical skills that are vital to the national security interests of the United States and are anticipated to be in short supply over the next 10 years, and an identification of the military positions and civilian positions of the Department of Defense that require such skills.

(2) An identification of mechanisms and incentives for attracting persons who are non-United States citizens with such skills to such positions, including the expedited extension of United States citizenship.

(3) An identification and assessment of any concerns associated with the provision of security clearances to such persons.

(4) An identification and assessment of any concerns associated with the employment of such persons in civilian positions in the United States defense industrial base, including in positions in which United States citizenship, a security clearance, or both are a condition of employment.

(c) REPORTS.—

(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by subsection (a).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(A) The results of the assessment.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

SEC. 908. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

SEC. 909. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

Subtitle B—Space Activities

SEC. 911. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2275. Commercial space launch cooperation

''(a) AUTHORITY.—The Secretary of Defense may, to assist the Secretary of Transportation in carrying out responsibilities set forth in titles 49 and 51 with respect to private sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure, take such actions as the Secretary considers to be in the best interests of the Federal Government to do the following:

''(1) Maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States.

''(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense.

''(3) Reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities.

''(4) Encourage commercial space activities by enabling investment in the space transportation infrastructure of the Department of Defense by covered entities.

''(5) Foster cooperation between the Department of Defense and covered entities.

''(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

''(1) may enter into a contract or other agreement with a covered entity to provide to the covered entity support and services related to the space transportation infrastructure of the Department of Defense; and

''(2) upon the request of that covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

''(A) the Secretary determines that the inclusion of such support and services in such requirements—

''(i) is in the best interests of the Federal Government;

''(ii) does not interfere with the requirements of the Department of Defense; and

''(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

''(B) any commercial requirement included in a contract or other agreement entered into under this subsection has full non-Federal funding before the execution of the contract or other agreement.

''(c) CONTRIBUTIONS.—

''(1) IN GENERAL.—The Secretary of Defense may enter into contracts or other agreements with covered entities on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

''(2) USE OF CONTRIBUTIONS.—Any funds, services, or equipment accepted by the Secretary under this subsection—

''(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the contract or other agreement entered into under this subsection; and

''(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

''(3) REQUIREMENTS WITH RESPECT TO AGREEMENTS.—A contract or other agreement entered into under this subsection shall address terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement.

''(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account to be known as the 'Defense Cooperation Space Launch Account'.

''(2) CREDITING OF FUNDS.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account and shall be available until expended without further authorization or appropriation only for the objectives specified in this section.

''(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the previous fiscal year.

''(f) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means a non-Federal entity that—

''(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

''(B) is engaged in commercial space activities.

''(2) LAUNCH SUPPORT FACILITIES.—The term 'launch support facilities' has the meaning given that term in section 50501(7) of title 51.

''(3) SPACE RECOVERY SUPPORT FACILITIES.—The term 'space recovery support facilities' has the meaning given that term in section 50501(11) of title 51.

''(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term 'space transportation infrastructure' has the meaning given that term in section 50501(12) of title 51.''.

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

''2275. Commercial space launch cooperation.''.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the activities of the Department of Defense under section 2275 of title 10, United States Code, as added by subsection (a).

SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF SPACE VEHICLES AS MAJOR SUBPROGRAMS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.

Section 2430a(a)(1) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' before ''If the Secretary of Defense determines''; and

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

''(B) If the Secretary of Defense determines that a major defense acquisition program to purchase space vehicles requires the delivery of space vehicles in two or more increments or blocks, the Secretary may designate each such increment or block as a major subprogram for the purposes of acquisition reporting under this chapter.''.

SEC. 913. REVIEW TO IDENTIFY INTERFERENCE WITH NATIONAL SECURITY GLOBAL POSITIONING SYSTEM RECEIVERS BY COMMERCIAL COMMUNICATIONS SERVICES.

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

(1) the reliable provision of precision navigation and timing signals by Global Positioning System satellites owned and operated by the Department of Defense is critical to the economy, public health and safety, and the national security of the United States;

(2) any interference with the signals of the Global Positioning System satellites or the various receivers that use those signals would be extraordinarily disruptive; and

(3) the Federal Communications Commission should ensure that the signals of Global Positioning System satellites can be received without interruption or interference.

(b) REVIEW.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the termination date described in subsection (d), the Secretary of Defense shall conduct a review—

(1) to assess the ability of national security Global Positioning System receivers to receive the signals of Global Positioning System satellites without interruption or interference; and

(2) to determine if commercial communications services are causing or will cause widespread or harmful interference with national security Global Positioning System receivers.

(c) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—If the Secretary determines under subsection (b)(2) that commercial communications services are causing or will cause widespread or harmful interference with national security Global Positioning System receivers, the Secretary shall promptly submit to the congressional defense committees a report notifying those committees of the interference.

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

(A) A list and description of the national security Global Positioning System receivers that are being or are expected to be interfered with by commercial communications services.

(B) A description of the source of, and the entity causing or expected to cause, the interference with those receivers.

(C) A description of the manner in which that source or entity is causing or is expected to cause the interference.

(D) A description of the magnitude of harm caused or expected to be caused by the interference.

(E) A description of the duration of and the conditions and circumstances under which the interference is occurring or is expected to occur.

(F) A description of the impact of the interference on the national security interests of the United States.

(G) A description of the plans of the Secretary to address, alleviate, or mitigate the interference or the harm caused or expected to be caused by the interference.

(d) TERMINATION DATE DESCRIBED.—The requirement that the Secretary conduct the review under subsection (b) and submit the report under subsection (c) shall terminate on the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) the date on which the Secretary—

(A) determines that there is no widespread or harmful interference with national security Global Positioning System receivers by commercial communication services; and

(B) notifies the congressional defense committees of that determination.

Subtitle C—Intelligence Matters

SEC. 921. EXPANSION OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.

(a) BROADENING OF AUTHORITY.—Section 454 of title 10, United States Code, is amended—

(1) by inserting ''(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.—'' before ''The Secretary of Defense''; and

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

''(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence

Agency to exchange or furnish mapping, charting, and geodetic data, supplies, and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.''.

(b) CONFORMING AMENDMENTS.—

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

''§ 454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 22 of such title is amended by striking the item relating to section 454 and inserting the following new item:

''454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.''.

SEC. 922. FACILITIES FOR INTELLIGENCE COLLECTION OR SPECIAL OPERATIONS ACTIVITIES ABROAD.

Section 2682 of title 10, United States Code, is amended—

(1) by inserting ''(a) MAINTENANCE AND REPAIR.—'' before ''The maintenance and repair'';

(2) by designating the second sentence as subsection (b), realigning such subsection so as to be indented two ems from the left margin, and inserting ''JURISDICTION.—'' before ''A real property facility''; and

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

''(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary of Defense may maintain and repair, and may exercise jurisdiction over, a real property facility if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.''.

SEC. 923. OZONE WIDGET FRAMEWORK.

(a) MECHANISM FOR INTERNET PUBLICATION OF INFORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS AND APPLICATIONS.—The Director of the Defense Information Systems Agency shall implement a mechanism to publish and maintain on the public Internet the Application Programming Interface specifications, a developer's toolkit, source code, and such other information on, and resources for, the Ozone Widget Framework (OWF) as the Director considers necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications for use by the Department of Defense and the elements of the intelligence community.

(b) PROCESS FOR VOLUNTARY CONTRIBUTION OF IMPROVEMENTS BY PRIVATE SECTOR.—In addition to the requirement under subsection (a), the Director shall also establish a process by which private individuals and companies may voluntarily contribute the following:

(1) Improvements to the source code and documentation for the Ozone Widget Framework.

(2) Alternative or compatible implementations of the published Application Programming Interface specifications for the Framework.

(c) ENCOURAGEMENT OF USE AND DEVELOPMENT.—The Director shall, whenever practicable, encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework by the computer industry and commercial information technology vendors, including the development of tools that are compatible with the Framework.

SEC. 924. PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (D2IE).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprisewide query and correlation capability required pursuant to paragraph (1).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

(2) PURPOSE.—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.

(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

(C) To operate across multiple levels of security with data guards.

(D) To operate effectively on both unstructured data and structured data.

(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

(F) To control access to data by means of online electronic user credentials, profiles, and authentication.

(c) REPORT.—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

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

Subtitle D—Cybersecurity Matters

SEC. 931. STRATEGY TO ACQUIRE CAPABILITIES TO DETECT PREVIOUSLY UNKNOWN CYBER ATTACKS.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to augment the cybersecurity strategy of the Department of Defense through the acquisition of advanced capabilities to discover and isolate penetrations and attacks that were previously unknown and for which signatures have not been developed for incorporation into computer intrusion detection and prevention systems and anti-virus software systems.

(b) CAPABILITIES.—

(1) NATURE OF CAPABILITIES.—The capabilities to be acquired under the plan required by subsection (a) shall—

(A) be adequate to enable well-trained analysts to discover the sophisticated attacks conducted by nation-state adversaries that are categorized as ''advanced persistent threats'';

(B) be appropriate for—

(i) endpoints or hosts;

(ii) network-level gateways operated by the Defense Information Systems Agency where the Department of Defense network connects to the public Internet; and

(iii) global networks owned and operated by private sector Tier 1 Internet Service Providers;

(C) at the endpoints or hosts, add new discovery capabilities to the Host-Based Security System of the Department, including capabilities such as—

(i) automatic blocking of unauthorized software programs and accepting approved and vetted programs;

(ii) constant monitoring of all key computer attributes, settings, and operations (such as registry keys, operations running in memory, security settings, memory tables, event logs, and files); and

(iii) automatic baselining and remediation of altered computer settings and files;

(D) at the network-level gateways and internal network peering points, include the sustainment and enhancement of a system that is based on full-packet capture, session reconstruction, extended storage, and advanced analytic tools, by—

(i) increasing the number and skill level of the analysts assigned to query stored data, whether by contracting for security services, hiring and training Government personnel, or both; and

(ii) increasing the capacity of the system to handle the rates for data flow through the gateways and the storage requirements specified by the United States Cyber Command; and

(E) include the behavior-based threat detection capabilities of Tier 1 Internet Service Providers and other companies that operate on the global Internet.

(2) SOURCE OF CAPABILITIES.—The capabilities to be acquired shall, to the maximum extent practicable, be acquired from commercial sources. In making decisions on the procurement of such capabilities from among competing commercial and Government providers, the Secretary shall take into consideration the needs of other departments and agencies of the Federal Government, State and local governments, and critical infrastructure owned and operated by the private sector for unclassified, affordable, and sustainable commercial solutions.

(c) INTEGRATION AND MANAGEMENT OF DISCOVERY CAPABILITIES.—The plan required by subsection (a) shall include mechanisms for improving the standardization, organization, and management of the security information and event management systems that are widely deployed across the Department of Defense to improve the ability of United States Cyber Command to understand and control the status and condition of Department networks, including mechanisms to ensure that the security information and event management systems of the Department receive and correlate data collected and analyses conducted at the host or endpoint, at the network gateways, and by Internet Service Providers in order to discover new attacks reliably and rapidly.

(d) PROVISION FOR CAPABILITY DEMONSTRATIONS.—The plan required by subsection (a) shall provide for the conduct of demonstrations, pilot projects, and other tests on cyber test ranges and operational networks in order to determine and verify that the capabilities to be acquired pursuant to the plan are effective, practical, and affordable.

(e) REPORT.—Not later than April 1, 2012, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (a). The report shall set forth the plan and include a comprehensive description of the actions being undertaken by the Department to implement the plan.

SEC. 932. PROGRAM IN SUPPORT OF DEPARTMENT OF DEFENSE POLICY ON SUSTAINING AND EXPANDING INFORMATION SHARING.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to support the policy of the Department of Defense on sustaining and expanding information sharing which program shall provide for the adoption and improvement of technical and procedural capabilities to detect and prevent personnel without authorization from acquiring and exporting information from classified networks.

(b) CAPABILITIES.—Options for the technical and procedural capabilities to be adopted and improved under the program required by subsection (a) shall include, but not be limited to, capabilities for the following:

(1) Disabling the removable media ports of computers, whether physically or electronically.

(2) In the case of computers authorized to write to removable media, requiring systems administrator approval for transfers of data.

(3) Electronic monitoring and reporting of compliance with policies on downloading of information to removable media, and of attempts to circumvent such policies.

(4) Using public-key infrastructure-based identity authentication and user profiles to control information access and use.

(5) Electronic auditing and reporting of user activities to deter and detect unauthorized activities.

(6) Using data-loss-prevention and data-rights management technology to prevent the unauthorized export of information from a network or to render the information unusable in the event of unauthorized export.

(7) Appropriately implementing and integrating such capabilities to enable efficient management and operations, and effective protection of information, without impairing the work of analysts and users of networks.

(c) PROGRAM WITHIN BROADER APPROACH TO CYBERSECURITY CHALLENGES.—In developing the program required by subsection (a), the Secretary—

(1) shall take into account that the prevention of security breaches from personnel operating from inside Department networks substantially overlaps with the prevention of cyber attacks (including prevention of theft of information and intellectual property and the destruction of information and network functionality); and

(2) should make decisions about the utility and affordability of capabilities under subsection (b) for purposes of the program in full contemplation of the broad range of cybersecurity challenges facing the Department.

(d) BUDGET MATTERS.—The budget justification documents for the budget of the President for each fiscal year after fiscal year 2012, as submitted to Congress pursuant to section 1105 of title 31, United States Code, shall set forth information on the program required by subsection (a), including the following:

(1) The amount requested for such fiscal year for the program.

(2) A description of the objectives and scope of the program for such fiscal year, including management objectives and program milestones and performance metrics for such fiscal year.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. DEFENSE BUSINESS SYSTEMS.

(a) AVAILABILITY OF FUNDS FOR DEFENSE BUSINESS SYSTEM PROGRAMS.—

(1) CONDITIONS FOR OBLIGATION.—Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

''(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE BUSINESS SYSTEM PROGRAMS.—Appropriated and nonappropriated funds available to the Department of Defense may not be obligated for a covered defense business system program unless—

''(1) the appropriate chief management officer for the defense business system program has—

''(A) determined that—

''(i) the defense business system program is in compliance with the enterprise architecture developed under subsection (c); and

''(ii) appropriate business process reengineering efforts have been undertaken to ensure that—

''(I) the business process to be supported by the defense business system program will be as streamlined and efficient as practicable; and

''(II) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable; or

''(B) waived the requirement in subparagraph (A) on the basis of a determination by the chief management officer that—

''(i) the defense business system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(ii) the defense business system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

''(2) the determination or waiver of the chief management officer under paragraph (1) has been reviewed, approved, and certified by an appropriate investment review board established under subsection (g); and

''(3) the certification by the investment review board under paragraph (2) has been approved by the Defense Business Systems Management Committee.''.

(2) TREATMENT OF CERTAIN OBLIGATIONS OF FUNDS.—Subsection (b) of such section is amended by striking ''business system'' and all that follows through ''such subsection'' and inserting ''covered defense business system program that has not been certified or approved in accordance with subsection (a)''.

(b) ENTERPRISE ARCHITECTURE.—

(1) IN GENERAL.—Subsection (c) of such section is amended—

(A) in paragraph (1), by inserting '', known as the defense business enterprise architecture,'' after ''an enterprise architecture''; and

(B) in paragraph (2), by striking ''the enterprise architecture for defense business systems'' and inserting ''the defense business enterprise architecture''.

(2) COMPOSITION.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''all'' and inserting ''applicable law, including''; and

(ii) in subparagraph (B), by inserting ''business and'' before ''financial information'';

(B) in paragraph (2), by inserting ''performance measures,'' after ''data standards,''; and

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

''(3) A target systems environment, aligned to the business enterprise architecture, for each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.''.

(3) TRANSITION PLAN.—Subsection (e) of such section is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''The acquisition strategy for'' and inserting ''A listing of the''; and

(ii) in subparagraph (B)—

(I) by striking ''defense business systems as of December 2, 2002'' and inserting ''existing defense business systems''; and

(II) by striking the comma before ''that will''; and

(B) in paragraph (2), by striking ''Each of the strategies under paragraph (1)'' and inserting ''For each system listed under paragraph (1), the transition plan''.

(c) RESPONSIBLE SENIOR OFFICIALS AND CHIEF MANAGEMENT OFFICERS.—Subsection (f) of such section is amended—

(1) by striking all the matter preceding subparagraph (A) of paragraph (1) and inserting the following:

''(f) DESIGNATION OF SENIOR OFFICIALS AND CHIEF MANAGEMENT OFFICERS.—(1) For purposes of subsection (g), the appropriate senior Department of Defense official for the functions and activities supported by a covered defense business system is as follows:'';

(2) in such paragraph (1), as so amended—

(A) by striking ''shall be responsible and accountable for'' each place it appears and inserting '', in the case of'';

(B) in subparagraph (D), by striking ''Assistant Secretary of Defense for Networks and Information Integration and the''; and

(C) in subparagraph (E), by striking ''Deputy Secretary of Defense'' and all that follows through ''responsible for'' and inserting ''Deputy Chief Management Officer of the Department of Defense, in the case of''; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''subsection (a)'' and inserting ''subsections (a) and (g)''; and

(ii) by striking ''modernization'' and inserting ''program'';

(B) in subparagraph (D), by inserting ''the Director of such Defense Agency, unless otherwise approved by'' before ''the Deputy Chief Management Officer''; and

(C) in subparagraph (E), by inserting ''the designee of'' before ''the Deputy Chief Management Officer''.

(d) INVESTMENT REVIEW.—Subsection (g) of such section is amended—

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

''(1) The Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall establish, by not later than March 15, 2012, an investment review board and investment management process, consistent with section 11312 of title 40, to review

the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense business system programs. The investment review process so established shall specifically address the requirements of subsection (a).''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''systems'' and inserting ''system programs'';

(B) in subparagraph (A), by striking ''defense business system'' and all that follows through ''as an investment'' and inserting ''covered defense business system program, in accordance with the requirements of subsection (a),'';

(C) in subparagraph (B), by striking ''every defense business system'' and all that follows and inserting ''covered defense business system programs, grouped in portfolios of defense business systems;'';

(D) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) Representation on each investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representatives of each of the following:

''(i) The appropriate chief management officer for the defense business system under review.

''(ii) The appropriate senior Department of Defense official for the functions and activities supported by the defense business system under review.

''(iii) The Chief Information Officer of the Department of Defense.''; and

(E) in subparagraph (D), by striking ''investments'' and inserting ''programs''.

(e) BUDGET INFORMATION.—Subsection (h) of such section is amended—

(1) in paragraph (1), by inserting ''program'' after ''defense business system'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''such system'' and inserting ''such program''; and

(B) in subparagraph (A), by striking ''the system'' and inserting ''the system covered by such program'';

(3) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) For each such program, an identification of the appropriate chief management officer and senior Department of Defense official designated under subsection (f).''; and

(4) in paragraph (4), by striking ''such system'' both places it appears and inserting ''such program''.

(f) REPORTS TO CONGRESS.—Subsection (i) of such section is amended—

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

(A) by striking ''2005 through 2013'' and inserting ''2012 through 2016'';

(B) by striking the second sentence; and

(C) by striking ''Subsequent reports'' and inserting ''Each report'';

(2) by striking ''modernizations'' each place it appears in paragraphs (1) and (2) and inserting ''programs'';

(3) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) identify any covered defense business system program for which a waiver was granted under subsection (a)(1)(B) during the preceding fiscal year, and set forth the reasons for each such waver; and''; and

(4) in paragraph (4), by striking ''modernization efforts'' and inserting ''programs''.

(g) DEFINITIONS.—Subsection (j) of such section is amended—

(1) by striking paragraphs (1) and (3);

(2) by redesignating paragraphs (2), (4), (5), and (6) as paragraphs (1), (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1), as redesignated by paragraph (2) of this subsection, the following new paragraph (2):

''(2) The term 'covered defense business system program' means any program as follows:

''(A) A program for the acquisition or development of a new defense business system with a total cost in excess of $1,000,000.

''(B) A program for any significant modification or enhancement of an existing defense business system with a total cost in excess of $1,000,000.

''(C) A program for the operation and maintenance of an existing defense business system, if the estimated cost of operation and maintenance of such system exceeds $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.''.

SEC. 1003. MODIFICATION OF AUTHORITIES ON CERTIFICATION AND CREDENTIAL STANDARDS FOR FINANCIAL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1599d of title 10, United States Code, is amended to read as follows:

''§ 1599d. Financial management positions: authority to prescribe professional certification and credential standards

''(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

''(b) WAIVER.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

''(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary's discretion—

''(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

''(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

''(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

''(d) DISCHARGE OF AUTHORITY.—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

''(e) REPORTS.—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

''(f) FINANCIAL MANAGEMENT POSITION DEFINED.—In this section, the term 'financial management position' means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost or budgetary nature, or that require the performance of financial management related work.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599d and inserting the following new item:

''1599d. Financial management positions: authority to prescribe professional certification and credential standards.''.

SEC. 1004. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.

(a) IN GENERAL.—Section 5(b) of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d(b)), is amended to read as follows:

''(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting '', and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014'' after ''validated as ready for audit by not later than September 30, 2017''.

SEC. 1006. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.

(a) PLANNING REQUIREMENT.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systemically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

(b) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

Subtitle B—Counter-Drug Activities

SEC. 1011. FIVE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) FIVE-YEAR EXTENSION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking ''During fiscal years 2002 through 2011'' and inserting ''Until September 30, 2016''.

(b) COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''tribal,'' after ''local,''; and

(ii) in paragraph (2), by striking ''State or local'' both places it appears and insert ''State, local, or tribal''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''State or local'' and inserting ''State, local, or tribal'';

(ii) in paragraph (4), by striking ''State, or local'' and inserting ''State, local, or tribal''; and

(iii) in paragraph (5), by striking ''State and local'' and inserting ''State, local, and tribal''.

(2) TRIBAL GOVERNMENT DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(i) DEFINITIONS RELATING TO TRIBAL GOVERNMENTS.—In this section:

''(1) The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) The term 'tribal government' means the governing body of an Indian tribe.''.

SEC. 1012. FIVE-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4337), is further amended by striking ''2012'' and inserting ''2017''.

(b) MAXIMUM AMOUNT OF SUPPORT.—Section (e)(2) of such section, as so amended, is further amended—

(1) by striking ''$75,000,000'' and inserting ''$100,000,000''; and

(2) by striking ''2012'' and inserting ''2017''.

(c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section, as most recently amended by section 1024(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by adding at the end the following new paragraphs:

''(23) Government of Benin.
''(24) Government of Cape Verde.
''(25) Government of The Gambia.
''(26) Government of Ghana.
''(27) Government of Guinea.
''(28) Government of Ivory Coast.
''(29) Government of Jamaica.
''(30) Government of Liberia.
''(31) Government of Mauritania.
''(32) Government of Nicaragua.
''(33) Government of Nigeria.
''(34) Government of Sierra Leone.
''(35) Government of Togo.''.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by the section 1013 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4347), is further amended by striking ''February 15, 2011'' and inserting ''February 15, 2012''.

SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''2011'' and inserting ''2012''.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004, as amended by subsection (a), may not be exercised after September 30, 2011, unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346).

SEC. 1015. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021(a)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346), is further amended by striking ''2011'' and inserting ''2012''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. LIMITATION ON AVAILABILITY OF FUNDS FOR PLACING MARITIME PREPOSITIONING SHIP SQUADRONS ON REDUCED OPERATING STATUS.

No amounts authorized to be appropriated by this Act may be obligated or expended to place a Maritime Prepositioning Ship squadron, or any component thereof, on reduced operating status until the later of the following:

(1) The date on which the Commandant of the Marine Corps submits to the congressional defense committees a report setting forth an assessment of the impact on military readiness of the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status.

(2) The date on which the Chief of Naval Operations submits to the congressional defense committees a report that—

(A) describes the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status; and

(B) sets forth comments of the Chief of Naval Operations on the assessment described in paragraph (1).

(3) The date on which the Secretary of Defense certifies to the congressional defense committees that the risks to readiness of placing such Maritime Prepositioning squadron, or component thereof, on reduced operating status are acceptable.

SEC. 1022. MODIFICATION OF CONDITIONS ON STATUS OF RETIRED AIRCRAFT CARRIER EX-JOHN F. KENNEDY.

Section 1011(c)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2374) is amended by striking ''shall require'' and all that follows and inserting ''may, notwithstanding paragraph (1), demilitarize the vessel in preparation for the transfer.''.

SEC. 1023. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.

(a) AUTHORITY.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 669—MARITIME SAFETY OF FORCES

''Sec.
''7921. Safety and effectiveness information; hydrographic information.

''§ 7921. Safety and effectiveness information; hydrographic information

''(a) SAFETY AND EFFECTIVENESS INFORMATION.—(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

''(A) marine data collection;

''(B) numerical weather and ocean prediction; and

''(C) forecasting of hazardous weather and ocean conditions.

''(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

''(b) HYDROGRAPHIC INFORMATION.—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item:

''669. Maritime Safety of Forces ..... 7921''.

SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

SEC. 1025. ASSESSMENT OF STATIONING OF ADDITIONAL DDG–51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG–7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG–7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the

United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

SEC. 1026. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, subject to appropriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed $35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

Subtitle D—Detainee Matters

SEC. 1031. AFFIRMATION OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Congress affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (Public Law 107–40) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war.

(b) COVERED PERSONS.—A covered person under this section is any person as follows:

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.

(c) DISPOSITION UNDER LAW OF WAR.—The disposition of a person under the law of war as described in subsection (a) may include the following:

(1) Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force.

(2) Trial under chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111–84)).

(3) Transfer for trial by an alternative court or competent tribunal having lawful jurisdiction.

(4) Transfer to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity.

(d) CONSTRUCTION.—Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

(e) AUTHORITIES.—Nothing in this section shall be construed to affect existing law or authorities, relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

(f) REQUIREMENT FOR BRIEFINGS OF CONGRESS.—The Secretary of Defense shall regularly brief Congress regarding the application of the authority described in this section, including the organizations, entities, and individuals considered to be ''covered persons'' for purposes of subsection (b)(2).

SEC. 1032. REQUIREMENT FOR MILITARY CUSTODY.

(a) CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.—

(1) IN GENERAL.—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107–40) in military custody pending disposition under the law of war.

(2) COVERED PERSONS.—The requirement in paragraph (1) shall apply to any person whose detention is authorized under section 1031 who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) DISPOSITION UNDER LAW OF WAR.—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1031(c), except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1033.

(4) WAIVER FOR NATIONAL SECURITY.—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive the requirement of paragraph (1) if the Secretary submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

(b) APPLICABILITY TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.—

(1) UNITED STATES CITIZENS.—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(2) LAWFUL RESIDENT ALIENS.—The requirement to detain a person in military custody under this section does not extend to a lawful resident alien of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States.

(c) IMPLEMENTATION PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall issue, and submit to Congress, procedures for implementing this section.

(2) ELEMENTS.—The procedures for implementing this section shall include, but not be limited to, procedures as follows:

(A) Procedures designating the persons authorized to make determinations under subsection (a)(2) and the process by which such determinations are to be made.

(B) Procedures providing that the requirement for military custody under subsection (a)(1) does not require the interruption of ongoing surveillance or intelligence gathering with regard to persons not already in the custody or control of the United States.

(C) Procedures providing that a determination under subsection (a)(2) is not required to be implemented until after the conclusion of an interrogation session which is ongoing at the time the determination is made and does not require the interruption of any such ongoing session.

(D) Procedures providing that the requirement for military custody under subsection (a)(1) does not apply when intelligence, law enforcement, or other government officials of the United States are granted access to an individual who remains in the custody of a third country.

(E) Procedures providing that a certification of national security interests under subsection (a)(4) may be granted for the purpose of transferring a covered person from a third country if such a transfer is in the interest of the United States and could not otherwise be accomplished.

(d) EFFECTIVE DATE.—This section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after that effective date.

SEC. 1033. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(6) has agreed to share with the United States any information that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to

transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in paragraph (4) or (5) of subsection (b) or the prohibition in subsection (c) if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of paragraph (4) or (5) of subsection (b), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of paragraph (4) or (5) of subsection (b), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

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

(B) is—

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

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

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is repealed.

SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' has the meaning given that term in section 1033(e)(2).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 1034 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4353) is amended by striking subsections (a), (b), and (c).

SEC. 1035. PROCEDURES FOR PERIODIC DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROCEDURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures for implementing the periodic review process required by Executive Order No. 13567 for individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40).

(b) COVERED MATTERS.—The procedures submitted under subsection (a) shall, at a minimum—

(1) clarify that the purpose of the periodic review process is not to determine the legality of any detainee's law of war detention, but to make discretionary determinations whether or not a detainee represents a continuing threat to the security of the United States;

(2) clarify that the Secretary of Defense is responsible for any final decision to release or transfer an individual detained in military custody at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Executive Order referred to in subsection (a), and that in making such a final decision, the Secretary shall consider the recommendation of a periodic review board or review committee established pursuant to such Executive Order, but shall not be bound by any such recommendation; and

(3) ensure that appropriate consideration is given to factors addressing the need for continued detention of the detainee, including—

(A) the likelihood the detainee will resume terrorist activity if transferred or released;

(B) the likelihood the detainee will reestablish ties with al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners if transferred or released;

(C) the likelihood of family, tribal, or government rehabilitation or support for the detainee if transferred or released;

(D) the likelihood the detainee may be subject to trial by military commission; and

(E) any law enforcement interest in the detainee.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1036. PROCEDURES FOR STATUS DETERMINATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the procedures for determining the status of persons detained pursuant to the Authorization for Use of Military Force (Public Law 107–40) for purposes of section 1031.

(b) ELEMENTS OF PROCEDURES.—The procedures required by this section shall provide for the following in the case of any unprivileged enemy belligerent who will be held in long-term detention under the law of war pursuant to the Authorization for Use of Military Force:

(1) A military judge shall preside at proceedings for the determination of status of an unprivileged enemy belligerent.

(2) An unprivileged enemy belligerent may, at the election of the belligerent, be represented by military counsel at proceedings for the determination of status of the belligerent.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on any modification of the procedures submitted under this section. The report on any such modification shall be so submitted not later than 60 days before the date on which such modification goes into effect.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1037. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: '', or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title''; and

(2) in subparagraph (D), by inserting ''on the sentence'' after ''vote was taken''.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such title is amended by adding at the end the following new subsection:

''(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

''(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.''.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. MANAGEMENT OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) SECRETARY OF DEFENSE AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

"§ 2672. Protection of property

''(a) IN GENERAL.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

''(b) OFFICERS AND AGENTS.—

''(1) DESIGNATION.—(A) The Secretary may designate military or civilian personnel of the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

''(B) A designation under subparagraph (A) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

''(C) In making a designation under subparagraph (A) with respect to any category of personnel, the Secretary shall specify each of the following:

''(i) The personnel or positions to be included in the category.

''(ii) Which authorities provided for in paragraph (2) may be exercised by personnel in that category.

''(iii) In the case of civilian personnel in that category—

''(I) which authorities provided for in paragraph (2), if any, are authorized to be exercised outside the property specified in subsection (a); and

''(II) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

''(D) The Secretary may make a designation under subparagraph (A) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

''(i) the exercise of each specific authority provided for in paragraph (2) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

''(ii) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

''(2) POWERS.—Subject to subsection (h) and to the extent specifically authorized by the Secretary, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under this subsection may—

''(A) enforce Federal laws and regulations for the protection of persons and property;

''(B) carry firearms;

''(C) make arrests—

''(i) without a warrant for any offense against the United States committed in the presence of the officer or agent; or

''(ii) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

''(D) serve warrants and subpoenas issued under the authority of the United States; and

''(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the Department of Defense or persons on such property.

''(c) REGULATIONS.—

''(1) IN GENERAL.—The Secretary may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

''(2) PENALTIES.—A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

''(d) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b) and (c) may be exercised only by the Secretary or Deputy Secretary of Defense.

''(e) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

''(f) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services.

''(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary may enter into agreements with Federal agencies and with State, tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, tribal, and local laws concurrently with other Federal law enforcement officers and with State, tribal, and local law enforcement officers.

''(h) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (b)(2) to officers and agents designated under subsection (b)(1) shall be exercised in accordance with guidelines approved by the Attorney General.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to preclude or limit the authority of any Federal law enforcement agency;

''(2) to restrict the authority of the Secretary of Homeland Security or of the Administrator of General Services to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

''(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

''(4) to affect chapter 47 of this title; or

''(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2671 the following new item:

''2672. Protection of property.''.

SEC. 1042. AMENDMENTS RELATING TO THE MILITARY COMMISSIONS ACT OF 2009.

(a) REFERENCE TO HOW CHARGES ARE MADE.—Section 949a(b)(2)(C) of title 10, United States Code, is amended by striking ''preferred'' in clauses (i) and (ii) and inserting ''sworn''.

(b) JUDGES OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 949b(b) of such title is amended—

(1) in paragraph (1)(A), by striking ''a military appellate judge or other duly appointed judge under this chapter on'' and inserting ''a judge on'';

(2) in paragraph (2), by striking ''a military appellate judge on'' and inserting ''a judge on''; and

(3) in paragraph (3)(B), by striking ''an appellate military judge or a duly appointed appellate judge on'' and inserting ''a judge on''.

(c) PANELS OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 950f(a) of such title is amended by striking ''appellate military judges'' in the second sentence and inserting ''judges on the Court''.

(d) REVIEW OF FINAL JUDGMENTS BY UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT.—

(1) CLARIFICATION OF MATTER SUBJECT TO REVIEW.—Subsection (a) of section 950g of such title is amended by inserting ''as affirmed or set aside as incorrect in law by'' after ''where applicable,''.

(2) CLARIFICATION ON TIME FOR SEEKING REVIEW.—Subsection (c) of such section is amended—

(A) in the matter preceding paragraph (1), by striking ''by the accused'' and all that follows through ''which—'' and inserting ''in the Court of Appeals—'';

(B) in paragraph (1)—

(i) by inserting ''not later than 20 days after the date on which'' after ''(1)''; and

(ii) by striking ''on the accused or on defense counsel'' and inserting ''on the parties''; and

(C) in paragraph (2)—

(i) by inserting ''if'' after ''(2)''; and

(ii) by inserting before the period the following: '', not later than 20 days after the date on which such notice is submitted''.

SEC. 1043. DEPARTMENT OF DEFENSE AUTHORITY TO CARRY OUT PERSONNEL RECOVERY REINTEGRATION AND POST-ISOLATION SUPPORT ACTIVITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1056 the following new section:

"§ 1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel

''(a) REINTEGRATION AND SUPPORT AUTHORIZED.—The Secretary of Defense may carry out the following:

''(1) Reintegration activities for recovered persons who are Department of Defense personnel.

''(2) Post-isolation support activities for or on behalf of other recovered persons who are officers or employees of the United States Government, military or civilian officers or employees of an allied or coalition partner of the United States, or other United States or foreign nationals.

''(b) ACTIVITIES AUTHORIZED.—(1) The activities authorized by subsection (a) for or on behalf of a recovered person may include the following:

''(A) The provision of food, clothing, necessary medical support, and essential sundry items for the recovered person.

''(B) In accordance with regulations prescribed by the Secretary of Defense, travel and transportation allowances for not more than three family members, or other designated individuals, determined by the commander or head of a military medical treatment facility to be beneficial for the reintegration of the recovered person and whose presence may contribute to improving the physical and mental health of the recovered person.

''(C) Transportation or reimbursement for transportation in connection with the attendance of the recovered person at events or functions determined by the commander or head of a military medical treatment facility to contribute to the physical and mental health of the recovered person.

''(2) Medical support may be provided under paragraph (1)(A) to a recovered person who is not a member of the armed forces for not more than 20 days.

''(c) DEFINITIONS.—In this section:

''(1) The term 'post-isolation support', in the case of a recovered person, means—

''(A) the debriefing of the recovered person following a separation as described in paragraph (2);

''(B) activities to promote or support the physical and mental health of the recovered person following such a separation; and

''(C) other activities to facilitate return of the recovered person to military or civilian life as expeditiously as possible following such a separation.

''(2) The term 'recovered person' means an individual who is returned alive from separation (whether as an individual or a group) while participating in or in association with a United States-sponsored military activity or mission in which the individual was detained in isolation or held in captivity by a hostile entity.

''(3) The term 'reintegration', in the case of a recovered person, means—

''(A) the debriefing of the recovered person following a separation as described in paragraph (2);

''(B) activities to promote or support for the physical and mental health of the recovered person following such a separation; and

''(C) other activities to facilitate return of the recovered person to military duty or employment with the Department of Defense as expeditiously as possible following such a separation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1056 the following new item:

''1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.''.

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt certain Department of Defense information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the information is Department of Defense critical infrastructure security information; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term ''Department of Defense critical infrastructure security information'' means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term ''data file'' means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

SEC. 1045. CLARIFICATION OF AIRLIFT SERVICE DEFINITIONS RELATING TO THE CIVIL RESERVE AIR FLEET.

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

(1) by striking ''transport category aircraft'' in subsections (a)(1), (b), and (c) and inserting ''CRAF-eligible aircraft''; and

(2) in subsection (c), by striking ''that has aircraft in the civil reserve air fleet'' and inserting ''referred to in subsection (a)''.

(b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this section, the term 'CRAF-eligible aircraft' means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the Civil Reserve Air Fleet.''.

SEC. 1046. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND INTERNATIONAL PEACE AND SECURITY ORGANIZATIONS.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries and international peace and security organizations in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry or organization to which assigned in support of stabilization or post-conflict activities; or

(2) assist such ministry or organization in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority of the Secretary of Defense to assign civilian employees under the program under subsection (a) terminates at the close of September 30, 2014.

(2) CONTINUATION OF ASSIGNMENTS.—Any assignment of a civilian employee under subsection (a) before the date specified in paragraph (1) may continue after that date, but only using funds available for fiscal year 2012, 2013, or 2014.

(c) ANNUAL REPORT.—Not later than December 30 each year through 2014, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on activities under the program under subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A list of the defense ministries and international peace and security organizations to which civilian employees were assigned under the program.

(2) A statement of the number of such employees so assigned.

(3) A statement of the duration of the various assignments of such employees.

(4) A brief description of the activities carried out such by such employees pursuant to such assignments.

(5) A statement of the cost of each such assignment.

(d) COMPTROLLER GENERAL REPORT.—Not later than December 30, 2013, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report setting forth an assessment of the effectiveness of the advisory services provided by civilian employees assigned under the program under subsection (a) as of the date of the report in meeting the purposes of the program.

SEC. 1047. NET ASSESSMENT OF NUCLEAR FORCE LEVELS REQUIRED WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

(a) IN GENERAL.—If, on or after the date of the enactment of this Act, the President makes a proposal described in subsection (b), the President shall—

(1) conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries that possess nuclear weapons to determine whether the nuclear forces of the United States are anticipated to be capable of meeting the objectives of the United States with respect to nuclear deterrence, extended deterrence, assurance of allies, and defense; and

(2) as soon as practicable after the date on which the President makes such a proposal, submit that assessment to the congressional defense committees.

(b) PROPOSAL DESCRIBED.—

(1) IN GENERAL.—A proposal described in this subsection is a proposal—

(A) to reduce the number of deployed nuclear weapons of the United States to a level that is lower than the level described in the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010; or

(B) except as provided in paragraph (2), to reduce, in a calendar year before 2022, the number of non-deployed nuclear weapons held by the United States as a hedge.

(2) EXCEPTION FOR ROUTINE STOCKPILE STEWARDSHIP ACTIVITIES.—The requirement to conduct the net assessment under subsection (a) does not apply with respect to a proposal described in paragraph (1)(B) to reduce the number of non-deployed nuclear weapons held by the United States if that reduction is associated with routine stockpile stewardship activities.

(3) HEDGE DEFINED.—For purposes of paragraph (1)(B), the term ''hedge'' means the retention of non-deployed nuclear weapons in both the active and inactive nuclear weapons stockpiles to respond to a technical failure in the stockpile or a change in the geopolitical environment.

SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION AND REPORT ON THE TROOPS-TO-TEACHERS PROGRAM.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this

Act shall be available to the Secretary of Defense for that purpose.

(b) REPORT.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(1) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(2) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(3) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(4) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(5) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(6) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(7) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and Labor of the House of Representatives.

(2) TROOPS-TO-TEACHERS PROGRAM.—The term ''Troops-to-Teachers Program'' means the Troops-to-Teachers Program authorized by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

''(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

''(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

''(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.''.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking ''the air or surface carrier'' and inserting ''the business entity referred to in subsection (b)'';

(2) by striking ''the surface carrier'' and inserting ''the business entity''; and

(3) by striking ''the carrier'' and inserting ''the business entity''.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking ''the air carrier or surface carrier'' and inserting ''the business entity referred to in subsection (b)''.

(d) STYLISTIC AMENDMENTS.—

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

''§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

''2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.''.

Subtitle F—Repeal and Modification of Reporting Requirements

PART I—REPEAL OF REPORTING REQUIREMENTS

SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 127a(a) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 184 is amended by striking subsection (h).

(3)(A) Section 427 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking the item relating to section 427.

(4) Section 437 is amended by striking subsection (c).

(5)(A) Section 483 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 483.

(6)(A) Section 484 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 484.

(7)(A) Section 485 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 485.

(8)(A) Section 486 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 486.

(9)(A) Section 487 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 487.

(10) Section 983(e)(1) is amended—

(A) by striking the comma after ''Secretary of Education'' and inserting ''and''; and

(B) by striking '', and to Congress''.

(11) Section 1781b is amended by striking subsection (d).

(12) Section 2010 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(13) Section 2244a(c) is amended by striking the second sentence.

(14)(A) Section 2282 is repealed.

(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(15) Section 2350a(g) is amended by striking paragraph (3).

(16) Section 2410m is amended by striking subsection (c).

(17) Section 2485(a) is amended—

(A) by striking ''(1)''; and

(B) by striking paragraph (2).

(18) Section 2493 is amended by striking subsection (g).

(19) Section 2515 is amended by striking subsection (d).

(20)(A) Section 2582 is repealed.

(B) the table of sections at the beginning of chapter 153 is amended by striking the item relating to section 2582.

(21) Section 2583 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(22) Section 2688 is amended—

(A) in subsection (a)—

(i) by striking ''(1)'' before ''The Secretary of a military department''; and

(ii) by striking paragraphs (2) and (3);

(B) in subsection (d)(2), by striking the second sentence;

(C) by striking subsection (f); and

(D) in subsection (h), by striking the last sentence.

(23)(A) Section 2706 is repealed.

(B) The table of sections at the beginning of chapter 160 is amended by striking the item relating to section 2706.

(24)(A) Section 2815 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 169 is amended by striking the item relating to section 2815.

(25) Section 2825(c)(1) is amended—

(A) by inserting ''and'' at the end of subparagraph (A);

(B) by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraphs (C) and (D).

(26) Section 2826 is amended—

(A) by striking ''(a) LOCAL COMPARABILITY.—''; and

(B) by striking subsection (b).

(27) Section 2827 is amended—

(A) by striking ''(a) Subject to subsection (b), the Secretary'' and inserting ''The Secretary''; and

(B) by striking subsection (b).

(28) Section 2836 is amended—

(A) in subsection (b)—

(i) by striking ''(1)'' before ''The Secretary of a military department''; and

(ii) by striking paragraph (2);

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(29) Section 2837(c) is amended—

(A) by striking ''(1)'' after ''OPPORTUNITIES.—''; and

(B) by striking paragraph (2).

(30) Section 2854a is amended by striking subsection (c).

(31) Section 2861 is amended by striking subsection (d).

(32)(A) Section 7296 is repealed.

(B) The table of sections at the beginning of chapter 633 is amended by striking the item relating to section 7296.

(33)(A) Section 10504 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking the item relating to section 10504.

(34) Section 12302(b) is amended by striking the last sentence.

(35)(A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.

SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 219 (123 Stat. 2228) is amended by striking subsection (c).

(2) Section 1113(e)(1) (123 Stat. 2502) is amended by striking '', which information shall be'' and all that follows through ''semiannual basis''.

(3) Section 1245 (123 Stat. 2542) is repealed.

(b) FISCAL YEAR 2009.—Section 1504 of The Duncan Hunter National Defense Authorization

Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 885 (10 U.S.C. 2304 note) is amended—

(A) in subsection (a), by striking the last sentence of paragraph (2); and

(B) in subsection (b), by striking ''the date of the enactment of this Act'' both places it appears and inserting ''January 28, 2008''.

(2) Section 2864 (10 U.S.C. 2911 note) is repealed.

(d) FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 347 (10 U.S.C. 221 note) is repealed.

(2) Section 731 (10 U.S.C. 1095c note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) Section 732 (10 U.S.C. 1073 note) is amended by striking subsection (d).

(4) Section 1231 (22 U.S.C. 2776a) is repealed.

(5) Section 1402 (10 U.S.C. 113 note) is repealed.

(e) FISCAL YEAR 2006.—Section 716 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 1073 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(f) FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 731 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 1041 (10 U.S.C. 229 note) is repealed.

(g) FISCAL YEAR 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Section 586 (117 Stat. 1493) is repealed.

(2) Section 812 (117 Stat. 1542) is amended by striking subsection (c).

(3) Section 1601(d) (10 U.S.C. 2358 note) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(h) FISCAL YEAR 2003.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2431 note) is repealed.

(i) FISCAL YEAR 2002.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsections (c) and (d).

(j) FISCAL YEAR 2001.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 374 (10 U.S.C. 2851 note) is repealed.

(2) Section 1212 (114 Stat. 1654A–326) is amended by striking subsections (c) and (d).

(3) Section 1213 (114 Stat. 1654A–327) is repealed.

(k) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 723 (10 U.S.C. 1071 note) is amended—

(A) in subsection (d)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) by striking subsection (e).

(2) Section 1025 (10 U.S.C. 113 note) is repealed.

(3) Section 1035 (113 Stat. 753), as amended by section 1211 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–325), is repealed.

(l) FISCAL YEAR 1999.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking subsection (g).

(m) FISCAL YEAR 1998.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 234 (50 U.S.C. 2367) is repealed.

(2) Section 349 (10 U.S.C. 2702 note) is amended by striking subsection (e).

(3) Section 743 (111 Stat. 1817) is amended by striking subsection (f).

(n) FISCAL YEAR 1997.—Section 218 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2455) is repealed.

(o) FISCAL YEARS 1992 AND 1993.—Section 2868 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2802 note) is repealed.

(p) FISCAL YEAR 1991.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) TITLE 37.—Section 402a of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TITLE 38.—Section 3020 of title 38, United States Code, is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

(c) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended by striking subsection (c).

PART II—MODIFICATION OF EXISTING REPORTING REQUIREMENTS

SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 113(j) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by inserting after subparagraph (A), as redesignated by clause (ii), the following new subparagraph (B):

''(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2)(A) Section 115b is amended—

(i) in subsection (a)—

(I) in the subsection caption, by striking ''ANNUAL''and inserting ''BIENNIAL''; and

(II) by striking ''on an annual basis'' and inserting ''in every even-numbered year''; and

(ii) in subsection (b)(1)(A), by striking ''during the seven-year period following the year in which the plan is submitted'' and inserting ''during the five-year period corresponding to the current future-years defense plan under section 221 of this title''.

(B)(i) The heading of such section is amended to read as follows:

''§ 115b. Biennial strategic workforce plan''.

(ii) The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 115b and inserting the following new item:

''115b. Biennial strategic workforce plan.''.

(3) Section 116 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.''.

(4) Section 127b(f) is amended by striking ''December 1'' and inserting ''February 1''.

(5) Section 138c(e)(4) is amended—

(A) by striking ''Not later than 10 days'' and all that follows through ''title 31,'' and inserting ''Not later than March 31 in any year,''; and

(B) by striking ''that fiscal year'' and inserting ''the fiscal year beginning in the year in which such report is submitted''.

(6)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking ''QUARTERLY REPORT.—'' and inserting ''BIANNUAL REPORT.—'';

(II) by striking ''a quarterly report'' and inserting ''a biannual report''; and

(III) by striking ''fiscal-year quarter'' and inserting ''two fiscal-year quarters''; and

(ii) in subsection (c)—

(I) by striking ''(1)'';

(II) by striking ''a quarter of a fiscal year after the first quarter of that fiscal year'' and inserting ''the second two fiscal-year quarters of a fiscal year'';

(III) by striking ''the first quarter of that fiscal year'' and inserting ''the first two fiscal-year quarters of that fiscal year''; and

(IV) by striking paragraph (2).

(B)(i) The heading of such section is amended to read as follows:

''§ 228. Biannual reports on allocation of funds within operation and maintenance budget subactivities''.

(ii) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 228 and inserting the following new item:

''228. Biannual reports on allocation of funds within operation and maintenance budget subactivities.''.

(7) Subsection (f) of section 408 is amended to read as follows:

''(f) CONGRESSIONAL OVERSIGHT.—Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.''.

(8)(A) Section 488—

(i) in subsection (a), by striking ''Every other year'' and inserting ''Every fourth year'';

(ii) in subsection (b), by striking ''an even-numbered fiscal year'' and inserting ''every other even-numbered fiscal year beginning with fiscal year 2012''; and

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

''(c) BIENNIAL NOTICE ON CHANGES TO STRATEGIC PLAN.—If the Secretary modifies a strategic plan under subsection (a) during the two-year period beginning on the date of its submittal to Congress under subsection (b), the Secretary shall submit to Congress a written notice on the modifications at the end of such two-year period.''.

(B)(i) The heading of such section is amended to read as follows:

''§ 488. Management of electromagnetic spectrum: quadrennial strategic plan''.

(ii) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 488 and inserting the following new item:

''488. Management of electromagnetic spectrum: quadrennial strategic plan.''.

(9) Section 490(b)(1) is amended by inserting ''through 2014'' after ''every even-numbered year''.

(10) Section 2401(h) is amended—

(A) by striking ''only if—'' and all that follows through ''of the proposed'' and inserting ''only if the Secretary has notified the congressional defense committees of the proposed'';

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and realigning those paragraphs so as to be indented two ems from the left margin; and

(D) by striking ''; and'' at the end of paragraph (3), as so redesignated, and inserting a period.

(11) Section 2482(d)(1) is amended by inserting ''in the United States'' after ''commissary store''.

(12) Section 2608(e)(1) is amended—

(A) by striking ''each quarter'' and inserting ''the second quarter and the fourth quarter''; and

(B) by striking ''the preceding quarter'' and inserting ''the preceding two quarters''.

(13) Section 2645(d) is amended by striking ''$1,000,000'' and inserting ''$10,000,000''.

(14) Section 2803(b) is amended by striking ''21-day period'' and inserting ''seven-day period''.

(15) Section 2811(d) is amended by striking ''$7,500,000'' and inserting ''$10,000,000''.

(16) Section 9514(c) is amended by striking ''$1,000,000'' and inserting ''$10,000,000''.

(17) Section 10541(a) is amended by striking ''February 15'' and inserting ''April 15''.

(18) Section 10543(c)(3) is amended by striking ''15 days'' and inserting ''90 days''.

SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER TITLES OF THE UNITED STATES CODE.

(a) TITLE 32.—Section 908(a) of title 32, United States Code, is amended by striking ''After the end of each fiscal year,'' and inserting ''After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter,''.

(b) TITLE 37.—Section 316a(f) of title 37, United States Code, is amended by striking ''January 1, 2010'' and inserting ''April 1, 2012''.

SEC. 1068. MODIFICATION OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 121(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking paragraph (5).

(b) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 958 (122 Stat. 297) is amended—

(A) in subsection (a), by striking ''240 days after the date of the enactment of this Act'' and inserting ''June 30, 2012''; and

(B) in subsection (d), by striking ''December 31, 2013'' and inserting ''June 30, 2014''.

(2) Section 1107 (10 U.S.C. 2358 note) is amended—

(A) in subsection (d)—

(i) by striking ''beginning with March 1, 2008,''; and

(ii) by inserting ''a report containing'' after ''to Congress''; and

(B) in subsection (e)—

(i) in paragraph (1), by striking ''Not later than'' and all that follows through ''the information'' and inserting ''The Secretary shall include in each report under subsection (d) the information''; and

(ii) in paragraph (2), by striking ''under this subsection'' and inserting ''under subsection (d)''.

(3) Section 1674(c) (122 Stat. 483) is amended—

(A) by striking ''After submission'' and all the follows through ''that patients,'' and inserting ''Patients,''; and

(B) by striking ''have not been moved or disestablished until'' and inserting ''may not be moved or disestablished until the Secretary of Defense has certified to the congressional defense committees that''.

(c) FISCAL YEAR 2007.—Subsection (a) of section 1104 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is amended to read as follows:

''(a) REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.''.

(d) FISCAL YEAR 2001.—Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(e) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 1202(b)(11) (10 U.S.C. 113 note) is amended by adding at the end the following new subparagraph:

''(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).''.

(2) Section 1201 (10 U.S.C. 168 note) is amended by striking subsection (d).

SEC. 1069. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) SMALL BUSINESS ACT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7), by inserting ''and including an accounting of funds, initiatives, and outcomes under the Commercialization Pilot Program'' after ''and (o)(15),''; and

(2) in subsection (y), by striking paragraph (5).

(b) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—Section 105A(b) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a(b)) is amended—

(1) in the subsection heading, by striking ''ANNUAL REPORT'' and inserting ''BIENNIAL REPORT'';

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

(A) by striking ''March 31 of each year'' and inserting ''September 30 of each odd-numbered year''; and

(B) by striking ''the following information'' and inserting ''the following information with respect to the Federal election held during the preceding calendar year''; and

(3) in paragraph (3), by striking ''In the case of'' and all that follows through ''a description'' and inserting ''A description''.

(c) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 1821(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the first sentence by striking ''of each year'' and inserting ''of each even-numbered year''.

Subtitle G—Other Study and Report Matters

SEC. 1071. MODIFICATION OF DATES OF COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF EXECUTIVE AGREEMENT ON JOINT MEDICAL FACILITY DEMONSTRATION PROJECT, NORTH CHICAGO AND GREAT LAKES, ILLINOIS.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2568) is amended by striking ''and annually thereafter'' and inserting ''not later than two years after the execution of the executive agreement, and not later than September 30, 2015''.

SEC. 1072. REPORT ON PLAN TO IMPLEMENT ORGANIZATIONAL GOALS RECOMMENDED IN THE NATIONAL SECURITY STRATEGY–2010.

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

(1) An urgent need exists to transform the United States national security system in order to employ all elements of national power effectively and efficiently to meet the challenges of the 21st century security environment.

(2) The Quadrennial Defense Review Independent Panel emphasized this need in its July 2010 report, writing that ''the Panel notes with extreme concern that our current Federal Government structures—both executive and legislative, and in particular those related to security—were fashioned in the 1940s and, at best, they work imperfectly today . . . A new approach is needed''.

(3) The National Security Strategy–May 2010 calls for such a transformation of the United States national security system through its identification of organizational changes already underway, its recommendation of additional organizational changes to be undertaken, and its commitment to strengthening national capacity through a whole-of-government approach.

(4) The realization of these organizational goals can best be assured by the preparation of a report by the President on progress being made on organizational changes already underway and on an implementation plan for the organizational changes newly recommended in the National Security Strategy.

(b) PLAN TO IMPLEMENT RECOMMENDATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth a plan to implement the organizational goals recommended in the National Security Strategy–May 2010.

(2) ELEMENTS.—The report required under this subsection shall include the following:

(A) A progress report identifying each organizational change identified by the National Security Strategy as already underway, including for each such change the following:

(i) The goal such organizational change seeks to achieve.

(ii) The actions required of the Executive Branch to achieve such goal.

(iii) The actions required of Congress to achieve such goal.

(iv) The preferred sequencing of the executive and legislative actions specified under clauses (ii) and (iii).

(v) The preferred timetable for such executive and legislative actions and for achievement of such goal.

(vi) The progress that has already been achieved toward such goal, and the obstacles that have been encountered.

(B) An implementation plan addressing each organizational change newly recommended by the National Security Strategy, including for each such change the following:

(i) The goal such organizational change seeks to achieve.

(ii) The actions required of the Executive Branch to achieve such goal.

(iii) The actions required of Congress to achieve such goal.

(iv) The preferred sequencing of the executive and legislative actions specified under clauses (ii) and (iii).

(v) The preferred timetable for such executive and legislative actions and for achievement of such goal.

(c) ANNUAL UPDATE.—Not later than December 1 in each year following the year in which the report required by subsection (b) is submitted, the President shall submit to the appropriate committees of Congress an update of the report setting forth a description of the following:

(1) The progress made in achieving each organizational goal covered by the report required by subsection (b).

(2) The modifications necessary to the plan required by subsection (b) in light of the experience of the Executive Branch in implementing the plan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, Committee on Foreign Relations, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, Committee on Appropriations, and Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, Committee on Foreign Affairs, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, Committee on Appropriations, and Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1073. BIENNIAL ASSESSMENT OF AND REPORT ON DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—The Secretary of Defense shall, in each odd-numbered year beginning with calendar year 2013, conduct an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness of each type of platform for the delivery of nuclear weapons and of the nuclear command and control system of the United States.

(b) REPORT REQUIRED.—Not later than March 1 of each odd-numbered year beginning with calendar year 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the assessment conducted under subsection (a) that includes the following:

(1) The results of the assessment.

(2) An identification and assessment of any gaps or shortfalls in the capabilities of the platforms or the system described in subsection (a).

(3) An identification and assessment of any risks with respect to whether any of those platforms or that system will meet the mission or capability requirements of those platforms or that system, as the case may be.

(4) Recommendations of the Secretary of Defense with respect to measures to mitigate any gaps or shortfalls identified under paragraph (2) and any risks identified under paragraph (3).

(c) CONSULTATIONS.—The Secretary of Defense shall consult with the Commander of the United States Strategic Command in conducting assessments under subsection (a) and preparing reports under subsection (b).

SEC. 1074. ANNUAL REPORT ON THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

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

(1) In response to a question for the record from a March 29, 2011, hearing of the Committee on Armed Services of the Senate, General C. Robert Kehler stated, ''The stockpile under New START is appropriately sized to meet our deterrence requirements and manage risk associated with our aging systems and infrastructure. A recapitalized nuclear infrastructure could also support potential reductions in the future non-deployed stockpile.''.

(2) In response to an additional question for the record from that hearing, General Kehler stated, ''Completion of critical stockpile sustainment activities and restoration of [the National Nuclear Security Administration's] production infrastructure could enable future reductions in the quantity of non-deployed warheads currently held to mitigate weapon and infrastructure risk.''.

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

(1) sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a reliable nuclear deterrent; and

(2) such investments could enable additional future reductions in the hedge stockpile.

(c) REPORT REQUIRED.—Not later than March 1, 2012, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the nuclear weapons stockpile of the United States that includes the following:

(1) An accounting of the weapons in the stockpile as of the end of the fiscal year preceding the submission of the report that includes deployed and non-deployed weapons, including each category of non-deployed weapon.

(2) The planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for the fiscal year following the fiscal year in which the report is submitted.

SEC. 1075. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any future modification to the nuclear employment strategy of the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States.

(b) REPORTS ON MODIFICATION OF STRATEGY.—

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

''§491. Nuclear employment strategy of the United States: reports on modification of strategy

''Not later than 30 days after the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

''(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

''(2) An assessment of effects of such modification for the nuclear posture of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

''491. Nuclear employment strategy of the United States: reports on modification of strategy.''.

SEC. 1076. STUDY ON THE RECRUITMENT, RETENTION, AND DEVELOPMENT OF CYBERSPACE EXPERTS.

(a) STUDY.—The Secretary of Defense shall conduct an independent study examining the availability of military and civilian personnel for Department of Defense defensive and offensive cyberspace operations, identifying any gaps in meeting personnel needs, and recommending available mechanisms to fill such gaps, including permanent and temporary positions.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

(2) MATTERS TO BE COVERED.—The report required under paragraph (1) shall include the following elements:

(A) A statement of capabilities and number of cyberspace operations personnel required to meet the defensive and offensive cyberspace operation requirements of the Department of Defense.

(B) An assessment of the sufficiency of the numbers and types of personnel available for cyberspace operations, including an assessment of the balance of military personnel, Department of Defense civilian employees, and contractor positions, and the availability of personnel with expertise in matters related to cyberspace operations from outside of the Department of Defense.

(C) A description of the obstacles to adequate recruitment and retention of such personnel.

(D) An exploration of the various recruiting, training, and affiliation mechanisms, such as the reserve components, including the individual ready reserves, the civilian expeditionary workforce, corporate and university partnerships, the Reserve Officers' Training Corps, and civilian auxiliaries to address challenges to recruitment, retention, and training.

(E) A description of incentives that enable and encourage individuals with cyber skills from outside the Department of Defense to affiliate with the Armed Forces and civilian employees of the Department of Defense through other types of service agreements, as well as obstacles that discourage cyberspace experts and the Department of Defense from implementing new organizational constructs.

(F) Identification of legal, policy, or administrative impediments to attracting and retaining cyberspace operations personnel.

(G) Recommendations for legislative or policy changes necessary to increase the availability of cyberspace operations personnel.

(3) SUBMISSION OF COMMENTS.—The Secretary of Defense shall include with the report submitted under paragraph (1) comments on the findings and recommendations contained in the report, including comments from the Secretaries of each of the military departments.

(c) CYBERSPACE OPERATIONS PERSONNEL DEFINED.—In this section, the term ''cyberspace operations personnel'' refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 1077. REPORTS ON RESOLUTION RESTRICTIONS ON THE COMMERCIAL SALE OR DISSEMINATION OF ELETRO-OPTICAL IMAGERY COLLECTED BY SATELLITES.

(a) SECRETARY OF COMMERCE REPORT.—

(1) REPORT REQUIRED.—Not later than April 15, 2012, the Secretary of Commerce shall submit to Congress a report setting forth the results of a comprehensive review of current restrictions on the resolution of electro-optical (EO) imagery collected from satellites that commercial companies may sell or disseminate. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the review.

(2) CONSIDERATIONS.—In conducting the review required for purposes of the report under paragraph (1), the Secretary shall take into consideration the following:

(A) Increases in sales of commercial satellite imagery that would result from a relaxation of resolution restrictions, and the ensuing benefit to the United States Government, commerce, and academia from an expanding market in satellite imagery.

(B) Current and anticipated deployments of satellites built in foreign countries that can or will be able to collect imagery at a resolution greater than .5 meter resolution, and the sale or dissemination of such imagery.

(C) The lead-time involved in securing financing, designing, building, and launching the new satellite imagery collection capabilities that would be required to enable United States commercial satellite companies to match current and anticipated foreign satellite imagery collection capabilities.

(D) Inconsistencies between the current resolution restrictions on the sale or dissemination

of imagery collected by United States commercial companies, the availability of higher resolution imagery from foreign sources, and the National Space Policy of the United States, released by the President on June 28, 2010.

(E) The lack of restrictions on the sale or dissemination of high-resolution imagery collected by aircraft.

(F) The utility that higher resolution imagery would bring to the United States Armed Forces, the production of military geo-spatial information, intelligence analysis, cooperation with allies, scientific research efforts, and domestic disaster monitoring and relief.

(b) INTELLIGENCE ASSESSMENT.—

(1) ASSESSMENT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate committees of Congress a report setting forth an assessment of the benefits and risks of relaxing current resolution restrictions on the electro-optical imagery from satellites that commercial United States companies may sell or disseminate, together with recommendations for means of protecting national security related information in the event of the relaxation of such resolution restrictions.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1078. REPORT ON INTEGRATION OF UNMANNED AERIAL SYSTEMS INTO THE NATIONAL AIRSPACE SYSTEM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and on behalf of the UAS Executive Committee, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description and assessment of the rate of progress in integrating unmanned aircraft systems into the national airspace system.

(2) An assessment of the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SEC. 1079. STUDY ON UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives, shall commission an independent assessment of America's security interests in East Asia and the Pacific region. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the designated private entity shall provide an unclassified report, with a classified annex, containing its findings to the Secretary of Defense. Not later than 90 days after the date of receipt of the report, the Secretary of Defense shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 301 for operation and maintenance for Defense-wide activities, up to $1,000,000, shall be made available for the completion of the study required under this section.

SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the ''Decker-Wagner Report'') that the Army agreed to implement.

SEC. 1080A. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

SEC. 1080B. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

SEC. 1080C. REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.

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

(1) Since the early 1960s, the United States has developed and maintained a triad of strategic nuclear weapons delivery systems.

(2) The triad includes sea-based, land-based, and air-based strategic nuclear weapons delivery systems.

(b) REPORT ON MODIFICATION.—Whenever after the date of the enactment of this Act the President proposes a modification of the force structure for the strategic nuclear weapons delivery systems of the United States, the President shall submit to Congress a report on the modification. The report shall include a description of the manner in which such modification will maintain for the United States a range of strategic nuclear weapons delivery systems appropriate for the current and anticipated threats faced by the United States when compared with the current force structure of strategic nuclear weapons delivery systems.

SEC. 1080D. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of

information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) BRIEFINGS.—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''major automated information system program'' has the meaning given that term in section 2445a of title 10, United States Code.

SEC. 1080E. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1–6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SEC. 1080F. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SEC. 1080G. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1080H. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SEC. 1080I. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIAL COMMAND.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

(1) The effect on the weapons testing mission of AFMC.

(2) The potential for lack of oversight if flag positions are reduced or eliminated.

(3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

(4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

Subtitle H—Other Matters

SEC. 1081. REDESIGNATION OF PSYCHOLOGICAL OPERATIONS AS MILITARY INFORMATION SUPPORT OPERATIONS IN TITLE 10, UNITED STATES CODE, TO CONFORM TO DEPARTMENT OF DEFENSE USAGE.

Title 10, United States Code, is amended as follows:

(1) In section 167(j), by striking paragraph (6) and inserting the following new paragraph:

''(6) Military information support operations.''.

(2) Section 2011(d)(1) is amended by striking ''psychological operations'' and inserting ''military information support operations''.

SEC. 1082. TERMINATION OF REQUIREMENT FOR APPOINTMENT OF CIVILIAN MEMBERS OF NATIONAL SECURITY EDUCATION BOARD BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(a) TERMINATION.—Subsection (b)(7) of section 803 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903) is amended by striking ''by and with the advice and consent of the Senate,''.

(b) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''.

SEC. 1083. REDESIGNATION OF INDUSTRIAL COLLEGE OF THE ARMED FORCES AS THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) REDESIGNATION.—The Industrial College of the Armed Forces is hereby renamed the ''Dwight D. Eisenhower School for National Security and Resource Strategy''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2165(b) of title 10, United States Code, is amended to read as follows:

''(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.''.

(c) REFERENCES.—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

SEC. 1084. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is hereby designated as a Fisher House for purposes of section 2493 of title 10, United States Code.

SEC. 1085. SENSE OF SENATE ON APPLICATION OF MORATORIUM ON EARMARKS TO THIS ACT.

It is the sense of the Senate that the moratorium on congressionally-directed spending items in the Senate, and on congressional earmarks in the House of Representatives, should be fully enforced in this Act.

SEC. 1086. TECHNICAL AMENDMENT RELATING TO RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY.

Section 139e(b)(12) of title 10, United States Code, is amended by striking ''titles I and II'' and inserting ''titles I and III''.

SEC. 1087. TECHNICAL AMENDMENT.

Section 382 of title 10, United States Code, is amended by striking ''biological or chemical'' each place it appears in subsections (a) and (b).

SEC. 1088. IMPROVING THE TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE IN THE OPERATION OF CERTAIN MOTOR VEHICLES INTO CAREERS OPERATING COMMERCIAL MOTOR VEHICLES IN THE PRIVATE SECTOR.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver's licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) IMPLEMENTATION.—Upon completion of the study required by subsection (a), the Secretary of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) REPORT.—

(1) IN GENERAL.—Upon completion of the study required by subsection (a)(1), the Secretary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

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

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) DEFINITIONS.—In this section:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) QUALIFYING MOTOR VEHICLE.—The term ''qualifying motor vehicle'' means a motor vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

SEC. 1089. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).''.

SEC. 1090. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India to increase mutual understanding regarding best practices in defense acquisition.

SEC. 1091. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

SEC. 1092. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

SEC. 1093. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) ordered to full-time National Guard duty (other than for training) under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO EMPLOY UP TO 10 PERSONS WITHOUT PAY.

Section 1583 of title 10, United States Code, is amended in the first sentence—

(1) by inserting ''and the Secretaries of the military departments'' after ''the Secretary of Defense''; and

(2) by inserting ''each'' after ''may''.

SEC. 1102. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) EXTENSION FOR DEPARTMENT OF DEFENSE.—Subparagraph (B) of section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''December 31, 2011'' and inserting ''October 1, 2015''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2012'' and inserting ''February 1, 2016''; and

(B) by striking ''December 31, 2011'' and inserting ''the date specified in clause (i)''.

(b) TECHNICAL AMENDMENT TO DELETE OBSOLETE AUTHORITY APPLICABLE TO DEPARTMENT OF ENERGY.—Subparagraph (A) of such section is amended by striking '', or the Department of Energy due to a reduction in force resulting from the establishment of the National Nuclear Security Administration''.

SEC. 1103. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) AUTHORITY FOR WAIVER.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made

under subsection (f)(1) of that section in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster during the period beginning on June 1, 2004, and ending on March 1, 2008; and

(3) with respect to whom the Secretary determines—

(A) that the employee or former employee, before accepting the reappointment referred to in paragraph (2), received a representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) that the employee or former employee reasonably relied on that representation when accepting reappointment.

(c) REQUIRED DETERMINATION.—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment otherwise required would be against equity and good conscience because of the circumstances of that individual's reemployment after receiving a voluntary separation incentive payment.

(d) TREATMENT OF PRIOR REPAYMENTS.—The Secretary of Defense may, pursuant to a determination under subsection (c) specific to an individual, provide for reimbursement to that individual for any amount the individual has previously repaid to the United States for a voluntary separation incentive payment covered by this section. The reimbursement shall be paid either from the appropriations into which the repayment was deposited, if such appropriations remain available, or from appropriations currently available for the purposes of the appropriation into which the repayment was deposited.

(e) EXPIRATION OF AUTHORITY.—The authority to grant a waiver under this section shall expire on December 31, 2012.

SEC. 1104. PERMANENT EXTENSION AND EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) PERMANENT EXTENSION.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subsection (a), by striking ''During the program period'' and all that follows through ''use of the'' and inserting ''The Secretary of Defense may carry out a program to use the''; and

(2) by striking subsections (e), (f), and (g).

(b) EXPANSION OF AVAILABILITY OF PERSONNEL MANAGEMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (A), by striking ''40'' and inserting ''50'';

(2) in subparagraph (C), by striking ''and'' at the end;

(3) in subparagraph (D), by adding ''and'' at the end; and

(4) by adding at the end the following new subparagraph:

''(E) not more than a total of 10 scientific and engineering positions in the Office of the Director of Operational Test and Evaluation;''.

SEC. 1105. MODIFICATION OF BENEFICIARY DESIGNATION AUTHORITIES FOR DEATH GRATUITY PAYABLE UPON DEATH OF A UNITED STATES GOVERNMENT EMPLOYEE IN SERVICE WITH THE ARMED FORCES.

(a) AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.—

(1) IN GENERAL.—Paragraph (4) of section 8102a(d) of title 5, United States Code, is amended—

(A) by striking the first sentence and inserting ''A person covered by this section may designate another person to receive an amount payable under this section.''; and

(B) in the second sentence, by striking ''up to the maximum of 50 percent''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply to the payment of a death gratuity based on any death occurring on or after that date.

(b) NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF DEATH GRATUITY.—Such section is further amended by adding at the end the following new paragraph:

''(6) If a person covered by this section has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.''.

SEC. 1106. TWO-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616), is amended by striking ''fiscal years 2009, 2010, and 2011'' and inserting ''fiscal years 2009 through 2013''.

SEC. 1107. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2012, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1103 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4382), is further amended by striking ''through 2011'' and inserting ''through 2012''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE AUTHORITY TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS.

(a) EXPANSION.—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'';

(B) in paragraph (2), by inserting ''and stockpiled conventional munitions assistance'' after ''Humanitarian demining assistance''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''; and

(ii) in subparagraph (A), by inserting '', or stockpiled conventional munitions, as applicable,'' after ''explosive remnants of war'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''and stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''; and

(B) in paragraph (2), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''; and

(B) in paragraph (2)(B)—

(i) by inserting ''or stockpiled conventional munitions activities'' after ''humanitarian demining activities''; and

(ii) by inserting '', or stockpiled conventional munitions, as applicable,'' after ''explosive remnants of war''; and

(4) in subsection (d), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'' each place it appears.

(b) DEFINITIONS.—Subsection (e) of such section is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) HUMANITARIAN DEMINING ASSISTANCE.—The term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war.

''(2) STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.—The term 'stockpiled conventional munitions assistance', as it relates to support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

''(3) INCLUDED ACTIVITIES.—The terms in paragraphs (1) and (2) include activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.''.

(c) CLERICAL AMENDMENTS.—

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

''§ 407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 407 and inserting the following new item:

''407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.''.

SEC. 1202. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITIES APPLICABLE TO COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is further amended—

(A) in the subsection heading, by striking ''FISCAL YEAR 2011'' and inserting ''FISCAL YEAR 2012'';

(B) by striking ''fiscal year 2011, from'' and inserting ''fiscal year 2012''; and

(C) by striking ''operation and maintenance'' and all that follows and inserting ''operation and maintenance, not to exceed $400,000,000 may be used by the Secretary of Defense to provide funds for the Commanders' Emergency Response Program in Afghanistan.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS TO CONGRESS.—Subsection (b)(1) of such section, as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), is further amended by striking ''30 days'' and inserting ''45 days''.

(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Such section, as so amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept cash contributions from any person, foreign government, or international organization for the purposes specified in subsection (a). Funds received by the Secretary may be credited to the operation and maintenance account from which funds are made available to carry out the authority in subsection (a), and may be used for such purposes until expended in addition to the funds specified in that subsection.''.

SEC. 1203. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2413), as most recently amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4623), is further amended by striking ''September 30, 2011'' and inserting ''September 30, 2014''.

SEC. 1204. CONDITIONAL EXTENSION AND MODIFICATION OF AUTHORITY TO BUILD THE CAPACITY OF COUNTER TERRORISM FORCES OF YEMEN.

(a) EXTENSION.—Subsection (a) of section 1205 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4387) is amended by striking ''fiscal year 2011'' and inserting ''fiscal years 2011 and 2012''.

(b) ASSISTANCE THROUGH MINOR MILITARY CONSTRUCTION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''and minor military construction'' before the period at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—Minor military construction may be provided under subsection (a) only after September 30, 2011. The total amount that may be obligated and expended on such construction in any fiscal year may not exceed $10,000,000. Minor military construction may not be provided under subsection (a) in the city of Sana'a or in the Sana'a Governate, Yemen.''.

(c) FUNDING.—Subsection (c) of that section is amended by striking ''by section 301'' and all that follows through ''for fiscal year 2011'' and inserting ''for the fiscal year concerned for operation and maintenance (other than operation and maintenance for overseas contingency operations)''.

(d) CONDITION ON USE OF AUTHORITIES.—

(1) NOTICE AND WAIT.—An authority specified in paragraph (2) may not be used until 60 days after the date on which the Secretary of Defense and the Secretary of State jointly certify, in writing, to the appropriate committees of Congress that the use of such authority is important to the national security interests of the United States. The certification on an authority shall include the following:

(A) The reasons why the use of such authority is important to the national security interests of the United States.

(B) A justification for the provision of assistance pursuant to such authority.

(C) An acknowledgment by the Secretary of Defense and the Secretary of State that they have received assurance from the Government of Yemen that any assistance provided pursuant to such authority will be utilized in manner consistent with subsection (b)(2) of the applicable section.

(2) COVERED AUTHORITIES.—The authorities referred to in this paragraph are the following:

(A) The authority in section 1205 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as amended by this section.

(B) The authority in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 2456), as amended.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means the committees of Congress specified in section 1205(d)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 1205. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) EXTENSION.—Subsection (h) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''2013'' and inserting ''2017''.

(b) CLARIFICATION OF LIMITATION ON FUNDING.—Subsection (g) of such section, as amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended—

(1) by striking ''each fiscal year'' and inserting ''any fiscal year''; and

(2) by striking ''pursuant to title XV of this Act'' and inserting ''for that fiscal year''.

SEC. 1206. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

Of the funds available for fiscal year 2012 for building the capacity of foreign military forces under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as most recently amended by section 1207 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), not more than $100,000,000 may be obligated and expended until the Secretary of Defense and the Secretary of State submit the report required by section 1237 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4642).

SEC. 1207. GLOBAL SECURITY CONTINGENCY FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States an account to be known as the ''Global Security Contingency Fund''.

(b) AUTHORITY.—Amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense, notwithstanding any other provision of law, to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) Assistance under this section may be provided to enhance the capabilities of a foreign country's national military forces, and other national security forces that conduct border and maritime security, internal security, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, and counterterrorism operations; and

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) Assistance may be provided for the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in those cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

(c) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—A program to provide the assistance under subsection (b)(1) may include the provision of equipment, supplies, and training.

(2) REQUIRED ELEMENTS.—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within that country.

(d) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense and the Secretary of State may not use the authority provided under subsection (b) to provide any type of assistance that is otherwise prohibited by any provision of law.

(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense and the Secretary of State may not use the authority provided under subsection (b) to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(e) FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.—

(1) SECURITY PROGRAMS.—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, prior to implementation.

(2) JUSTICE SECTOR AND STABILIZATION PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, prior to implementation.

(f) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds made available to carry out this section.

(g) TRANSFER AUTHORITY.—

(1) FOREIGN ASSISTANCE AND OTHER FUNDS.—Funds available to the Department of State for foreign assistance may be transferred to the Fund by the Secretary of State. Funds available to the Department of Defense may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) LIMITATION.—The total amount of funds appropriated and transferred to the Fund in any fiscal year shall not exceed $300,000,000. This limitation does not apply to amounts contributed to the Fund under subsection (h).

(3) TRANSFERS TO OTHER ACCOUNTS.—Funds made available to carry out assistance activities approved pursuant to subsection (c) may be transferred to accounts under the following authorities:

(A) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces).

(B) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).

(C) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).

(D) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training program).

(E) Chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance).

(F) Complex Crises Fund of the Foreign Assistance Act of 1961 (title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117; 123 Stat. 3327)).

(4) ADDITIONAL AUTHORITIES.—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of State or the Department of Defense.

(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority provided in paragraph (3) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(h) AUTHORITY TO ACCEPT GIFTS.—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 635(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(i) AVAILABILITY OF FUNDS.—Amounts in the Fund shall remain available until September 30, 2015.

(j) CONGRESSIONAL NOTIFICATION.—

(1) SECURITY PROGRAMS.—Not less than 15 days before initiating activities under a program of assistance under subsection (b)(1), the Secretary of Defense, with the concurrence of the Secretary of State, shall notify the specified congressional committees of the program to be initiated.

(2) JUSTICE SECTOR AND STABILIZATION PROGRAMS.—Not less than 15 days before initiating activities under a program of assistance under subsection (b)(2), the Secretary of State, with the concurrence of the Secretary of Defense, shall notify the specified congressional committees of the program to be initiated.

(3) EXERCISE OF TRANSFER AUTHORITY.—Not less than 15 days before a transfer under the authority of subsection (g), the Secretary of State and the Secretary of Defense shall jointly notify the specified congressional committees of the transfer of funds into the Fund.

(k) REPORTING REQUIREMENT.—The Secretary of State and the Secretary of Defense jointly shall provide a report quarterly to the specified congressional committees on obligations of funds or transfers into the Fund made during the preceding quarter.

(l) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(m) EXPIRATION.—The authority provided under this section may not be exercised after September 30, 2014, except with respect to amounts appropriated or transferred to the Fund prior to such date, which can continue to be obligated and expended as provided in subsection (i).

(n) ADMINISTRATIVE EXPENSES.—Amounts in the Fund may be used for necessary administrative expenses.

SEC. 1208. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES OF EAST AFRICAN COUNTRIES.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance during fiscal years 2012 and 2013 as follows:

(1) To enhance the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(2) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations described in paragraph (1).

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for each of fiscal years 2012 and 2103 for the Department of Defense for operation and maintenance (other than operation and maintenance for overseas contingency operations), $75,000,000 may be utilized to provide assistance under subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1209. SUPPORT OF FORCES PARTICIPATING IN OPERATIONS TO DISARM THE LORD'S RESISTANCE ARMY.

(a) AUTHORITY.—Pursuant to the policy established by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172; 124 Stat. 1209), the Secretary of Defense may, with the concurrence of Secretary of State, provide logistic support, supplies, and services and intelligence support for forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army as follows:

(1) The national military forces of Uganda.

(2) The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.

(b) PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor).

(c) FUNDING.—Of the amount authorized to be appropriated for the Department of Defense for each of fiscal years 2012 and 2013 for operation and maintenance, not more than $35,000,000 may be utilized in each such fiscal year to provide support under subsection (a).

(d) LIMITATIONS.—

(1) IN GENERAL.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any provision of law.

(2) ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority in subsection (a) to provide support to any foreign country that is otherwise prohibited from receiving such type of support under any other provision of law.

(e) NOTICE TO CONGRESS ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not provide support under subsection (a) for the national military forces of a country determined to be eligible for such support under that subsection until the Secretary notifies the appropriate committees of Congress of the eligibility of the country for such support.

(f) NOTICE TO CONGRESS ON SUPPORT TO BE PROVIDED.—Not later than 5 days after the date on which funds are obligated to provide support under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the following:

(1) The type of support to be provided.

(2) The national military forces to be supported.

(3) The objectives of such support.

(4) The estimated cost of such support.

(5) The intended duration of such support.

(g) QUARTERLY REPORTS TO CONGRESS.—The Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress on a quarterly basis a report on the obligation of funds under this section during the preceding quarter.

(h) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''logistic support, supplies, and services'' has the meaning given that term in section 2350(1) of title 10, United States Code.

(i) EXPIRATION.—The authority provided under this section may not be exercised after September 30, 2013.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1221. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) EXTENSION.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as amended by section 1218 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4394), is further amended by striking ''fiscal year 2011'' each place it appears and inserting ''fiscal year 2012''.

(b) AMOUNT OF FUNDS AVAILABLE.—Subsection (d) of such section is amended by striking ''$400,000,000'' and inserting ''$450,000,000''.

(c) ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS.—Of the funds available for logistical support under such section during fiscal year 2012, not more than $200,000,000 may be obligated and expended until the Secretary of Defense submits the report required by section 1234 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4397).

SEC. 1222. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532), as amended by section 1214 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section, as so amended, is further amended by striking ''and every 90 days thereafter through March 31, 2012'' and inserting ''every 90 days thereafter through March 31, 2012, and at the end of each calendar quarter, if any, thereafter through March 31, 2013, in which the authority in subsection (a) is implemented''.

SEC. 1223. ONE-YEAR EXTENSION OF AUTHORITIES APPLICABLE TO THE PAKISTAN COUNTERINSURGENCY FUND.

(a) ONE-YEAR EXTENSION.—Subsection (h) of section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as amended by section 1220(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking ''September 30, 2011'' both places it appears and inserting ''September 30, 2012''.

(b) CLARIFICATION OF SOURCE OF FUNDS FOR FUND.—Subsection (a)(1)(A) of such section is amended by striking ''for fiscal year 2009''.

SEC. 1224. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392) is amended—

(1) in subsection (a), by striking ''fiscal year 2011'' and inserting ''in each of fiscal years 2011 and 2012''; and

(2) in subsection (e), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

SEC. 1225. MODIFICATION OF AUTHORITY ON PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) FUNDING.—Subsection (f) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1), by inserting ''or 2012'' after ''fiscal year 2011''; and

(2) in paragraph (2), by striking ''until September 30, 2012.'' and inserting ''as follows:

''(A) In the case of funds for fiscal year 2011, until September 30, 2012.

''(B) In the case of funds for fiscal year 2012, until September 30, 2013.''.

(b) NOTICE TO CONGRESS.—Subsection (g) of such section is amended by striking ''30 days'' and inserting ''15 days''.

SEC. 1226. ONE-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519) and section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 12 Stat. 4391), is further amended by striking ''by section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' and inserting ''for fiscal year 2012 for overseas contingency operations''.

(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking ''fiscal year 2010 or 2011'' and inserting ''fiscal year 2012''; and

(2) by striking ''$1,600,000,000'' and inserting ''$1,750,000,000''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2) of such section, as so amended, is further amended by inserting a comma after ''Budget''.

(d) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 1227. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking ''2012'' and inserting ''2014''.

(b) REPORT ON UNITED STATES PLAN FOR SUSTAINING AFGHANISTAN NATIONAL SECURITY FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 390), as amended by section 1232 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4395), is further amended by striking ''2012'' and inserting ''2014''.

SEC. 1228. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) AUTHORITY.—The Secretary of Defense may support United States Government transition activities in Iraq by providing funds for the following:

(1) Operations and activities of the Office of Security Cooperation in Iraq.

(2) Operations and activities of security assistance teams in Iraq.

(b) TYPES OF SUPPORT.—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support, transportation and personal security, and minor construction and renovation of facilities.

(c) LIMITATION ON AMOUNT.—The total amount of funds provided under the authority in subsection (a) in fiscal year 2012 may not exceed $524,000,000.

(d) SOURCE OF FUNDS.—Funds for purposes of subsection (a) for fiscal year 2012 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

(e) COVERAGE OF COSTS OF OSCI IN CONNECTION WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERVICES TO IRAQ.—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act includes, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), charges for administrative services sufficient to recover the pro rata costs of operations and activities of the Office of Security Cooperation in Iraq and associated security assistance teams in Iraq in connection with such sale.

SEC. 1229. BENCHMARKS TO EVALUATE THE PROGRESS BEING MADE TOWARD THE TRANSITION OF SECURITY RESPONSIBILITIES FOR AFGHANISTAN TO THE GOVERNMENT OF AFGHANISTAN.

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

(1) October 7, 2011, will mark the 10-year anniversary of the start of Operation Enduring Freedom in Afghanistan.

(2) Military operations in Afghanistan have cost United States taxpayers more than $300,000,000,000 to date.

(3) As of June 6, 2011, 1,599 members of the United States Armed Forces have lost their lives in support of Operation Enduring Freedom in Afghanistan and more than 11,000 have been wounded.

(4) On December 1, 2009, at a speech at the United States Military Academy at West Point, New York, President Barack Obama stated that the United States would begin the transfer of United States Armed Forces out of Afghanistan in July 2011 with the pace of reductions to be based upon conditions on the ground.

(5) In the December 2010 Afghanistan-Pakistan Annual Review, President Obama reaffirmed that the core goal of the United States strategy in Afghanistan is to disrupt, dismantle, and defeat al Qaeda.

(6) In January 2010, participants at the London Conference pledged to develop a plan for phased transition to Afghan security lead. The North Atlantic Treaty Organization (NATO) and foreign ministers of the constituent elements of the International Security Assistance Force (ISAF) endorsed the Joint Framework for Transition in April 2010, and President Obama and President Karzai of Afghanistan committed to the process in a May 2010 joint statement.

(7) At the Kabul Conference in July 2010, the international community expressed its support for the objective of President Karzai that the Afghanistan National Security Forces (ANSF) should lead and conduct all military operations in all provinces in Afghanistan by the end of 2014, support that was later re-affirmed by North Atlantic Treaty Organization and International Security Assistance Force member nations at the Lisbon Summit in November 2010.

(8) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a ''game changer'' in a speech on May 6, 2011.

(b) BENCHMARKS REQUIRED.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, NATO and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390).

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund or transferred to the Pakistan Counterinsurgency Fund from the Pakistan Counterinsurgency Capability Fund should be made available for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

SEC. 1231. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the effectiveness of Coalition Support Fund reimbursements in supporting operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations, if any, relative to potential alternatives to or termination of reimbursements from the Coalition Support Fund to the Government of Pakistan taking into account the transition plan for Afghanistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Reports and Other Matters

SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION IN OPERATIONALIZING THE AFRICAN STANDBY FORCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the African Union in operationalizing the African Standby Force.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the existing personnel strengths and capabilities of each of the five regional brigades of the African Standby Force and their brigade-level headquarters.

(2) An assessment of the specific capacity-building needs of the African Standby Force, including with respect to supply management, information management, strategic planning, and other critical components.

(3) A description of the functionality of the supply depots of each brigade referred to in paragraph (1), and current information on existing stocks of each such brigade.

(4) An assessment of the capacity of the African Union to manage the African Standby Force.

(5) An assessment of inter-organizational coordination on assistance to the African Union and the African Standby Force between multilateral donors, including the United Nations, the European Union, and the North Atlantic Treaty Organization.

(6) An assessment of the capacity of the African Union to absorb additional international assistance toward the development of a fully functional African Standby Force.

SEC. 1242. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) REPORT REQUIRED.—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the National Guard State Partnership Program.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A summary of the sources of funds for the State Partnership Program over the last five years.

(2) An analysis of the types and frequency of activities performed by participants in the State Partnership Program.

(3) A description of the objectives of the State Partnership Program and the manner in which objectives under the program are established and coordinated with the Office of the Secretary of Defense, the geographic combatant commands, United States Country Teams, and other departments and agencies of the United States Government.

(4) A description of the manner in which the Department of Defense selects and designates particular State and foreign country partnerships under the State Partnership Program.

(5) A description of the manner in which the Department measures the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

(6) An assessment by the Comptroller General of the United States of the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb–6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the

threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1244. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

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

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, ''The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.''.

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, ''Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.''.

(b) DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.—The financial sector of Iran, including the Central Bank of Iran, is designated as of primary money laundering concern for purposes of section 5318A of title 31, United States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of food, medicine, or medical devices to Iran.

(3) APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a foreign financial institution owned or controlled by the government of a foreign country, including a central bank of a foreign country, only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.—

(A) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 60-day period preceding the submission of the report.

(B) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of the Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) APPLICATION OF SANCTIONS.—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other

than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) EXCEPTION.—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph.

(5) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver; and

(ii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) MULTILATERAL DIPLOMACY INITIATIVE.—

(1) IN GENERAL.—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the ''Chemical Weapons Convention'');

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran's conventional, nuclear, chemical or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or jurisdiction within the United States.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note).

(b) FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2012 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $63,221,000.

(2) For chemical weapons destruction, $9,804,000.

(3) For global nuclear security, $121,143,000.

(4) For cooperative biological engagement, $259,470,000.

(5) For proliferation prevention, $28,080,000.

(6) For threat reduction engagement, $2,500,000.

(7) For other assessments/administrative support, $24,001,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4401.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4401.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4401.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4401.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4401.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to $50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4412), is further amended by striking ''$730,000,000 by the end of fiscal year 2013'' in paragraph (5) and inserting ''$830,000,000 by the end of fiscal year 2016''.

Subtitle C—Armed Forces Retirement Home

PART I—AUTHORIZATION OF APPROPRIATIONS

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of $67,700,000 for the operation of the Armed Forces Retirement Home.

PART II—ARMED FORCES RETIREMENT HOME AUTHORITIES

SEC. 1422. AMENDMENT OF ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 1423. ANNUAL VALIDATION OF MULTIYEAR ACCREDITATION.

(a) IN GENERAL.—Section 1511(g) (24 U.S.C. 411(g)) is amended—

(1) by inserting ''(1)'' before ''The Chief Operating Officer shall''; and

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

''(2)(A) If the Chief Operating Officer secures accreditation for a facility of the Retirement Home (or for any aspect of a facility of the Retirement Home) that is effective for a period of more than one year, for each year after the first year for which such accreditation is in effect, the Chief Operating Officer shall seek to obtain, from the organization that awarded the accreditation, a validation of the accreditation. The requirement in the preceding sentence shall not apply with respect to a facility of the Retirement Home for any year for which the Inspector General of the Department of Defense conducts an inspection of that facility under section 1518(b).

''(B) In carrying out subparagraph (A) with respect to validation of an accreditation, the Chief Operating Officer may substitute another nationally recognized civilian accrediting organization if the organization that awarded the accreditation is not available.''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by inserting ''AND ANNUAL VALIDATION'' after ''ACCREDITATION''.

SEC. 1424. CLARIFICATION OF DUTIES OF SENIOR MEDICAL ADVISOR.

Section 1513A(c) (24 U.S.C. 413a(c)) is amended—

(1) in paragraph (3)—

(A) by striking ''and inspect'' after ''Periodically visit''; and

(B) by inserting before the period the following: ''and review medical reports, inspections, and records audits to make sure appropriate follow-up has been made''; and

(2) by striking paragraphs (4) and (5).

SEC. 1425. REPLACEMENT OF LOCAL BOARDS OF TRUSTEES FOR EACH FACILITY WITH SINGLE ADVISORY COUNCIL.

(a) ESTABLISHMENT OF AFRH ADVISORY COUNCIL.—Section 1516 (24 U.S.C. 416) is amended to read as follows:

''SEC. 1516. ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—The Retirement Home shall have an Advisory Council, to be known as the 'Armed Forces Retirement Home Advisory Council'. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

''(b) COMPOSITION; TERMS OF SERVICE.—(1) The Advisory Council shall consist of at least 11 members, each of whom shall be a full or part-time Federal employee and at least one of whom shall be from the Department of Veterans Affairs. Members of the Advisory Council shall be designated by the Secretary of Defense, except that a member who is an employee of a department or agency outside of the Department of Defense shall be designated by the head of such department or agency in consultation with the Secretary of Defense.

''(2)(A) Except as provided in subparagraphs (B) and (C), the term of service of a member of the Advisory Council shall be two years. A member may be designated to serve one additional term.

''(B) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

''(C) The Secretary of Defense may terminate the appointment of a member of the Advisory Council before the expiration of the member's term for any reason that the Secretary determines appropriate.

''(3) The Secretary of Defense shall designate one member of the Advisory Council to serve as the chair of the Advisory Council.

''(c) DUTIES.—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such observations, advice, and recommendations regarding the Retirement Home as the Advisory Council considers appropriate.

''(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

''(3) In carrying out its duties, the Advisory Council shall provide for participation in its activities by a representative of the resident advisory committee of each facility of the Retirement Home.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Paragraph (2) of section 1502 (24 U.S.C. 401) is amended to read as follows:

''(2) The term 'Advisory Council' means the Armed Forces Retirement Home Advisory Council established by section 1516.''.

(2) RESPONSIBILITIES AND DUTIES OF SENIOR MEDICAL ADVISOR.—Section 1513A(b) (24 U.S.C. 413a(b)) is amended—

(A) in paragraph (1), by striking ''and the Chief Operating Officer'' and inserting '', the Chief Operating Officer, and the Advisory Council''; and

(B) in paragraph (2), by striking ''to the Local Board'' and all that follows and inserting ''to the Advisory Council regarding all medical and medical administrative matters of each facility of the Retirement Home.''.

(3) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) (24 U.S.C. 415(c)(2)) is amended by striking '', including the Local Boards of those facilities''.

(4) INSPECTION OF RETIREMENT HOME.—Section 1518 (24 U.S.C. 418) is amended by striking ''Local Board for the facility'' each place it appears and inserting ''Advisory Council''.

SEC. 1426. ADMINISTRATORS AND OMBUDSMEN OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking ''a Director, a Deputy Director, and an Associate Director'' and inserting ''an Administrator and an Ombudsman'';

(2) in subsections (b) and (c), by striking ''Director'' each place it appears and inserting ''Administrator'';

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated, by striking ''Associate Director'' each place it appears and inserting ''Ombudsman'';

(5) in subsection (e), as so redesignated—

(A) by striking ''Associate Director'' and inserting ''Ombudsman'';

(B) by striking ''Director and Deputy Director'' and inserting ''Administrator''; and

(C) by striking ''Director may'' and inserting ''Administrator may'';

(6) in subsection (f), as so redesignated, by striking ''Director'' each place it appears and inserting ''Administrator''; and

(7) in subsection (g), as so redesignated—

(A) in paragraph (1), by striking ''Directors'' and inserting ''Administrators''; and

(B) in paragraph (2), by striking ''a Director'' and inserting ''an Administrator''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in the headings of subsections (b) and (c), by striking ''DIRECTOR'' and inserting ''ADMINISTRATOR'';

(2) in the headings of subsection (d) and (e), as redesignated by subsection (a)(3), by striking ''ASSOCIATE DIRECTOR'' and inserting ''OMBUDSMAN''; and

(3) in the heading of subsection (g), as so redesignated, by striking ''DIRECTORS'' and inserting ''ADMINISTRATORS''.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are amended by striking ''Director'' each place it appears and inserting ''Administrator'': sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) (24 U.S.C. 411(d)(2), 412(c), 414(a), 418(c), 418(d)(2), 420, 422, 423(b)).

(2) Sections 1514(b) and 1520(c) (24 U.S.C. 414(b), 420(c)) are amended by striking ''Directors'' and inserting ''Administrators''.

SEC. 1427. INSPECTION REQUIREMENTS.

Section 1518 (24 U.S.C. 418) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,'' and inserting ''Not less often than every three years,'';

(ii) by striking ''of that facility'' and inserting ''of each facility of the Retirement Home'';

(iii) by inserting ''long-term care,'' after ''assisted living,''; and

(iv) by striking ''or council''; and

(B) in paragraph (3), by striking ''or council'';

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) by designating the second sentence as a new paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and

(C) in such paragraph (2), as so designated—

(i) by striking ''45 days'' and inserting ''90 days''; and

(ii) by adding at the end the following new sentence: ''The report shall include the plan of the Chief Operating Officer to address the recommendations and other matters set forth in the report.''; and

(3) in subsection (e)(1)—

(A) by striking ''45 days'' and inserting ''60 days'';

(B) by striking ''Director of the facility concerned'' and inserting ''Chief Operating Officer''; and

(C) by striking '', the Chief Operating Officer,'' after ''Secretary of Defense''.

SEC. 1428. REPEAL OF OBSOLETE PROVISIONS.

Part B, relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home, is repealed.

SEC. 1429. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) (24 U.S.C. 419(a)(2)) is amended by striking ''Retirement Home Board'' and inserting ''Chief Operating Officer''.

(2) TITLE 10, USC.—Section 2772(b) of title 10, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

(b) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 is amended to read as follows:

''SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.''.

(2) SECTION 1513.—The heading of section 1513 is amended to read as follows:

''SEC. 1513. SERVICES PROVIDED TO RESIDENTS.''.

(3) SECTION 1513A.—The heading of section 1513A is amended to read as follows:

''SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.''.

(4) SECTION 1517.—The heading of section 1517 is amended to read as follows:

''SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.''.

(5) SECTION 1518.—The heading of section 1518 is amended to read as follows:

''SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS.''.

(6) PUNCTUATION.—The headings of sections 1512 and 1520 are each amended by adding a period at the end.

(c) PART A HEADER.—The heading for part A is repealed.

(d) TABLE OF CONTENTS.—The table of contents in section 1501(b) is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

''Sec. 1513. Services provided to residents.

''Sec. 1513A. Oversight of health care provided to residents.'';

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following new items:

''Sec. 1516. Advisory Council.

''Sec. 1517. Administrators, Ombudsmen, and staff of facilities.

''Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors.''; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Funds authorized to be appropriated by section 1403 and available for Defense Health Program for operation and maintenance as specified in the funding table in section 4401 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated for the Department of Defense specifically for such transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455).

TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Department of Defense for military personnel in the amount of $10,228,566,000.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4402.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4402.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4402.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4402.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) ENHANCEMENT OF AUTHORITY.—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426) is amended—

(1) in paragraph (3), by striking ''may include projects'' and all that follows and inserting ''may include projects that facilitate private investment, mining sector development, industrial development, and other projects determined by the Secretary of Defense, with the concurrence of the Secretary of State, as strengthening stability or providing strategic support to the counterinsurgency campaign in Afghanistan.'';

(2) in paragraph (4), by striking ''The'' and inserting ''During each of fiscal years 2011 and 2012, the'';

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(4) by inserting after paragraph (4) the following new paragraph (5):

''(5) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available to

carry out the authority in paragraph (1) shall be available for projects under that authority that begin in a fiscal year and end in the following fiscal year.''.

(b) ONE-YEAR EXTENSION OF AUTHORITY.—Paragraph (8) of such subsection, as redesignated by subsection (a)(3) of this section, is further amended to read as follows:

''(8) EXPIRATION OF AUTHORITY.—A project may not be commenced under the authority in paragraph (1) after September 30, 2012.''.

(c) ANNUAL REPORTS.—Paragraph (7) of such subsection, as so redesignated, is further amended—

(1) in the matter preceding subparagraph (A), by striking '', 2011'' and inserting ''of each year following a fiscal year in which the authority in paragraph (1) is exercised''; and

(2) in subparagraph (A), by striking ''during fiscal year 2011'' and inserting ''during that fiscal year''.

(d) AUTHORITY FOR ADDITIONAL REPRESENTATIVES ON TASK FORCE.—Such section is further amended—

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

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

''(c) ADDITIONAL MEMBERS.—The members of the Task Force for Business and Stability Operations in Afghanistan may include the following:

''(1) A representative of the Department of State, designated by the Secretary of State.

''(2) A representative of the United States Agency for International Development, designated by the Administrator of the United States Agency for International Development.''.

SEC. 1532. MODIFICATION OF AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) LIMITATIONS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) AVAILABILITY FOR LITERACY INSTRUCTION AND TRAINING.—Assistance provided utilizing funds in the Afghanistan Security Forces Fund may include literacy instruction and training to build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the North Atlantic Treaty Organization Training Mission in Afghanistan.

SEC. 1533. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANS REGIONAL WEB INITIATIVE.

None of the amounts authorized to be appropriated by this Act may be obligated or expended on any program under the Trans Regional Web Initiative of the Department of Defense, or any similar initiative, until the Secretary of Defense certifies, in writing, to the Committees on Armed Services of the Senate and the House of Representatives that such program—

(1) appropriately defines its target audience;

(2) is determined to be the most effective method to reach such target audience;

(3) is the most cost-effective means of reaching such target audience; and

(4) includes measurement mechanisms to ensure such target audience is being reached.

SEC. 1534. REPORT ON LESSONS LEARNED FROM DEPARTMENT OF DEFENSE PARTICIPATION ON INTERAGENCY TEAMS FOR COUNTERTERRORISM OPERATIONS IN AFGHANISTAN AND IRAQ.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the lessons learned from Department of Defense participation on interagency teams for counterterrorism operations on Afghanistan and Iraq.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the value of interagency teams in counterterrorism operations.

(2) A description of the best practices of such interagency teams.

(3) A description of efforts to codify the best practices of interagency teams described under paragraph (2) in military doctrine.

(4) An assessment whether the lessons learned through Department of Defense participation on such interagency teams is applicable to other interagency teams in which Department personnel participate.

(5) An assessment of the feasibility and advisability of adding a skill identifier to track Department civilian and military personnel who have successfully supported, participated on, or led an interagency team.

(6) A description of the additional authorities, if any, needed to permit Department personnel to more effectively support, participate on, or lead an interagency team.

TITLE XVI—NATIONAL GUARD EMPOWERMENT

SEC. 1601. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2011''.

SEC. 1602. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AND TERMINATION OF POSITION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT AND TERMINATION OF POSITIONS.—Section 10505 of title 10, United States Code, is amended to read as follows:

''§ 10505. Vice Chief of the National Guard Bureau

''(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(C) are in a grade above the grade of brigadier general.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting ''and the Vice Chief of the National Guard Bureau''.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

''§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

''10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.'';

and

(B) by striking the item relating to section 10505 and inserting the following new item:

''10505. Vice Chief of the National Guard Bureau.''.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title, as amended by section 2(b)(1) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

SEC. 1604. CONTINUATION AS A PERMANENT PROGRAM AND ENHANCEMENT OF ACTIVITIES OF TASK FORCE FOR EMERGENCY READINESS PILOT PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) CONTINUATION.—

(1) CONTINUATION AS PERMANENT PROGRAM.—The Administrator of the Federal Emergency Management Agency shall continue the Task Force for Emergency Readiness (TFER) pilot program of the Federal Emergency Management Agency as a permanent program of the Agency.

(2) LIMITATION ON TERMINATION.—The Administrator may not terminate the Task Force for Emergency Readiness program, as so continued, until authorized or required to terminate the program by law.

(b) EXPANSION OF PROGRAM SCOPE.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall carry out the program in at least five States in addition to the five States in which the program is carried out as of the date of the enactment of this Act.

(c) ADDITIONAL FEMA ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall—

(1) establish guidelines and standards to be used by the States in strengthening the planning and planning capacities of the States with respect to responses to catastrophic disaster emergencies; and

(2) develop a methodology for implementing the Task Force for Emergency Readiness that includes goals and standards for assessing the performance of the Task Force.

(d) NATIONAL GUARD BUREAU ACTIVITIES.—As part of the continuation of the Task Force for

Emergency Readiness program pursuant to subsection (a), the Chief of the National Guard Bureau shall—

(1) assist the Administrator in the establishment of the guidelines and standards, implementation methodology, and performance goals and standards required by subsection (c);

(2) in coordination with the Administrator—

(A) identify, using catastrophic disaster response plans for each State developed under the program, any gaps in State civilian and military response capabilities that Federal military capabilities are unprepared to fill; and

(B) notify the Secretary of Defense, the Commander of the United States Northern Command, and the Commander of the United States Pacific Command of any gaps in capabilities identified under subparagraph (A); and

(3) acting through and in coordination with the Adjutants General of the States, assist the States in the development of State plans on responses to catastrophic disaster emergencies.

(e) ANNUAL REPORTS.—The Administrator and the Chief of the National Guard Bureau shall jointly submit to the appropriate committees of Congress each year a report on activities under the Task Force for Emergency Readiness program during the preceding year. Each report shall include a description of the activities under the program during the preceding year and a current assessment of the effectiveness of the program in meeting its purposes.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. REPORT ON COMPARATIVE ANALYSIS OF COSTS OF COMPARABLE UNITS OF THE RESERVE COMPONENTS AND THE REGULAR COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comparative analysis of the costs of units of the regular components of the Armed Forces with the costs of similar units of the reserve components of the Armed Forces. The analysis shall include a separate comparison of the costs of units in the aggregate and of the costs of units solely when on active duty.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the regular components and reserve components shall be treated as similar if such units have the same general structure, personnel, or function, or are substantially composed of personnel having identical or similar military occupational specialties (MOS).

(b) ASSESSMENT OF INCREASED RESERVE COMPONENT PRESENCE IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) an assessment of the advisability of increasing the number of units and members of the reserve components of the Armed Forces within the total force structure of the Armed Forces. The assessment shall take into account the comparative analysis conducted for purposes of subsection (a) and such other matters as the Secretary considers appropriate for purposes of the assessment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a review of such report by the Comptroller General. The report of the Comptroller General shall include an assessment of the comparative analysis contained in the report required by subsection (a) and of the assessment of the Secretary pursuant to subsection (b).

SEC. 1606. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

SEC. 1607. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1608. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SEC. 1609. AVAILABILITY OF FUNDS UNDER STATE PARTNERSHIP PROGRAM FOR ADDITIONAL NATIONAL GUARD CONTACTS ON MATTERS WITHIN THE CORE COMPETENCIES OF THE NATIONAL GUARD.

The Secretary of Defense shall, in consultation with the Secretary of State, modify the regulations prescribed pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) to provide for the use of funds available pursuant to such regulations for contacts between members of the National Guard and civilian personnel of foreign governments outside the ministry of defense on matters within the core competencies of the National Guard such as the following:

(1) Disaster response and mitigation.

(2) Defense support to civilian authorities.

(3) Consequence management and installation protection.

(4) Chemical, biological, radiological, or nuclear event (CBRNE) response.

(5) Border and port security and cooperation with civilian law enforcement.

(6) Search and rescue.

(7) Medical matters.

(8) Counterdrug and counternarcotics activities.

(9) Public affairs.

(10) Employer and family support of reserve forces.

(11) Such other matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Secretary of Defense shall specify.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2012''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing

projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. FUNDING TABLES.

(a) IN GENERAL.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2403, 2411, 2502, and 2606 shall be available in the amounts specified in the funding table in section 4501.

(b) BASE CLOSURE AND REALIGNMENT ACTIVITIES.—The amounts authorized to be appropriated by section 2703 shall be available in the amounts specified in the funding table in section 4501.

TITLE XXI—ARMY

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 of 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	$110,900,000
	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	$52,000,000
	Joint Base Langley Eustis.	$26,000,000

Army: Inside the United States—*Continued*

State	Installation or Location	Amount
Washington	Joint Base Lewis McChord.	$296,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$80,000,000
Germany	Grafenwoehr	$22,500,000
	Landstuhl	$63,000,000
	Oberdachstetten	$12,200,000
	Kelley Barracks	$12,200,000
	Vilseck	$20,000,000
Korea	Camp Carroll	$41,000,000
	Camp Henry	$48,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	64	$34,329,000
	Illesheim	80	$41,000,000
	Vilseck	22	$12,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,897,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $103,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,643,146,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,400,250,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $298,900,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $195,241,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,897,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $494,858,000.

(6) For the construction of increment 1 of an aviation complex, phase 3A at Fort Wainwright, Alaska, authorized by section 2101(a) of this Act, $57,000,000.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2629) for Joint Base Lewis-McChord, Washington, for construction of an access road adjoining McChord Air Force Base and Fort Lewis, the Secretary of the Army may construct a secure elevated roadway over the existing railroad and public road in lieu of an on-grade road and access control point.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) HAWAII.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452, the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) NEW YORK.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construction guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) GERMANY.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4438) for Wiesbaden Air Base, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of $115,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.—The Secretary may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2012 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in

accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) 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

SEC. 2110. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State/Country	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
	Schofield Barracks	Infrastructure Expansion	$76,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase I	$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	$3,900,000

SEC. 2111. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.

The table in section 3002 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4503) is amended—

(1) in the item for the Army relating to ''Entry Control Point and Access Roads'' that appears immediately below the item relating to ''Vet Clinic & Kennel'' at Bagram Air Force Base, by striking ''Delaram Ii'' in the State/Country and Installation column and inserting ''Delaram II''; and

(2) in the item for the Army that appears immediately below the item relating to ''Electrical Utility Systems, Ph.2'' at the Shank installation, by striking ''Expand Extended Cooperation Programme I and Extended Cooperation Programme 2'' in the Project Title column and inserting ''Expand Entry Control Point 1 and Entry Control Point 2''.

SEC. 2112. REDUCTION OF ARMY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Army for fiscal years prior to fiscal year 2012 are hereby reduced by $100,000,000.

SEC. 2113. TOUR NORMALIZATION.

None of the funds authorized to be appropriated under this Act may be obligated or expended for tour normalization until—

(1) the Director of Cost Assessment and Program Evaluation conducts an analysis of alternatives to tour normalization that identifies alternative courses of action and their associated life cycle costs, potential benefits, advantages, and disadvantages;

(2) the Secretary of the Army submits to the congressional defense committees a master plan for completing all phases of tour normalization that includes a detailed description of all costs and a schedule for the construction of necessary facilities and infrastructure; and

(3) legislation enacted after the date of the enactment of this Act authorizes the obligation of funds for such purpose.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy 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:

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	$93,735,000
	Marine Corps Base, Twentynine Palms	$67,109,000
	Marine Corps Logistics Base, Barstow	$8,590,000
	Marine Corps Mountain Warfare Training Center, Bridgeport	$16,138,000
	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
	Naval Ship Yard, Portsmouth	$74,864,000
	Marine Corps Base, Quantico	$183,690,000
Washington	Naval Base Kitsap, Bremerton (Puget Sound Ship Yard)	$13,341,000
	Naval Base Kitsap, Bremerton (Bangor)	$758,842,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	$89,499,000
Diego Garcia.	Naval Support Facility, Diego Garcia.	$35,444,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,199,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,773,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,641,457,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,956,822,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,943,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $21,495,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $69,362,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $100,972,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $367,863,000.

SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Host Nation Infrastructure	$2,700,000

(c) TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 511) is amended to read as follows:

Navy: Worldwide Unspecified

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Wharf Utilities Upgrade	$8,900,000
Worldwide Unspecified	Various	Host Nation Infrastructure	$2,700,000

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat 4670), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendelton	Operations Assess Points, Red Beach	$11,970,000
	Marine Corps Air Station, Miramar	Emergency Response Station	$6,530,000
District of Columbia	Washington Navy Yard	Child Development Center	$9,340,000

SEC. 2207. REDUCTION OF NAVY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Navy for fiscal years prior to fiscal year 2012 are hereby reduced by $25,000,000.

SEC. 2208. GUAM REALIGNMENT.

None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force 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:

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
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	$16,500,000

Air Force: Inside the United States—Continued

Air Force: Inside the United States— *Continued*

State	Installation or Location	Amount
Virginia	Joint Base Langley Eustis.	$50,000,000
Washington	Fairchild Air Force Base.	$27,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$34,697,000
Greenland	Thule Air Base	$28,000,000
Guam	Joint Region Marianas	$64,400,000
Italy	Naval Air Station, Signonella.	$15,000,000
Korea	Osan Air Base	$23,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,208,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $80,596,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,619,423,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $677,848,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $165,897,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,913,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $84,804,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $404,761,000.

(6) For the construction of increment 2 of the Air Force Technical Applications Center at Patrick Air Force Base, Florida, as authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4444), $79,000,000.

(7) For the construction of increment 1 of a STRATCOM replacement facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of this Act, $120,000,000.

SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2010 (Division B of Public Law 111–84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2301(b) of that Act (122 Stat. 4680) shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Germany	Spangdahlem AB	Construct Child Development Center	$11,400,000

SEC. 2307. REDUCTION OF AIR FORCE MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Air Force for fiscal years prior to fiscal year 2012 are hereby reduced by $32,000,000.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(1), the Secretary of Defense 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:

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 Pendleton.	$12,141,000
	Naval Base, Coronado	$42,000,000
	Naval Base, Coronado (San Clemente).	$21,800,000
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

Defense Agencies: Inside the United States— *Continued*

State	Installation or Location	Amount
	Naval Air Station, Whiting Field.	$3,800,000
Georgia	Fort Benning	$37,205,000
	Fort Gordon	$17,705,000
	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	Joint Base Andrews	$265,700,000
	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	$17,500,000
	Defense Supply Center Philadelphia.	$8,000,000

Defense Agencies: Inside the United States— *Continued*

State	Installation or Location	Amount
South Carolina.	Joint Base Charleston	$24,868,000
Texas	Joint Base Antonio	$194,300,000
Virginia	Charlottesville	$10,805,000
	Joint Expeditionary Base Little Creek-Fort 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

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ansbach	$11,672,000
	Grafenwoehr	$6,529,000
	Spangdahlem Air Base	$129,043,000
	Stuttgart-Patch Barracks.	$2,434,000

Defense Agencies: Outside the United States—*Continued*

Country	Installation or Location	Amount
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

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $135,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,212,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $135,000,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $50,723,000.

(B) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $3,468,000.

(8) For the construction of increment 6 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $137,600,000.

(9) For the construction of increment 4 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2646), $27,000,000.

(10) For the construction of increment 4 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689), $22,850,000.

(11) For the construction of increment 3 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by title IX of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $123,201,000.

(12) For the construction of increment 3 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), $109,400,000.

(13) For the construction of increment 1 of a Mountainview operations facility at Buckley Air Force Base, Colorado, authorized by section 2401(a) of this Act, $70,432,000.

(14) For the construction of increment 1 of an ambulatory care center at Joint Base Andrews, Maryland, authorized by section 2401(a) of this Act, $121,500,000.

(15) For the construction of increment 1 of an ambulatory care center, phase 3 at Fort Bliss, Texas, authorized by section 2401(a) of this Act, $80,600,000.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization in the total amount of $75,312,000, as follows:

(1) For the construction of phase 13 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $15,338,000.

(2) For the construction of phase 12 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B Public Law 111–383; 124 Stat. 4450), $59,974,000.

SEC. 2412. REDUCTION OF DEFENSE AGENCIES MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) for fiscal years prior to fiscal year 2012 are hereby reduced by $131,000,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,611,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION 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 Chafee	$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
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

(b) OUTSIDE 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 outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	$57,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Army may acquire real property and carry out military construc-

tion projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$5,200,000
Colorado	Fort Collins	$13,600,000
Illinois	Homewood	$16,000,000
	Rockford	$12,800,000
Indiana	Fort Benjamin Harrison	$57,000,000
Kansas	Kansas City	$13,000,000

Army Reserve—*Continued*

State	Location	Amount
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

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and 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

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
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

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Force Base	$16,393,000
South Carolina	Charleston Air Force Base	$9,593,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $773,592,000.

(2) For the Department of the Army, for the Army Reserve, $280,549,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $26,299,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $116,246,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $33,620,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2601 and 2604 of that Act (122 Stat. 527–528), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	Coatesville	Readiness Center	$ 8,300,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air 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

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	$3,400,000

Air 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

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2601(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4701) for Elko, Nevada, for construction of an Army Reserve Center, the Secretary of the Army may instead construct the Army Reserve Center at Carlin, Nevada.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $323,543,000, as follows:

(1) For the Department of the Army, $70,716,000.

(2) For the Department of the Navy, $129,351,000.

(3) For the Department of the Air Force, $123,476,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $258,776,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $258,776,000 as follows:

(1) For the Department of the Army, $229,190,000.

(2) For the Department of the Navy, $25,829,000.

(3) For the Department of the Air Force, $1,966,000.

(4) For the Defense Agencies, $1,791,000.

SEC. 2704. REDUCTION OF MILITARY CONSTRUCTION AUTHORIZATION FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES AUTHORIZED THROUGH THE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Amounts previously authorized for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act for fiscal years prior to fiscal year 2012 are hereby reduced by $100,000,000.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorization of appropriations made available to that military department or Defense Agency in this division for fiscal year 2012 between any such authorization of appropriations for that military department or Defense Agency for that fiscal year. Amounts of authorization of appropriations so transferred shall be merged with and be available for the same purposes as the authorization of appropriations to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $400,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost of military construction projects that have been authorized by law.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for appropriation for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify the congressional defense committees of each transfer made by that Secretary under subsection (a).

SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking ''fiscal year 2011'' and inserting ''fiscal year 2012''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''September 30, 2012''; and

(B) in paragraph (2), by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(b) MODIFICATION OF QUARTERLY REPORTING REQUIREMENT.—Subsection (g) of such section is amended—

(1) by striking ''QUARTERLY REPORTS OR'' in the subsection heading;

(2) by striking ''the report for a fiscal-year quarter under subsection (d) or''; and

(3) by striking ''report or''.

(c) TECHNICAL AMENDMENTS.—Subsections (a) and (i) of such section are amended by striking ''Combined Task Force-Horn of Africa'' each place it appears and inserting ''Combined Joint Task Force-Horn of Africa''.

SEC. 2803. CLARIFICATION OF AUTHORITY TO USE THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT THE PENTAGON RESERVATION.

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking ''The authority'' and inserting ''(A) Except as provided in subparagraph (B), the authority''; and

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

''(B) The Secretary may use monies from the Fund to support construction or alteration activities at the Pentagon Reservation within the limits stated in section 2805 of this title.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXCHANGE OF PROPERTY AT MILITARY INSTALLATIONS.

(a) EXCHANGE AUTHORITY.—Section 2869 of title 10, United States Code, is amended—

*(1) in the section heading, by striking ''**Conveyance of property at military installations to limit encroachment**'' and inserting ''**Exchange of property at military installations**''; and*

(2) in subsection (a)—

(A) in the subsection heading, by striking ''CONVEYANCE AUTHORIZED; CONSIDERATION'' and inserting ''EXCHANGE AUTHORIZED''; and

(B) in paragraph (1), by striking ''to any person who agrees, in exchange for the real property, to carry out a land acquisition'' and inserting ''to any eligible entity who agrees, in exchange for the real property, to transfer to the United States all right, title, and interest of the entity in and to a parcel of real property, including any improvements thereon under their control, or to carry out a land acquisition''.

(b) EXTENSION OF AUTHORITY.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2869. Exchange of property at military installations.''.

SEC. 2812. CLARIFICATION OF AUTHORITY TO LIMIT ENCROACHMENTS.

(a) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Subsection (c) of section 2684a of title 10, United States Code, is amended to read as follows:

''(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Notwithstanding chapter 63 of title 31, an agreement under this section that is a cooperative agreement or a grant may be used to acquire property or services for the direct benefit or use of the United States Government.''.

(b) ACQUISITION AND ACCEPTANCE OF PROPERTY AND INTERESTS.—Subsection (d) of such section is amended—

(1) in paragraph (3)—

(A) by inserting '', and the monitoring and enforcement of any right, title, or interest in,'' after ''resources on'';

(B) by inserting ''and monitoring and enforcement'' after ''natural resource management''; and

(C) by adding at the end the following: ''Any such payment by the United States—

''(A) may be paid in a lump sum and include an amount intended to cover the future costs of natural resource management and monitoring and enforcement; and

''(B) shall be placed by the eligible entity in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.''; and

(2) in paragraph (5)—

(A) inserting ''(A)'' after ''(5)'';

(B) by inserting after the first sentence the following: ''No such requirement need be included in the agreement if the property or interest is being transferred to a State, or the agreement requires it to be subsequently transferred to a State, and the Secretary concerned determines that the laws and regulations applicable to the future use of such property or interest provide adequate assurance that the property concerned will be developed and used in a manner appropriate for purposes of this section.''; and

(C) by adding at the end the following new subparagraph:

''(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is subsequently transferred to the United States and administrative jurisdiction over the property is under a Federal official other than a Secretary concerned, the Secretary concerned and that Federal official shall enter into a memorandum of agreement providing, to the satisfaction of the Secretary concerned, for the management of the property or interest concerned in a manner appropriate for purposes of this section. Such memorandum of agreement shall also provide that, should it be proposed that the property or interest concerned be developed or used in a manner not appropriate for purposes of this section, including declaring the property to be excess to the agency's needs or proposing to exchange the property for other property, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly.''.

SEC. 2813. DEPARTMENT OF DEFENSE CONSERVATION AND CULTURAL ACTIVITIES.

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and sustainability'' after ''safety''; and

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

''(F) The implementation of ecosystem-wide land management plans—

''(i) for a single ecosystem that encompasses at least two non-contiguous military installations, if those military installations are not all under the administrative jurisdiction of the same Secretary of a military department; and

''(ii) providing synergistic benefits unavailable if the installations acted separately.''.

Subtitle C—Land Conveyances

SEC. 2821. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.

Section 2852 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2685) is amended by striking ''to be acquired by the United States of America'' and inserting ''to be acquired by the Military Department of Arkansas''.

SEC. 2822. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, CAMP CAITLIN AND OHANA NUI AREAS, HAWAII.

Section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2689) is amended by inserting before the period at the end the following: '', before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws''.

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the ''Municipality'') all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(2) EKLUTNA, INC..—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as ''Eklutna''), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2831. INVESTMENT PLAN FOR THE MODERNIZATION OF PUBLIC SHIPYARDS UNDER JURISDICTION OF DEPARTMENT OF THE NAVY.

(a) PLAN REQUIRED.—Not later than March 1, 2012, the Secretary of the Navy shall submit to the congressional defense committees a plan to address the facilities and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the operations and support required at each shipyard under the control of the Secretary, including the location, year constructed, the classes of ships serviced, number of personnel assigned, and the average age of facilities at each location.

(2) A review of all workload requirements in the past 5 years, an assessment of the efficiency in the use of existing facilities to meet the workload, and an estimate of the workload planned for each shipyard through the current Future Years Defense plan.

(3) An assessment of the adequacy of each facility—

(A) to carry out efficient depot-level ship maintenance with modern technology and equipment;

(B) to ensure workplace safety;

(C) to support nuclear-related activities (where applicable);

(D) to maintain the quality of life of the workforce; and

(E) to meet the energy savings goals of the Secretary of the Navy for military installations.

(4) An assessment of the existing condition of each facility at each shipyard to include a review of existing and projected deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(5) A description and cost estimate for each project to improve, repair, renovate, or modernize facilities or infrastructure.

(6) A description of the facility improvements or new construction projects at each shipyard that would improve the efficiency of the facility's operations or generate energy savings based upon a business case analysis.

(7) An investment strategy planned for each shipyard to correct deficiencies identified in paragraph (4), including timelines to complete each project and cost estimates and timelines necessary to complete the projects identified in paragraph (6).

(8) A list of projects, costs, and timelines through the future years defense plan to meet the requirements of the minimum capital investment percentage required under section 2476 of title 10, United States Code.

SEC. 2832. DATA SERVERS AND CENTERS.

(a) LIMITATIONS ON OBLIGATION OF FUNDS.—

(1) LIMITATIONS.—

(A) BEFORE PERFORMANCE PLAN.—During the period beginning on the date of the enactment of this Act and ending on May 1, 2012, a department, agency, or component of the Department of Defense may not obligate funds for a data server, data server upgrade, data server farm, or data center unless approved by the Chief Information Officer of the Department of Defense or the Chief Information Officer of a component of the Department to whom the Chief Information Officer of the Department has specifically delegated such approval authority.

(B) UNDER PERFORMANCE PLAN.—After May 1, 2012, a department, agency, or component of the Department may not obligate funds for a data center, or any information systems technology used therein, unless that obligation is in accordance with the performance plan required by subsection (b) and is approved as described in subparagraph (A).

(2) REQUIREMENTS FOR APPROVALS.—

(A) BEFORE PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(A) unless the official granting the approval determines, in writing, that existing resources of the agency, component, or element concerned cannot affordably or practically be used or modified to meet the requirements to be met through the obligation of funds.

(B) UNDER PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(B) unless the official granting the approval determines that—

(i) existing resources of the Department do not meet the operation requirements to be met through the obligation of funds; and

(ii) the proposed obligation is in accordance with the performance standards and measures established by the Chief Information Officer of the Department under subsection (b).

(3) REPORTS.—Not later than 30 days after the end of each calendar quarter, each Chief Information Officer of a component of the Department who grants an approval under paragraph (1) during such calendar quarter shall submit to the Chief Information Officer of the Department a report on the approval or approvals so granted during such calendar quarter.

(b) PERFORMANCE PLAN FOR REDUCTION OF RESOURCES REQUIRED FOR DATA SERVERS AND CENTERS.—

(1) COMPONENT PLANS.—

(A) IN GENERAL.—Not later than January 15, 2012, the Secretaries of the military departments and the heads of the Defense Agencies shall each submit to the Chief Information Officer of the Department a plan for the department or agency concerned to achieve the following:

(i) A reduction in the square feet of floor space devoted to information systems technologies, attendant support technologies, and operations within data centers.

(ii) A reduction in the use of all utilities necessary to power and cool information systems technologies and data centers.

(iii) An increase in multi-organizational utilization of data centers, information systems technologies, and associated resources.

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

(3) RESPONSIBILITY.—The Chief Information Officer of the Department shall discharge the responsibility for establishing performance standards and measures for data centers and information systems technologies for purposes of this subsection. Such responsibility may not be delegated.

(c) EXCEPTION.—The Chief Information Officer of the Department and the Chief Information Officer of the Office of the Director of National Intelligence may jointly exempt from the applicability of this section such intelligence components of the Department of Defense (and the programs and activities thereof) that are funded through the National Intelligence Program (NIP) as the Chief Information Officers consider appropriate.

(d) REPORTS ON COST SAVINGS.—

(1) IN GENERAL.—Not later than March 1 of each fiscal year, and ending in fiscal year 2016, the Chief Information Officer of the Department shall submit to the appropriate committees of Congress a report on the cost savings, cost reductions, cost avoidances, and performance gains achieved, and anticipated to be achieved, as of the date of such report as a result of activities undertaken under this section.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–118)), is further amended by striking ''Mike O'Callaghan Federal Hospital'' each place it appears and inserting ''Mike O'Callaghan Federal Medical Center''.

(b) CONFORMING AMENDMENT.—The heading of such section 2867 is amended to read as follows:

''SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.''.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4601.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 12–D–301, Transuranic (TRU) Waste Facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,481,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4601.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4601.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REVIEW OF SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) IN GENERAL.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is amended to read as follows:

''SEC. 4508. REVIEW OF SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

''(a) IN GENERAL.—The Secretary of Energy shall—

''(1) not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, and annually thereafter, review the security vulnerabilities of the computers of each national laboratory; and

''(2) if, in conducting a review under paragraph (1), the Secretary discovers a significant vulnerability in a national laboratory computer, promptly notify the congressional defense committees of the vulnerability.

''(b) ELEMENTS.—A notification submitted under subsection (a) with respect to a significant vulnerability of a national laboratory computer shall include the following:

''(1) A description of the vulnerability.

''(2) An assessment of the loss, if any, of classified or unclassified data as a result of the vulnerability.

''(3) An assessment of the harm to national security or individual privacy resulting from the loss, if any, of such data.

''(4) A description of the actions taken to address the vulnerability.

''(c) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4508 and inserting the following new item:

''Sec. 4508. Review of security vulnerabilities of national laboratory computers.''.

SEC. 3112. REVIEW BY SECRETARY OF ENERGY AND SECRETARY OF DEFENSE OF COMPTROLLER GENERAL ASSESSMENT OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

Section 3255(a) of the National Nuclear Security Administration Act (50 U.S.C. 2455(a)) is amended by adding at the end the following new paragraph:

''(3) The Secretary of Energy shall, in consultation with the Secretary of Defense—

''(A) review the report submitted by the Comptroller General under paragraph (2); and

''(B) not later than 30 days after receiving that report, submit to the congressional defense committees a report that includes—

''(i) the results of the review conducted under subparagraph (A);

''(ii) the views of the Secretary of Energy and the Secretary of Defense with respect to—

''(I) the findings of the Comptroller General in the report submitted under paragraph (2); and

''(II) whether the actual funding level for the fiscal year in which the report is submitted under this subparagraph is sufficient for the modernization of the nuclear security complex and the refurbishment of the nuclear weapons stockpile; and

''(iii) a description of any measures the Administration plans to take in response to the findings of the Comptroller General.''.

SEC. 3113. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated and made available for obligation under section 3101 for weapons activities for any fiscal year before fiscal year 2013, the Secretary of Energy may procure not more than one aircraft.

SEC. 3114. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the funds authorized to be appropriated by section 3101 and made available by the funding table in section 4601 for defense nuclear nonproliferation activities may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

SEC. 3115. RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.

Section 3137 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7142) is amended—

*(1) in the section heading, by inserting ''**AND NATIONAL ATOMIC TESTING MUSEUM**'' after ''**ATOMIC MUSEUM**''; and*

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

''(d) RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.—The museum operated by the Nevada Test Site Historical Foundation and located in Las Vegas, Nevada—

''(1) is recognized as the official atomic testing museum of the United States;

''(2) shall be known as the 'National Atomic Testing Museum'; and

''(3) shall have the sole right throughout the United States and its possessions to have and use the name 'National Atomic Testing Museum'.''.

Subtitle C—Reports

SEC. 3121. REPORT ON FEASIBILITY OF FEDERALIZING THE SECURITY PROTECTIVE FORCES CONTRACT GUARD WORKFORCE AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall jointly submit to the congressional defense committees—

(1) a report on the feasibility of federalizing some or all of the security protective forces contract guard workforce at the facilities specified in subsection (d); and

(2) the comments of the Comptroller General of the United States on that report required under subsection (b).

(b) COMMENTS BY COMPTROLLER GENERAL.—The Secretary and the Administrator shall provide the draft text of the report required by subsection (a)(1) to the Comptroller General of the United States for review and comment before submitting the report to the congressional defense committees.

(c) ELEMENTS.—The report required by subsection (a)(1) shall include the following:

(1) An evaluation of the feasibility of converting the security protective forces contract workforce at the facilities specified in subsection (d) into a force made up, in whole or in part, of full-time Federal employees.

(2) An estimate of the immediate and projected costs of any such conversion.

(3) An estimate of the immediate and projected costs of maintaining guards under contract status and of maintaining guards as full-time Federal employee.

(4) An assessment of the effects of any such conversion on security, including an analysis of the effects of using a Federal security guard, a Federal police officer, or a Federal protective service officer instead of a contract guard.

(5) An estimate of the hourly and annual costs of—

(A) contract guards, including benefits and overtime; and

(B) any comparably trained and equipped Federal force with comparable physical and other requirements.

(6) A comparison of similar conversions of large groups of contract workers to full-time Federal employees and an assessment of the potential benefits and challenges of such conversions.

(7) The views of the Secretary and the Administrator on the feasibility of—

(A) converting the security protective forces contract workforce at the facilities specified in subsection (d) into a force made up, in whole or in part, of full-time Federal employees;

(B) maintaining the security protective forces contract workforce in its current form; and

(C) instituting some or all of the changes recommended in the Implementation Plan for the 29 Recommendations of the Protective Force Career Options Study Group prepared pursuant to the Report of the Committee on Appropriations of the House of Representatives (House Report No. 111–230) accompanying the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3409).

(d) FACILITIES SPECIFIED.—The facilities specified in this subsection are the following:

(1) The Albuquerque National Nuclear Security Administration Service Center, Albuquerque, New Mexico.

(2) The Argonne National Laboratory and the Argonne Site Office, Argonne, Illinois, and the Chicago Service Center, Chicago, Illinois.

(3) The Brookhaven National Laboratory and Brookhaven Site Office, Upton, New York.

(4) The Idaho National Laboratory and the Idaho Site Office, Idaho Falls, Idaho.

(5) The Kansas City Plant and the Kansas City Site Office, Kansas City, Missouri.

(6) The Lawrence Livermore National Laboratory and the Livermore Site Office, Livermore, California.

(7) The Los Alamos National Laboratory and the Los Alamos Site Office, Los Alamos, New Mexico.

(8) The National Energy Technology Laboratory.

(9) The Nevada Site Office and the Nevada National Security Site, Nevada.

(10) The Oak Ridge National Laboratory, the Oak Ridge Office of the Department of Energy, and the East Tennessee Technology Park of the Department of Energy, Oak Ridge, Tennessee.

(11) The Office of Secure Transportation of the Department of Energy and associated field locations.

(12) The Pantex Plant and Pantex Site Office, Amarillo, Texas.

(13) The Pittsburgh Naval Reactors Office, the Bettis Atomic Power Laboratory, the Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory.

(14) The Portsmouth Gaseous Diffusion Plant, Piketon, Ohio, and the Paducah Gaseous Diffusion Plant, Paducah, Kentucky.

(15) The Richland Operations Office and the Hanford Site, Richland, Washington.

(16) The Sandia National Laboratories and the Sandia Site Office, Albuquerque, New Mexico.

(17) The Savannah River Plant and the Savannah River Site Office of the Office of Environmental Management of the Department of Energy, Aiken, South Carolina.

(18) The Savannah River National Laboratory, Aiken, South Carolina.

(19) The National Savannah River Site Office and the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility of the National Nuclear Security Administration, Aiken, South Carolina.

(20) The Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites.

(21) The Waste Isolation Pilot Plant, Carlsbad, New Mexico.

(22) The Y–12 Site Office and the Y–12 National Security Complex of the National Nuclear Security Administration, Oak Ridge, Tennessee.

SEC. 3122. COMPTROLLER GENERAL STUDY ON OVERSIGHT OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the value of and the need for external regulation or external oversight of the safety of nuclear operations and the design and construction of nuclear facilities at the Department of Energy defense nuclear facilities to protect the public health and safety.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of the value of and the need for external regulation or external oversight, or a combination of both, of the safety of nuclear operations and the design and construction of nuclear facilities at the Department of Energy defense nuclear facilities.

(2) An assessment of the ability of existing regulatory authorities to regulate safety at the Department of Energy defense nuclear facilities.

(3) An assessment of the ability of the Defense Nuclear Facilities Safety Board to regulate safety at the Department of Energy defense nuclear facilities.

(4) An assessment of the current functions of the Board and whether those functions should be modified or amended, including whether the Department of Energy should pay an oversight fee to the Board.

(5) An assessment of the relative advantages and disadvantages to the Department of Energy and the public of—

(A) continuing the oversight functions of the Board; or

(B) replacing the oversight functions of the Board with external regulation of some or all of

the Department of Energy defense nuclear facilities.

(6) A list of all existing or planned Department of Energy defense nuclear facilities that are similar to facilities under the regulatory jurisdiction of the Nuclear Regulatory Commission.

(7)(A) A list of each existing Department of Energy defense nuclear facility or activity relating to such a facility that the Comptroller General recommends should—

(i) remain within the oversight jurisdiction of the Board for a period of time or indefinitely; or

(ii) be transferred to the jurisdiction of an outside regulatory authority; and

(B) the basis for the recommendations of the Comptroller General.

(8) For any existing Department of Energy defense nuclear facilities that the Comptroller General recommends should be transferred to the jurisdiction of an outside regulatory authority—

(A) the date by which that transfer should occur and the period of time necessary for the transfer; and

(B) whether the regulatory authority should be an existing or new regulatory authority.

(9) A list of any proposed Department of Energy defense nuclear facilities and a recommendation of the Comptroller General with respect to whether each such facility—

(A) should come under the oversight jurisdiction of the Board or be transferred to the jurisdiction of an outside regulatory authority; and

(B) if the Comptroller General recommends that the facility be transferred to the jurisdiction of any outside regulatory authority, whether the regulatory authority should be an existing or new regulatory authority.

(10) An assessment of the comparative advantages and disadvantages to the Department of Energy and to public health and safety of the transfer of some or all of the Department of Energy defense nuclear facilities from the oversight jurisdiction of the Board to the jurisdiction of an outside regulatory authority.

(11) An assessment of the comparative costs associated with external oversight or external regulation of safety at Department of Energy defense nuclear facilities.

(12) Any other recommendations of the Comptroller General with respect to external regulation or oversight of safety at the Department of Energy.

(c) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees an interim report on the status of the study conducted under subsection (a).

(d) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Secretary of Energy, the Defense Nuclear Facilities Safety Board, and the Nuclear Regulatory Commission the final report of the Comptroller General that contains the findings and recommendations of the Comptroller General resulting from the study conducted under subsection (a).

(e) COMMENTS ON REPORT.—Not later than 180 days after receiving the final report from the Comptroller General under subsection (d), the Secretary of Energy, the Defense Nuclear Facilities Safety Board, and the Nuclear Regulatory Commission shall submit to the congressional defense committees the comments of the Secretary, the Board, or the Commission (as the case may be) on the report.

(f) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFINED.—In this section, the term ''Department of Energy defense nuclear facility'' has the meaning given that term in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

SEC. 3123. PLAN TO COMPLETE THE GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM IN THE RUSSIAN FEDERATION.

At or about the same time that the budget of the President for fiscal year 2013 is submitted to Congress under section 1105(a) of title 31, United States Code, the Administrator for Nuclear Security shall submit to Congress a plan to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation by the end of calendar year 2013.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2012, $33,317,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq).

SEC. 3202. AUTHORITY OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD TO REVIEW THE FACILITY DESIGN AND CONSTRUCTION OF CONSTRUCTION PROJECT 10–D–904 OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Notwithstanding section 318(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2286g(1)(A)), the Defense Nuclear Facilities Safety Board shall exercise the authority of the Board under section 312(a)(4) of that Act (42 U.S.C. 2286a(a)(4)) to review the design of, and review and monitor construction with respect to, Construction Project 10–D–904 of the National Nuclear Security Administration.

TITLE XXXIII—MARITIME ADMINISTRATION

SEC. 3301. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

''§ 109. Maritime Administration

''(a) ORGANIZATION.—The Maritime Administration is an administration in the Department of Transportation.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

''(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

''(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

''(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

''(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

''(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

''(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

''(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

''(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

''(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

''(A) acquisition, construction, or reconstruction of vessels;

''(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

''(C) costs of national defense features;

''(D) payments of obligations incurred for operating-differential subsidies;

''(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

''(F) the Vessel Operations Revolving Fund;

''(G) National Defense Reserve Fleet expenses;

''(H) expenses necessary to carry out part B of subtitle V of title 46; and

''(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

''(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar

amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
1	UTILITY F/W AIRCRAFT	14,572	14,572
2	C–12 CARGO AIRPLANE	0	0
3	AERIAL COMMON SENSOR (ACS) (MIP)	539,574	0
	Terminate EMARRS		[–539,574]
4	MQ–1 UAV	658,798	0
	Transfer to OCO		[–658,798]
5	RQ–11 (RAVEN)	70,762	58,862
	Army offered program reduction		[–11,900]
6	BCT UNMANNED AERIAL VEH (UAVS) INCR 1	0	0
7	HELICOPTER, LIGHT UTILITY (LUH)	250,415	250,415
8	AH–64 BLOCK II/WRA	0	0
9	AH–64 APACHE BLOCK IIIA REMAN	572,155	395,155
	Army offered program reduction		[–177,000]
9	AH–64 APACHE BLOCK IIIA REMAN	–161,150	–161,150
10	AH–64 APACHE BLOCK IIIA REMAN	192,764	192,764
11	AH–64 APACHE BLOCK IIIB NEW BUILD	104,263	104,263
12	UH–60 BLACKHAWK M MODEL (MYP)	1,426,198	1,418,198
	Unjustified program management growth		[–8,000]
12	UH–60 BLACKHAWK M MODEL (MYP)	–100,532	–100,532
13	UH–60 BLACKHAWK M MODEL (MYP)	199,781	199,781
14	CH–47 HELICOPTER	1,363,116	1,297,116
	Army requested transfer to APA Line 15 for correct execution		[–66,000]
14	CH–47 HELICOPTER	–57,756	–57,756
15	CH–47 HELICOPTER	54,956	120,956
	Army requested transfer from APA Line 14 for correct execution		[66,000]
16	HELICOPTER NEW TRAINING	0	0
17	KIOWA WARRIOR UPGRADE (OH–58 D)/WRA	0	0
18	C12 AIRCRAFT MODS	0	0
19	MQ–1 PAYLOAD—UAS	136,183	0
	Administration recommendation		[–29,000]
	Transfer to OCO		[–107,183]
20	MQ–1 WEAPONIZATION—UAS	0	0
21	GUARDRAIL MODS (MIP)	27,575	27,575
22	MULTI SENSOR ABN RECON (MIP)	8,362	8,362
23	AH–64 MODS	331,230	331,230
23	AH–64 MODS	0	0
24	CH–47 CARGO HELICOPTER MODS (MYP)	79,712	57,012
	Cargo and ballistic protection contract delays		[–22,700]
24	CH–47 CARGO HELICOPTER MODS (MYP)	0	0
25	UTILITY/CARGO AIRPLANE MODS	22,107	12,107
	Contract delays		[–10,000]
26	AIRCRAFT LONG RANGE MODS	0	0
27	UTILITY HELICOPTER MODS	80,745	74,745
	Contract delays		[–6,000]
28	KIOWA WARRIOR	162,052	162,052
29	AIRBORNE AVIONICS	0	0
30	NETWORK AND MISSION PLAN	138,832	136,432
	Aviation Data Exploitation Capability ahead of need		[–2,400]
31	COMMS, NAV SURVEILLANCE	132,855	117,855
	JTRS Integreation ahead of need		[–15,000]
32	GATM ROLLUP	105,519	105,519
33	RQ–7 UAV MODS	126,239	76,239
	Administration recommendation		[–50,000]
34	SPARE PARTS (AIR)	0	0
35	AIRCRAFT SURVIVABILITY EQUIPMENT	35,993	35,993
36	SURVIVABILITY CM	0	0
37	CMWS	162,811	104,251
	Production and installation contract delays		[–58,560]
38	AVIONICS SUPPORT EQUIPMENT	4,840	4,840
39	COMMON GROUND EQUIPMENT	176,212	95,417
	Army offered program reduction		[–19,100]
	Aviation Light Utility Mobile Maintenance (ALUMMC) no longer required		[–3,287]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Aviation Sets, Kits, Outfits, Tools contract delay		[–58,408]
40	AIRCREW INTEGRATED SYSTEMS	82,883	62,746
	Air Soldier System early to need		[–20,137]
41	AIR TRAFFIC CONTROL	114,844	102,444
	Army offered program reduction		[–12,400]
42	INDUSTRIAL FACILITIES	1,593	1,593
43	LAUNCHER, 2.75 ROCKET	2,878	2,878
44	AIRBORNE COMMUNICATIONS	0	0
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	**7,061,381**	**5,251,934**
	MISSILE PROCUREMENT, ARMY		
1	PATRIOT SYSTEM SUMMARY	662,231	662,231
2	MSE MISSILE	74,953	74,953
3	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	0	0
3	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	0	0
4	HELLFIRE SYS SUMMARY	1,410	1,410
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	160,767	140,767
	Army offered program reduction		[–20,000]
6	TOW 2 SYSTEM SUMMARY	84,108	81,108
	Unit cost efficiencies		[–3,000]
6	TOW 2 SYSTEM SUMMARY	–22,432	–22,432
7	TOW 2 SYSTEM SUMMARY	19,886	19,886
8	BCT NON LINE OF SIGHT LAUNCH SYSTEM—INCREM	0	0
9	GUIDED MLRS ROCKET (GMLRS)	314,167	164,167
	Program reduction		[–150,000]
10	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,175	18,175
11	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	31,674	20,674
	Army offered program reduction		[–11,000]
12	PATRIOT MODS	66,925	66,925
13	STINGER MODS	14,495	–5
	Transfer at Army request to RDTE Army PE 23801A		[–14,500]
14	ITAS/TOW MODS	13,577	13,577
15	MLRS MODS	8,236	8,236
16	HIMARS MODIFICATIONS	11,670	11,670
17	HELLFIRE MODIFICATIONS	0	0
18	SPARES AND REPAIR PARTS	8,700	8,700
19	AIR DEFENSE TARGETS	3,674	3,674
20	ITEMS LESS THAN $5.0M (MISSILES)	1,459	1,459
21	PRODUCTION BASE SUPPORT	5,043	5,043
	TOTAL, MISSILE PROCUREMENT, ARMY	**1,478,718**	**1,280,218**
	PROCUREMENT OF W&TCV, ARMY		
1	STRYKER VEHICLE	632,994	606,894
	Prior year unobligated funds available		[–26,100]
2	FUTURE COMBAT SYSTEMS: (FCS)	0	0
2	FUTURE COMBAT SYSTEMS: (FCS)	0	0
3	FCS SPIN OUTS	0	0
3	FCS SPIN OUTS	0	0
4	FCS SPIN OUTS	0	0
5	STRYKER (MOD)	52,797	51,497
	Excess program management		[–1,300]
6	FIST VEHICLE (MOD)	43,962	35,162
	Funding ahead of need		[–8,800]
7	BRADLEY PROGRAM (MOD)	250,710	250,710
8	HOWITZER, MED SP FT 155MM M109A6 (MOD)	46,876	46,876
9	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	6,452
	Excess contractor engineering		[–4,000]
10	ASSAULT BREACHER VEHICLE	99,904	95,904
	Unjustified growth in matrix support and engineering change proposals		[–4,000]
11	M88 FOV MODS	32,483	32,483
12	JOINT ASSAULT BRIDGE	0	0
13	M1 ABRAMS TANK (MOD)	160,578	131,178
	Unjustified technical support costs		[–29,400]
14	ABRAMS UPGRADE PROGRAM	181,329	421,329
	Program increase to add 49 tanks to bridge production gap		[240,000]
15	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,073	1,073
16	HOWITZER, LIGHT, TOWED, 105MM, M119	0	0
17	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	16,046	0
	Transfer at Army's request to RDTE, Army PE 64601A		[–16,046]
18	M240 MEDIUM MACHINE GUN (7.62MM)	0	0
19	MACHINE GUN, CAL .50 M2 ROLL	65,102	0
	Transfer at Army request to WTCV line 34		[–34,000]
	Transfer to OCO		[–31,102]
20	LIGHTWEIGHT .50 CALIBER MACHINE GUN	28,796	13,931
	Transfer at Army request to RDTE Army PE 64601A		[–1,700]
	Army revised lower quantity		[–13,165]
21	M249 SAW MACHINE GUN (5.56MM)	0	0
22	MK–19 GRENADE MACHINE GUN (40MM)	0	0
23	MORTAR SYSTEMS	12,477	10,177
	Excess production engineering		[–2,300]
24	M107, CAL. 50, SNIPER RIFLE	0	0

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
25	XM320 GRENADE LAUNCHER MODULE (GLM)	12,055	12,055
26	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	0	0
27	M4 CARBINE	35,015	35,015
28	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,707	4,207
	Army offered program reduction		[–2,500]
29	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	0	0
30	HANDGUN	0	0
31	HOWITZER LT WT 155MM (T)	13,066	0
	Transfer to OCO		[–13,066]
32	MK–19 GRENADE MACHINE GUN MODS	0	0
33	M4 CARBINE MODS	25,092	25,092
34	M2 50 CAL MACHINE GUN MODS	14,856	0
	Transfer at Army request from WTCV line 19		[34,000]
	Transfer to OCO		[–48,856]
35	M249 SAW MACHINE GUN MODS	8,480	8,480
36	M240 MEDIUM MACHINE GUN MODS	15,718	15,718
37	SNIPER RIFLES MODIFICATIONS	1,994	1,994
38	M119 MODIFICATIONS	38,701	38,701
39	M16 RIFLE MODS	3,476	3,476
40	M14 7.62 RIFLE MODS	0	0
41	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,973	2,973
42	ITEMS LESS THAN $5.0M (WOCV-WTCV)	0	0
43	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,080	10,080
44	INDUSTRIAL PREPAREDNESS	424	424
45	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,453	2,453
46	SPARES AND REPAIR PARTS (WTCV)	106,843	106,843
	TOTAL, PROCUREMENT OF W&TCV, ARMY	**1,933,512**	**1,971,177**
	PROCUREMENT OF AMMUNITION, ARMY		
1	CTG, 5.56MM, ALL TYPES	210,758	210,758
2	CTG, 7.62MM, ALL TYPES	83,730	83,730
3	CTG, 7.62MM, 4 BALL M80 FS, 1 DIM TRCR M276,	0	0
4	CTG, HANDGUN, ALL TYPES	9,064	7,064
	Funding ahead of need.		[–2,000]
5	CTG, .50 CAL, ALL TYPES	131,775	131,775
6	CTG, 20MM, ALL TYPES	0	0
7	CTG, 25MM, ALL TYPES	14,894	10,594
	Army offered reduction.		[–4,300]
8	OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T	3,399	0
	Funding ahead of need.		[–3,399]
9	CTG, 30MM, ALL TYPES	118,966	105,966
	Program growth adjustment.		[–13,000]
10	CTG, 40MM, ALL TYPES	84,799	34,799
	Army offered reduction.		[–50,000]
11	CTG, CAL .300 WIN MAG, MK 248 MOD 0 (7.62X67M	0	0
12	60MM MORTAR, ALL TYPES	31,287	31,287
13	81MM MORTAR, ALL TYPES	12,187	12,187
14	120MM MORTAR, ALL TYPES	108,416	98,416
	Army offered reduction.		[–10,000]
15	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	105,704	105,205
	Unjustified request.		[–499]
16	CTG, TANK, 120MM, ALL TYPES	0	0
17	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	103,227	103,227
18	CTG, ARTY, 105MM: ALL TYPES	0	0
19	ARTILLERY PROJECTILE, 155MM, ALL TYPES	32,887	32,887
20	PROJ 155MM EXTENDED RANGE XM982	69,074	48,074
	Program restructure.		[–21,000]
21	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	48,205	46,705
	Pricing adjustment.		[–1,500]
22	ARTILLERY FUZES, ALL TYPES	0	0
23	MINES & CLEARING CHARGES, ALL TYPES	2,518	2,518
24	MINE, CLEARING CHARGE, ALL TYPES	0	0
25	SPIDER NETWORK MUNITIONS, ALL TYPES	43,123	15,423
	Full rate production delay.		[–27,700]
26	SCORPION, INTELLIGENT MUNITIONS SYSTEM , ALL	0	0
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	17,854
	Excess production engineering.		[–1,400]
28	ROCKET, HYDRA 70, ALL TYPES	127,265	127,265
29	DEMOLITION MUNITIONS, ALL TYPES	53,685	53,685
30	GRENADES, ALL TYPES	42,558	40,558
	Grenade Rifle Entry Munition—Army offered reduction.		[–2,000]
31	SIGNALS, ALL TYPES	26,173	26,173
32	SIMULATORS, ALL TYPES	14,108	6,108
	Army offered reduction—M115A2 Simulators		[–4,000]
	Army offered reduction—M116A1 Simulators		[–4,000]
33	ALL OTHER (AMMO)	50	50
34	AMMO COMPONENTS, ALL TYPES	18,296	18,296
35	NON-LETHAL AMMUNITION, ALL TYPES	14,864	14,864
36	CAD/PAD ALL TYPES	5,449	5,449
37	ITEMS LESS THAN $5 MILLION	11,009	11,009
38	AMMUNITION PECULIAR EQUIPMENT	24,200	24,200
39	FIRST DESTINATION TRANSPORTATION (AMMO)	13,711	13,711

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
40	CLOSEOUT LIABILITIES	103	103
41	PROVISION OF INDUSTRIAL FACILITIES	199,841	199,841
42	LAYAWAY OF INDUSTRIAL FACILITIES	9,451	9,451
43	MAINTENANCE OF INACTIVE FACILITIES	5,533	1,533
	Army offered reduction.		[–4,000]
44	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	189,789	177,789
	Contract award delay.		[–12,000]
45	ARMS INITIATIVE	3,273	3,273
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	**1,992,625**	**1,831,827**
	OTHER PROCUREMENT, ARMY		
1	TACTICAL TRAILERS/DOLLY SETS	0	0
2	SEMITRAILERS, FLATBED:	13,496	596
	Early to need		[–12,900]
3	SEMITRAILERS, TANKERS	0	0
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	0	0
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	432,936	422,936
	Unjustified program management cost growth		[–10,000]
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	21,930	21,930
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	555,294
	Army offered program reduction		[–72,000]
8	PLS ESP	251,667	251,667
9	ARMORED SECURITY VEHICLES (ASV)	0	0
10	MINE PROTECTION VEHICLE FAMILY	56,671	0
	Army offered program reduction		[–48,000]
	Transfer to OCO		[–8,671]
11	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)	0	0
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	0
	Prior year unobligated funds available		[–1,461]
13	HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV	156,747	156,747
14	HMMWV RECAPITALIZATION PROGRAM	161,631	4,313
	Funding provided in approved prior year reprogramming action		[–157,318]
15	TACTICAL WHEELED VEHICLE PROTECTION KITS	39,908	0
	Transfer to OCO		[–39,908]
16	MODIFICATION OF IN SVC EQUIP	362,672	344,772
	HMMWV installation early to need		[–3,900]
	Excessive program support costs		[–14,000]
17	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	142,862	0
	Excessive program support costs		[–15,000]
	Transfer to OCO		[–127,862]
18	ITEMS LESS THAN $5.0M (TAC VEH)	0	0
19	TOWING DEVICE-FIFTH WHEEL	0	0
20	AMC CRITICAL ITEMS, OPA1	20,156	0
	Unjustified request		[–20,156]
21	HEAVY ARMORED SEDAN	1,161	1,161
22	PASSENGER CARRYING VEHICLES	3,222	3,222
23	NONTACTICAL VEHICLES, OTHER	19,869	19,869
24	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	9,984	9,984
25	WIN-T—GROUND FORCES TACTICAL NETWORK	974,186	865,186
	Increment 2 contract delay		[–109,000]
26	JCSE EQUIPMENT (USREDCOM)	4,826	4,826
28	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	123,859	123,859
29	SHF TERM	8,910	8,910
30	SAT TERM, EMUT (SPACE)	0	0
31	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	25,168
	Army offered program reduction		[–4,400]
32	SMART-T (SPACE)	49,704	49,704
33	SCAMP (SPACE)	2,415	2,415
34	GLOBAL BRDCST SVC—GBS	73,374	64,774
	Excessive unit cost growth		[–8,600]
35	MOD OF IN-SVC EQUIP (TAC SAT)	31,799	31,799
36	MOD-IN-SERVICE PROFILER	969	969
37	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	18,788	18,788
38	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	3,994	3,994
39	JOINT TACTICAL RADIO SYSTEM	775,832	206,087
	Ground Mobile Radio program restructure		[–153,833]
	Airborne, Maritime, Fixed Station program delay		[–108,000]
	Manpack radio program delay		[–256,912]
	Army requested transfer to RDTE Navy line 100		[–51,000]
40	RADIO TERMINAL SET, MIDS LVT(2)	8,336	8,336
41	SINCGARS FAMILY	4,992	500
	Prior year unobligated funds available		[–4,492]
42	AMC CRITICAL ITEMS—OPA2	0	0
43	TRACTOR DESK	10,827	10,827
44	COMMS-ELEC EQUIP FIELDING	0	0
45	SPIDER APLA REMOTE CONTROL UNIT	36,224	14,024
	Program delay		[–22,200]
46	IMS REMOTE CONTROL UNIT	0	0
47	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,843	1,843
48	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	0	0
49	GUNSHOT DETECTION SYSTEM (GDS)	3,939	3,939
50	RADIO, IMPROVED HF (COTS) FAMILY	38,535	29,435

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Army offered program reduction		*[–9,100]*
51	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	26,232	26,232
53	CI AUTOMATION ARCHITECTURE	1,547	1,547
54	RESERVE CA/MISO GPF EQUIPMENT	28,266	28,266
55	TSEC—ARMY KEY MGT SYS (AKMS)	12,541	11,441
	Army offered program reduction		*[–1,100]*
56	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	39,349	39,349
57	TERRESTRIAL TRANSMISSION	2,232	2,232
58	BASE SUPPORT COMMUNICATIONS	37,780	37,780
59	WW TECH CON IMP PROG (WWTCIP)	12,805	12,805
60	INFORMATION SYSTEMS	187,227	131,227
	Prior year unobligated funds available		*[–56,000]*
61	DEFENSE MESSAGE SYSTEM (DMS)	4,393	4,393
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	310,761	310,761
63	PENTAGON INFORMATION MGT AND TELECOM	4,992	4,992
66	JTT/CIBS-M	4,657	4,657
67	PROPHET GROUND	72,041	72,041
68	DIGITAL TOPOGRAPHIC SPT SYS (DTSS)	0	0
69	DRUG INTERDICTION PROGRAM (DIP) (TIARA)	0	0
70	DCGS-A (MIP)	144,548	0
	unjustified growth		*[–20,000]*
	Transfer to OCO		*[–124,548]*
71	JOINT TACTICAL GROUND STATION (JTAGS)	1,199	1,199
72	TROJAN (MIP)	32,707	32,707
73	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	9,163	9,163
74	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	3,493	3,493
75	ITEMS LESS THAN $5.0M (MIP)	802	802
76	LIGHTWEIGHT COUNTER MORTAR RADAR	33,810	0
	Requirement met with prior year funds		*[–33,810]*
77	CREW	24,104	0
	Requirement met with prior year funds		*[–24,104]*
78	BCT UNATTENDED GROUND SENSOR	0	0
79	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES	0	0
80	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,252	1,252
81	CI MODERNIZATION	1,332	1,332
82	FAAD GBS	7,958	7,958
83	SENTINEL MODS	41,657	41,657
84	SENSE THROUGH THE WALL (STTW)	47,498	47,498
85	NIGHT VISION DEVICES	156,204	151,704
	Army offered program reduction		*[–4,500]*
86	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	102,334	102,334
87	NIGHT VISION, THERMAL WPN SIGHT	186,859	143,059
	Army offered program reduction		*[–43,800]*
88	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	10,227	8,027
	Army offered program reduction		*[–2,200]*
89	RADIATION MONITORING SYSTEMS	0	0
90	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	15,774	0
	Transfer to OCO		*[–15,774]*
91	BASE EXPEDITIONARY TARGETING AND SURV SYS	0	0
92	GREEN LASER INTERDICTION SYSTEM	25,356	0
	Army offered program reduction		*[–6,300]*
	Transfer to OCO		*[–19,056]*
93	ARTILLERY ACCURACY EQUIP	0	0
94	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	0	0
95	PROFILER	3,312	3,312
96	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,005	3,005
97	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	0	0
98	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	69,514	20,014
	Army offered program reduction		*[–49,500]*
99	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	58,042	58,042
100	COMPUTER BALLISTICS: LHMBC XM32	0	0
101	MORTAR FIRE CONTROL SYSTEM	21,022	21,022
102	COUNTERFIRE RADARS	227,629	170,529
	Army offered program reduction		*[–57,100]*
103	ENHANCED SENSOR & MONITORING SYSTEM	2,226	2,226
104	TACTICAL OPERATIONS CENTERS	54,907	54,907
105	FIRE SUPPORT C2 FAMILY	54,223	37,423
	Army offered program reduction		*[–16,800]*
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	12,454	7,754
	Army offered program reduction		*[–4,700]*
107	FAAD C2	5,030	5,030
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	62,710	54,910
	Army offered program reduction		*[–7,800]*
109	KNIGHT FAMILY	51,488	32,202
	Program growth adjustment		*[–19,286]*
110	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,807	1,807
111	AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	19,524
	Army offered program reduction		*[–9,400]*
112	TC AIMS II	0	0
113	TACTICAL INTERNET MANAGER	0	0
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	0	0
115	MANEUVER CONTROL SYSTEM (MCS)	34,031	34,031
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	124,026

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Line	Item	FY 2012 Request	Senate Authorized
	Army requested transfer to RDTE Army line 177		*[–9,251]*
	Army requested transfer to OMA Budget Activity 04		*[–60,240]*
	Army requested transfer to OPA line 119		*[–1,795]*
	Army identified excess		*[–15,000]*
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	19,113	19,113
118	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	0	0
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	25,459
	Army requested transfer from OPA line 116		*[1,795]*
120	ARMY TRAINING MODERNIZATION	11,192	11,192
121	AUTOMATED DATA PROCESSING EQUIP	220,250	174,772
	Prior year unobligated funds available		*[–45,478]*
122	CSS COMMUNICATIONS	39,310	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	41,248	41,248
124	ITEMS LESS THAN $5.0M (A/V)	10,437	10,437
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	7,480	4,395
	Excessive design engineering costs		*[–3,085]*
126	PRODUCTION BASE SUPPORT (C-E)	571	571
127	BCT NETWORK	0	0
127A	CLASSIFIED PROGRAMS	4,273	4,273
128	PROTECTIVE SYSTEMS	0	0
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	5,213
	Accoustic hailing device contract delay		*[–3,423]*
130	BASE DEFENSE SYSTEMS (BDS)	41,204	0
	Transfer to OCO		*[–41,204]*
131	CBRN SOLDIER PROTECTION	10,700	10,700
132	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	362	362
133	TACTICAL BRIDGING	77,428	77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON	49,154	45,454
	Excessive program support cost growth		*[–3,700]*
135	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	39,263	39,263
136	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	20,678	20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	30,297	0
	M160 incremental funding		*[–8,000]*
	Transfer to OCO		*[–22,297]*
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	17,626	17,626
139	REMOTE DEMOLITION SYSTEMS	14,672	14,672
140	< $5M, COUNTERMINE EQUIPMENT	7,352	7,352
141	AERIAL DETECTION	0	0
142	HEATERS AND ECU'S	10,109	10,109
143	LAUNDRIES, SHOWERS AND LATRINES	0	0
144	SOLDIER ENHANCEMENT	9,591	9,591
145	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	0	0
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	8,509	8,509
147	GROUND SOLDIER SYSTEM	184,072	4,000
	Army requested transfer to RDTE Army line 119		*[–7,600]*
	Program delay		*[–172,472]*
148	MOUNTED SOLDIER SYSTEM	43,419	19
	Army offered program reduction		*[–43,400]*
149	FORCE PROVIDER	0	0
150	FIELD FEEDING EQUIPMENT	26,860	26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	68,392	55,392
	Army offered program reduction		*[–13,000]*
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:	7,384	7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	54,190	54,190
154	ITEMS LESS THAN $5M (ENG SPT)	12,482	12,482
155	QUALITY SURVEILLANCE EQUIPMENT	0	0
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	75,457	75,457
157	WATER PURIFICATION SYSTEMS	0	0
158	COMBAT SUPPORT MEDICAL	53,450	53,450
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	16,572	16,572
160	ITEMS LESS THAN $5.0M (MAINT EQ)	3,852	3,852
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,201	2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	3,984
	Excessive unit cost and program support cost growth		*[–4,600]*
163	SCRAPERS, EARTHMOVING	21,031	21,031
164	MISSION MODULES—ENGINEERING	43,432	43,432
165	COMPACTOR	2,859	0
	Army offered program reduction		*[–2,859]*
166	LOADERS	0	0
167	HYDRAULIC EXCAVATOR	0	0
168	TRACTOR, FULL TRACKED	59,534	50,434
	Unjustified program support cost growth		*[–9,100]*
169	PLANT, ASPHALT MIXING	8,314	614
	Prior year unobligated funds available		*[–7,700]*
170	HIGH MOBILITY ENGINEER EXCAVATOR TYPE—FOS	18,974	18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	15,833	0
	Unexecutable acquisition strategy		*[–15,833]*
172	CONST EQUIP ESP	9,771	9,771
173	ITEMS LESS THAN $5.0M (CONST EQUIP)	12,654	12,654
174	JOINT HIGH SPEED VESSEL (JHSV)	223,845	223,845
175	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC	0	0
176	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	10,175	10,175
177	GENERATORS AND ASSOCIATED EQUIP	31,897	31,897

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Line	Item	FY 2012 Request	Senate Authorized
178	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	0	0
179	FAMILY OF FORKLIFTS	10,944	10,944
180	ALL TERRAIN LIFTING ARMY SYSTEM	21,859	21,859
181	COMBAT TRAINING CENTERS SUPPORT	133,178	47,878
	Army offered program reduction		[–85,300]
182	TRAINING DEVICES, NONSYSTEM	168,392	168,392
183	CLOSE COMBAT TACTICAL TRAINER	17,760	13,290
	Prior year unobligated funds available		[–4,470]
184	AVIATION COMBINED ARMS TACTICAL TRAINER	9,413	9,413
185	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	0	0
186	CALIBRATION SETS EQUIPMENT	13,618	13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	36,937
	Prior year unobligated funds available		[–12,500]
188	TEST EQUIPMENT MODERNIZATION (TEMOD)	30,451	30,451
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	4,923	4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	19,606
	Prior year unobligated funds available		[–49,710]
191	BASE LEVEL COMMON EQUIPMENT	1,591	1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	72,271	72,271
193	PRODUCTION BASE SUPPORT (OTH)	2,325	2,325
194	SPECIAL EQUIPMENT FOR USER TESTING	17,411	17,411
195	AMC CRITICAL ITEMS OPA3	34,500	34,500
196	TRACTOR YARD	3,740	3,740
197	BCT UNMANNED GROUND VEHICLE	24,805	0
	Program adjustment		[–24,805]
198	BCT TRAINING/LOGISTICS/MANAGEMENT	149,308	26,008
	Program cancelation		[–123,300]
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	3
	Program cancelation		[–57,100]
200	BCT UNMANNED GROUND VEHICLE INC 2	11,924	24
	Program cancelation		[–11,900]
201	INITIAL SPARES—C&E	21,647	21,647
	TOTAL, OTHER PROCUREMENT, ARMY	**9,682,592**	**7,050,774**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
1	ATTACK THE NETWORK	0	0
2	DEFEAT THE DEVICE	0	0
3	TRAIN THE FORCE	0	0
4	OPERATIONS	220,634	0
	Transfer to OCO: JIEDDO Operations		[–220,634]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**220,634**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
1	EA–18G	1,134,445	1,127,445
	Reduce Engineering Change Orders (ECO) to fiscal year 2010 levels		[–7,000]
1	EA–18G	–55,081	–55,081
2	EA–18G	28,119	28,119
3	F/A–18E/F (FIGHTER) HORNET	2,369,047	1,774,347
	Funded in H. R. 1473		[–495,000]
	ECO excess		[–21,000]
	Government furnished equipment engine cost growth		[–10,700]
	Multi-year procurement savings		[–68,000]
3	F/A–18E/F (FIGHTER) HORNET	–2,295	–2,295
4	F/A–18E/F (FIGHTER) HORNET	64,962	63,262
	Airframe termination liability growth		[–1,700]
5	JOINT STRIKE FIGHTER CV	1,722,991	1,722,991
5	JOINT STRIKE FIGHTER CV	–219,895	–219,895
6	JOINT STRIKE FIGHTER CV	217,666	217,666
7	JSF STOVL	1,428,259	1,428,259
7	JSF STOVL	–286,326	–286,326
8	JSF STOVL	117,229	117,229
9	V–22 (MEDIUM LIFT)	2,365,561	2,365,561
9	V–22 (MEDIUM LIFT)	–140,744	–151,244
	Reduce ECO		[–10,500]
10	V–22 (MEDIUM LIFT)	84,008	84,008
11	UH–1Y/AH–1Z	769,666	733,666
	Unjustified support increase		[–30,000]
	Reduce ECO		[–6,000]
11	UH–1Y/AH–1Z	–69,360	–69,360
12	UH–1Y/AH–1Z	68,310	68,310
13	MH–60S (MYP)	479,001	479,001
13	MH–60S (MYP)	–70,080	–70,080
14	MH–60S (MYP)	74,040	74,040
15	MH–60R	953,031	948,831
	Reduce ECO		[–4,200]
15	MH–60R	–162,006	–162,006
16	MH–60R	209,431	209,431
17	P–8A POSEIDON	2,185,004	2,185,004
17	P–8A POSEIDON	–166,153	–166,153
18	P–8A POSEIDON	256,594	256,594
19	E–2D ADV HAWKEYE	1,033,511	1,013,511

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Line	Item	FY 2012 Request	Senate Authorized
	Excess funding reserve		[–20,000]
19	*E–2D ADV HAWKEYE*	–118,619	–118,619
20	*E–2D ADV HAWKEYE*	157,942	157,942
21	*C–40A*	0	0
22	*JPATS*	266,906	256,906
	Excess ECO		[–10,000]
23	*HC–130J*	0	0
24	*KC–130J*	87,288	87,288
24	*KC–130J*	0	0
25	*RQ–7 UAV*	0	0
26	*MQ–8 UAV*	191,986	191,986
27	*STUASL0 UAV*	12,772	0
	Low rate initial production contract award slip		[–12,772]
28	*OTHER SUPPORT AIRCRAFT*	0	0
29	*EA–6 SERIES*	27,734	27,734
30	*AEA SYSTEMS*	34,065	31,765
	Air launched decoy jammer		[–2,300]
31	*AV–8 SERIES*	30,762	30,762
32	*F–18 SERIES*	499,597	445,597
	Integrated Logistics Support excess to need		[–20,900]
	Digital Communications System reduce quantities		[–14,000]
	Other support growth		[–12,800]
	Net Centric Operations reduce A kits		[–6,300]
33	*H–46 SERIES*	27,112	24,612
	Unjustified Request		[–2,500]
34	*AH–1W SERIES*	15,828	15,828
35	*H–53 SERIES*	62,820	61,820
	DIRCM Other support excess		[–1,000]
36	*SH–60 SERIES*	83,394	83,394
37	*H–1 SERIES*	11,012	8,412
	Obsolescence install unjustified growth		[–2,600]
38	*EP–3 SERIES*	83,181	83,181
39	*P–3 SERIES*	171,466	169,766
	Other support growth		[–1,700]
40	*E–2 SERIES*	29,215	29,215
41	*TRAINER A/C SERIES*	22,090	18,790
	Training equipment growth		[–3,300]
42	*C–2A*	16,302	16,302
43	*C–130 SERIES*	27,139	27,139
44	*FEWSG*	2,773	1,773
	Other support growth		[–1,000]
45	*CARGO/TRANSPORT A/C SERIES*	16,463	16,463
46	*E–6 SERIES*	165,253	130,653
	Service life extension program install early to need		[–7,800]
	Block I install cost savings		[–1,200]
	Block II FAB-T non-recurring engineering early to need		[–5,200]
	Block Recapture program delay		[–20,400]
47	*EXECUTIVE HELICOPTERS SERIES*	58,011	82,011
	Navy requested transfer fromRDT&E, Navy line 98, for VH–3/VH–60 sustainment		[24,000]
48	*SPECIAL PROJECT AIRCRAFT*	12,248	11,048
	Install equipment nonrecurring unjustified growth		[–1,200]
49	*T–45 SERIES*	57,779	45,179
	Correction of Deficiencies contract support growth		[–6,600]
	Avionics Obsolescence contract support growth		[–6,000]
50	*POWER PLANT CHANGES*	21,847	21,847
51	*JPATS SERIES*	1,524	524
	Unobligated balances		[–1,000]
52	*AVIATION LIFE SUPPORT MODS*	1,069	1,069
53	*COMMON ECM EQUIPMENT*	92,072	89,272
	DIRCM A kit savings		[–2,800]
54	*COMMON AVIONICS CHANGES*	147,093	138,293
	CNS/ATM Other support growth		[–8,800]
55	*COMMON DEFENSIVE WEAPON SYSTEM*	0	0
56	*ID SYSTEMS*	37,330	32,030
	Other support growth		[–5,300]
57	*P–8 SERIES*	2,930	0
	P–8 modifications ahead of need		[–2,930]
58	*MAGTF EW FOR AVIATION*	489	489
59	*RQ–7 SERIES*	11,419	11,419
60	*V–22 (TILT/ROTOR ACFT) OSPREY*	60,264	55,764
	Deficiencies modifications other support growth		[–2,500]
	Reliability modifications other support growth		[–2,000]
61	*SPARES AND REPAIR PARTS*	1,331,961	1,171,994
	F/A–18E/F initial spares cost growth		[–23,967]
	F–35 initial spares execution		[–100,000]
	P–8A initial spares execution		[–36,000]
62	*COMMON GROUND EQUIPMENT*	351,685	363,685
	Transfer from PE 64273N (RDN 98) for VH–60 trainer		[12,000]
63	*AIRCRAFT INDUSTRIAL FACILITIES*	22,358	22,358
64	*WAR CONSUMABLES*	27,300	0
	Transfer to OCO		[–27,300]
65	*OTHER PRODUCTION CHARGES*	10,124	10,124
66	*SPECIAL SUPPORT EQUIPMENT*	24,395	21,395

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Line	Item	FY 2012 Request	Senate Authorized
	Unjustified support increase		[–3,000]
67	FIRST DESTINATION TRANSPORTATION	1,719	1,719
68	CANCELLED ACCOUNT ADJUSTMENTS	0	0
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	**18,587,033**	**17,593,764**
	WEAPONS PROCUREMENT, NAVY		
1	TRIDENT II MODS	1,309,102	1,309,102
2	MISSILE INDUSTRIAL FACILITIES	3,492	3,492
3	TOMAHAWK	303,306	303,306
4	AMRAAM	188,494	119,494
	Production Backlog		[–69,000]
5	SIDEWINDER	47,098	47,098
6	JSOW	137,722	137,722
7	STANDARD MISSILE	420,324	362,278
	Unit Cost efficiencies		[–58,046]
8	RAM	66,197	66,197
9	HELLFIRE	22,703	22,703
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	0	0
11	AERIAL TARGETS	46,359	46,359
12	OTHER MISSILE SUPPORT	3,561	3,561
13	ESSM	48,486	48,486
14	HARM MODS	73,061	73,061
15	STANDARD MISSILES MODS	0	0
16	WEAPONS INDUSTRIAL FACILITIES	1,979	1,979
17	FLEET SATELLITE COMM FOLLOW-ON	238,215	33,215
	Booster for SV4 early to need		[–205,000]
17	FLEET SATELLITE COMM FOLLOW-ON	0	0
18	FLEET SATELLITE COMM FOLLOW-ON	0	0
19	ORDNANCE SUPPORT EQUIPMENT	52,255	52,255
20	ASW TARGETS	31,803	31,803
21	MK–54 TORPEDO MODS	78,045	78,045
22	MK–48 TORPEDO ADCAP MODS	42,493	42,493
23	QUICKSTRIKE MINE	5,770	5,770
24	TORPEDO SUPPORT EQUIPMENT	43,003	43,003
25	ASW RANGE SUPPORT	9,219	9,219
26	FIRST DESTINATION TRANSPORTATION	3,553	3,553
27	SMALL ARMS AND WEAPONS	15,037	15,037
28	CIWS MODS	37,550	37,550
29	COAST GUARD WEAPONS	17,525	17,525
30	GUN MOUNT MODS	43,957	43,957
31	LCS MODULE WEAPONS	0	0
32	CRUISER MODERNIZATION WEAPONS	50,013	50,013
33	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,203	12,203
34	CANCELLED ACCOUNT ADJUSTMENTS	0	0
35	SPARES AND REPAIR PARTS	55,953	55,953
	TOTAL, WEAPONS PROCUREMENT, NAVY	**3,408,478**	**3,076,432**
	PROCUREMENT OF AMMO, NAVY & MC		
1	GENERAL PURPOSE BOMBS	64,766	63,666
	BLU–109 cost growth.		[–1,100]
2	JDAM	0	0
3	AIRBORNE ROCKETS, ALL TYPES	38,264	37,264
	Support funding carryover.		[–1,000]
4	MACHINE GUN AMMUNITION	17,788	17,788
5	PRACTICE BOMBS	35,289	35,289
6	CARTRIDGES & CART ACTUATED DEVICES	49,416	49,416
7	AIR EXPENDABLE COUNTERMEASURES	60,677	60,677
8	JATOS	2,766	2,766
9	5 INCH/54 GUN AMMUNITION	19,006	10,901
	Excess prior year multi-option fuze support funding.		[–7,105]
	Support funding carryover.		[–1,000]
10	INTERMEDIATE CALIBER GUN AMMUNITION	19,320	1,112
	MK295 cartridge contract delay.		[–18,208]
11	OTHER SHIP GUN AMMUNITION	21,938	19,018
	Production engineering growth.		[–2,920]
12	SMALL ARMS & LANDING PARTY AMMO	51,819	46,039
	Production engineering growth.		[–1,200]
	A131 complete rounds cost growth.		[–2,500]
	A576 LAP kit cost growth.		[–2,080]
13	PYROTECHNIC AND DEMOLITION	10,199	10,199
14	AMMUNITION LESS THAN $5 MILLION	4,107	4,107
15	SMALL ARMS AMMUNITION	58,812	58,812
16	LINEAR CHARGES, ALL TYPES	21,434	17,660
	M913 LAP kit contract delay.		[–3,774]
17	40 MM, ALL TYPES	84,864	72,864
	Program execution—USMC offered reduction.		[–12,000]
18	60MM, ALL TYPES	937	937
19	81MM, ALL TYPES	26,324	18,100
	M913 LAP kit contract delay.		[–8,224]
20	120MM, ALL TYPES	9,387	7,387
	Program execution—USMC offered reduction.		[–2,000]

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Line	Item	FY 2012 Request	Senate Authorized
21	CTG 25MM, ALL TYPES	3,889	3,889
22	GRENADES, ALL TYPES	13,452	13,452
23	ROCKETS, ALL TYPES	15,556	15,556
24	ARTILLERY, ALL TYPES	42,526	42,526
25	DEMOLITION MUNITIONS, ALL TYPES	22,786	1,786
	Program execution—USMC offered reduction.		[–21,000]
26	FUZE, ALL TYPES	9,266	9,266
27	NON LETHALS	2,927	2,927
28	AMMO MODERNIZATION	8,557	8,557
29	ITEMS LESS THAN $5 MILLION	3,880	3,880
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	**719,952**	**635,841**
	SHIPBUILDING & CONVERSION, NAVY		
1	CARRIER REPLACEMENT PROGRAM	0	0
2	CARRIER REPLACEMENT PROGRAM	554,798	554,798
3	VIRGINIA CLASS SUBMARINE	5,142,765	5,142,765
3	VIRGINIA CLASS SUBMARINE	–1,910,550	–1,910,550
4	VIRGINIA CLASS SUBMARINE	1,524,761	1,524,761
5	CVN REFUELING OVERHAULS	0	0
6	CVN REFUELING OVERHAULS	529,652	529,652
7	SSBN ERO	0	0
8	DDG 1000	453,727	453,727
9	DDG–51	2,028,693	2,028,693
9	DDG–51	–47,984	–47,984
10	DDG–51	100,723	100,723
11	LITTORAL COMBAT SHIP	1,921,386	1,921,386
11	LITTORAL COMBAT SHIP	–119,293	–119,293
12	LITTORAL COMBAT SHIP	0	0
13	LPD–17	2,031,430	2,031,430
13	LPD–17	–183,986	–183,986
14	LPD–17	0	0
15	LHA REPLACEMENT	2,018,691	2,018,691
16	LHA REPLACEMENT	0	0
17	JOINT HIGH SPEED VESSEL	185,106	185,106
18	OCEANOGRAPHIC SHIPS	89,000	89,000
19	MOORED TRAINING SHIP	155,200	155,200
20	OUTFITTING	292,871	292,871
21	SERVICE CRAFT	3,863	3,863
22	LCAC SLEP	84,076	84,076
23	COMPLETION OF PY SHIPBUILDING PROGRAMS	73,992	73,992
	TOTAL, SHIPBUILDING & CONVERSION, NAVY	**14,928,921**	**14,928,921**
	OTHER PROCUREMENT, NAVY		
1	LM–2500 GAS TURBINE	13,794	13,794
2	ALLISON 501K GAS TURBINE	8,643	8,643
3	OTHER NAVIGATION EQUIPMENT	22,982	22,982
4	SUB PERISCOPES & IMAGING EQUIP	60,860	60,860
5	DDG MOD	119,522	119,522
6	FIREFIGHTING EQUIPMENT	17,637	17,637
7	COMMAND AND CONTROL SWITCHBOARD	3,049	3,049
8	POLLUTION CONTROL EQUIPMENT	22,266	22,266
9	SUBMARINE SUPPORT EQUIPMENT	15,892	15,892
10	VIRGINIA CLASS SUPPORT EQUIPMENT	100,693	100,693
11	SUBMARINE BATTERIES	42,296	42,296
12	STRATEGIC PLATFORM SUPPORT EQUIP	25,228	25,228
13	DSSP EQUIPMENT	2,600	2,600
14	CG MODERNIZATION	590,349	585,349
	Shore Site Upgrades--Excessive Growth		[–5,000]
15	LCAC	0	0
16	UNDERWATER EOD PROGRAMS	18,499	18,499
17	ITEMS LESS THAN $5 MILLION	113,809	99,470
	LCS Waterjet Impellers--No Longer Required		[–10,859]
	Auto Voltage Regulators--Ahead of Need		[–3,480]
18	CHEMICAL WARFARE DETECTORS	5,508	5,508
19	SUBMARINE LIFE SUPPORT SYSTEM	13,397	13,397
20	REACTOR POWER UNITS	436,838	436,838
21	REACTOR COMPONENTS	271,600	271,600
22	DIVING AND SALVAGE EQUIPMENT	11,244	11,244
23	STANDARD BOATS	39,793	39,793
24	OTHER SHIPS TRAINING EQUIPMENT	29,913	29,913
25	OPERATING FORCES IPE	54,642	54,642
26	NUCLEAR ALTERATIONS	144,175	144,175
27	LCS MODULES	79,583	68,163
	AN/AQS–20A--Contract Delay		[–8,920]
	Production Support--Excess to Need		[–2,500]
28	LSD MIDLIFE	143,483	143,483
29	RADAR SUPPORT	18,818	18,818
30	SPQ–9B RADAR	24,613	24,613
31	AN/SQQ–89 SURF ASW COMBAT SYSTEM	73,829	73,829
32	SSN ACOUSTICS	212,913	212,913
33	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	29,686

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Line	Item	FY 2012 Request	Senate Authorized
34	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
35	ELECTRONIC WARFARE MILDEC	18,141	18,141
36	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,554	20,554
37	SSTD	2,257	2,257
38	FIXED SURVEILLANCE SYSTEM	60,141	60,141
39	SURTASS	29,247	27,047
	Integrated Common Processor [ICP] Procurement--Ahead of Need		[–2,200]
40	MARITIME PATROL AND RECONNAISANCE FORCE	13,453	13,453
41	AN/SLQ–32	43,096	39,902
	Block 1B3 Units--No Longer Required		[–3,194]
42	SHIPBOARD IW EXPLOIT	103,645	100,745
	Paragon Systems--Change to Procurement Strategy		[–2,900]
43	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,364	1,364
44	SUBMARINE SUPPORT EQUIPMENT PROG	100,793	100,793
45	COOPERATIVE ENGAGEMENT CAPABILITY	23,332	17,032
	PAAA Backfit Installation Funding--No Longer Required		[–2,000]
	Signal Data Processors Backfits--Ahead of Need		[–2,000]
	Signal Data Processors Backfits [AN/USG–2A]--Ahead of Need		[–2,300]
46	TRUSTED INFORMATION SYSTEM (TIS)	426	426
47	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,017	33,017
48	ATDLS	942	942
49	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	7,896	7,896
50	MINESWEEPING SYSTEM REPLACEMENT	27,868	27,868
51	SHALLOW WATER MCM	1,048	1,048
52	NAVSTAR GPS RECEIVERS (SPACE)	9,926	9,926
53	AMERICAN FORCES RADIO AND TV SERVICE	4,370	4,370
54	STRATEGIC PLATFORM SUPPORT EQUIP	4,143	4,143
55	OTHER TRAINING EQUIPMENT	45,989	45,989
56	MATCALS	8,136	8,136
57	SHIPBOARD AIR TRAFFIC CONTROL	7,394	7,394
58	AUTOMATIC CARRIER LANDING SYSTEM	18,518	18,518
59	NATIONAL AIR SPACE SYSTEM	26,054	26,054
60	FLEET AIR TRAFFIC CONTROL SYSTEMS	7,213	7,213
61	LANDING SYSTEMS	7,138	7,138
62	ID SYSTEMS	33,170	31,470
	Mark XII Mode 5—Ahead of Need		[–1,700]
63	NAVAL MISSION PLANNING SYSTEMS	8,941	8,941
64	DEPLOYABLE JOINT COMMAND AND CONT	8,994	8,994
65	MARITIME INTERGRATED BROADCAST SYSTEM	13,529	13,529
66	TACTICAL/MOBILE C4I SYSTEMS	12,776	10,876
	Tactical/Mobile C4I Systems Increment 2.1 Ahead of Need		[–1,900]
67	DCGS-N	11,201	11,201
68	CANES	195,141	105,541
	Transfer to Ship Communications Automation (OPN 76) per USN request		[–77,600]
	Transfer to PE 33138N (RDN 201) per USN request		[–12,000]
69	RADIAC	6,201	6,201
70	CANES-INTELL	75,084	75,084
71	GPETE	6,010	6,010
72	INTEG COMBAT SYSTEM TEST FACILITY	4,441	4,441
73	EMI CONTROL INSTRUMENTATION	4,741	4,741
74	ITEMS LESS THAN $5 MILLION	51,716	51,716
75	SHIPBOARD TACTICAL COMMUNICATIONS	26,197	1,494
	JTRS AMF--Program Delay		[–24,703]
76	SHIP COMMUNICATIONS AUTOMATION	177,510	255,110
	Transfer from CANES (OPN 68) pe USN request		[77,600]
77	MARITIME DOMAIN AWARENESS (MDA)	24,022	24,022
78	COMMUNICATIONS ITEMS UNDER $5M	33,644	27,544
	HMS Radios--Contract Delays		[–3,300]
	BFTN--Installations Ahead of Need		[–2,800]
79	SUBMARINE BROADCAST SUPPORT	10,357	10,357
80	SUBMARINE COMMUNICATION EQUIPMENT	75,447	75,447
81	SATELLITE COMMUNICATIONS SYSTEMS	25,522	25,522
82	NAVY MULTIBAND TERMINAL (NMT)	109,022	94,022
	Revised Pricing		[–15,000]
83	JCS COMMUNICATIONS EQUIPMENT	2,186	2,186
84	ELECTRICAL POWER SYSTEMS	1,329	1,329
85	NAVAL SHORE COMMUNICATIONS	2,418	2,418
86	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,857	114,257
	EKMS Afloat--KMI Ahead of Need		[–1,000]
	VACM Program Delay		[–4,600]
87	CRYPTOLOGIC COMMUNICATIONS EQUIP	14,820	14,820
88	COAST GUARD EQUIPMENT	6,848	6,848
89	OTHER DRUG INTERDICTION SUPPORT	2,290	2,290
90	SONOBUOYS—ALL TYPES	96,314	84,464
	AN/SSQ–125—Ahead of Need		[–11,850]
91	WEAPONS RANGE SUPPORT EQUIPMENT	40,697	40,697
92	EXPEDITIONARY AIRFIELDS	8,561	8,561
93	AIRCRAFT REARMING EQUIPMENT	8,941	8,941
94	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,777	19,777
95	METEOROLOGICAL EQUIPMENT	22,003	22,003
96	DCRS/DPL	1,595	1,595
97	AVIATION LIFE SUPPORT	66,031	66,031
98	AIRBORNE MINE COUNTERMEASURES	49,668	42,765

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Line	Item	FY 2012 Request	Senate Authorized
	AN/AQS–20A--Contract Delay		[–6,903]
99	LAMPS MK III SHIPBOARD EQUIPMENT	18,471	18,471
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,875	7,875
101	OTHER AVIATION SUPPORT EQUIPMENT	12,553	12,553
102	NAVAL FIRES CONTROL SYSTEM	2,049	2,049
103	GUN FIRE CONTROL EQUIPMENT	4,488	4,488
104	NATO SEASPARROW	8,926	8,926
105	RAM GMLS	4,321	4,321
106	SHIP SELF DEFENSE SYSTEM	60,700	54,381
	SSDS COTS Conversion Kits Ahead of Need		[–6,319]
107	AEGIS SUPPORT EQUIPMENT	43,148	43,148
108	TOMAHAWK SUPPORT EQUIPMENT	72,861	72,861
109	VERTICAL LAUNCH SYSTEMS	732	732
110	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,823	4,823
111	STRATEGIC MISSILE SYSTEMS EQUIP	187,807	187,807
112	SSN COMBAT CONTROL SYSTEMS	81,596	81,596
113	SUBMARINE ASW SUPPORT EQUIPMENT	5,241	5,241
114	SURFACE ASW SUPPORT EQUIPMENT	5,816	5,816
115	ASW RANGE SUPPORT EQUIPMENT	7,842	7,842
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	98,847	98,847
117	ITEMS LESS THAN $5 MILLION	4,073	4,073
118	ANTI-SHIP MISSILE DECOY SYSTEM	32,716	32,716
119	SURFACE TRAINING DEVICE MODS	5,814	5,814
120	SUBMARINE TRAINING DEVICE MODS	36,777	36,777
121	PASSENGER CARRYING VEHICLES	6,271	3,771
	Unjustified Growth		[–2,500]
122	GENERAL PURPOSE TRUCKS	3,202	2,202
	Unjustified Growth		[–1,000]
123	CONSTRUCTION & MAINTENANCE EQUIP	9,850	6,850
	Contract Delays		[–3,000]
124	FIRE FIGHTING EQUIPMENT	14,315	14,315
125	TACTICAL VEHICLES	16,502	16,502
126	AMPHIBIOUS EQUIPMENT	3,235	3,235
127	POLLUTION CONTROL EQUIPMENT	7,175	7,175
128	ITEMS UNDER $5 MILLION	20,727	10,727
	Contract Delays		[–10,000]
129	PHYSICAL SECURITY VEHICLES	1,142	1,142
130	MATERIALS HANDLING EQUIPMENT	14,972	9,972
	Contract Delays		[–5,000]
131	OTHER SUPPLY SUPPORT EQUIPMENT	4,453	4,453
132	FIRST DESTINATION TRANSPORTATION	6,416	6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS	51,894	51,894
134	TRAINING SUPPORT EQUIPMENT	16,353	16,353
135	COMMAND SUPPORT EQUIPMENT	28,693	27,693
	SPAWAR--Excess to Need		[–1,000]
136	EDUCATION SUPPORT EQUIPMENT	2,197	2,197
137	MEDICAL SUPPORT EQUIPMENT	7,175	4,175
	Unjustified Growth		[–3,000]
138	NAVAL MIP SUPPORT EQUIPMENT	1,457	1,457
140	OPERATING FORCES SUPPORT EQUIPMENT	15,330	15,330
141	C4ISR EQUIPMENT	136	136
142	ENVIRONMENTAL SUPPORT EQUIPMENT	18,639	18,639
143	PHYSICAL SECURITY EQUIPMENT	177,240	177,240
144	ENTERPRISE INFORMATION TECHNOLOGY	143,022	143,022
147	JUDGMENT FUND REIMBURSEMENT	0	0
148	CANCELLED ACCOUNT ADJUSTMENTS	0	0
148A	CLASSIFIED PROGRAMS	14,402	14,402
149	SPARES AND REPAIR PARTS	208,384	208,384
	TOTAL, OTHER PROCUREMENT, NAVY	**6,285,451**	**6,122,523**
	PROCUREMENT, MARINE CORPS		
1	AAV7A1 PIP	9,894	9,894
2	LAV PIP	147,051	147,051
3	EXPEDITIONARY FIRE SUPPORT SYSTEM	11,961	11,961
4	155MM LIGHTWEIGHT TOWED HOWITZER	5,552	5,552
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	14,695	14,695
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	14,868	14,868
7	MODIFICATION KITS	53,932	53,932
8	WEAPONS ENHANCEMENT PROGRAM	13,795	13,795
9	GROUND BASED AIR DEFENSE	12,287	12,287
10	JAVELIN	0	0
11	FOLLOW ON TO SMAW	46,563	46,563
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	19,606	19,606
13	MODIFICATION KITS	4,140	4,140
14	UNIT OPERATIONS CENTER	16,755	16,755
15	REPAIR AND TEST EQUIPMENT	24,071	24,071
16	COMBAT SUPPORT SYSTEM	25,461	25,461
17	MODIFICATION KITS	0	0
18	ITEMS UNDER $5 MILLION (COMM & ELEC)	5,926	5,926
19	AIR OPERATIONS C2 SYSTEMS	44,152	44,152
20	RADAR SYSTEMS	40,352	40,352
21	FIRE SUPPORT SYSTEM	8,793	4,470

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Line	Item	FY 2012 Request	Senate Authorized
	Excess to need		[–4,323]
22	INTELLIGENCE SUPPORT EQUIPMENT	64,276	32,276
	Marine Corps recommendation		[–32,000]
24	RQ–11 UAV	2,104	2,104
25	DCGS-MC	10,789	10,789
28	NIGHT VISION EQUIPMENT	6,847	6,847
29	COMMON COMPUTER RESOURCES	218,869	196,869
	Marine Corps recommendation		[–22,000]
30	COMMAND POST SYSTEMS	84,856	84,856
31	RADIO SYSTEMS	89,479	79,770
	Equipment upgrade for CBNIRF (UFR)		[1,000]
	Marine Corps recommendation		[–10,709]
32	COMM SWITCHING & CONTROL SYSTEMS	16,598	16,598
33	COMM & ELEC INFRASTRUCTURE SUPPORT	47,505	47,505
33A	CLASSIFIED PROGRAMS	1,606	1,606
34	COMMERCIAL PASSENGER VEHICLES	894	894
35	COMMERCIAL CARGO VEHICLES	14,231	14,231
36	5/4T TRUCK HMMWV (MYP)	0	0
37	MOTOR TRANSPORT MODIFICATIONS	8,389	8,389
38	MEDIUM TACTICAL VEHICLE REPLACEMENT	5,833	5,833
39	LOGISTICS VEHICLE SYSTEM REP	972	972
40	FAMILY OF TACTICAL TRAILERS	21,848	21,848
41	TRAILERS	0	0
42	ITEMS LESS THAN $5 MILLION	4,503	4,503
43	ENVIRONMENTAL CONTROL EQUIP ASSORT	2,599	2,599
44	BULK LIQUID EQUIPMENT	16,255	16,255
45	TACTICAL FUEL SYSTEMS	26,853	26,853
46	POWER EQUIPMENT ASSORTED	27,247	27,247
47	AMPHIBIOUS SUPPORT EQUIPMENT	5,533	5,533
48	EOD SYSTEMS	61,753	29,753
	Marine Corps recommendation		[–32,000]
49	PHYSICAL SECURITY EQUIPMENT	16,627	16,627
50	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	10,827	10,827
51	MATERIAL HANDLING EQUIP	37,055	37,055
52	FIRST DESTINATION TRANSPORTATION	1,462	1,462
53	FIELD MEDICAL EQUIPMENT	24,079	24,079
54	TRAINING DEVICES	10,277	10,277
55	CONTAINER FAMILY	3,123	3,123
56	FAMILY OF CONSTRUCTION EQUIPMENT	18,137	18,137
57	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	0	0
58	BRIDGE BOATS	0	0
59	RAPID DEPLOYABLE KITCHEN	5,026	5,026
60	ITEMS LESS THAN $5 MILLION	5,206	5,206
61	SPARES AND REPAIR PARTS	90	90
	TOTAL, PROCUREMENT, MARINE CORPS	**1,391,602**	**1,291,570**
	AIRCRAFT PROCUREMENT, AIR FORCE		
1	F–35	3,597,615	3,597,615
1	F–35	–257,000	–257,000
2	F–35	323,477	323,477
3	F–22A	104,118	104,118
3	F–22A	0	0
4	C–17A (MYP)	0	0
5	C–130J	120,879	120,879
5	C–130J	–48,000	–48,000
6	C–130J	0	0
7	HC–130J	342,899	342,899
7	HC–130J	–10,000	–10,000
8	HC–130J	0	0
9	MC–130J	642,466	642,466
9	MC–130J	–60,000	–60,000
10	MC–130J	0	0
11	HC/MC–130 RECAP	0	0
11	HC/MC–130 RECAP	0	0
12	HC/MC–130 RECAP	0	0
13	C–27J	479,896	479,896
14	LIGHT MOBILITY AIRCRAFT	0	0
15	USAFA POWERED FLIGHT PROGRAM	1,060	1,060
16	T–6	0	0
17	COMMON VERTICAL LIFT SUPPORT	59,232	59,232
17	COMMON VERTICAL LIFT SUPPORT	–6,432	–6,432
18	COMMON VERTICAL LIFT SUPPORT	0	0
19	V22 OSPREY	362,407	362,407
19	V22 OSPREY	–22,542	–22,542
20	V22 OSPREY	20,000	20,000
21	C–12 A	0	0
22	C–40	0	0
23	CIVIL AIR PATROL A/C	2,190	2,190
24	HH–60M	104,711	34,811
	Combat losses funded in FY11		[–69,900]
25	LIGHT ATTACK ARMED RECON ACFT	158,549	0
	Defer production pending R&D completion		[–158,549]

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Line	Item	FY 2012 Request	Senate Authorized
26	RQ–11	0	0
27	STUASL0	0	0
28	ITERIM GATEWAY	0	0
29	TARGET DRONES	64,268	64,268
30	C–37A	77,842	77,842
31	RQ–4	414,164	414,164
31	RQ–4	–90,200	–90,200
32	RQ–4	71,500	71,500
33	MC 130 IN BA 04	108,470	108,470
34	MQ–9	813,092	0
	ASIP 2C early to need		[–29,500]
	Transfer to OCO		[–783,592]
35	B–2A	41,315	41,315
35	B–2A	0	0
36	B–1B	198,007	198,007
37	B–52	93,897	93,897
38	A–10	153,128	7,328
	Program reduction--Wing replacement program		[–145,800]
39	F–15	222,386	208,386
	Early to need--Mode 5 IFF		[–14,000]
40	F–16	73,346	56,746
	Mode 5 procurement ahead of need		[–16,600]
41	F–22A	232,032	232,032
42	F–35 MODIFICATIONS	0	0
43	C–5	178,641	178,641
43	C–5	–166,900	–166,900
44	C–5	0	0
45	C–5M	851,859	851,859
46	C–5M	112,200	112,200
47	C–9C	9	9
48	C–17A	202,179	202,179
49	C–21	328	328
50	C–32A	12,157	1,757
	Program reduction--SLC3S--A		[–10,400]
51	C–37A	21,986	486
	Program reduction--SLC3S--A		[–21,500]
52	C–130 AMP	235,635	208,135
	Early to need--kit installs		[–27,500]
53	GLIDER MODS	123	123
54	T–6	15,086	15,086
55	T–1	238	238
56	T–38	31,032	31,032
57	KC–10A (ATCA)	27,220	9,820
	Early to need--CNS/ATM		[–17,400]
58	C–12	1,777	1,777
59	MC–12W	16,767	16,767
60	C–20 MODS	241	241
61	VC–25A MOD	387	387
62	C–40	206	206
63	C–130	45,876	45,876
64	C–130 INTEL	3,593	3,593
65	C–130J MODS	38,174	38,174
66	C–135	62,210	62,210
67	COMPASS CALL MODS	256,624	256,624
68	RC–135	162,211	162,211
69	E–3	135,031	135,031
70	E–4	57,829	57,829
71	E–8	29,058	29,058
72	H–1	5,280	5,280
73	H–60	34,371	88,971
	Transfer from PE 65299F (RDAF 81) per USAF request		[54,600]
74	RQ–4 MODS	89,177	89,177
75	HC/MC–130 MODIFICATIONS	431	10,831
	Transfer from PE 65299F (RDAF 81) per USAF request		[10,400]
76	OTHER AIRCRAFT	115,338	68,238
	EHF SATCOM, FAB-T advance procurement-AF program change (non-add)		[]
	Early to need in FAB-T		[–47,100]
77	MQ–1 MODS	158,446	158,446
78	MQ–9 MODS	181,302	181,302
79	MQ–9 UAS PAYLOADS	74,866	74,866
80	CV–22 MODS	14,715	14,715
81	INITIAL SPARES/REPAIR PARTS	1,030,364	927,364
	Program reduction--poor execution		[–103,000]
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP	92,394	92,394
83	B–1	4,743	4,743
84	B–2A	101	101
85	B–2A	49,319	49,319
86	B–52	0	0
87	C–5	521	521
88	C–5	0	0
89	KC–10A (ATCA)	5,691	5,691
90	C–17A	183,696	75,115
	Transition to post production		[–108,581]

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Line	Item	FY 2012 Request	Senate Authorized
91	C–130	25,646	25,646
92	EC–130J	0	0
93	C–135	2,434	2,434
94	F–15	2,076	2,076
95	F–16	4,537	4,537
96	T–6	0	0
97	OTHER AIRCRAFT	40,025	40,025
98	INDUSTRIAL RESPONSIVENESS	21,050	21,050
99	WAR CONSUMABLES	87,220	0
	Transfer to OCO		[–87,220]
100	OTHER PRODUCTION CHARGES	1,072,858	1,072,858
104	U–2	48,875	48,875
104A	CLASSIFIED PROGRAMS	16,502	16,502
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	**14,082,527**	**12,506,885**
	MISSILE PROCUREMENT, AIR FORCE		
1	MISSILE REPLACEMENT EQ-BALLISTIC	67,745	67,745
2	JASSM	236,193	236,193
3	SIDEWINDER (AIM–9X)	88,769	88,769
4	AMRAAM	309,561	208,561
	Production Backlog		[–101,000]
5	PREDATOR HELLFIRE MISSILE	46,830	46,830
6	SMALL DIAMETER BOMB	7,523	7,523
7	INDUSTR'L PREPAREDNS/POL PREVENTION	726	726
8	ADVANCED CRUISE MISSILE	39	39
9	MM III MODIFICATIONS	125,953	125,953
10	AGM–65D MAVERICK	266	266
11	AGM–88A HARM	25,642	25,642
12	AIR LAUNCH CRUISE MISSILE (ALCM)	14,987	14,987
13	INITIAL SPARES/REPAIR PARTS	43,241	43,241
14	ADVANCED EHF	761,353	761,353
14	ADVANCED EHF	–208,520	–208,520
15	ADVANCED EHF	0	0
16	WIDEBAND GAPFILLER SATELLITES(SPACE)	526,855	526,855
16	WIDEBAND GAPFILLER SATELLITES(SPACE)	–58,110	–58,110
17	WIDEBAND GAPFILLER SATELLITES(SPACE)	0	0
18	GPS III SPACE SEGMENT	556,016	556,016
18	GPS III SPACE SEGMENT	–122,490	–122,490
19	GPS III SPACE SEGMENT	81,811	41,811
	Excess advance procurement—AF program change		[–40,000]
20	SPACEBORNE EQUIP (COMSEC)	21,568	21,568
21	GLOBAL POSITIONING (SPACE)	67,689	67,689
22	DEF METEOROLOGICAL SAT PROG(SPACE)	101,397	101,397
23	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,740,222	1,740,222
24	SBIR HIGH (SPACE)	351,389	351,389
24	SBIR HIGH (SPACE)	–270,000	–270,000
25	SBIR HIGH (SPACE)	243,500	243,500
26	NATL POLAR-ORBITING OP ENV SATELLITE	0	0
29	DEFENSE SPACE RECONN PROGRAM	0	0
31	SPECIAL UPDATE PROGRAMS	154,727	154,727
31A	CLASSIFIED PROGRAMS	1,159,135	746,980
	Classified Adjustment		[–412,155]
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	**6,074,017**	**5,520,862**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
1	ROCKETS	23,919	23,919
2	CARTRIDGES	89,771	89,771
3	PRACTICE BOMBS	38,756	38,756
4	GENERAL PURPOSE BOMBS	168,557	168,557
5	JOINT DIRECT ATTACK MUNITION	76,649	76,649
6	CAD/PAD	42,410	42,410
7	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,119	3,119
8	SPARES AND REPAIR PARTS	998	998
9	MODIFICATIONS	1,132	1,132
10	ITEMS LESS THAN $5,000,000	5,075	5,075
11	FLARES	46,749	46,749
12	FUZES	34,735	34,735
13	SMALL ARMS	7,195	7,195
14	ADJ TO MATCH CONTINUING RESOLUTION	0	0
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	**539,065**	**539,065**
	OTHER PROCUREMENT, AIR FORCE		
1	PASSENGER CARRYING VEHICLES	5,621	5,621
2	MEDIUM TACTICAL VEHICLE	18,411	18,411
3	CAP VEHICLES	917	917
4	ITEMS LESS THAN $5,000,000 (CARGO	18,694	18,694
5	SECURITY AND TACTICAL VEHICLES	5,982	85
	HMMWV--In Excess of Need		[–2,956]
	Guardian Angel Contract Delay		[–2,941]
6	ITEMS LESS THAN $5,000,000 (SPECIA	20,677	20,677

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	22,881	22,881
8	ITEMS LESS THAT $5,000,000	14,978	14,978
9	RUNWAY SNOW REMOV AND CLEANING EQU	16,556	16,556
10	ITEMS LESS THAN $5M BASE MAINT/CONST	30,225	30,225
11	COMSEC EQUIPMENT	135,169	135,169
12	MODIFICATIONS (COMSEC)	1,263	1,263
13	AIR FORCE PHYSICAL SECURITY	0	0
14	INTELLIGENCE TRAINING EQUIPMENT	2,645	2,645
15	INTELLIGENCE COMM EQUIPMENT	21,762	21,762
16	ADVANCE TECH SENSORS	899	899
17	MISSION PLANNING SYSTEMS	18,529	18,529
18	AIR TRAFFIC CONTROL & LANDING SYS	32,473	32,473
19	NATIONAL AIRSPACE SYSTEM	51,426	51,426
20	BATTLE CONTROL SYSTEM—FIXED	32,468	32,468
21	THEATER AIR CONTROL SYS IMPROVEMEN	22,813	22,813
22	WEATHER OBSERVATION FORECAST	14,619	14,619
23	STRATEGIC COMMAND AND CONTROL	39,144	39,144
24	CHEYENNE MOUNTAIN COMPLEX	25,992	25,992
25	TAC SIGNIT SPT	217	217
26	DRUG INTERDICTION SUPPORT	0	0
27	GENERAL INFORMATION TECHNOLOGY	52,263	52,263
28	AF GLOBAL COMMAND & CONTROL SYS	16,951	16,951
29	MOBILITY COMMAND AND CONTROL	26,433	19,033
	SLICC/Viper II Excess of Need		[–7,400]
30	AIR FORCE PHYSICAL SECURITY SYSTEM	90,015	90,015
31	COMBAT TRAINING RANGES	23,955	23,955
32	C3 COUNTERMEASURES	7,518	7,518
33	GCSS-AF FOS	72,641	72,641
34	THEATER BATTLE MGT C2 SYSTEM	22,301	22,301
35	AIR & SPACE OPERATIONS CTR-WPN SYS	15,525	15,525
36	INFORMATION TRANSPORT SYSTEMS	49,377	49,377
37	BASE INFO INFRASTRUCTURE	41,239	41,239
38	AFNET	228,978	108,978
	Reduce Program Growth		[–120,000]
39	VOICE SYSTEMS	43,603	23,603
	Reduce Program Growth		[–20,000]
40	USCENTCOM	30,983	30,983
41	SPACE BASED IR SENSOR PGM SPACE	49,570	49,570
42	NAVSTAR GPS SPACE	2,008	2,008
43	NUDET DETECTION SYS SPACE	4,863	4,863
44	AF SATELLITE CONTROL NETWORK SPACE	61,386	61,386
45	SPACELIFT RANGE SYSTEM SPACE	125,947	125,947
46	MILSATCOM SPACE	104,720	36,570
	EHF SATCOM, FAB-T advance procurement-AF program change (non-add)		[]
	Early to need in FAB-T		[–68,150]
47	SPACE MODS SPACE	28,075	28,075
48	COUNTERSPACE SYSTEM	20,718	20,718
49	TACTICAL C-E EQUIPMENT	227,866	153,590
	JTRS AMF Milestone C Delay		[–12,636]
	JTRS Handheld / Manpack Cost Increases		[–44,500]
	JTC Training and Rehearsal Schedule Ahead of Need		[–17,140]
50	COMBAT SURVIVOR EVADER LOCATER	22,184	7,184
	CSEL Contract Delay		[–15,000]
51	RADIO EQUIPMENT	11,408	11,408
52	CCTV/AUDIOVISUAL EQUIPMENT	11,559	11,559
53	BASE COMM INFRASTRUCTURE	105,977	80,977
	Slow Execution		[–25,000]
54	COMM ELECT MODS	76,810	76,810
55	NIGHT VISION GOGGLES	20,008	1,008
	Night Vision Cueing and Display Contract Delay		[–19,000]
56	ITEMS LESS THAN $5,000,000 (SAFETY)	25,499	12,598
	Laser Eye Protection Contract Delay		[–5,800]
	MACH Early to Need		[–7,101]
57	MECHANIZED MATERIAL HANDLING EQUIP	37,829	37,829
58	BASE PROCURED EQUIPMENT	16,483	16,483
59	CONTINGENCY OPERATIONS	16,754	16,754
60	PRODUCTIVITY CAPITAL INVESTMENT	3,653	903
	Unjustified Program Growth		[–2,750]
61	MOBILITY EQUIPMENT	30,345	20,345
	Power Generation--Reduce Growth		[–10,000]
62	ITEMS LESS THAN $5,000,000 (BASE S)	2,819	2,819
64	DARP RC135	23,341	23,341
65	DCGS-AF	212,146	212,146
67	SPECIAL UPDATE PROGRAM	410,069	410,069
68	DEFENSE SPACE RECONNAISSANCE PROG.	41,066	41,066
68A	CLASSIFIED PROGRAMS	14,618,160	14,788,852
	Classified Adjustment		[170,692]
69	SPARES AND REPAIR PARTS	14,630	14,630
	TOTAL, OTHER PROCUREMENT, AIR FORCE	**17,602,036**	**17,392,354**
	PROCUREMENT, DEFENSE-WIDE		
1	MAJOR EQUIPMENT, BTA	0	0

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
2	ITEMS LESS THAN $5 MILLION	1,473	1,473
3	MAJOR EQUIPMENT	2,076	2,076
4	PERSONNEL ADMINISTRATION	11,019	11,019
13	INTERDICTION SUPPORT	0	0
14	INFORMATION SYSTEMS SECURITY	19,952	19,952
15	GLOBAL COMMAND AND CONTROL SYSTEM	5,324	5,324
16	GLOBAL COMBAT SUPPORT SYSTEM	2,955	2,955
17	TELEPORT PROGRAM	54,743	54,743
18	ITEMS LESS THAN $5 MILLION	174,805	174,805
19	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,429	3,429
20	DEFENSE INFORMATION SYSTEM NETWORK	500,932	200,932
	Other alternatives not evaluated; need to conduct AOA		[–300,000]
21	PUBLIC KEY INFRASTRUCTURE	1,788	1,788
22	CYBER SECURITY INITIATIVE	24,085	24,085
23	MAJOR EQUIPMENT	11,537	11,537
24	MAJOR EQUIPMENT	14,542	14,542
25	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,444	1,444
26	EQUIPMENT	971	971
27	OTHER CAPITAL EQUIPMENT	974	974
28	VEHICLES	200	200
29	OTHER MAJOR EQUIPMENT	12,806	12,806
30	MAJOR EQUIPMENT	447	447
31	THAAD PROCUREMENT	0	0
32	AEGIS BMD PROCUREMENT	0	0
33	THAAD	833,150	713,150
	Excess to production capacity		[–120,000]
34	AEGIS BMD	565,393	250,393
	Production delay; transfer to R&D for fixes		[–315,000]
35	BMDS AN/TPY–2 RADARS	380,195	380,195
43	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,787	5,787
45	MAJOR EQUIPMENT, OSD	47,123	47,123
46	MAJOR EQUIPMENT, INTELLIGENCE	20,176	20,176
47	MAJOR EQUIPMENT, TJS	29,729	29,729
48	MAJOR EQUIPMENT, WHS	31,974	31,974
48A	CLASSIFIED PROGRAMS	554,408	554,408
49	ROTARY WING UPGRADES AND SUSTAINMENT	41,411	41,411
50	MH–47 SERVICE LIFE EXTENSION PROGRAM	0	0
51	MH–60 MODERNIZATION PROGRAM	171,456	171,456
52	NON-STANDARD AVIATION	272,623	176,023
	NSAV-M Unjustified Requirement		[–50,100]
	AvFID Funding ahead of need		[–55,000]
	NSAV-L Transfer from OCO		[8,500]
53	TANKER RECAPITALIZATION	0	0
54	U–28	5,100	5,100
55	MH–47 CHINOOK	142,783	142,783
56	RQ–11 UNMANNED AERIAL VEHICLE	486	486
57	CV–22 MODIFICATION	118,002	118,002
58	MQ–1 UNMANNED AERIAL VEHICLE	3,025	3,025
59	MQ–9 UNMANNED AERIAL VEHICLE	3,024	3,024
60	RQ–7 UNMANNED AERIAL VEHICLE	450	450
61	STUASL0	12,276	12,276
62	AC/MC–130J	74,891	74,891
63	C–130 MODIFICATIONS	19,665	19,665
64	AIRCRAFT SUPPORT	6,207	6,207
65	UNDERWATER SYSTEMS	6,999	6,999
66	SEAL DELIVERY VEHICLE	0	0
67	ORDNANCE REPLENISHMENT	116,009	116,009
68	ORDNANCE ACQUISITION	28,281	28,281
69	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	87,489	87,489
70	INTELLIGENCE SYSTEMS	74,702	85,702
	VSO/ALP Unfunded Requirement		[15,600]
	VSO/ALP Unfunded Requirement		[–4,600]
71	SMALL ARMS AND WEAPONS	9,196	13,196
	VSO/ALP Unfunded Requirement		[4,000]
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	15,621	15,621
74	MARITIME EQUIPMENT MODIFICATIONS	0	0
76	COMBATANT CRAFT SYSTEMS	6,899	21,899
	HSAC Unfunded Requirement		[15,000]
77	SPARES AND REPAIR PARTS	594	594
78	TACTICAL VEHICLES	33,915	41,315
	VSO/ALP Unfunded Requirement		[27,800]
	VSO/ALP Unfunded Requirement		[–20,400]
79	MISSION TRAINING AND PREPARATION SYSTEMS	0	0
80	MISSION TRAINING AND PREPARATION SYSTEMS	46,242	46,242
81	COMBAT MISSION REQUIREMENTS	50,000	20,000
	Reduction to growth		[–30,000]
82	MILCON COLLATERAL EQUIPMENT	18,723	18,723
84	CLASSIFIED PROGRAMS	0	0
85	AUTOMATION SYSTEMS	51,232	51,232
86	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,782	7,782
87	OPERATIONAL ENHANCEMENTS INTELLIGENCE	22,960	22,960
88	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	362	2,962
	VSO/ALP Unfunded Requirement		[2,600]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
89	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	15,758	15,758
90	TACTICAL RADIO SYSTEMS	76,459	76,459
91	MARITIME EQUIPMENT	0	0
92	DRUG INTERDICTION	0	0
93	MISCELLANEOUS EQUIPMENT	1,895	1,895
94	OPERATIONAL ENHANCEMENTS	246,893	246,893
95	MILITARY INFORMATION SUPPORT OPERATIONS	4,142	4,142
95A	CLASSIFIED PROGRAMS	4,012	4,012
96	INSTALLATION FORCE PROTECTION	15,900	14,817
	Underexecution		[–1,083]
97	INDIVIDUAL PROTECTION	71,376	70,484
	Underexecution		[–892]
98	DECONTAMINATION	6,466	6,208
	Underexecution		[–258]
99	JOINT BIO DEFENSE PROGRAM (MEDICAL)	11,143	11,019
	Underexecution		[–124]
100	COLLECTIVE PROTECTION	9,414	9,085
	Underexecution		[–329]
101	CONTAMINATION AVOIDANCE	139,948	138,322
	Underexecution		[–1,626]
	TOTAL, PROCUREMENT, DEFENSE-WIDE	**5,365,248**	**4,539,336**
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**100,000**
	TOTAL, PROCUREMENT	**111,453,792**	**101,633,483**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
2	C–12 CARGO AIRPLANE	10,500	0
	No justified requirement		[–10,500]
04	MQ–1 UAV	0	658,798
	Transfer from Base		[658,798]
05	RQ–11 (RAVEN)	0	0
8	AH–64 BLOCK II/WRA	35,500	0
	Program reduction		[–35,500]
12	UH–60 BLACKHAWK M MODEL (MYP)	72,000	54,500
	Combat Loss funded in FY11		[–17,500]
17	KIOWA WARRIOR UPGRADE (OH–58 D)/WRA	145,500	145,500
19	MQ–1 PAYLOAD—UAS	10,800	117,983
	Transfer from Base		[107,183]
22	MULTI SENSOR ABN RECON (MIP)	54,500	54,500
33	RQ–7 UAV MODS	94,600	94,600
34	RQ–7 UAV MODS		–79,000
	VADER ISR payload not compatible with host platform		[–79,000]
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	**423,400**	**1,046,881**
	MISSILE PROCUREMENT, ARMY		
4	HELLFIRE SYS SUMMARY	107,556	107,556
9	GUIDED MLRS ROCKET (GMLRS)	19,000	19,000
	TOTAL, MISSILE PROCUREMENT, ARMY	**126,556**	**126,556**
	PROCUREMENT OF W&TCV, ARMY		
19	MACHINE GUN, CAL . 50 M2 ROLL	0	31,102
	Transfer from Base		[31,102]
20	LIGHTWEIGHT .50 CALIBER MACHINE GUN	5,427	5,427
29	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	14,890	14,890
31	HOWITZER LT WT 155MM (T)	0	13,066
	Transfer from Base		[13,066]
33	M4 CARBINE MODS	16,800	16,800
34	M2 50 CAL MACHINE GUN MODS	0	48,856
	Transfer from Base		[48,856]
	TOTAL, PROCUREMENT OF W&TCV, ARMY	**37,117**	**130,141**
	PROCUREMENT OF AMMUNITION, ARMY		
4	CTG, HANDGUN, ALL TYPES	1,200	1,200
9	CTG, 30MM, ALL TYPES	4,800	4,800
10	CTG, 40MM, ALL TYPES	38,000	38,000
13	81MM MORTAR, ALL TYPES	8,000	8,000
14	120MM MORTAR, ALL TYPES	49,140	49,140
19	ARTILLERY PROJECTILE, 155MM, ALL TYPES	10,000	10,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
22	ARTILLERY FUZES, ALL TYPES	5,000	5,000
27	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	5,000	5,000
28	ROCKET, HYDRA 70, ALL TYPES	53,841	53,841
29	DEMOLITION MUNITIONS, ALL TYPES	16,000	16,000
31	SIGNALS, ALL TYPES	7,000	7,000
32	SIMULATORS, ALL TYPES	8,000	8,000
36	CAD/PAD ALL TYPES	2,000	2,000
37	ITEMS LESS THAN $5 MILLION	400	400
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	**208,381**	**208,381**
	OTHER PROCUREMENT, ARMY		
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	11,094	11,094
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	47,214	47,214
10	MINE PROTECTION VEHICLE FAMILY	0	8,671
	Transfer from Base		[8,671]
15	TACTICAL WHEELED VEHICLE PROTECTION KITS	0	39,908
	Transfer from Base		[39,908]
17	MINE-RESISTANT AMBUSH-PROTECTED MODS	0	127,862
	Transfer from Base		[127,862]
23	NONTACTICAL VEHICLES, OTHER	3,600	3,600
25	WIN-T—GROUND FORCES TACTICAL NETWORK	547	547
39	JOINT TACTICAL RADIO SYSTEM	450	450
42	AMC CRITICAL ITEMS—OPA2	8,141	8,141
49	GUNSHOT DETECTION SYSTEM (GDS)	44,100	0
	Concurrent development and procurement		[–44,100]
51	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	6,443	6,443
56	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	54,730	54,730
58	BASE SUPPORT COMMUNICATIONS	5,000	5,000
62	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	169,500	169,500
70	DCGS-A (MIP)	83,000	207,548
	Transfer from Base		[124,548]
72	TROJAN (MIP)	61,100	61,100
76	LIGHTWEIGHT COUNTER MORTAR RADAR	54,100	54,100
79	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES	53,000	53,000
80	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	48,600	48,600
84	SENSE THROUGH THE WALL (STTW)	10,000	10,000
90	COUNTER-ROCKET, ARTILLERY & MORTAR	0	15,774
	Transfer from Base		[15,774]
92	GREEN LASER INTERDICTION SYSTEM	0	25,356
	Transfer from Base		[25,356]
95	PROFILER	2,000	2,000
96	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	30,400	30,400
98	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	148,335	148,335
102	COUNTERFIRE RADARS	110,548	110,548
105	FIRE SUPPORT C2 FAMILY	15,081	15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	10,000	10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	28,000	28,000
109	KNIGHT FAMILY	42,000	42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	32,800	32,800
115	MANEUVER CONTROL SYSTEM (MCS)	44,000	44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	18,000	18,000
121	AUTOMATED DATA PROCESSING EQUIP	10,000	10,000
127A	CLASSIFIED PROGRAMS	795	795
128	PROTECTIVE SYSTEMS	11,472	11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	30,000	30,000
130	BASE DEFENSE SYSTEMS (BDS)	0	41,204
	Transfer from Base		[41,204]
131	CBRN SOLDIER PROTECTION	1,200	1,200
133	TACTICAL BRIDGING	15,000	15,000
134	TACTICAL BRIDGE, FLOAT-RIBBON	26,900	26,900
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	0	22,297
	Transfer from Base		[22,297]
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,205	3,205
149	FORCE PROVIDER	68,000	68,000
158	COMBAT SUPPORT MEDICAL	15,011	15,011
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	25,129	25,129
180	ALL TERRAIN LIFTING ARMY SYSTEM	1,800	1,800
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	43,000	22,000
	Prior year unobligated funds available		[–21,000]
190	PHYSICAL SECURITY SYSTEMS (OPA3)	4,900	4,900
	TOTAL, OTHER PROCUREMENT, ARMY	**1,398,195**	**1,738,715**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
1	ATTACK THE NETWORK	1,368,800	1,211,800
	Undistributed efficiencies reduction		[–90,000]
	BAA S&T Response—unjustified request		[–50,000]
	Information Fusion—unjustified program growth		[–17,000]
2	DEFEAT THE DEVICE	961,200	811,200
	Undistributed efficiencies reduction		[–150,000]
3	TRAIN THE FORCE	247,500	224,450
	Undistributed efficiencies reduction		[–5,000]

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Train the Force Response—unjustified program growth		[–18,050]
04	*OPERATIONS*		200,634
	Transfer from Base: Operations		[220,634]
	Undistributed efficiencies reduction		[–20,000]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**2,577,500**	**2,448,084**
	AIRCRAFT PROCUREMENT, NAVY		
11	*UH–1Y/AH–1Z*	30,000	24,875
	Excessive unit cost growth		[–5,125]
19	*E–2D ADV HAWKEYE*	163,500	0
	Combat loss funded in fiscal year 2011		[–163,500]
28	*OTHER SUPPORT AIRCRAFT*	21,882	21,882
30	*AEA SYSTEMS*	53,100	53,100
31	*AV–8 SERIES*	53,485	53,485
32	*F–18 SERIES*	46,992	46,992
34	*AH–1W SERIES*	39,418	37,918
	ANVIS HUD install kit pricing		[–1,500]
35	*H–53 SERIES*	70,747	63,747
	Excess hardware support		[–2,000]
	Excess NRE for Bue Force Tracker modifications		[–5,000]
37	*H–1 SERIES*	6,420	6,420
38	*EP–3 SERIES*	20,800	20,800
43	*C–130 SERIES*	59,625	45,825
	LAIRCM install unit cost		[–3,600]
	Targeting Sight Systems exceed requirement		[–10,200]
45	*CARGO/TRANSPORT A/C SERIES*	25,880	18,280
	Excess C–20G installation NRE		[–4,000]
	UC–12W excess to need		[–3,600]
48	*SPECIAL PROJECT AIRCRAFT*	11,184	11,184
53	*COMMON ECM EQUIPMENT*	27,200	24,200
	Other support excess		[–3,000]
54	*COMMON AVIONICS CHANGES*	13,467	11,467
	OSIP 10–11 other support growth		[–2,000]
55	*COMMON DEFENSIVE WEAPON SYSTEM*	3,300	3,300
60	*V–22 (TILT/ROTOR ACFT) OSPREY*	30,000	25,500
	Deficiencies modifications other support growth		[–2,500]
	Reliability modifications other support growth		[–2,000]
61	*SPARES AND REPAIR PARTS*	39,060	39,060
62	*COMMON GROUND EQUIPMENT*	10,800	10,800
64	*WAR CONSUMABLES*	0	27,300
	Transfer from Base		[27,300]
65	*OTHER PRODUCTION CHARGES*	4,100	4,100
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	**730,960**	**550,235**
	WEAPONS PROCUREMENT, NAVY		
9	*HELLFIRE*	14,000	14,000
10	*STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)*	20,000	20,000
27	*SMALL ARMS AND WEAPONS*	7,070	7,070
	TOTAL, WEAPONS PROCUREMENT, NAVY	**41,070**	**41,070**
	PROCUREMENT OF AMMO, NAVY & MC		
3	*AIRBORNE ROCKETS, ALL TYPES*	80,200	80,200
4	*MACHINE GUN AMMUNITION*	22,400	22,400
7	*AIR EXPENDABLE COUNTERMEASURES*	20,000	20,000
11	*OTHER SHIP GUN AMMUNITION*	182	182
12	*SMALL ARMS & LANDING PARTY AMMO*	4,545	4,545
13	*PYROTECHNIC AND DEMOLITION*	1,656	1,656
14	*AMMUNITION LESS THAN $5 MILLION*	6,000	6,000
15	*SMALL ARMS AMMUNITION*	19,575	19,575
16	*LINEAR CHARGES, ALL TYPES*	6,691	6,691
17	*40 MM, ALL TYPES*	12,184	12,184
18	*60MM, ALL TYPES*	10,988	10,988
19	*81MM, ALL TYPES*	24,515	24,515
20	*120MM, ALL TYPES*	11,227	11,227
21	*CTG 25MM, ALL TYPES*	802	802
22	*GRENADES, ALL TYPES*	5,911	5,911
23	*ROCKETS, ALL TYPES*	18,871	18,871
24	*ARTILLERY, ALL TYPES*	57,003	57,003
25	*DEMOLITION MUNITIONS, ALL TYPES*	7,831	7,831
26	*FUZE, ALL TYPES*	5,177	5,177
27	*NON LETHALS*	712	712
29	*ITEMS LESS THAN $5 MILLION*	630	630
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	**317,100**	**317,100**
	OTHER PROCUREMENT, NAVY		
23	*STANDARD BOATS*	13,729	13,729
56	*MATCALS*	7,232	7,232
66	*TACTICAL/MOBILE C4I SYSTEMS*	4,000	4,000
92	*EXPEDITIONARY AIRFIELDS*	47,000	47,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
95	METEOROLOGICAL EQUIPMENT	10,800	10,800
97	AVIATION LIFE SUPPORT	14,000	14,000
101	OTHER AVIATION SUPPORT EQUIPMENT	18,226	18,226
112	SSN COMBAT CONTROL SYSTEMS	7,500	7,500
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,700	15,700
121	PASSENGER CARRYING VEHICLES	2,628	1,155
	Unjustified Growth		[–1,473]
123	CONSTRUCTION & MAINTENANCE EQUIP	13,290	13,290
124	FIRE FIGHTING EQUIPMENT	3,672	3,672
128	ITEMS UNDER $5 MILLION	1,002	1,002
130	MATERIALS HANDLING EQUIPMENT	3,644	3,644
134	TRAINING SUPPORT EQUIPMENT	5,789	0
	Funding No Longer Required		[–5,789]
135	COMMAND SUPPORT EQUIPMENT	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT	6,977	6,977
141	C4ISR EQUIPMENT	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT	78,241	70,641
	Intelligence Kits—Funding No Longer Required Due to Force Structure Reductions		[–7,600]
149	SPARES AND REPAIR PARTS	473	473
	TOTAL, OTHER PROCUREMENT, NAVY	**281,975**	**267,113**
	PROCUREMENT, MARINE CORPS		
2	LAV PIP	23,962	23,962
4	155MM LIGHTWEIGHT TOWED HOWITZER	16,000	16,000
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	10,488	10,488
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	27,373	27,373
10	JAVELIN	2,527	2,527
13	MODIFICATION KITS	59,730	59,730
15	REPAIR AND TEST EQUIPMENT	19,040	19,040
17	MODIFICATION KITS	2,331	2,331
18	ITEMS UNDER $5 MILLION (COMM & ELEC)	3,090	3,090
19	AIR OPERATIONS C2 SYSTEMS	5,236	5,236
20	RADAR SYSTEMS	26,506	26,506
21	FIRE SUPPORT SYSTEM	35	35
22	INTELLIGENCE SUPPORT EQUIPMENT	47,132	47,132
28	NIGHT VISION EQUIPMENT	9,850	9,850
29	COMMON COMPUTER RESOURCES	18,629	18,629
30	COMMAND POST SYSTEMS	31,491	31,491
31	RADIO SYSTEMS	87,027	87,027
32	COMM SWITCHING & CONTROL SYSTEMS	54,177	124,177
	Digital technical control shelters		[20,000]
	Data distribution system modules		[50,000]
33	COMM & ELEC INFRASTRUCTURE SUPPORT	2,200	2,200
37	MOTOR TRANSPORT MODIFICATIONS	95,800	95,800
38	MEDIUM TACTICAL VEHICLE REPLACEMENT	392,391	92,391
	MTVR Reduction		[–300,000]
39	LOGISTICS VEHICLE SYSTEM REP	38,382	38,382
40	FAMILY OF TACTICAL TRAILERS	24,826	24,826
43	ENVIRONMENTAL CONTROL EQUIP ASSORT	18,775	18,775
44	BULK LIQUID EQUIPMENT	7,361	7,361
46	POWER EQUIPMENT ASSORTED	51,895	106,895
	Advanced power sources		[20,000]
	Mobile power equipment		[35,000]
48	EOD SYSTEMS	57,237	57,237
49	PHYSICAL SECURITY EQUIPMENT	42,900	42,900
51	MATERIAL HANDLING EQUIP	42,553	42,553
53	FIELD MEDICAL EQUIPMENT	8,307	8,307
54	TRAINING DEVICES	5,200	5,200
55	CONTAINER FAMILY	12	12
56	FAMILY OF CONSTRUCTION EQUIPMENT	28,533	28,533
	TOTAL, PROCUREMENT, MARINE CORPS	**1,260,996**	**1,085,996**
	AIRCRAFT PROCUREMENT, AIR FORCE		
19	V22 OSPREY	70,000	0
	Combat Loss funded in FY11		[–70,000]
24	HH–60M	39,300	39,300
27	STUASL0	2,472	2,472
34	MQ–9 (REAPER)	0	783,592
	Transfer from Base		[783,592]
43	C–5	59,299	59,299
59	MC–12W	17,300	17,300
63	C–130	164,041	164,041
64	C–130 INTEL	4,600	4,600
65	C–130J MODS	27,983	27,983
67	COMPASS CALL MODS	12,000	12,000
75	HC/MC–130 MODIFICATIONS	34,000	34,000
76	OTHER AIRCRAFT	15,000	15,000
77	MQ–1 MODS	2,800	2,800
81	INITIAL SPARES/REPAIR PARTS	2,800	2,800
90	C–17A	10,970	10,970
99	WAR CONSUMABLES (OCO)	0	87,220

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Transfer from Base		[87,220]
100	OTHER PRODUCTION CHARGES	23,000	23,000
104	U–2	42,300	13,400
	Sensors		[–28,900]
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	**527,865**	**1,299,777**
	MISSILE PROCUREMENT, AIR FORCE		
5	PREDATOR HELLFIRE MISSILE	16,120	16,120
6	SMALL DIAMETER BOMB	12,300	12,300
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	**28,420**	**28,420**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
1	ROCKETS	329	329
2	CARTRIDGES	8,014	8,014
4	GENERAL PURPOSE BOMBS	17,385	17,385
5	JOINT DIRECT ATTACK MUNITION	34,100	34,100
7	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	1,200	1,200
11	FLARES	11,217	11,217
12	FUZES	8,765	8,765
13	SMALL ARMS	11,500	11,500
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	**92,510**	**92,510**
	OTHER PROCUREMENT, AIR FORCE		
1	PASSENGER CARRYING VEHICLES	2,658	2,658
4	ITEMS LESS THAN $5,000,000 (CARGO	32,824	32,824
6	ITEMS LESS THAN $5,000,000 (SPECIA	110	110
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	1,662	1,662
8	ITEMS LESS THAT $5,000,000	772	772
10	ITEMS LESS THAN $5M BASE MAINT/CONST	13,983	13,983
13	AIR FORCE PHYSICAL SECURITY	500	500
22	WEATHER OBSERVATION FORECAST	1,800	1,800
25	TAC SIGNIT SPT	7,020	7,020
30	AIR FORCE PHYSICAL SECURITY SYSTEM	25,920	25,920
49	TACTICAL C-E EQUIPMENT	9,445	9,445
55	NIGHT VISION GOGGLES	12,900	12,900
59	CONTINGENCY OPERATIONS	18,100	18,100
61	MOBILITY EQUIPMENT	9,800	9,800
62	ITEMS LESS THAN $5,000,000 (BASE S)	8,400	8,400
65	DCGS-AF	3,000	3,000
68	DEFENSE SPACE RECONNAISSANCE PROG.	64,400	64,400
68A	CLASSIFIED PROGRAMS	2,991,347	2,890,685
	Classified Adjustment		[–100,662]
	TOTAL, OTHER PROCUREMENT, AIR FORCE	**3,204,641**	**3,103,979**
	PROCUREMENT, DEFENSE-WIDE		
17	TELEPORT PROGRAM	3,307	3,307
43	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	3,000	3,000
46	MAJOR EQUIPMENT, INTELLIGENCE	8,300	8,300
48A	CLASSIFIED PROGRAMS	101,548	101,548
50	MH–47 SERVICE LIFE EXTENSION PROGRAM	40,500	0
	Combat Loss funded in FY11		[–40,500]
51	MH–60 MODERNIZATION PROGRAM	7,800	0
	Combat Loss funded in FY11		[–7,800]
52	NON-STANDARD AVIATION	8,500	0
	NSAV-L Transfer to Base		[–8,500]
57	CV–22 MODIFICATION	15,000	0
	Combat Loss funded in FY11		[–15,000]
63	C–130 MODIFICATIONS	4,800	4,800
67	ORDNANCE REPLENISHMENT	71,659	71,659
68	ORDNANCE ACQUISITION	25,400	25,400
69	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,325	2,325
70	INTELLIGENCE SYSTEMS	43,558	36,758
	Funded by reprogramming		[–6,800]
71	SMALL ARMS AND WEAPONS	6,488	6,488
72	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,601	2,601
78	TACTICAL VEHICLES	15,818	15,818
85	AUTOMATION SYSTEMS	13,387	13,387
87	OPERATIONAL ENHANCEMENTS INTELLIGENCE	5,800	4,800
	Funded by reprogramming		[–1,000]
88	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	34,900	34,900
89	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	3,531	3,531
90	TACTICAL RADIO SYSTEMS	2,894	2,894
93	MISCELLANEOUS EQUIPMENT	7,220	7,220
94	OPERATIONAL ENHANCEMENTS	41,632	41,632
	TOTAL, PROCUREMENT, DEFENSE-WIDE	**469,968**	**390,368**
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**100,000**
	MINE RESISTANT AMBUSH PROT VEH FUND		
1	MINE RESISTANT AMBUSH PROT VEH FUND	3,195,170	3,195,170
	TOTAL, MINE RESISTANT AMBUSH PROT VEH FUND	**3,195,170**	**3,195,170**
	TOTAL, PROCUREMENT	**15,021,824**	**16,170,496**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Line	Program Element	Item	FY 2012 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH, ARMY		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,064	21,064
2	0601102A	DEFENSE RESEARCH SCIENCES	213,942	213,942
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,977	80,977
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	120,937	120,937
		TOTAL, BASIC RESEARCH, ARMY	**436,920**	**436,920**
		APPLIED RESEARCH, ARMY		
5	0602105A	MATERIALS TECHNOLOGY	30,258	30,258
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	43,521	43,521
7	0602122A	TRACTOR HIP	14,230	14,230
8	0602211A	AVIATION TECHNOLOGY	44,610	44,610
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,790	15,790
10	0602303A	MISSILE TECHNOLOGY	50,685	50,685
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	20,034	20,034
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	20,933	20,933
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,306	64,306
14	0602618A	BALLISTICS TECHNOLOGY	59,214	59,214
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,877	4,877
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	8,244	8,244
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	39,813	39,813
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	62,962	62,962
19	0602709A	NIGHT VISION TECHNOLOGY	57,203	57,203
20	0602712A	COUNTERMINE SYSTEMS	20,280	20,280
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,801	21,801
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,837	20,837
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	26,116	26,116
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	8,591	8,591
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	80,317	80,317
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,946	18,946
27	0602786A	WARFIGHTER TECHNOLOGY	29,835	29,835
28	0602787A	MEDICAL TECHNOLOGY	105,929	105,929
		TOTAL, APPLIED RESEARCH, ARMY	**869,332**	**869,332**
		ADVANCED TECHNOLOGY DEVELOPMENT, ARMY		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	52,979	52,979
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,171	68,171
31	0603003A	AVIATION ADVANCED TECHNOLOGY	62,193	62,193
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	77,077	77,077
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	106,145	106,145
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	5,312	5,312
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	10,298	10,298
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	57,963	53,963
		Program Decrease		[–4,000]
37	0603009A	TRACTOR HIKE	8,155	8,155
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,936	17,936
39	0603020A	TRACTOR ROSE	12,597	12,597
40	0603105A	MILITARY HIV RESEARCH	6,796	6,796
41	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	12,191	12,191
42	0603130A	TRACTOR NAIL	4,278	4,278
43	0603131A	TRACTOR EGGS	2,261	2,261
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY	23,677	23,677
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,602	90,602
46	0603322A	TRACTOR CAGE	10,315	10,315
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	183,150	183,150
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	31,541	31,541
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	7,686	7,686

Line	Program Element	Item	FY 2012 Request	Senate Authorized
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	42,414	42,414
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,959	15,959
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	36,516	36,516
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	30,600	30,600
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY	**976,812**	**972,812**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY		
54	0603024A	UNIQUE ITEM IDENTIFICATION (UID)	0	0
55	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	36,009	24,009
		Excess growth and delays		[–12,000]
56	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,612	9,612
57	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	0	0
58	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	35,383	19,293
		Excess to Army requirement		[–16,090]
59	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	9,501	5,265
		Projected and Generated Obscuration System unexecutable		[–4,236]
60	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	39,693	39,693
61	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	101,408	64,408
		Program growth adjustment		[–37,000]
62	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	9,747	9,747
63	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	5,766	5,766
64	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	0	0
65	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,946	4,946
66	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL	297,955	182,955
		Program reduction Increment III		[–115,000]
67	0603790A	NATO RESEARCH AND DEVELOPMENT	4,765	4,765
68	0603801A	AVIATION—ADV DEV	7,107	7,107
69	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	19,509	12,509
		Army requested transfer LAMPS to RDTE Army line 109		[–7,000]
70	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,258	5,258
71	0603807A	MEDICAL SYSTEMS—ADV DEV	34,997	34,997
72	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	19,598	19,598
73	0603850A	INTEGRATED BROADCAST SERVICE	1,496	1,496
74	0604115A	TECHNOLOGY MATURATION INITIATIVES	10,181	10,181
75	0604131A	TRACTOR JUTE	15,609	0
		Unjustified requirement		[–15,609]
76	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPME	41,652	0
		Army offered program reduction		[–41,652]
77	0305205A	ENDURANCE UAVS	42,892	42,892
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY	**753,084**	**504,497**
		SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY		
78	0604201A	AIRCRAFT AVIONICS	144,687	119,187
		JTRS AMF delays and JPALS excessive growth		[–25,500]
79	0604220A	ARMED, DEPLOYABLE HELOS	166,132	92,203
		Army offered program reduction		[–73,929]
80	0604270A	ELECTRONIC WARFARE DEVELOPMENT	101,265	26,872
		Army offered program reduction		[–74,393]
81	0604280A	JOINT TACTICAL RADIO	0	0
82	0604321A	ALL SOURCE ANALYSIS SYSTEM	17,412	7,412
		Machine—Foreign Language Translation System contract delay		[–10,000]
83	0604328A	TRACTOR CAGE	26,577	26,577
84	0604601A	INFANTRY SUPPORT WEAPONS	73,728	91,474
		Transfer at Army request from WTCV line 17		[16,000]
		Transfer at Army request from WTCV line 20		[1,700]
		Army requested transfer from WTCV Army line 17		[46]
85	0604604A	MEDIUM TACTICAL VEHICLES	3,961	3,961
86	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	0	0
87	0604611A	JAVELIN	17,340	9,940
		Excess to requirement		[–7,400]
88	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	5,478	5,478
89	0604633A	AIR TRAFFIC CONTROL	22,922	22,922
90	0604642A	LIGHT TACTICAL WHEELED VEHICLES	0	20,000
		Army requested transfer from RDTE line 109		[20,000]
91	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	0	0
92	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE	0	0
93	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	383,872	283,872
		Unjustified requirement		[–100,000]
94	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	0	0
95	0604663A	FCS UNMANNED GROUND VEHICLES	143,840	26,840
		Program adjustment		[–117,000]
96	0604664A	FCS UNATTENDED GROUND SENSORS	499	0
		Program termination		[–499]
97	0604665A	FCS SUSTAINMENT & TRAINING R&D	0	0
98	0604710A	NIGHT VISION SYSTEMS—SDD	59,265	59,265
99	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,075	2,075
100	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,021	30,021
101	0604716A	TERRAIN INFORMATION—SDD	1,596	1,596
102	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	83,010	83,010
103	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,305	28,305
104	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,375	14,375
105	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,803	15,803
106	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	0	0

Line	Program Element	Item	FY 2012 Request	Senate Authorized
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	22,226	22,226
108	0604802A	WEAPONS AND MUNITIONS—SDD	13,828	13,828
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	251,104	238,104
		Army requested transfer to RDTE Army line 90		[–20,000]
		Army request transfer from RDTE line 69		[7,000]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	137,811	81,811
		Excessive growth Joint Battle Command-Platform		[–56,000]
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	27,160	27,160
112	0604808A	LANDMINE WARFARE/BARRIER—SDD	87,426	66,326
		Explosive Hazard Pre-Detonation (EHP) Roller contract delay		[–21,100]
113	0604814A	ARTILLERY MUNITIONS	42,627	35,627
		Program growth adjustment		[–7,000]
114	0604817A	COMBAT IDENTIFICATION	0	0
115	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	123,935	93,935
		Excessive Growth		[–30,000]
116	0604820A	RADAR DEVELOPMENT	2,890	2,890
117	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	794	794
118	0604823A	FIREFINDER	10,358	10,358
119	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	48,309	55,909
		Transfer at Army request from OPA line 147		[7,600]
120	0604854A	ARTILLERY SYSTEMS	120,146	120,146
121	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	406,605	0
		Program Decrease		[–406,605]
122	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,398	7,398
123	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	37,098	32,098
		Unjustified cost growth		[–5,000]
124	0605018A	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS)	68,693	68,693
125	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,095	127,095
126	0605455A	SLAMRAAM	19,931	1,531
		Excess to program termination requrements		[–18,400]
127	0605456A	PAC–3/MSE MISSILE	88,993	88,993
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	270,607	270,607
129	0605625A	MANNED GROUND VEHICLE	884,387	884,387
130	0605626A	AERIAL COMMON SENSOR	31,465	0
		Program termination		
131	0303032A	TROJAN—RH12	3,920	3,920
132	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,819	13,819
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**4,190,788**	**3,238,843**
		RDT&E MANAGEMENT SUPPORT, ARMY		
133	0604256A	THREAT SIMULATOR DEVELOPMENT	16,992	16,992
134	0604258A	TARGET SYSTEMS DEVELOPMENT	11,247	11,247
135	0604759A	MAJOR T&E INVESTMENT	49,437	49,437
136	0605103A	RAND ARROYO CENTER	20,384	20,384
137	0605301A	ARMY KWAJALEIN ATOLL	145,606	145,606
138	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	28,800	28,800
139	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
140	0605601A	ARMY TEST RANGES AND FACILITIES	262,456	312,456
		Program Increase		[50,000]
141	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	70,227	70,227
142	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	43,483	43,483
143	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	18	18
144	0605606A	AIRCRAFT CERTIFICATION	5,630	5,630
145	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,182	7,182
146	0605706A	MATERIEL SYSTEMS ANALYSIS	19,669	19,669
147	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,445	5,445
148	0605712A	SUPPORT OF OPERATIONAL TESTING	68,786	68,786
149	0605716A	ARMY EVALUATION CENTER	63,302	63,302
150	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	3,420	3,420
151	0605801A	PROGRAMWIDE ACTIVITIES	83,054	83,054
152	0605803A	TECHNICAL INFORMATION ACTIVITIES	63,872	63,872
153	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	57,142	57,142
154	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,961	4,961
155	0605898A	MANAGEMENT HQ—R&D	17,558	17,558
156	0909980A	JUDGMENT FUND REIMBURSEMENT	0	0
157	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		TOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	**1,048,671**	**1,098,671**
		OPERATIONAL SYSTEMS DEVELOPMENT, ARMY		
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	66,641	66,641
159	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV	24,142	7,500
		Excess funds only to the analysis of alternatives		[–16,642]
160	0102419A	AEROSTAT JOINT PROJECT OFFICE	344,655	327,855
		Excess program growth		[–16,800]
161	0203347A	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	0	0
162	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	29,546	29,546
163	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	53,307	53,307
164	0203740A	MANEUVER CONTROL SYSTEM	65,002	42,414
		Unjustified program growth		[–22,588]
165	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	163,205	149,705
		Excess funds to Black Hawk Recapitalization/Modernization for analysis of alternatives		[–13,500]
166	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	823	823
167	0203758A	DIGITIZATION	8,029	8,029

Line	Program Element	Item	FY 2012 Request	Senate Authorized
168	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	0	0
169	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	59,060
		Transfer at Army Request from MPA line 13		[14,500]
170	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	0	0
171	0203808A	TRACTOR CARD	42,554	42,554
172	0208053A	JOINT TACTICAL GROUND SYSTEM	27,630	27,630
173	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,044	3,044
175	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,854	2,854
176	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	61,220	58,720
		Army offered program reduction		[–2,500]
177	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	100,505	160,745
		Army requested transfer for GCSS-Army from OPA line 116		[47,240]
		Army requested transfer for AESIP from OPA line 116		[13,000]
178	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	12,104	12,104
179	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	23,937	23,937
181	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	40,650	26,550
		Contract award delays		[–14,100]
182	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,198	31,699
		Unjustified requirements growth		[–12,499]
183	0305219A	MQ–1 SKY WARRIOR A UAV	137,038	122,038
		Excessive growth		[–15,000]
184	0305232A	RQ–11 UAV	1,938	1,938
185	0305233A	RQ–7 UAV	31,940	31,940
186	0307207A	AERIAL COMMON SENSOR (ACS)	0	0
187	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,018	15,018
188	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,297	59,297
999	9999999999	CLASSIFIED PROGRAMS	4,536	4,536
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	**1,408,373**	**1,369,484**
		TOTAL, RDT&E ARMY	**9,683,980**	**8,490,559**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH, NAVY		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,157	113,157
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,092	18,092
3	0601153N	DEFENSE RESEARCH SCIENCES	446,123	446,123
		TOTAL, BASIC RESEARCH, NAVY	**577,372**	**577,372**
		APPLIED RESEARCH, NAVY		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	104,804	64,804
		Program Decrease- Free Electron Laser		[–30,000]
		Program Decrease- Electromagnetic railgun		[–10,000]
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	156,901	156,901
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	44,845	44,845
7	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	0	0
8	0602235N	COMMON PICTURE APPLIED RESEARCH	65,448	65,448
9	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	101,205	101,205
10	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	108,329	108,329
11	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	50,076	50,076
12	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,937	5,937
13	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	108,666	108,666
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	37,583	37,583
		TOTAL, APPLIED RESEARCH, NAVY	**783,794**	**743,794**
		ADVANCED TECHNOLOGY DEVELOPMENT		
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	114,270	59,370
		Program Decrease- Electromagnetic railgun		[–16,900]
		Underexecution—Navy recommendation		[–38,000]
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	64,057	45,234
		Transfer MRMUAS to line 220		[–18,823]
17	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	49,068	49,068
18	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	71,232	71,232
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	102,535	102,535
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	124,324	124,324
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,286	11,286
22	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,119	18,119
23	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	37,121	37,121
24	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	50,157	50,157
25	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	6,048	6,048
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY	**648,217**	**574,494**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY		
26	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	94,972	73,672
		JMAPS unjustified request		[–21,300]
27	0603216N	AVIATION SURVIVABILITY	10,893	10,893
28	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,702	3,702
29	0603251N	AIRCRAFT SYSTEMS	10,497	10,497
30	0603254N	ASW SYSTEMS DEVELOPMENT	7,915	7,915
31	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,978	5,978

Line	Program Element	Item	FY 2012 Request	Senate Authorized
32	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,418	1,418
33	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	142,657	142,657
34	0603506N	SURFACE SHIP TORPEDO DEFENSE	118,764	118,764
35	0603512N	CARRIER SYSTEMS DEVELOPMENT	54,072	54,072
36	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	0	0
37	0603525N	PILOT FISH	96,012	96,012
38	0603527N	RETRACT LARCH	73,421	73,421
39	0603536N	RETRACT JUNIPER	130,267	130,267
40	0603542N	RADIOLOGICAL CONTROL	1,338	1,338
41	0603553N	SURFACE ASW	29,797	29,797
42	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	856,326	856,326
43	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,253	9,253
44	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,308	14,308
45	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	22,213	22,213
46	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	463,683	463,683
47	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	18,249	18,249
48	0603576N	CHALK EAGLE	584,159	584,159
49	0603581N	LITTORAL COMBAT SHIP (LCS)	286,784	282,784
		Defer development of Irregular Warfare mission package		[–4,000]
50	0603582N	COMBAT SYSTEM INTEGRATION	34,157	34,157
51	0603609N	CONVENTIONAL MUNITIONS	4,753	4,753
52	0603611M	MARINE CORPS ASSAULT VEHICLES	12,000	12,000
53	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	79,858	79,858
54	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	33,654	33,654
55	0603658N	COOPERATIVE ENGAGEMENT	54,783	54,783
56	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	9,996	9,996
57	0603721N	ENVIRONMENTAL PROTECTION	21,714	21,714
58	0603724N	NAVY ENERGY PROGRAM	70,538	70,538
59	0603725N	FACILITIES IMPROVEMENT	3,754	3,754
60	0603734N	CHALK CORAL	79,415	79,415
61	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,137	4,137
62	0603746N	RETRACT MAPLE	276,383	276,383
63	0603748N	LINK PLUMERIA	52,721	52,721
64	0603751N	RETRACT ELM	160,964	160,964
65	0603755N	SHIP SELF DEFENSE	0	0
66	0603764N	LINK EVERGREEN	144,985	144,985
67	0603787N	SPECIAL PROCESSES	43,704	43,704
68	0603790N	NATO RESEARCH AND DEVELOPMENT	9,140	9,140
69	0603795N	LAND ATTACK TECHNOLOGY	421	421
70	0603851M	NONLETHAL WEAPONS	40,992	40,992
71	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	121,455	121,455
72	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	0	0
73	0603889N	COUNTERDRUG RDT&E PROJECTS	0	0
74	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	0	0
75	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	64,107	64,107
76	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
77	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	62,044	62,044
78	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	22,665	4,450
		FMU–164 fuze program termination		[–18,215]
79	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	33,621	33,621
80	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	1,078	1,078
81	0303562N	SUBMARINE TACTICAL WARFARE SYSTEMS—MIP	0	0
82	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	625	625
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**4,481,053**	**4,437,538**
		SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY		
83	0604212N	OTHER HELO DEVELOPMENT	35,651	42,651
		Navy requested transfer from line 98 for VH–3/VH–60 sustainment		[7,000]
84	0604214N	AV–8B AIRCRAFT—ENG DEV	30,676	30,676
85	0604215N	STANDARDS DEVELOPMENT	51,191	51,191
86	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	17,673	17,673
87	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	5,922	5,922
88	0604221N	P–3 MODERNIZATION PROGRAM	3,417	3,417
89	0604230N	WARFARE SUPPORT SYSTEM	9,944	9,944
90	0604231N	TACTICAL COMMAND SYSTEM	81,257	77,257
		NTCSS--reduce program growth		[–4,000]
91	0604234N	ADVANCED HAWKEYE	110,994	110,994
92	0604245N	H–1 UPGRADES	72,569	72,569
93	0604261N	ACOUSTIC SEARCH SENSORS	56,509	56,509
94	0604262N	V–22A	84,477	84,477
95	0604264N	AIR CREW SYSTEMS DEVELOPMENT	3,249	3,249
96	0604269N	EA–18	17,100	17,100
97	0604270N	ELECTRONIC WARFARE DEVELOPMENT	89,418	89,418
98	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	180,070	60,770
		Navy requested transfer to line 83		[–7,000]
		Navy requested transfer to APN line 47		[–24,000]
		Navy requested transfer to APN line 62		[–12,000]
		Early to need		[–76,300]
99	0604274N	NEXT GENERATION JAMMER (NGJ)	189,919	154,919
		Technology Development late contract award		[–35,000]
100	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	688,146	568,146
		Unjustified request: HMS capability enhancements		[–120,000]
101	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	223,283	223,283
102	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	884	884

Line	Program Element	Item	FY 2012 Request	Senate Authorized
103	0604329N	SMALL DIAMETER BOMB (SDB)	47,635	29,635
		Defer Integration on Joint Strike Fighter		[–18,000]
104	0604366N	STANDARD MISSILE IMPROVEMENTS	46,705	46,705
105	0604373N	AIRBORNE MCM	41,142	41,142
106	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	24,898	24,898
107	0604404N	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM	121,150	51,150
		Delay to Technology Development contract award		[–70,000]
108	0604501N	ADVANCED ABOVE WATER SENSORS	227,358	227,358
109	0604503N	SSN–688 AND TRIDENT MODERNIZATION	100,591	95,671
		TB–33 program cancellation		[–4,920]
110	0604504N	AIR CONTROL	5,521	5,521
111	0604512N	SHIPBOARD AVIATION SYSTEMS	45,445	45,445
112	0604518N	COMBAT INFORMATION CENTER CONVERSION	3,400	3,400
113	0604558N	NEW DESIGN SSN	97,235	97,235
114	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	48,466	48,466
115	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	161,099	98,099
		Ship-to-Shore Connector--contract award delay		[–63,000]
116	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,848	3,848
117	0604601N	MINE DEVELOPMENT	3,933	3,933
118	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	32,592	32,592
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	9,960	9,960
120	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	12,992	12,992
121	0604727N	JOINT STANDOFF WEAPON SYSTEMS	7,506	7,506
122	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	71,222	71,222
123	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	6,631	6,631
124	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	184,095	184,095
125	0604761N	INTELLIGENCE ENGINEERING	2,217	2,217
126	0604771N	MEDICAL DEVELOPMENT	12,984	12,984
127	0604777N	NAVIGATION/ID SYSTEM	50,178	50,178
128	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	670,723	651,786
		Block IV development ahead of need		[–18,937]
129	0604800N	JOINT STRIKE FIGHTER (JSF)	677,486	658,549
		Block IV development ahead of need		[–18,937]
130	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	27,461	19,461
		Prgram underexecution		[–8,000]
131	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	58,764	29,764
		Reduction to fourth quarter contract awards		[–29,000]
132	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS)	55,050	55,050
133	0605212N	CH–53K RDTE	629,461	629,461
134	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)	0	0
135	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	118,395	118,395
136	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	622,713	608,713
		Increment 3--development ahead of need		[–14,000]
137	0204201N	CG(X)	0	0
138	0204202N	DDG–1000	261,604	261,604
139	0304231N	TACTICAL COMMAND SYSTEM—MIP	979	979
140	0304503N	SSN–688 AND TRIDENT MODERNIZATION—MIP	0	0
141	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	31,740	31,740
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY	**6,475,528**	**5,959,434**
		RDT&E MANAGEMENT SUPPORT, NAVY		
142	0604256N	THREAT SIMULATOR DEVELOPMENT	28,318	28,318
143	0604258N	TARGET SYSTEMS DEVELOPMENT	44,700	44,700
144	0604759N	MAJOR T&E INVESTMENT	37,957	37,957
145	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,970	2,970
146	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	23,454	17,454
		Reduction to growth		[–6,000]
147	0605154N	CENTER FOR NAVAL ANALYSES	47,127	47,127
148	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH	10	10
149	0605804N	TECHNICAL INFORMATION SERVICES	571	571
150	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	68,301	58,301
		OASUW--defer new start		[–10,000]
151	0605856N	STRATEGIC TECHNICAL SUPPORT	3,277	3,277
152	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	73,917	73,917
153	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	136,531	136,531
154	0605864N	TEST AND EVALUATION SUPPORT	335,367	335,367
155	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,634	16,634
156	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,228	4,228
157	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,642	7,642
158	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	25,655	25,655
159	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,764	2,764
160	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	0	0
161	0909980N	JUDGMENT FUND REIMBURSEMENT	0	0
162	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		TOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	**859,423**	**843,423**
		OPERATIONAL SYSTEMS DEVELOPMENT, NAVY		
164	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	198,298	198,298
165	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT	400	400
166	0604766M	MARINE CORPS DATA SYSTEMS	1,650	1,650
167	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	88,873	88,873
168	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,553	33,553
169	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,360	6,360

Line	Program Element	Item	FY 2012 Request	Senate Authorized
170	0101402N	NAVY STRATEGIC COMMUNICATIONS	23,208	23,208
171	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	30,021	30,021
172	0204136N	F/A–18 SQUADRONS	151,030	151,030
173	0204152N	E–2 SQUADRONS	6,696	6,696
174	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	1,739	1,739
175	0204228N	SURFACE SUPPORT	3,377	3,377
176	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	8,819	8,819
177	0204311N	INTEGRATED SURVEILLANCE SYSTEM	21,259	21,259
178	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	5,214	5,214
179	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	42,244	42,244
180	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,447	1,447
181	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	18,142	18,142
182	0205601N	HARM IMPROVEMENT	11,147	11,147
183	0205604N	TACTICAL DATA LINKS	69,224	69,224
184	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	22,010	22,010
185	0205632N	MK–48 ADCAP	39,288	39,288
186	0205633N	AVIATION IMPROVEMENTS	123,012	123,012
187	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	1,957	1,957
188	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	82,705	82,705
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	320,864	320,864
190	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	209,396	184,396
		Amphibious Combat Vehicle (non-add)		[]
		Excess funds for Marine Personnel Carrier & AAV Upgrade		[–25,000]
191	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	45,172	45,172
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	14,101	14,101
193	0207161N	TACTICAL AIM MISSILES	8,765	8,765
194	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,913	2,913
195	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	4,108	4,108
200	0303109N	SATELLITE COMMUNICATIONS (SPACE)	263,712	263,712
201	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	12,906	24,906
		Transfer from CANES (OPN 68) per USN request		[12,000]
202	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	25,229	25,229
203	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	1,250	1,250
204	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP	6,602	6,602
206	0305149N	COBRA JUDY	40,605	40,605
207	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	904	904
208	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,099	4,099
209	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,353	9,353
210	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	0	0
211	0305207N	MANNED RECONNAISSANCE SYSTEMS	0	0
212	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	23,785	23,785
213	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,487	25,487
214	0305220N	RQ–4 UAV	548,482	548,482
215	0305231N	MQ–8 UAV	108,248	3,648
		ECP for SOCOM urgent needs statement--transfer to Title XV		[–104,600]
216	0305232M	RQ–11 UAV	979	979
217	0305233N	RQ–7 UAV	872	872
218	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	0	0
219	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	22,698	22,698
220	0305237N	MEDIUM RANGE MARITIME UAS	15,000	33,823
		Transfer from line 16		[18,823]
221	0305239M	RQ–21A	26,301	21,301
		Program delays		[–5,000]
222	0307217N	EP–3E REPLACEMENT (EPX)	0	0
223	0308601N	MODELING AND SIMULATION SUPPORT	8,292	8,292
224	0702207N	DEPOT MAINTENANCE (NON-IF)	21,609	21,609
225	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	0	0
226	0708011N	INDUSTRIAL PREPAREDNESS	54,031	54,031
227	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
227A	9999999999	CLASSIFIED PROGRAMS	1,308,608	1,306,945
		Classified Adjustment		[–1,663]
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, NAVY	**4,131,044**	**4,025,604**
		TOTAL, RDT&E NAVY	**17,956,431**	**17,161,659**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
		BASIC RESEARCH, AIR FORCE		
1	0601102F	DEFENSE RESEARCH SCIENCES	364,328	364,328
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	140,273	140,273
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,258	14,258
		TOTAL, BASIC RESEARCH, AIR FORCE	**518,859**	**518,859**
		APPLIED RESEARCH, AIR FORCE		
4	0602102F	MATERIALS	136,230	136,230
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	147,628	147,628
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	86,663	86,663
7	0602203F	AEROSPACE PROPULSION	207,508	207,508
8	0602204F	AEROSPACE SENSORS	134,787	134,787
9	0602601F	SPACE TECHNOLOGY	115,285	115,285
10	0602602F	CONVENTIONAL MUNITIONS	60,692	60,692
11	0602605F	DIRECTED ENERGY TECHNOLOGY	111,156	111,156

Line	Program Element	Item	FY 2012 Request	Senate Authorized
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	127,866	127,866
13	0602890F	HIGH ENERGY LASER RESEARCH	54,059	54,059
		TOTAL, APPLIED RESEARCH, AIR FORCE	**1,181,874**	**1,181,874**
		ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	39,738	49,738
		Program Increase- Metals Affordability Initiative		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	5,780	5,780
16	0603203F	ADVANCED AEROSPACE SENSORS	53,075	53,075
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	67,474	67,474
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	120,953	120,953
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	22,268	22,268
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	74,636	74,636
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	13,555	13,555
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	25,319	25,319
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	54,042	34,042
		Program Decrease- Unjustified growth		[–20,000]
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,683	28,683
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	40,103	40,103
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	38,656	38,656
27	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,122	1,122
		TOTAL ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE	**585,404**	**575,404**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE		
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,013	4,013
29	0603287F	PHYSICAL SECURITY EQUIPMENT	3,586	3,586
30	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	0	0
31	0603430F	ADVANCED EHF MILSATCOM (SPACE)	421,687	421,687
32	0603432F	POLAR MILSATCOM (SPACE)	122,991	122,991
33	0603438F	SPACE CONTROL TECHNOLOGY	45,755	45,755
34	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	38,496	38,496
35	0603790F	NATO RESEARCH AND DEVELOPMENT	4,424	4,424
36	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	642	642
37	0603830F	SPACE PROTECTION PROGRAM (SPP)	9,819	9,819
38	0603850F	INTEGRATED BROADCAST SERVICE	20,046	20,046
39	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	67,202	72,202
		Program Increase		[20,000]
		ICBM		[–15,000]
40	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,804	12,804
41	0603859F	POLLUTION PREVENTION	2,075	2,075
42	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	20,112	20,112
43	0604015F	NEXT GENERATION BOMBER	197,023	197,023
44	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	60,250	31,250
		3DELRR Contract Delays		[–29,000]
45	0604317F	TECHNOLOGY TRANSFER	2,553	2,553
46	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	38,248	38,248
47	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	29,759	29,759
48	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	24,217	24,217
49	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	0
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	24,467	24,467
51	0604796F	ALTERNATIVE FUELS	0	0
52	0604830F	AUTOMATED AIR-TO-AIR REFUELING	0	0
53	0604857F	OPERATIONALLY RESPONSIVE SPACE	86,543	86,543
54	0604858F	TECH TRANSITION PROGRAM	2,773	2,773
55	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	444,900	444,900
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE	**1,684,385**	**1,660,385**
		SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE		
56	0603840F	GLOBAL BROADCAST SERVICE (GBS)	5,680	5,680
57	0604222F	NUCLEAR WEAPONS SUPPORT	18,538	18,538
58	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	21,780	21,780
59	0604270F	ELECTRONIC WARFARE DEVELOPMENT	26,880	16,880
		MALD-J Increment 2--Technology Development Contract Delay		[–10,000]
60	0604280F	JOINT TACTICAL RADIO	0	0
61	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	52,355	48,105
		STRATCOM DNC2 Contract Delays		[–3,000]
		CLIP--Contract Delays		[–1,250]
62	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
63	0604329F	SMALL DIAMETER BOMB (SDB)	132,891	132,891
64	0604421F	COUNTERSPACE SYSTEMS	31,913	31,913
65	0604425F	SPACE SITUATION AWARENESS SYSTEMS	273,689	273,689
		Space Surveillance Telescope military utility assessment		[6,000]
		Space Surveillance Telescope		[–6,000]
66	0604429F	AIRBORNE ELECTRONIC ATTACK	47,100	39,000
		Electronic Attack Pod--Delayed Start		[–3,500]
		AEA SoS--Contract Delays		[–4,600]
67	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	621,629	621,629
		Data explotation		[15,000]
		SABRS integration on SV 5 and 6		[20,000]
		SSABRS integration on SV 5 and 6		[–20,000]
		Data exploitation		[–15,000]
68	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)	0	0

Line	Program Element	Item	FY 2012 Request	Senate Authorized
69	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	10,055	6,055
		Universal Armament Interface Contract Delay		[–4,000]
70	0604604F	SUBMUNITIONS	2,427	2,427
71	0604617F	AGILE COMBAT SUPPORT	11,878	3,920
		BEAR--Ahead of Need		[–3,900]
		Airfield Damage Repair--Ahead of Need		[–4,058]
72	0604618F	JOINT DIRECT ATTACK MUNITION	0	0
73	0604706F	LIFE SUPPORT SYSTEMS	11,280	9,280
		Integrated Aircrew Ensemble--Contract Award Delays		[–2,000]
74	0604735F	COMBAT TRAINING RANGES	28,106	8,106
		Joint Threat Emitter Increment 2—Rephased Program		[–12,000]
		Air Combat Training Systems (P5) Upgrades--Contract Deleay		[–8,000]
75	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
76	0604750F	INTELLIGENCE EQUIPMENT	995	995
77	0604800F	JOINT STRIKE FIGHTER (JSF)	1,387,926	1,387,926
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	158,477	158,477
79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	20,028	20,028
80	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	877,084	742,084
		Align funding to signed KC–46A contract		[–127,100]
		Excess to Requirement		[–7,900]
81	0605229F	CSAR HH–60 RECAPITALIZATION	94,113	11,000
		Transfer to HC–130 modifications (APAF 75) per USAF request		[–10,400]
		Transfer to HH–60 modifications (APAF 73) per USAF request		[–54,600]
		Program reduction to reflect new acquisition strategy		[–18,113]
82	0605277F	CSAR-X RDT&E	0	0
83	0605278F	HC/MC–130 RECAP RDT&E	27,071	22,071
		Contract Savings		[–5,000]
84	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	0	0
85	0101125F	NUCLEAR WEAPONS MODERNIZATION	93,867	93,867
86	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	23,721	23,721
87	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	0	0
88	0207701F	FULL COMBAT MISSION TRAINING	39,826	25,826
		Block 40/50 Mission Training Center--Excess to need		[–14,000]
89	0401138F	JOINT CARGO AIRCRAFT (JCA)	27,089	27,089
90	0401318F	CV–22	20,723	10,723
		Contract Delay		[–10,000]
91	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	12,535	0
		Program Termination		[–12,535]
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE	**4,079,717**	**3,763,761**
		RDT&E MANAGEMENT SUPPORT, AIR FORCE		
92	0604256F	THREAT SIMULATOR DEVELOPMENT	22,420	22,420
93	0604759F	MAJOR T&E INVESTMENT	62,206	62,206
94	0605101F	RAND PROJECT AIR FORCE	27,579	27,579
95	0605502F	SMALL BUSINESS INNOVATION RESEARCH	0	0
96	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	17,767	17,767
97	0605807F	TEST AND EVALUATION SUPPORT	654,475	704,475
		Program Increase		[50,000]
98	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	158,096	158,096
99	0605864F	SPACE TEST PROGRAM (STP)	47,926	47,926
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	44,547	44,547
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,953	27,953
102	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,953	13,953
103	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	31,966	31,966
104	0804731F	GENERAL SKILL TRAINING	1,510	1,510
105	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
106	1001004F	INTERNATIONAL ACTIVITIES	3,798	3,798
		TOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE	**1,114,196**	**1,164,196**
		OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE		
107	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	390,889	366,889
		Slow execution		[–24,000]
108	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	5,365	5,365
109	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,866	91,866
110	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	35,467	35,467
112	0101113F	B–52 SQUADRONS	133,261	133,261
113	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	803	803
114	0101126F	B–1B SQUADRONS	33,011	33,011
115	0101127F	B–2 SQUADRONS	340,819	226,836
		Delay in EHF communications development due to FAB-T delay		[–113,983]
116	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	23,072	23,072
117	0101314F	NIGHT FIST—USSTRATCOM	5,421	5,421
119	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	4,485	4,485
120	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	12,672	12,672
121	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	14	14
122	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	19,934	19,934
123	0205219F	MQ–9 UAV	146,824	126,824
		Contract Delays		[–20,000]
124	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	0	0
125	0207131F	A–10 SQUADRONS	11,051	11,051
126	0207133F	F–16 SQUADRONS	143,869	131,069
		SLEP Contract Delay		[–12,800]

Line	Program Element	Item	FY 2012 Request	Senate Authorized
127	0207134F	F–15E SQUADRONS	207,531	194,831
		ADCP--Excess to Requirement		[–12,700]
128	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,253	13,253
129	0207138F	F–22A SQUADRONS	718,432	511,432
		Provide funds that Air Force can execute in FY12		[–140,000]
		Program Growth		[–67,000]
130	0207142F	F–35 SQUADRONS	47,841	0
		Block IV Development--Ahead of need		[–47,841]
131	0207161F	TACTICAL AIM MISSILES	8,023	8,023
132	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830
133	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,436	1,436
134	0207224F	COMBAT RESCUE AND RECOVERY	2,292	2,292
135	0207227F	COMBAT RESCUE—PARARESCUE	927	927
136	0207247F	AF TENCAP	20,727	20,727
137	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	3,128	3,128
138	0207253F	COMPASS CALL	18,509	18,509
139	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	182,967	172,967
		Excess to Requirement		[–10,000]
140	0207277F	ISR INNOVATIONS	0	0
141	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	5,796	5,796
142	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	121,880	121,880
143	0207412F	CONTROL AND REPORTING CENTER (CRC)	3,954	3,954
144	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	135,961	91,961
		NGIFF--Contract Delays		[–20,000]
		DRAGON--Contract Delays		[–24,000]
145	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	8,309	8,309
146	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
		JTRS Integration and Engineering Support--Schedule Delays		[–5,200]
		Common Processing Environment--Schedule Delays		[–40,000]
148	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,428	5,428
149	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	15,528	15,528
150	0207444F	TACTICAL AIR CONTROL PARTY-MOD	15,978	9,678
		VCS--Program Termination and Restructure		[–4,300]
		JETS Contract Delays		[–2,000]
151	0207445F	FIGHTER TACTICAL DATA LINK	0	0
152	0207448F	C2ISR TACTICAL DATA LINK	1,536	1,536
153	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,102	18,102
154	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	121,610	88,610
		Unjustified Request Based on Program Restructure		[–33,000]
155	0207590F	SEEK EAGLE	18,599	18,599
156	0207601F	USAF MODELING AND SIMULATION	23,091	23,091
157	0207605F	WARGAMING AND SIMULATION CENTERS	5,779	5,779
158	0207697F	DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
		Unjustified growth		[–2,000]
159	0208006F	MISSION PLANNING SYSTEMS	69,918	63,418
		CAF Increment IV--Critical Change Delay		[–6,500]
160	0208021F	INFORMATION WARFARE SUPPORT	2,322	2,322
161	0208059F	CYBER COMMAND ACTIVITIES	702	702
168	0301400F	SPACE SUPERIORITY INTELLIGENCE	11,866	8,866
		Program underexecution due to schedule delays		[–3,000]
169	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	5,845	5,845
170	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	43,811	43,811
171	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
		Delay due to protest		[–9,000]
172	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	449	449
173	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,854	3,854
174	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	0	0
175	0303601F	MILSATCOM TERMINALS	238,729	188,729
		Transfer to FAB-T alternative line 175a		[–50,000]
175a	0303601F	FAB-T ALTERNATIVE	0	50,000
		Transfer from FAB-T line 175		[50,000]
177	0304260F	AIRBORNE SIGINT ENTERPRISE	121,748	108,248
		Contract/Program Delays		[–13,500]
180	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,604	4,604
181	0305103F	CYBER SECURITY INITIATIVE	2,026	2,026
182	0305105F	DOD CYBER CRIME CENTER	282	282
183	0305110F	SATELLITE CONTROL NETWORK (SPACE)	18,337	18,337
184	0305111F	WEATHER SERVICE	31,084	31,084
185	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	63,367	9,867
		D--RAPCON Contract Delay		[–53,500]
186	0305116F	AERIAL TARGETS	50,620	45,620
		QF–16--Excess to Need		[–5,000]
189	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	366	366
190	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
191	0305159F	ENTERPRISE QUERY & CORRELATION	0	10,000
		Enterprise query & correlation		[20,000]
		Classified Adjustment		[–10,000]
192	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	133,601	42,601
		Contract delay		[–91,000]
193	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	17,893	17,893
195	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	196,254	196,254
196	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,961	2,961
197	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,940	9,940
198	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,271	1,271
199	0305202F	DRAGON U–2	0	0

Line	Program Element	Item	FY 2012 Request	Senate Authorized
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	52,425	15,925
		Funded via reprogramming action		[–6,500]
		Program reduction		[–30,000]
201	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	106,877	99,677
		Unjustified request		[–7,200]
202	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,049	13,049
203	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	90,724	85,724
		Contract delays		[–5,000]
204	0305219F	MQ–1 PREDATOR A UAV	14,112	11,642
		Common Sensor Payload--Ahead of Need		[–2,470]
205	0305220F	RQ–4 UAV	423,462	383,462
		Contract delays		[–40,000]
206	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,348	7,348
207	0305265F	GPS III SPACE SEGMENT	463,081	463,081
208	0305614F	JSPOC MISSION SYSTEM	118,950	83,950
		JMS program restructure		[–35,000]
209	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	14,736	14,736
210	0305913F	NUDET DETECTION SYSTEM (SPACE)	81,989	81,989
211	0305924F	NATIONAL SECURITY SPACE OFFICE	0	0
212	0305940F	SPACE SITUATION AWARENESS OPERATIONS	31,956	31,956
213	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	23,931	23,931
214	0308699F	SHARED EARLY WARNING (SEW)	1,663	1,663
215	0401115F	C–130 AIRLIFT SQUADRON	24,509	6,509
		Contract Delays		[–18,000]
216	0401119F	C–5 AIRLIFT SQUADRONS (IF)	24,941	12,941
		RERP Program Rephased		[–12,000]
217	0401130F	C–17 AIRCRAFT (IF)	128,169	94,269
		Contract Delays		[–33,900]
218	0401132F	C–130J PROGRAM	39,537	39,537
219	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,438	7,438
220	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	1,308	0
		Funded in Public Law 112–10		[–1,308]
221	0401218F	KC–135S	6,161	6,161
222	0401219F	KC–10S	30,868	30,868
223	0401314F	OPERATIONAL SUPPORT AIRLIFT	82,591	37,591
		VC–25A--Funding Ahead of Need		[–45,000]
224	0401315F	C-STOL AIRCRAFT	0	0
225	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,118	5,218
		Line of Sight--Contract Delay		[–1,900]
226	0702207F	DEPOT MAINTENANCE (NON-IF)	1,531	1,531
227	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS	0	0
228	0708012F	LOGISTICS SUPPORT ACTIVITIES	944	944
229	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	140,284	140,284
230	0708611F	SUPPORT SYSTEMS DEVELOPMENT	10,990	10,990
231	0801711F	RECRUITING ACTIVITIES	0	0
232	0804743F	OTHER FLIGHT TRAINING	322	322
233	0804757F	JOINT NATIONAL TRAINING CENTER	11	11
234	0804772F	TRAINING DEVELOPMENTS	0	0
235	0808716F	OTHER PERSONNEL ACTIVITIES	113	113
236	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,483	2,483
237	0901218F	CIVILIAN COMPENSATION PROGRAM	1,508	1,508
238	0901220F	PERSONNEL ADMINISTRATION	8,041	1,041
		Contract Delays		[–7,000]
239	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	928	928
240	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	12,118	12,118
241	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	101,317	76,317
		DEAMS--Excess to Requirement		[–25,000]
242	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF)	299	299
242A	9999999999	CLASSIFIED PROGRAMS	12,063,140	11,829,329
		Classified Adjustment		[–233,811]
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**18,573,266**	**17,318,853**
		TOTAL, RDT&E AIR FORCE	**27,737,701**	**26,183,332**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH, DW		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	47,737	47,737
2	0601101E	DEFENSE RESEARCH SCIENCES	290,773	290,773
3	0601110D8Z	BASIC RESEARCH INITIATIVES	14,731	14,731
4	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH	0	0
5	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	37,870	37,870
6	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	101,591	86,591
		Program Decrease		[–15,000]
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	52,617	52,617
		TOTAL, BASIC RESEARCH, DW	**545,319**	**530,319**
		APPLIED RESEARCH, DW		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	21,592	20,592
		Excessive growth		[–1,000]
9	0602115E	BIOMEDICAL TECHNOLOGY	110,000	110,000

Line	Program Element	Item	FY 2012 Request	Senate Authorized
10	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	0	0
11	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	37,916	37,916
12	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	4,381	4,381
13	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	400,499	400,499
14	0602304E	COGNITIVE COMPUTING SYSTEMS	49,365	49,365
15	0602305E	MACHINE INTELLIGENCE	61,351	61,351
16	0602383E	BIOLOGICAL WARFARE DEFENSE	30,421	30,421
17	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	219,873	219,873
18	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	9,235	5,235
		Program Decrease		[–4,000]
19	0602668D8Z	CYBER SECURITY RESEARCH	9,735	4,735
		Program Decrease		[–5,000]
20	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	14,923	10,923
		Excessive growth		[–4,000]
21	0602702E	TACTICAL TECHNOLOGY	206,422	206,422
22	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	237,837	237,837
23	0602716E	ELECTRONICS TECHNOLOGY	215,178	215,178
24	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	196,954	186,501
		Due to slow execution		[–10,453]
25	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,591	26,591
26	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	0	0
		TOTAL, APPLIED RESEARCH, DW	**1,852,273**	**1,827,820**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD), DW		
27	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	24,771	20,271
		Excessive growth		[–4,500]
28	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	45,028	45,028
29	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,019	77,019
30	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	283,073	271,123
		Due to slow execution		[–11,950]
31	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	75,003	75,003
32	0603200D8Z	JOINT ADVANCED CONCEPTS	7,903	7,903
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,372	20,372
34	0603250D8Z	SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT	4,381	4,381
35	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	998	998
36	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	61,458	61,458
37	0603286E	ADVANCED AEROSPACE SYSTEMS	98,878	98,878
38	0603287E	SPACE PROGRAMS AND TECHNOLOGY	97,541	97,541
39	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	229,235	229,235
40	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	7,287	7,287
41	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	187,707	177,707
		Program Decrease- Unjustified growth		[–10,000]
42	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	23,890	23,890
43	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	9,235	5,235
		Program Decrease		[–4,000]
44	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,762	10,762
45	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	10,709	5,709
		Program Decrease		[–5,000]
46	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	18,179	14,179
		Excessive growth		[–4,000]
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	17,888	47,888
		Program Increase- Industrial Base Innovation Fund program		[30,000]
48	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	26,972	13,972
		Cargo airship demonstration		[2,000]
		Pelican		[–15,000]
49	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,756	9,756
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,887	23,887
51	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	41,976	35,976
		Excessive growth		[–6,000]
52	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	66,409	66,409
53	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	91,132	61,132
		Program reduction		[–30,000]
54	0603727D8Z	JOINT WARFIGHTING PROGRAM	10,547	10,547
55	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	160,286	160,286
56	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)	0	0
57	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	0	0
58	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	296,537	296,537
59	0603765E	CLASSIFIED DARPA PROGRAMS	107,226	107,226
60	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	235,245	235,245
61	0603767E	SENSOR TECHNOLOGY	271,802	271,802
61A	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM	0	200,000
		Program Increase		[200,000]
62	0603768E	GUIDANCE TECHNOLOGY	0	0
63	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,579	13,579
64	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,424	30,424
65	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	89,925	79,925
		Program Decrease		[–10,000]
66	0603828D8Z	JOINT EXPERIMENTATION	58,130	48,130
		Program adjustment		[–10,000]
67	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	37,029	31,029
		Program Decrease		[–6,000]
68	0603901C	DIRECTED ENERGY RESEARCH	96,329	36,329
		Program Decrease—ALTB		[–60,000]
69	0603902C	NEXT GENERATION AEGIS MISSILE	123,456	123,456

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70	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	99,593	99,593
71	0603942D8Z	TECHNOLOGY TRANSFER	0	0
		Program Increase- Technology Transition Initiative		[10,000]
		Technology Transition Initiative		[–10,000]
72	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	20,444	20,444
73	0303310D8Z	CWMD SYSTEMS	7,788	7,788
74	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	35,242	30,242
		Excess to need		[–5,000]
75	1160422BB	AVIATION ENGINEERING ANALYSIS	837	837
76	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,924	4,924
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD), DW	**3,270,792**	**3,321,342**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DW		
77	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,798	36,798
78	0603527D8Z	RETRACT LARCH	21,040	21,040
79	0603600D8Z	WALKOFF	112,142	112,142
80	0603709D8Z	JOINT ROBOTICS PROGRAM	11,129	11,129
81	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	18,408	18,408
82	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	63,606	63,606
83	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	290,452	310,452
		THAAD production improvements		[20,000]
84	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,161,001	1,161,001
85	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	0	0
86	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	261,143	234,155
		JPID program restructure		[–13,988]
		INATS schedule delays		[–13,000]
87	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	222,374	222,374
88	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,071,039	1,022,039
		Program Decrease—Excess funds		[–40,000]
		Excess to need		[–9,000]
89	0603890C	BMD ENABLING PROGRAMS	373,563	373,563
90	0603891C	SPECIAL PROGRAMS—MDA	296,554	296,554
91	0603892C	AEGIS BMD	960,267	1,250,267
		SM–3 Block IB production improvements		[30,000]
		Transfer from procurement to correct test failures		[260,000]
92	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	96,353	96,353
93	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	7,951	7,951
94	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI	364,103	364,103
95	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	0	0
96	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	41,225	41,225
97	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	69,325	69,325
98	0603906C	REGARDING TRENCH	15,797	15,797
99	0603907C	SEA BASED X-BAND RADAR (SBX)	177,058	157,058
		Program Decrease—Excess funds		[–20,000]
100	0603911C	BMD EUROPEAN CAPABILITY	0	0
101	0603913C	ISRAELI COOPERATIVE PROGRAMS	106,100	156,100
		David's Sling development		[25,000]
		Arrow System Improvement Program		[20,000]
		Arrow–3 interceptor development		[5,000]
102	0603920D8Z	HUMANITARIAN DEMINING	14,996	14,996
103	0603923D8Z	COALITION WARFARE	12,743	12,743
104	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,221	35,321
		Program increase—funding shortfall		[32,100]
105	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	25,120	25,120
106	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	0	0
107	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	10,309	8,309
		Program Decrease		[–2,000]
108	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	13,024	8,024
		Program Decrease		[–5,000]
109	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	9,290	9,290
110	0604880C	LAND-BASED SM–3 (LBSM3)	306,595	306,595
111	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	424,454	444,454
		Program Increase- software Integration		[20,000]
112	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	160,818	160,818
113	0604884C	AIRBORNE INFRARED (ABIR)	46,877	46,877
114	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	0	0
115	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,358	3,358
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DW	**6,808,233**	**7,117,345**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD), DW		
116	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	0	0
117	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,220	7,220
118	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	204,824	204,824
119	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	400,608	390,608
		Decontamination FOS delays		[–10,000]
120	0604709D8Z	JOINT ROBOTICS PROGRAM	2,782	2,782
121	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,198	44,198
		Cyber threat discovery		[20,000]
		Program growth		[–25,000]
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	17,395	17,395
123	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,888	5,285
		Due to slow execution		[–603]
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,228	12,228

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125	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	0	0
126	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	0	0
127	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	389	389
128	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,929	1,929
129	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	4,993	4,993
130	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	134,285	84,285
		Program Growth		[–50,000]
131	0605075D8Z	DCMO POLICY AND INTEGRATION	41,808	31,808
		Program Growth		[–10,000]
132	0605140D8Z	TRUSTED FOUNDRY	0	0
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	14,950	14,950
134	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	0	0
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,837	19,837
136	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE	0	0
		TOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD), DW	**918,334**	**842,731**
		RDT&E MANAGEMENT SUPPORT, DW		
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,658	6,658
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,731	4,731
139	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	140,231	140,231
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,757	2,757
141	0604943D8Z	THERMAL VICAR	7,827	7,827
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,479	10,479
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	34,213	28,213
		OSD recommendation due to underexecution		[–6,000]
144	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	1,486	1,486
145	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	64,524	64,524
146	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	79,859	61,490
		Underexecution		[–18,369]
147	0605128D8Z	CLASSIFIED PROGRAM USD(P)	0	0
148	0605130D8Z	FOREIGN COMPARATIVE TESTING	19,080	19,080
149	0605142D8Z	SYSTEMS ENGINEERING	41,884	41,884
150	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,261	4,261
151	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,437	9,437
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,549	6,549
153	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,806	92,806
154	0605502BP	SMALL BUSINESS INNOVATIVE RESEARCH—CHEMICAL BIOLOGICAL DEF	0	0
155	0605502BR	SMALL BUSINESS INNOVATION RESEARCH	0	0
156	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA	0	0
157	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
158	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
159	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
160	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S	1,924	1,924
161	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	16,135	16,135
162	0605799D8Z	EMERGING CAPABILITIES	0	0
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	56,269	52,269
		Program Decrease		[–4,000]
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	49,810	49,810
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,805	20,805
		Program Increase		[5,000]
166	0605897E	DARPA AGENCY RELOCATION	1,000	1,000
167	0605898E	MANAGEMENT HQ—R&D	66,689	66,689
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,528	4,528
169	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	6,925	6,925
170	0203345D8Z	OPERATIONS SECURITY (OPSEC)	1,777	1,777
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT	18	18
174	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	12,209	12,209
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,288	4,288
176	0305103E	CYBER SECURITY INITIATIVE	10,000	5,000
		Execution delays		[–5,000]
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	15,002	15,002
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	861	861
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	59,958	59,958
181	0901585C	PENTAGON RESERVATION	0	0
182	0901598C	MANAGEMENT HQ—MDA	28,908	28,908
183	0901598D8W	IT SOFTWARE DEV INITIATIVES	167	167
184A	9999999999	CLASSIFIED PROGRAMS	82,627	82,627
		TOTAL, RDT&E MANAGEMENT SUPPORT, DW	**961,682**	**933,313**
		OPERATIONAL SYSTEMS DEVELOPMENT, DW		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,706	8,706
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA	2,165	2,165
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	15,956	15,956
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	29,880	29,880
190	0208043J	CLASSIFIED PROGRAMS	2,402	2,402
191	0208045K	C4I INTEROPERABILITY	72,403	72,403
193	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	7,093	7,093
200	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	481	481
201	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	8,366	18,366
		Cybersecurity pilots		[20,000]
		Cybersecurity pilots		[–10,000]

Line	Program Element	Item	FY 2012 Request	Senate Authorized
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,324	11,324
203	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,514	12,514
204	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,548	6,548
205	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	33,751	33,751
206	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,753	11,753
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	348,593	351,593
		File sanitization tool (FiST)		[3,000]
208	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,500	5,500
209	0303148K	DISA MISSION SUPPORT OPERATIONS	0	0
210	0303149J	C4I FOR THE WARRIOR	0	0
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	54,739	54,739
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	29,154	29,154
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,830	1,830
214	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	1,241	1,241
215	0303610K	TELEPORT PROGRAM	6,418	6,418
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	5,045	5,045
220	0305103D8Z	CYBER SECURITY INITIATIVE	411	411
222	0305103K	CYBER SECURITY INITIATIVE	4,341	4,341
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	13,008	13,008
227	0305186D8Z	POLICY R&D PROGRAMS	6,603	2,892
		OSD recommendation due to underexecution		[–3,711]
229	0305199D8Z	NET CENTRICITY	14,926	11,693
		OSD recommendation due to underexecution		[–3,233]
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	4,303	4,303
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,154	3,154
237	0305219BB	MQ–1 PREDATOR A UAV	2,499	2,499
239	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,660	2,660
240	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,444	1,444
248	0708011S	INDUSTRIAL PREPAREDNESS	23,103	23,103
249	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,466	2,466
250	0902298J	MANAGEMENT HEADQUARTERS (JCS)	2,730	2,730
251	1001018D8Z	NATO AGS	0	0
252	1105219BB	MQ–9 UAV	2,499	2,499
253	1105232BB	RQ–11 UAV	3,000	3,000
254	1105233BB	RQ–7 UAV	450	450
255	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG	0	0
256	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	89,382	89,382
257	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	799	799
258	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	27,916	27,916
259	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,915	60,915
260	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	10,775	10,775
261	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	0	0
262	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	0	0
263	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	4,617	4,617
264	1160428BB	UNMANNED VEHICLES (UV)	0	0
265	1160429BB	AC/MC–130J	18,571	18,571
266	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,392	1,392
267	1160476BB	SOF TACTICAL RADIO SYSTEMS	0	0
268	1160477BB	SOF WEAPONS SYSTEMS	2,610	2,610
269	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	2,971	2,971
270	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,000	3,000
271	1160480BB	SOF TACTICAL VEHICLES	3,522	3,522
272	1160481BB	SOF MUNITIONS	1,500	1,500
273	1160482BB	SOF ROTARY WING AVIATION	51,123	51,123
274	1160483BB	SOF UNDERWATER SYSTEMS	92,424	92,424
275	1160484BB	SOF SURFACE CRAFT	14,475	14,475
276	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS	2,990	2,990
277	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	8,923	8,923
278	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,473	9,473
278A	9999999999	CLASSIFIED PROGRAMS	4,227,920	4,263,700
		Classified Adjustment		[35,780]
		TOTAL OPERATIONAL SYSTEMS DEVELOPMENT, DW	**5,399,045**	**5,440,881**
		DARPA—UNDISTRIBUTED	**0**	**–200,000**
		Undistributed reduction--Underexecution		[–150,000]
		Undistributed reduction--additional unrestricted cut to DARPA topline		[–50,000]
		TOTAL, RDT&E DW	**19,755,678**	**19,813,751**
		OPERATIONAL TEST & EVAL, DEFENSE		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	60,444	60,444
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,126	12,126
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	118,722	118,722
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	**191,292**	**191,292**
		TOTAL RDT&E	**75,325,082**	**71,840,593**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		RDT&E MANAGEMENT SUPPORT, ARMY		
140	0605601A	ARMY TEST RANGES AND FACILITIES	8,513	8,513
		TOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	**8,513**	**8,513**
		TOTAL, RDT&E ARMY	**8,513**	**8,513**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY		
54	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	1,500	1,500
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**1,500**	**1,500**
		SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY		
97	0604270N	ELECTRONIC WARFARE DEVELOPMENT	5,600	5,600
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	3,500	3,500
126	0604771N	MEDICAL DEVELOPMENT	1,950	1,950
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY	**11,050**	**11,050**
		OPERATIONAL SYSTEMS DEVELOPMENT, NAVY		
172	0204136N	F/A–18 SQUADRONS	2,000	2,000
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	1,500	1,500
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	4,050	4,050
216	0305231N	MQ–8 UAV	0	104,600
		ECP for SOCOM urgent needs statement—transfer from Title II		[104,600]
227A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, NAVY	**41,334**	**145,934**
		TOTAL, RDT&E NAVY	**53,884**	**158,484**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
		OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE		
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,000	58,000
		Blue Devil ARGUS Sensors—Already Funded Through Reprogramming Actions		[–15,000]
242A	9999999999	CLASSIFIED PROGRAMS	69,000	69,000
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**142,000**	**127,000**
		TOTAL, RDT&E AIR FORCE	**142,000**	**127,000**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		RDT&E MANAGEMENT SUPPORT, DW		
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	9,200	9,200
		TOTAL, RDT&E MANAGEMENT SUPPORT, DW	**9,200**	**9,200**
		OPERATIONAL SYSTEMS DEVELOPMENT, DW		
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,500	10,500
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	32,850	32,850
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,000	2,000
254	1105233BB	RQ–7 UAV	2,450	2,450
278A	9999999999	CLASSIFIED PROGRAMS	135,361	120,581
		Classified Adjustment		[–14,780]
		TOTAL OPERATIONAL SYSTEMS DEVELOPMENT, DW	**183,161**	**168,381**
		TOTAL, RDT&E DW	**192,361**	**177,581**
		TOTAL RDT&E	**396,758**	**471,578**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	1,399,804	1,249,071
	Transfer to OCO: MRAP Vehicle Sustainment.		[–2,539]
	Transfer to OCO: Theater Demand Reduction.		[–148,194]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
020	MODULAR SUPPORT BRIGADES	104,629	102,347
	Transfer to OCO: Theater Demand Reduction.		[–2,282]
030	ECHELONS ABOVE BRIGADE	815,920	815,920
040	THEATER LEVEL ASSETS	825,587	796,595
	Transfer to OCO: Theater Demand Reduction.		[–18,692]
	Transfer to OCO: UAS--Gray Eagle Satellite Service.		[–10,300]
050	LAND FORCES OPERATIONS SUPPORT	1,245,231	1,199,827
	Transfer to OCO: MRAP Vehicle Sustainment at Combat Training Centers.		[–6,420]
	Transfer to OCO: National Training Center Tier Two Level Maintenance Contract.		[–24,000]
	Transfer to OCO: Theater Demand Reduction.		[–14,984]
060	AVIATION ASSETS	1,199,340	1,137,835
	Transfer to OCO: Theater Demand Reduction.		[–61,505]
070	FORCE READINESS OPERATIONS SUPPORT	2,939,455	2,847,795
	FOB Baseline Not Taken into Account in Requested Program Growth.		[–20,000]
	Transfer to OCO: Body Armor Sustainment.		[–71,660]
080	LAND FORCES SYSTEMS READINESS	451,228	431,228
	Deny Requested Growth for Civilian and Contractor Positions.		[–20,000]
090	LAND FORCES DEPOT MAINTENANCE	1,179,675	1,179,675
100	BASE OPERATIONS SUPPORT	7,637,052	7,329,552
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities.		[–37,500]
	Removal of FY11 Costs Budgeted for Detainee Operations (Full FY12 Requirement Funded in OCO).		[–70,000]
	Transfer to OCO: Overseas Security Guards.		[–200,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,495,667	2,495,667
120	MANAGEMENT AND OPERATIONAL HQ	397,952	397,952
130	COMBATANT COMMANDERS CORE OPERATIONS	171,179	171,179
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	459,585	459,585
	TOTAL, BA 01: OPERATING FORCES	**21,322,304**	**20,614,228**
	BA 02: MOBILIZATION		
180	STRATEGIC MOBILITY	390,394	390,394
190	ARMY PREPOSITIONING STOCKS	169,535	169,535
200	INDUSTRIAL PREPAREDNESS	6,675	6,675
	TOTAL, BA 02: MOBILIZATION	**566,604**	**566,604**
	BA 03: TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	113,262	113,262
220	RECRUIT TRAINING	71,012	71,012
230	ONE STATION UNIT TRAINING	49,275	49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS	417,071	417,071
250	SPECIALIZED SKILL TRAINING	1,045,948	1,045,948
260	FLIGHT TRAINING	1,083,808	1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,073	191,073
280	TRAINING SUPPORT	607,896	607,896
290	RECRUITING AND ADVERTISING	523,501	523,501
300	EXAMINING	139,159	139,159
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,978	238,978
320	CIVILIAN EDUCATION AND TRAINING	221,156	221,156
330	JUNIOR ROTC	170,889	170,889
	TOTAL, BA 03: TRAINING AND RECRUITING	**4,873,028**	**4,873,028**
	BA 04: ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	995,161	995,161
350	SERVICEWIDE TRANSPORTATION	524,334	524,334
360	CENTRAL SUPPLY ACTIVITIES	705,668	705,668
370	LOGISTIC SUPPORT ACTIVITIES	484,075	484,075
380	AMMUNITION MANAGEMENT	457,741	387,741
	Requested Growth Unjustified by Metrics Provided in Performance Criteria.		[–70,000]
390	ADMINISTRATION	775,313	775,313
400	SERVICEWIDE COMMUNICATIONS	1,534,706	1,504,706
	Budget Justification Does Not Match Summary of Price and Program Changes for DISA.		[–30,000]
410	MANPOWER MANAGEMENT	316,924	316,924
420	OTHER PERSONNEL SUPPORT	214,356	214,356
430	OTHER SERVICE SUPPORT	1,093,877	1,033,877
	Unjustified program growth-Joint DOD Support		[–5,000]
	Unjustified program growth-PA Strategic Communications		[–5,000]
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS.		[–50,000]
440	ARMY CLAIMS ACTIVITIES	216,621	216,621
450	REAL ESTATE MANAGEMENT	180,717	157,813
	Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund.		[–10,000]
	BA–4 Adjustment for Defense Efficiency—Civilian Staffing Reduction.		[–12,904]
460	SUPPORT OF NATO OPERATIONS	449,901	449,901
470	MISC. SUPPORT OF OTHER NATIONS	23,886	23,886
	TOTAL, BA 04: ADMIN & SRVWIDE ACTIVITIES	**6,978,119**	**6,795,215**
	UNDISTRIBUTED		
480	UNDISTRIBUTED		–3,942,465
	Reduction in funding for contract services		[–121,700]
	Reduction in funding for DoD business systems		[–46,000]
	Management efficiencies in the military intelligence program		[–29,900]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Unobligated balances		*[–275,000]*
	Adjustment for Defense Efficiency—Civilian Staffing Reduction.		*[–166,365]*
	Transfer to OCO: Readiness and Depot Maintenance (BA–1 Undistributed).		*[–3,000,000]*
	Printing & Reproduction (10% cut)—Efficiency.		*[–10,600]*
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		*[–1,400]*
	Decrease in OPTEMPO as cited by Army.		*[–291,500]*
999	CLASSIFIED		1,600
	Classified adjustment		*[1,600]*
	TOTAL, OPERATION & MAINTENANCE, ARMY	**34,735,216**	**29,903,371**
	OPERATION & MAINTENANCE, ARMY RES		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	1,091	1,091
020	MODULAR SUPPORT BRIGADES	18,129	18,129
030	ECHELONS ABOVE BRIGADE	492,705	492,705
040	THEATER LEVEL ASSETS	137,304	137,304
050	LAND FORCES OPERATIONS SUPPORT	597,786	597,786
060	AVIATION ASSETS	67,366	67,366
070	FORCE READINESS OPERATIONS SUPPORT	474,966	474,966
080	LAND FORCES SYSTEMS READINESS	69,841	69,841
090	LAND FORCES DEPOT MAINTENANCE	247,010	247,010
100	BASE OPERATIONS SUPPORT	590,078	583,078
	Reduction in Payments to the GSA for Standard Level Service Charges Not Properly Accounted for in Budget Documentation.		*[–7,000]*
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	255,618	255,618
120	ADDITIONAL ACTIVITIES	0	0
	UNDISTRIBUTED		–91,000
	Decrease in OPTEMPO as cited by Army.		*[–87,000]*
	Deny Increase Budgeted for FY12 Price Growth for Civilian Compensation.		*[–4,000]*
	TOTAL, BA 01: OPERATING FORCES	**2,951,894**	**2,853,894**
	BA 02: ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	14,447	14,447
140	ADMINISTRATION	76,393	76,393
150	SERVICEWIDE COMMUNICATIONS	3,844	3,844
160	MANPOWER MANAGEMENT	9,033	9,033
170	RECRUITING AND ADVERTISING	53,565	53,565
	TOTAL, BA 02: ADMIN & SRVWD ACTIVITIES	**157,282**	
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	**3,109,176**	**3,011,176**
	OPERATION & MAINTENANCE, ARNG		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	634,181	634,181
020	MODULAR SUPPORT BRIGADES	189,899	189,899
030	ECHELONS ABOVE BRIGADE	751,899	751,899
040	THEATER LEVEL ASSETS	112,971	112,971
050	LAND FORCES OPERATIONS SUPPORT	33,972	33,972
060	AVIATION ASSETS	854,048	854,048
070	FORCE READINESS OPERATIONS SUPPORT	706,299	706,299
080	LAND FORCES SYSTEMS READINESS	50,453	50,453
090	LAND FORCES DEPOT MAINTENANCE	646,608	646,608
100	BASE OPERATIONS SUPPORT	1,028,126	988,626
	Unjustified Growth for Travel.		*[–25,000]*
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation.		*[–10,000]*
	Unjustified Growth for Public Affairs.		*[–4,500]*
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	618,513	618,513
120	MANAGEMENT AND OPERATIONAL HQ	792,575	787,575
	Army National Guard-Identified Excess.		*[–5,000]*
130	ADDITIONAL ACTIVITIES	0	0
	TOTAL, BA 01: OPERATING FORCES	**6,419,544**	**6,375,044**
	BA 04: ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	11,703	11,703
150	ADMINISTRATION	178,655	178,655
160	SERVICEWIDE COMMUNICATIONS	42,073	42,073
170	MANPOWER MANAGEMENT	6,789	6,789
180	RECRUITING AND ADVERTISING	382,668	382,668
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**621,888**	
	UNDISTRIBUTED		
190	UNDISTRIBUTED		–156,500
	Reduction in non-dual status technician limitation		*[–20,000]*
	Deny Increase Budgeted for FY12 Price Growth for Civilian Compensation.		*[–11,000]*
	Decrease in OPTEMPO as cited by Army.		*[–125,500]*
	TOTAL, OPERATION & MAINTENANCE, ARNG	**7,041,432**	**6,840,432**
	OPERATION & MAINTENANCE, NAVY		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,762,887	4,762,887

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
020	FLEET AIR TRAINING	1,771,644	1,771,644
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	46,321	46,321
040	AIR OPERATIONS AND SAFETY SUPPORT	104,751	104,751
050	AIR SYSTEMS SUPPORT	431,576	431,576
060	AIRCRAFT DEPOT MAINTENANCE	1,030,303	1,030,303
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,403	37,403
080	AVIATION LOGISTICS	238,007	238,007
090	MISSION AND OTHER SHIP OPERATIONS	3,820,186	3,820,186
100	SHIP OPERATIONS SUPPORT & TRAINING	734,866	734,866
110	SHIP DEPOT MAINTENANCE	4,972,609	4,972,609
120	SHIP DEPOT OPERATIONS SUPPORT	1,304,271	1,304,271
130	COMBAT COMMUNICATIONS	583,659	583,659
140	ELECTRONIC WARFARE	97,011	97,011
150	SPACE SYSTEMS AND SURVEILLANCE	162,303	137,303
	Budget Justification Does Not Match Summary of Price and Program Changes.		[–25,000]
160	WARFARE TACTICS	423,187	423,187
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	320,141	320,141
180	COMBAT SUPPORT FORCES	1,076,478	1,076,478
190	EQUIPMENT MAINTENANCE	187,037	187,037
200	DEPOT OPERATIONS SUPPORT	4,352	4,352
210	COMBATANT COMMANDERS CORE OPERATIONS	103,830	103,830
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	180,800	180,800
230	CRUISE MISSILE	125,333	125,333
240	FLEET BALLISTIC MISSILE	1,209,410	1,209,410
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	99,063	99,063
260	WEAPONS MAINTENANCE	450,454	450,454
270	OTHER WEAPON SYSTEMS SUPPORT	358,002	358,002
280	ENTERPRISE INFORMATION	971,189	971,189
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,946,779	1,946,779
300	BASE OPERATING SUPPORT	4,610,525	4,590,525
	Savings from In-sourcing Security Contractor Positions Not Properly Accounted for in Budget Documentation.		[–20,000]
	TOTAL, BA 01: OPERATING FORCES	**32,164,377**	**32,119,377**
	BA 02: MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	493,326	493,326
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,228	6,228
330	SHIP ACTIVATIONS/INACTIVATIONS	205,898	205,898
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	68,634	68,634
350	INDUSTRIAL READINESS	2,684	2,684
360	COAST GUARD SUPPORT	25,192	25,192
	TOTAL, BA 02: MOBILIZATION	**801,962**	**801,962**
	BA 03: TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,540	147,540
380	RECRUIT TRAINING	10,655	10,655
390	RESERVE OFFICERS TRAINING CORPS	151,147	151,147
400	SPECIALIZED SKILL TRAINING	594,799	594,799
410	FLIGHT TRAINING	9,034	9,034
420	PROFESSIONAL DEVELOPMENT EDUCATION	173,452	173,452
430	TRAINING SUPPORT	168,025	168,025
440	RECRUITING AND ADVERTISING	254,860	254,860
450	OFF-DUTY AND VOLUNTARY EDUCATION	140,279	140,279
460	CIVILIAN EDUCATION AND TRAINING	107,561	107,561
470	JUNIOR ROTC	52,689	52,689
	TOTAL, BA 03: TRAINING AND RECRUITING	**1,810,041**	**1,810,041**
	BA 04: ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	754,483	754,483
490	EXTERNAL RELATIONS	14,275	14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	112,616	112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	216,483	216,483
520	OTHER PERSONNEL SUPPORT	282,295	282,295
530	SERVICEWIDE COMMUNICATIONS	534,873	534,873
540	MEDICAL ACTIVITIES	0	0
550	SERVICEWIDE TRANSPORTATION	190,662	190,662
560	ENVIRONMENTAL PROGRAMS	0	0
570	PLANNING, ENGINEERING AND DESIGN	303,636	303,636
580	ACQUISITION AND PROGRAM MANAGEMENT	903,885	903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,880	54,880
600	COMBAT/WEAPONS SYSTEMS	20,687	20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,374	68,374
620	NAVAL INVESTIGATIVE SERVICE	572,928	572,928
630	CONSOLIDATED CRYPTOLOGICAL PROGRAM	0	0
650	FOREIGN COUNTERINTELLIGENCE	0	0
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,516	5,516
690	CANCELLED ACCOUNT ADJUSTMENTS	0	0
700	JUDGEMENT FUND	0	0
700A	CLASSIFIED PROGRAMS	552,715	546,715
	Classified adjustment		[–6,000]
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**4,588,308**	**4,582,308**
	UNDISTRIBUTED		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
710	UNDISTRIBUTED		–1,320,600
	Reduction in funding for contract services		[–122,800]
	Reduction in funding for DoD business systems		[–52,900]
	Management efficiencies in the military intelligence program		[–11,300]
	Unobligated balances		[–123,800]
	Transfer to OCO: Readiness and Depot Maintenance (BA–1 Undistributed).		[–495,000]
	Deny FY12 Budget Price Growth for Civilian Personnel Compensation.		[–5,000]
	Printing & Reproduction (10% cut)—Efficiency.		[–7,100]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[–2,700]
	Target area for reduction as cited by Navy.		[–500,000]
	TOTAL, OPERATION & MAINTENANCE, NAVY	**39,364,688**	**37,993,088**
	OPERATION & MAINTENANCE, MARINE CORPS		
	BA 01: OPERATING FORCES		
010	OPERATIONAL FORCES	715,196	715,196
020	FIELD LOGISTICS	677,608	677,608
030	DEPOT MAINTENANCE	190,713	78,713
	Transfer to OCO: Depot Maintenance.		[–112,000]
040	MARITIME PREPOSITIONING	101,464	101,464
050	NORWAY PREPOSITIONING	0	0
060	SUSTAINMENT, RESTORATION, & MODERNIZATION	823,390	823,390
070	BASE OPERATING SUPPORT	2,208,949	1,973,949
	Transfer to OCO: Readiness and Depot Maintenance (BA–1 Undistributed).		[–235,000]
	TOTAL, BA 01: OPERATING FORCES	**4,717,320**	**4,370,320**
	BA 03: TRAINING AND RECRUITING		
080	RECRUIT TRAINING	18,280	18,280
090	OFFICER ACQUISITION	820	820
100	SPECIALIZED SKILL TRAINING	85,816	85,816
110	FLIGHT TRAINING	0	0
120	PROFESSIONAL DEVELOPMENT EDUCATION	33,142	33,142
130	TRAINING SUPPORT	324,643	324,643
140	RECRUITING AND ADVERTISING	184,432	184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION	43,708	43,708
160	JUNIOR ROTC	19,671	19,671
	TOTAL, BA03: TRAINING AND RECRUITING	**710,512**	
	BA 04: ADMIN & SRVWD ACTIVITIES		
170	SPECIAL SUPPORT	0	0
180	SERVICEWIDE TRANSPORTATION	36,021	31,021
	Incorrect Price Growth Rate Used for Commercial Transportation.		[–5,000]
190	ADMINISTRATION	405,431	405,431
200	ACQUISITION & PROGRAM MANAGEMENT	91,153	91,153
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**532,605**	**527,605**
	UNDISTRIBUTED		
210	UNDISTRIBUTED		–199,300
	Reduction in funding for DoD business systems		[–5,700]
	Unobligated balances		[–21,600]
	OMMC Request Inconsistent with Information Technology Budget Justification for the Operational Support Systems—Command and Control.		[–20,000]
	Printing & Reproduction (10% cut)—Efficiency.		[–6,500]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[–500]
	Target area for reduction as cited by Marine Corps.		[–145,000]
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	**5,960,437**	**5,409,137**
	OPERATION & MAINTENANCE, NAVY RES		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	622,868	622,868
020	INTERMEDIATE MAINTENANCE	16,041	16,041
030	AIR OPERATIONS AND SAFETY SUPPORT	1,511	1,511
040	AIRCRAFT DEPOT MAINTENANCE	123,547	123,547
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	379	379
060	MISSION AND OTHER SHIP OPERATIONS	49,701	49,701
070	SHIP OPERATIONS SUPPORT & TRAINING	593	593
080	SHIP DEPOT MAINTENANCE	53,916	53,916
090	COMBAT COMMUNICATIONS	15,445	15,445
100	COMBAT SUPPORT FORCES	153,942	153,942
110	WEAPONS MAINTENANCE	7,292	7,292
120	ENTERPRISE INFORMATION	75,131	75,131
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	72,083	72,083
140	BASE OPERATING SUPPORT	109,024	109,024
	TOTAL, BA 01: OPERATING FORCES	**1,301,473**	**1,301,473**
	BA 04: ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,857	1,857
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,438	14,438
170	SERVICEWIDE COMMUNICATIONS	2,394	2,394
180	ACQUISITION AND PROGRAM MANAGEMENT	2,972	2,972
190	CANCELLED ACCOUNT ADJUSTMENTS	0	0
200	JUDGMENT FUND	0	0

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**21,661**	**21,661**
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	**1,323,134**	**1,323,134**
	OPERATION & MAINTENANCE, MC RESERVE		
	BA 01: OPERATING FORCES		
010	OPERATING FORCES	94,604	94,604
020	DEPOT MAINTENANCE	16,382	16,382
030	TRAINING SUPPORT	0	0
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	31,520	31,520
050	BASE OPERATING SUPPORT	105,809	105,809
	TOTAL, BA 01: OPERATING FORCES	**248,315**	**248,315**
	BA 04: ADMIN & SRVWD ACTIVITIES		
060	SPECIAL SUPPORT	0	0
070	SERVICEWIDE TRANSPORTATION	852	852
080	ADMINISTRATION	13,257	13,257
090	RECRUITING AND ADVERTISING	9,019	9,019
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**23,128**	**23,128**
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	**271,443**	**271,443**
	OPERATION & MAINTENANCE, AIR FORCE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,224,400	4,154,400
	Transfer to OCO: Theater Security Package.		[–70,000]
020	COMBAT ENHANCEMENT FORCES	3,417,731	3,379,731
	Unjustified Increase in Travel.		[–10,000]
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions.		[–4,000]
	Removal of One-Time FY11 Costs for Software Maintenance Requirements.		[–24,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,482,814	1,482,814
040	MISSION SUPPORT OPERATIONS	0	0
050	DEPOT MAINTENANCE	2,204,131	2,204,131
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,652,318	1,652,318
070	BASE SUPPORT	2,507,179	2,482,179
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities.		[–25,000]
080	GLOBAL C3I AND EARLY WARNING	1,492,459	1,492,459
090	OTHER COMBAT OPS SPT PROGRAMS	1,046,226	1,032,226
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions.		[–14,000]
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	696,188	696,188
110	LAUNCH FACILITIES	321,484	321,484
120	SPACE CONTROL SYSTEMS	633,738	626,738
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions.		[–7,000]
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	698,128
	Strategic Command Program Decreases Not Accounted for in Budget Documentation.		[–20,000]
	Transfer to OCO: CENTCOM HQ C4.		[–12,500]
	Transfer to OCO: CENTCOM Public Affairs.		[–4,860]
140	COMBATANT COMMANDERS CORE OPERATIONS	170,481	170,481
	TOTAL, BA 01: OPERATING FORCES	**20,584,637**	**20,393,277**
	BA 02: MOBILIZATION		
150	AIRLIFT OPERATIONS	2,988,221	2,988,221
160	MOBILIZATION PREPAREDNESS	150,724	150,724
170	DEPOT MAINTENANCE	373,568	373,568
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	388,103	388,103
190	BASE SUPPORT	674,230	634,230
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities.		[–25,000]
	Unjustified Growth for Competitive Sourcing and Privitization.		[–15,000]
	TOTAL, BA 02: MOBILIZATION	**4,574,846**	**4,534,846**
	BA 03: TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	114,448	114,448
210	RECRUIT TRAINING	22,192	22,192
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	90,545	90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	430,090	430,090
240	BASE SUPPORT	789,654	789,654
250	SPECIALIZED SKILL TRAINING	481,357	471,357
	Budget Justification Does Not Match Summary of Price and Program Changes for Equipment Maintenance by Contract.		[–10,000]
260	FLIGHT TRAINING	957,538	957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION	198,897	198,897
280	TRAINING SUPPORT	108,248	108,248
290	DEPOT MAINTENANCE	6,386	6,386
300	RECRUITING AND ADVERTISING	136,102	136,102
310	EXAMINING	3,079	3,079
320	OFF-DUTY AND VOLUNTARY EDUCATION	167,660	167,660
330	CIVILIAN EDUCATION AND TRAINING	202,767	202,767
340	JUNIOR ROTC	75,259	75,259
	TOTAL, BA 03: TRAINING AND RECRUITING	**3,784,222**	**3,774,222**
	BA 04: ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	1,112,878	1,112,878
360	TECHNICAL SUPPORT ACTIVITIES	785,150	785,150
370	DEPOT MAINTENANCE	14,356	14,356

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
380	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	416,588	416,588
390	BASE SUPPORT	1,219,043	1,219,043
400	ADMINISTRATION	662,180	497,180
	Program decrease		[–165,000]
410	SERVICEWIDE COMMUNICATIONS	650,689	650,689
420	OTHER SERVICEWIDE ACTIVITIES	1,078,769	953,769
	Air Force funds for Space Shuttle (for museum)		[–14,000]
	Program decrease		[–104,000]
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS.		[–7,000]
430	CIVIL AIR PATROL	23,338	23,338
440	JUDGMENT FUND REIMBURSEMENT	0	0
460	INTERNATIONAL SUPPORT	72,589	72,589
460A	CLASSIFIED PROGRAMS	1,215,848	1,217,348
	Classified adjustment		[1,500]
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**7,251,428**	**6,962,928**
	UNDISTRIBUTED		
470	UNDISTRIBUTED		–1,204,400
	Reduction in funding for contract services		[–144,200]
	Reduction in funding for DoD business systems		[–26,200]
	Management efficiencies in the military intelligence program		[–46,600]
	Unobligated balances		[–143,700]
	Transfer to OCO: Readiness and Depot Maintenance (BA–1 Undistributed).		[–470,000]
	Printing & Reproduction (10% cut)—Efficiency.		[–7,200]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[–2,500]
	Target area for reduction as cited by Air Force.		[–364,000]
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	**36,195,133**	**34,460,873**
	OPERATION & MAINTENANCE, AF RESERVE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,171,853	2,171,853
020	MISSION SUPPORT OPERATIONS	116,513	116,513
030	DEPOT MAINTENANCE	471,707	471,707
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	77,161	77,161
050	BASE SUPPORT	308,974	308,974
	TOTAL, BA 01: OPERATING FORCES	**3,146,208**	**3,146,208**
	BA 04: ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	84,423	84,423
070	RECRUITING AND ADVERTISING	17,076	17,076
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,688	19,688
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,170	6,170
100	AUDIOVISUAL	794	794
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**128,151**	**128,151**
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	**3,274,359**	**3,274,359**
	OPERATION & MAINTENANCE, ANG		
	BA 01: OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,651,900	3,651,900
020	MISSION SUPPORT OPERATIONS	751,519	751,519
030	DEPOT MAINTENANCE	753,525	753,525
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	284,348	284,348
050	BASE SUPPORT	621,942	588,442
	O&M Air National Guard Request Inconsistent with Information Technology Budget Justification for Base Level Communication Infrastructure.		[–23,500]
	O&M Air National Guard Request Inconsistent with MIP Budget Justification for Air Intelligence Systems.		[–10,000]
	TOTAL, BA 01: OPERATING FORCES	**6,063,234**	**6,029,734**
	BA 04: ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	39,387	39,387
070	RECRUITING AND ADVERTISING	33,659	33,659
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**73,046**	**73,046**
	TOTAL, OPERATION & MAINTENANCE, ANG	**6,136,280**	**6,102,780**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	BA 01: OPERATING FORCES		
020	SPECIAL OPERATIONS COMMAND	3,986,766	3,893,859
	Civilian pay freeze and projected personnel reductions		[–10,000]
	Sustaining Base Communications—Excessive Gowth		[–8,000]
	Aviation Foreign Internal Defense		[–17,607]
	Military Information Support Activities—Transfer to OCO		[–57,300]
010	JOINT CHIEFS OF STAFF	563,787	558,287
	Reduce Civilian Personnel FY12 Average Salary Growth.		[–5,500]
	TOTAL, BA 01: OPERATING FORCES	**4,550,553**	**4,452,146**
	BA 03: TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	124,075	124,075
040	NATIONAL DEFENSE UNIVERSITY	93,348	93,348
	TOTAL, BA 03: TRAINING AND RECRUITING	**217,423**	**217,423**

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(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	BA 04: ADMIN & SRVWD ACTIVITIES		
070	DEFENSE BUSINESS TRANSFORMATION AGENCY	0	0
050	CIVIL MILITARY PROGRAMS	159,692	159,692
080	DEFENSE CONTRACT AUDIT AGENCY	508,822	508,822
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,147,366	1,147,366
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	12,000	12,000
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,419	646,419
	Overstatement of FY12 Costs for Civilian Personnel		[–30,000]
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,360,392	1,360,392
150	DEFENSE LOGISTICS AGENCY	450,863	450,863
140	DEFENSE LEGAL SERVICES AGENCY	37,367	37,367
160	DEFENSE MEDIA ACTIVITY	256,133	256,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,768,677	2,648,677
	DoD recommended reduction to MyCAA		[–120,000]
170	DEFENSE POW/MIA OFFICE	22,372	22,372
180	DEFENSE SECURITY COOPERATION AGENCY	682,831	530,551
	Reduction to Global Train and Equip		[–150,000]
	Program decrease—Security Cooperation Assessment Office		[–2,280]
190	DEFENSE SECURITY SERVICE	505,366	505,366
210	DEFENSE THREAT REDUCTION AGENCY	432,133	432,133
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	33,848	33,848
230	MISSILE DEFENSE AGENCY	202,758	202,758
250	OFFICE OF ECONOMIC ADJUSTMENT	81,754	48,754
	Ahead of need—Guam FSRM		[–33,000]
260	OFFICE OF THE SECRETARY OF DEFENSE	2,201,964	2,181,964
	Unjustified Growth for Equipment Maintenance by Contract.		[–10,000]
	Additional Efficiences Based on Disestablishment of the ASD/NII.		[–10,000]
270	WASHINGTON HEADQUARTERS SERVICE	563,184	550,684
	Removal of FY11 Costs Budgeted for Boards, Commissions and Task Forces.		[–6,000]
	Removal of FY11 Costs Budgeted for the Defense Agencies Initiative.		[–6,500]
270A	CLASSIFIED PROGRAMS	14,068,492	13,911,653
	Classified adjustment		[–156,839]
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**26,172,433**	**25,647,814**
	UNDISTRIBUTED		
280	UNDISTRIBUTED		–874,800
	Reduction in funding for contract services		[–694,800]
	Reduction in funding for DoD business systems		[–27,600]
	Management efficiencies in the military intelligence program		[–41,300]
	Impact Aid		[25,000]
	Severe disabilities		[5,000]
	Unobligated balances		[–119,900]
	Printing & Reproduction (10% cut)—Efficiency.		[–4,300]
	Studies, Analysis & Evaluations (10% cut)—Efficiency.		[–16,900]
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	**30,940,409**	**29,442,583**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,861	13,861
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	107,662	107,662
010	FORMER SOVIET UNION (FSU) THREAT REDUCTION	508,219	508,219
010	ACQ WORKFORCE DEV FD	305,501	305,501
030	ENVIRONMENTAL RESTORATION, ARMY	346,031	346,031
050	ENVIRONMENTAL RESTORATION, NAVY	308,668	308,668
070	ENVIRONMENTAL RESTORATION, AIR FORCE	525,453	525,453
090	ENVIRONMENTAL RESTORATION, DEFENSE	10,716	10,716
110	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	276,495	276,495
130	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	5,000
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,407,606**	**2,407,606**
	DEFERRED EXPENSES FOR FOREIGN OPERATIONS		**406,605**
	Deferred Expenses for foreign operations		[406,605]
	TOTAL, OPERATION & MAINTENANCE	**170,759,313**	**160,846,587**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	BA 01: OPERATING FORCES		
040	THEATER LEVEL ASSETS	3,424,314	3,453,306
	Transfer from Base: Theater Demand Reduction.		[18,692]
	Transfer from Base: UAS—Gray Eagle Satellite Service.		[10,300]
050	LAND FORCES OPERATIONS SUPPORT	1,534,886	1,580,290
	Transfer from Base: MRAP Vehicle Sustainment at Combat Training Centers.		[6,420]
	Transfer from Base: National Training Center Tier Two Level Maintenance Contract.		[24,000]
	Transfer from Base: Theater Demand Reduction.		[14,984]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
060	AVIATION ASSETS	87,166	148,671
	Transfer from Base: Theater Demand Reduction.		[61,505]
070	FORCE READINESS OPERATIONS SUPPORT	2,675,821	2,747,481
	Transfer from Base: Body Armor Sustainment.		[71,660]
080	LAND FORCES SYSTEMS READINESS	579,000	579,000
090	LAND FORCES DEPOT MAINTENANCE	1,000,000	1,000,000
100	BASE OPERATIONS SUPPORT	951,371	1,151,371
	Transfer from Base: Overseas Security Guards.		[200,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	22,998,441	23,099,456
	Transfer from Base, SAG 111: MRAP Vehicle Sustainment.		[2,539]
	Transfer from Base, SAG 111: Theater Demand Reduction.		[148,194]
	Transfer from Base, SAG 112: Theater Demand Reduction.		[2,282]
	Sychronization Pre-Deployment and Operational Tracker (SPOT) Fully funded in FY12 OMDW Base Request.		[–12,000]
	ARGUS A–160 Deployment Delays.		[–40,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	425,000	400,000
	Termination of CERP in Iraq		[–25,000]
160	RESET	3,955,429	3,955,429
	UNDISTRIBUTED	0	3,000,000
	Transfer from Base: Readiness and Depot Maintenance (BA–1 Undistributed).		[3,000,000]
	TOTAL, BA 01: OPERATING FORCES	**37,881,428**	**41,365,004**
	BA 04: ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	2,476,766	2,476,766
350	SERVICEWIDE TRANSPORTATION	3,507,186	3,507,186
360	CENTRAL SUPPLY ACTIVITIES	50,740	50,740
380	AMMUNITION MANAGEMENT	84,427	84,427
400	SERVICEWIDE COMMUNICATIONS	66,275	66,275
420	OTHER PERSONNEL SUPPORT	143,391	143,391
430	OTHER SERVICE SUPPORT	92,067	92,067
	TOTAL, BA 04: ADMIN & SRVWIDE ACTIVITIES	**6,420,852**	**6,420,852**
	TOTAL, OPERATION & MAINTENANCE, ARMY	**44,302,280**	**47,785,856**
	OPERATION & MAINTENANCE, ARMY RES		
	BA 01: OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	84,200	84,200
050	LAND FORCES OPERATIONS SUPPORT	28,100	28,100
070	FORCE READINESS OPERATIONS SUPPORT	20,700	10,700
	Duplicate Request for Military Pay Support Contract (requested both in SAG 121 and 131).		[–10,000]
100	BASE OPERATIONS SUPPORT	84,500	84,500
	TOTAL, BA 01: OPERATING FORCES	**217,500**	**207,500**
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	**217,500**	**207,500**
	OPERATION & MAINTENANCE, ARNG		
	BA 01: OPERATING FORCES		
010	MANEUVER UNITS	89,930	89,930
060	AVIATION ASSETS	130,848	130,848
070	FORCE READINESS OPERATIONS SUPPORT	110,011	110,011
100	BASE OPERATIONS SUPPORT	34,788	34,788
120	MANAGEMENT AND OPERATIONAL HQ	21,967	21,967
	TOTAL, BA 01: OPERATING FORCES	**387,544**	**387,544**
	TOTAL, OPERATION & MAINTENANCE, ARNG	**387,544**	**387,544**
	AFGHANISTAN SECURITY FORCES FUND		
	BA 01: MINISTRY OF DEFENSE		
010	INFRASTRUCTURE	1,304,350	1,304,350
020	EQUIPMENT AND TRANSPORTATION	1,667,905	1,432,490
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–235,415]
030	TRAINING AND OPERATIONS	751,073	751,073
040	SUSTAINMENT	3,331,774	3,033,984
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–297,790]
	TOTAL, BA 01: MINISTRY OF DEFENSE	**7,055,102**	**6,521,897**
	BA 01: MINISTRY OF INTERIOR		
060	INFRASTRUCTURE	1,128,584	1,128,584
070	EQUIPMENT AND TRANSPORTATION	1,530,420	601,915
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–928,505]
080	TRAINING AND OPERATIONS	1,102,430	1,102,430
090	SUSTAINMENT	1,938,715	1,800,425
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–138,290]
	TOTAL, BA 01: MINISTRY OF INTERIOR	**5,700,149**	**4,633,354**
	BA 03: ASSOCIATED ACTIVITIES		
110	SUSTAINMENT	21,187	21,187
120	TRAINING AND OPERATIONS	7,344	7,344
130	INFRASTRUCTURE	15,000	15,000
150	EQUIPMENT AND TRANSPORTATION	1,218	1,218
	TOTAL, BA 03: ASSOCIATED ACTIVITIES	**44,749**	**44,749**
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	**12,800,000**	**11,200,000**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	AFGHANISTAN INFRASTRUCTURE FUND		
	BA 01: AFGHANISTAN INFRASTRUCTURE FUND		
010	POWER	300,000	300,000
020	TRANSPORTATION	100,000	100,000
030	WATER	50,000	50,000
040	OTHER RELATED ACTIVITIES	25,000	25,000
	TOTAL, BA 01: AFGHANISTAN INFRASTRUCTURE FUND	**475,000**	**400,000**
	UNDISTRIBUTED		
050	UNDISTRIBUTED		–75,000
	Undistributed Reduction		[–75,000]
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	**475,000**	**400,000**
	OPERATION & MAINTENANCE, NAVY		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	1,058,114	1,038,114
	Unjustified Growth for TAD/TDY.		[–20,000]
020	FLEET AIR TRAINING	7,700	7,700
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	9,200	9,200
040	AIR OPERATIONS AND SAFETY SUPPORT	12,934	12,934
050	AIR SYSTEMS SUPPORT	39,566	39,566
060	AIRCRAFT DEPOT MAINTENANCE	174,052	174,052
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,586	1,586
080	AVIATION LOGISTICS	50,852	50,852
090	MISSION AND OTHER SHIP OPERATIONS	1,132,948	1,132,948
100	SHIP OPERATIONS SUPPORT & TRAINING	26,822	26,822
110	SHIP DEPOT MAINTENANCE	998,172	998,172
130	COMBAT COMMUNICATIONS	26,533	26,533
160	WARFARE TACTICS	22,657	22,657
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	28,141	28,141
180	COMBAT SUPPORT FORCES	1,932,640	1,932,640
190	EQUIPMENT MAINTENANCE	19,891	19,891
210	COMBATANT COMMANDERS CORE OPERATIONS	5,465	5,465
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	2,093	2,093
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	125,460	125,460
260	WEAPONS MAINTENANCE	201,083	201,083
270	OTHER WEAPON SYSTEMS SUPPORT	1,457	1,457
280	ENTERPRISE INFORMATION	5,095	5,095
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	26,793	26,793
300	BASE OPERATING SUPPORT	352,210	344,880
	Civilian Pay Overstatement Due to No Requirement for FTE in this SAG.		[–7,330]
	UNDISTRIBUTED	0	495,000
	Transfer from Base: Readiness and Depot Maintenance (BA–1 Undistributed).		[495,000]
	TOTAL, BA 01: OPERATING FORCES	**6,261,464**	**6,729,134**
	BA 02: MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	29,010	29,010
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	34,300	34,300
360	COAST GUARD SUPPORT	258,278	0
	Transfer to Department of Homeland Security.		[–258,278]
	TOTAL, BA 02: MOBILIZATION	**321,588**	**63,310**
	BA 03: TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	69,961	69,961
430	TRAINING SUPPORT	5,400	5,400
	TOTAL, BA 03: TRAINING AND RECRUITING	**75,361**	**75,361**
	BA 04: ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	2,348	2,348
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,142	6,142
520	OTHER PERSONNEL SUPPORT	5,849	5,849
530	SERVICEWIDE COMMUNICATIONS	28,511	28,511
550	SERVICEWIDE TRANSPORTATION	263,593	263,593
580	ACQUISITION AND PROGRAM MANAGEMENT	17,414	17,414
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,075	1,075
620	NAVAL INVESTIGATIVE SERVICE	6,564	6,564
650	FOREIGN COUNTERINTELLIGENCE	14,598	14,598
700A	CLASSIFIED PROGRAMS	2,060	2,060
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**348,154**	**348,154**
	TOTAL, OPERATION & MAINTENANCE, NAVY	**7,006,567**	**7,215,959**
	OPERATION & MAINTENANCE, MARINE CORPS		
	BA 01: OPERATING FORCES		
010	OPERATIONAL FORCES	2,069,485	2,096,485
	Family of Shelters and Shelters Equipment		[27,000]
020	FIELD LOGISTICS	575,843	575,843
030	DEPOT MAINTENANCE	251,100	363,100
	Tranfer from Base: Depot Maintenance.		[112,000]
070	BASE OPERATING SUPPORT	82,514	82,514
	UNDISTRIBUTED	0	235,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	Transfer from Base: Readiness and Depot Maintenance (BA–1 Undistributed).		[235,000]
	TOTAL, BA 01: OPERATING FORCES	**12,455,768**	**3,352,942**
	BA 03: TRAINING AND RECRUITING		
130	TRAINING SUPPORT	209,784	209,784
	TOTAL, BA03: TRAINING AND RECRUITING	**209,784**	**209,784**
	BA 04: ADMIN & SRVWD ACTIVITIES		
180	SERVICEWIDE TRANSPORTATION	376,495	376,495
190	ADMINISTRATION	5,989	5,989
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**382,484**	**382,484**
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	**3,571,210**	**3,945,210**
	OPERATION & MAINTENANCE, NAVY RES		
	BA 01: OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	38,402	38,402
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	11,330	11,330
060	MISSION AND OTHER SHIP OPERATIONS	10,137	10,137
100	COMBAT SUPPORT FORCES	13,827	13,827
140	BASE OPERATING SUPPORT	52	52
	TOTAL, BA 01: OPERATING FORCES	**74,148**	**74,148**
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	**74,148**	**74,148**
	OPERATION & MAINTENANCE, MC RESERVE		
	BA 01: OPERATING FORCES		
010	OPERATING FORCES	31,284	31,284
050	BASE OPERATING SUPPORT	4,800	4,800
	TOTAL, BA 01: OPERATING FORCES	**36,084**	**36,084**
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	**36,084**	**36,084**
	OPERATION & MAINTENANCE, AIR FORCE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,115,901	2,185,901
	Transfer from Base: Theater Security Package.		[70,000]
020	COMBAT ENHANCEMENT FORCES	2,033,929	2,033,929
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	46,844	46,844
050	DEPOT MAINTENANCE	312,361	312,361
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	334,950	334,950
070	BASE SUPPORT	641,404	641,404
080	GLOBAL C3I AND EARLY WARNING	69,330	69,330
090	OTHER COMBAT OPS SPT PROGRAMS	297,015	297,015
120	SPACE CONTROL SYSTEMS	16,833	16,833
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	46,390	63,750
	Transfer from Base: CENTCOM HQ C4.		[12,500]
	Transfer from Base: CENTCOM Public Affairs.		[4,860]
	UNDISTRIBUTED	0	470,000
	Transfer from Base: Readiness and Depot Maintenance (BA–1 Undistributed).		[470,000]
	TOTAL, BA 01: OPERATING FORCES	**5,914,957**	**6,472,317**
	BA 02: MOBILIZATION		
150	AIRLIFT OPERATIONS	3,533,338	3,533,338
160	MOBILIZATION PREPAREDNESS	85,416	85,416
170	DEPOT MAINTENANCE	161,678	161,678
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	9,485	9,485
190	BASE SUPPORT	30,033	30,033
	TOTAL, BA 02: MOBILIZATION	**3,819,950**	**3,819,950**
	BA 03: TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	908	908
240	BASE SUPPORT	2,280	2,280
250	SPECIALIZED SKILL TRAINING	29,592	29,592
260	FLIGHT TRAINING	154	154
270	PROFESSIONAL DEVELOPMENT EDUCATION	691	691
280	TRAINING SUPPORT	753	753
	TOTAL, BA 03: TRAINING AND RECRUITING	**34,378**	**34,378**
	BA 04: ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	155,121	155,121
390	BASE SUPPORT	20,677	20,677
400	ADMINISTRATION	3,320	3,320
410	SERVICEWIDE COMMUNICATIONS	111,561	111,561
420	OTHER SERVICEWIDE ACTIVITIES	605,223	605,223
460A	CLASSIFIED PROGRAMS	54,000	54,000
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**949,902**	**949,902**
	UNDISTRIBUTED		–25,000
	Unjustified Growth in Civilian Personnel Costs.		[–25,000]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	**10,719,187**	**11,251,547**
	OPERATION & MAINTENANCE, AF RESERVE		
	BA 01: OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,800	4,800
030	DEPOT MAINTENANCE	131,000	131,000
050	BASE SUPPORT	6,250	6,250
	TOTAL, BA 01: OPERATING FORCES	**142,050**	**142,050**
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	**142,050**	**142,050**
	OPERATION & MAINTENANCE, ANG		
	BA 01: OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	34,050	34,050
	TOTAL, BA 01: OPERATING FORCES	**34,050**	**34,050**
	TOTAL, OPERATION & MAINTENANCE, ANG	**34,050**	**34,050**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	BA 01: OPERATING FORCES		
020	SPECIAL OPERATIONS COMMAND	3,269,939	3,283,939
	Trans Regional Web Initiative		[–11,300]
	Unjustified Program Growth in Operating Support for Operation New Dawn		[–25,000]
	Military Information Support Activities—Transfer from Base		[50,300]
010	JOINT CHIEFS OF STAFF	2,000	2,000
	TOTAL, BA 01: OPERATING FORCES	**3,271,939**	**3,285,939**
	BA 04: ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	23,478	23,478
090	DEFENSE CONTRACT MANAGEMENT AGENCY	87,925	87,925
120	DEFENSE INFORMATION SYSTEMS AGENCY	164,520	164,520
140	DEFENSE LEGAL SERVICES AGENCY	102,322	67,322
	Unjustified Program Growth.		[–35,000]
160	DEFENSE MEDIA ACTIVITY	15,457	15,457
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	194,100	194,100
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,140,000
	Coalition Support Funds: Excess to Need for Contract Renewal		[–60,000]
260	OFFICE OF THE SECRETARY OF DEFENSE	143,870	143,870
270A	CLASSIFIED PROGRAMS	3,065,800	3,065,800
	TOTAL, BA 04: ADMIN & SRVWD ACTIVITIES	**5,997,472**	**5,902,472**
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	**9,269,411**	**9,188,411**
	UNDISTRIBUTED		**–4,000,000**
	Reduction to reflect policy change on troop strength in Afghanistan		[–4,000,000]
	TOTAL, OPERATION & MAINTENANCE	**89,035,031**	**87,868,359**

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

SEC. 4401. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	WORKING CAPITAL FUND, ARMY		
010	PREPOSITIONED WAR RESERVE STOCKS	101,194	91,594
	Reduction in funding for DoD business systems		[–9,600]
020	PREPOSITIONED WAR RESERVE STOCKS	0	0
	TOTAL, WORKING CAPITAL FUND, ARMY	**101,194**	**91,594**
	WORKING CAPITAL FUND, AIR FORCE		
010	TRANSPORTATION FALLEN HEROES	0	0
020	CONTAINER DECONSOLIDATION	0	0
030	WAR RESERVE MATERIAL	65,372	55,872
	Reduction in funding for DoD business systems		[–9,500]
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	**65,372**	**55,872**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
010	DEFENSE LOGISTICS AGENCY (DLA)	31,614	31,614
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	**31,614**	**31,614**
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND, DECA	1,376,830	1,376,830
	TOTAL, WORKING CAPITAL FUND, DECA	**1,376,830**	**1,376,830**
	NATIONAL DEFENSE SEALIFT FUND		
010	T-AKE	0	0
020	MPF MLP	425,865	425,865
030	POST DELIVERY AND OUTFITTING	24,161	24,161

SEC. 4401. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
040	NATIONAL DEF SEALIFT VESSEL	1,138	1,138
050	LG MED SPD RO/RO MAINTENANCE	92,567	92,567
060	DOD MOBILIZATION ALTERATIONS	184,109	184,109
070	TAH MAINTENANCE	40,831	40,831
080	STRATEGIC SEALIFT SUPPORT	0	0
090	RESEARCH AND DEVELOPMENT	48,443	48,443
100	READY RESERVE FORCE	309,270	309,270
	TOTAL, NATIONAL DEFENSE SEALIFT FUND	**1,126,384**	**1,126,384**
	DEFENSE HEALTH PROGRAM (DHP)		
	DHP, OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	8,148,856	8,148,856
020	PRIVATE SECTOR CARE	16,377,272	16,047,272
	TRICARE Historical Underexecution		[–330,000]
030	CONSOLIDATED HEALTH SUPPORT	2,193,821	2,193,821
040	INFORMATION MANAGEMENT	1,422,697	1,422,697
050	MANAGEMENT ACTIVITIES	312,102	307,102
	Strategic Communications		[–3,000]
	Contract savings from Web site consolidation		[–2,000]
060	EDUCATION AND TRAINING	705,347	693,647
	Unjustified Growth for Travel		[–11,700]
070	BASE OPERATIONS/COMMUNICATIONS	1,742,451	1,742,451
	SUBTOTAL, DHP, OPERATION & MAINTENANCE	**30,902,546**	**30,555,846**
	DHP, RDT&E		
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,935	2,935
3	APPLIED BIOMEDICAL TECHNOLOGY	33,805	33,805
4	MEDICAL TECHNOLOGY	3,694	3,694
5	MEDICAL ADVANCED TECHNOLOGY	767	767
6	MEDICAL TECHNOLOGY DEVELOPMENT	181,042	181,042
7	MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT	167,481	167,481
8	INFORMATION TECHNOLOGY DEVELOPMENT	176,345	176,345
9	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	34,559	34,559
11	MEDICAL PROGRAM-WIDE ACTIVITIES	48,313	48,313
12	MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES	14,765	14,765
	SUBTOTAL, DHP, RDT&E	**663,706**	**663,706**
	DHP, PROCUREMENT		
090	PROCUREMENT	632,518	632,518
	SUBTOTAL, DHP, PROCUREMENT	**632,518**	**632,518**
	TOTAL, DEFENSE HEALTH PROGRAM (DHP)	**32,198,770**	**31,852,070**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
01	OPERATION & MAINTENANCE	1,147,691	1,147,691
02	RDT&E	406,731	406,731
	TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION	**1,554,422**	**1,554,422**
	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		
010	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,156,282	989,282
	Undistributed reduction for contractor support		[–30,000]
	Undistributed reduction to U.S. European Command's counterdrug activities		[–5,000]
	Office of Naval Intelligence (PC 3359)		[–3,500]
	Strategic communications/program termination (PC 9220)		[–500]
	Undistributed Reduction—Excess to Need		[–128,000]
	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	**1,156,282**	**989,282**
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL, O&M	286,919	327,419
	Program increase—Growth plan		[40,500]
020	OFFICE OF THE INSPECTOR GENERAL, RDT&E	1,600	4,500
	Program increase—Growth plan		[2,900]
030	OFFICE OF THE INSPECTOR GENERAL, PROCUREMENT	1,000	1,000
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	**289,519**	**332,919**
	TOTAL OTHER AUTHORIZATIONS	**37,900,387**	**37,410,987**

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	WORKING CAPITAL FUND, ARMY		
020	PREPOSITIONED WAR RESERVE STOCKS	54,000	54,000
	TOTAL, WORKING CAPITAL FUND, ARMY	**54,000**	**54,000**
	WORKING CAPITAL FUND, AIR FORCE		
010	TRANSPORTATION FALLEN HEROES	10,000	10,000
020	CONTAINER DECONSOLIDATION	2,000	2,000
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	**12,000**	**12,000**

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Senate Authorized
	WORKING CAPITAL FUND, DEFENSE-WIDE		
010	DEFENSE LOGISTICS AGENCY (DLA)	369,013	316,413
	Reduction in funding for DoD business systems		[–52,600]
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	**369,013**	**316,413**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	641,996	641,996
020	PRIVATE SECTOR CARE	464,869	464,869
030	CONSOLIDATED HEALTH SUPPORT	95,994	95,994
040	INFORMATION MANAGEMENT	5,548	5,548
050	MANAGEMENT ACTIVITIES	751	751
060	EDUCATION AND TRAINING	16,859	16,859
070	BASE OPERATIONS/COMMUNICATIONS	2,271	2,271
	DEFENSE HEALTH PROGRAM	**1,228,288**	**1,228,288**
	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		
010	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	486,458	486,458
	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	**486,458**	**486,458**
	OFFICE OF THE INSPECTOR GENERAL		
010	OFFICE OF THE INSPECTOR GENERAL	11,055	11,055
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	**11,055**	**11,055**
	TOTAL OTHER AUTHORIZATIONS	**2,160,814**	**2,108,214**

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
		Military Construction, Army		
	Alaska			
Army	Fort Wainwright	Aviation Complex, Ph 3a	114,000	57,000
Army	Jb Elmendorf-Richardson	Physical Fitness Facility	26,000	26,000
Army	Jb Elmendorf-Richardson	Brigade Complex, Ph 2	74,000	74,000
Army	Jb Elmendorf-Richardson	Organizational Parking	3,600	3,600
	Alabama			
Army	Fort Rucker	Combat Readiness Center	11,600	11,600
	California			
Army	Fort Irwin	Qualification Training Range	15,500	15,500
Army	Fort Irwin	Infantry Squad Battle Course	7,500	7,500
Army	Presidio Monterey	General Instruction Building	3,000	3,000
	Colorado			
Army	Fort Carson	Brigade Headquarters	14,400	14,400
Army	Fort Carson	Barracks	67,000	67,000
Army	Fort Carson	Barracks	46,000	46,000
Army	Fort Carson	Control Tower	14,200	14,200
Army	Fort Carson	Aircraft Maintenance Hangar	63,000	63,000
Army	Fort Carson	Aircraft Loading Area	34,000	34,000
	Georgia			
Army	Fort Benning	Rail Loading Facility	13,600	13,600
Army	Fort Benning	Trainee Barracks Complex, Ph 3	23,000	23,000
Army	Fort Gordon	Hand Grenade Familiarization Range	1,450	1,450
Army	Fort Stewart	Dog Kennel	2,600	2,600
Army	Fort Benning	Land Acquisition	5,100	5,100
Army	Fort Benning	Land Acquisition	25,000	25,000
	Hawaii			
Army	Fort Shafter	Child Development Center	17,500	17,500
Army	Schofield Barracks	Centralized Wash Facility	32,000	32,000
Army	Schofield Barracks	Combat Aviation Brigade Complex, Ph 1	73,000	73,000
	Kansas			
Army	Fort Riley	Physical Fitness Facility	13,000	13,000
Army	Fort Riley	Chapel	10,400	10,400
Army	Fort Riley	Unmanned Aerial Vehicle Maintenance Hangar	60,000	60,000
Army	Forbes Air Field	Deployment Support Facility	5,300	5,300
	Kentucky			
Army	Fort Campbell	Vehicle Maintenance Facility	16,000	16,000
Army	Fort Campbell	Vehicle Maintenance Facility	40,000	40,000
Army	Fort Campbell	Physical Fitness Facility	18,500	18,500
Army	Fort Campbell	Unmanned Aerial Vehicle Maintenance Hangar	67,000	67,000
Army	Fort Campbell	Scout/Recce Gunnery Range	18,000	18,000
Army	Fort Campbell	Barracks Complex	65,000	65,000
Army	Fort Campbell	Barracks	23,000	23,000
Army	Fort Knox	Automated Infantry Platoon Battle Course	7,000	7,000
Army	Fort Knox	Battalion Complex	48,000	48,000
	Louisiana			
Army	Fort Polk	Fire Station	9,200	9,200

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Army	Fort Polk	Military Working Dog Facility	2,600	2,600
Army	Fort Polk	Brigade Complex	23,000	23,000
Army	Fort Polk	Multipurpose Machine Gun Range	8,300	8,300
Army	Fort Polk	Land Acquisition	27,000	27,000
	Maryland			
Army	Aberdeen Proving Ground	Auto Technology Evaluation Fac, Ph 3	15,500	15,500
Army	Aberdeen Proving Ground	Command and Control Facility	63,000	63,000
Army	Fort Meade	Applied Instruction Facility	43,000	43,000
Army	Fort Meade	Brigade Complex	36,000	36,000
	Missouri			
Army	Fort Leonard Wood	Vehicle Maintenance Facility	49,000	49,000
	North Carolina			
Army	Fort Bragg	Nco Academy	42,000	42,000
Army	Fort Bragg	Access Roads, Ph 2	18,000	18,000
Army	Fort Bragg	Unmanned Aerial Vehicle Maintenance Hangar	54,000	54,000
Army	Fort Bragg	Brigade Complex Facilities	49,000	49,000
Army	Fort Bragg	Battle Command Training Center	23,000	23,000
	New York			
Army	Fort Drum	Ammunition Supply Point	5,700	5,700
Army	Fort Drum	Chapel	7,600	7,600
	Oklahoma			
Army	Fort Sill	Physical Fitness Facility	25,000	25,000
Army	Fort Sill	Chapel	13,200	13,200
Army	Fort Sill	Reception Station, Ph 1	36,000	36,000
Army	Fort Sill	Rail Deployment Facility	3,400	3,400
Army	Fort Sill	Vehicle Maintenance Facility	51,000	51,000
Army	Fort Sill	Battle Command Training Center	23,000	23,000
Army	Fort Sill	Thaad Instruction Facility	33,000	33,000
Army	Mcalester	Railroad Tracks	6,300	6,300
Army	Mcalester	Ammunition Loading Pads	1,700	1,700
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex, Ph 2	59,000	59,000
Army	Fort Jackson	Modified Record Fire Range	4,900	4,900
	Texas			
Army	Fort Bliss	Vehicle Maintenance Facility	24,000	0
Army	Fort Bliss	Electronics Maintenance Facility	14,600	14,600
Army	Fort Bliss	Infrastructure	14,600	0
Army	Fort Bliss	Vehicle Maintenance Facility	14,600	14,600
Army	Fort Bliss	Barracks Complex	13,000	13,000
Army	Fort Bliss	Vehicle Maintenance Facility	19,000	19,000
Army	Fort Bliss	Jlens Tactical Training Facility	39,000	39,000
Army	Fort Bliss	Water Well, Potable	2,400	2,400
Army	Fort Bliss	Applied Instruction Building	8,300	8,300
Army	Fort Hood	Operational Readiness Training Complex	51,000	51,000
Army	Fort Hood	Unmanned Aerial Vehicle Maintenance Hangar	47,000	47,000
Army	Fort Hood	Vehicle Maintenance Facility	15,500	15,500
Army	Fort Hood	Vehicle Maintenance Facility	18,500	18,500
Army	Red River Army Depot	Maneuver Systems Sustainment Ctr, Ph 3	44,000	44,000
Army	Jb San Antonio	Vehicle Maintenance Facility	10,400	10,400
	Utah			
Army	Dugway Proving Ground	Life Sciences Test Facility Addition	32,000	32,000
	Virginia			
Army	Fort Belvoir	Information Dominance Center, Ph 1	52,000	52,000
Army	Fort Belvoir	Road and Infrastucture Improvements	31,000	0
Army	Jb Langley Eustis	Aviation Training Facility	26,000	26,000
	Washington			
Army	Jb Lewis Mcchord	Brigade Complex, Ph 2	56,000	56,000
Army	Jb Lewis Mcchord	Operational Readiness Training Cplx, Ph 1	28,000	28,000
Army	Jb Lewis Mcchord	Air Support Operations Facilities	7,300	7,300
Army	Jb Lewis Mcchord	Battalion Complex	59,000	59,000
Army	Jb Lewis Mcchord	Infrastructure, Ph 1	64,000	64,000
Army	Jb Lewis Mcchord	Aviation Unit Complex, Ph 1a	34,000	34,000
Army	Jb Lewis Mcchord	Aviation Complex, Ph 1b	48,000	48,000
	Afghanistan			
Army	Bagram Air Base	Entry Control Point	20,000	20,000
Army	Bagram Air Base	Construct Drainage System, Ph 3	31,000	31,000
Army	Bagram Air Base	Barracks, Ph 5	29,000	29,000
	Germany			
Army	Germersheim	Infrastructure	16,500	0
Army	Germersheim	Central Distribution Facility	21,000	0
Army	Grafenwoehr	Chapel	15,500	0
Army	Grafenwoehr	Convoy Live Fire Range	5,000	5,000
Army	Grafenwoehr	Barracks	17,500	17,500
Army	Landstuhl	Satellite Communications Center	24,000	24,000
Army	Landstuhl	Satellite Communications Center	39,000	39,000
Army	Stuttgart	Access Control Point	12,200	12,200
Army	Vilseck	Barracks	20,000	20,000
Army	Oberdachstetten	Automated Record Fire Range	12,200	12,200
	Honduras			
Army	Honduras Various	Barracks	25,000	0
	Korea			
Army	Camp Carroll	Barracks	41,000	41,000
Army	Camp Henry	Barracks Complex	48,000	48,000

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
	Worldwide Unspecified			
Army	Unspecified	Minor Construction	20,000	20,000
Army	Unspecified	Host Nation Support	25,500	25,500
Army	Unspecified	Planning & Design	229,741	169,741
		Total Military Construction, Army	**3,235,991**	**2,971,391**
		Military Construction, Navy		
	Arizona			
Navy	Yuma	Double Aircraft Maintenance Hangar	81,897	81,897
Navy	Yuma	Aircraft Maintenance Hangar	39,515	39,515
Navy	Yuma	JSF Auxiliary Landing Field	41,373	41,373
	California			
Navy	Barstow	Dip Tank Cleaning Facility	8,590	8,590
Navy	Bridgeport	Multi-Purpose Building—Addition	19,238	16,138
Navy	Camp Pendleton	New Potable Water Conveyance	113,091	113,091
Navy	Camp Pendleton	North Area Waste Water Conveyance	78,271	78,271
Navy	Camp Pendleton	Armory, 1st Marine Division	12,606	12,606
Navy	Camp Pendleton	Infantry Squad Defense Range	29,187	29,187
Navy	Camp Pendleton	Intersection Bridge and Improvements	12,476	12,476
Navy	Camp Pendleton	Individual Equipment Issue Warehouse	16,411	16,411
Navy	Camp Pendleton	Mv–22 Double Hangar Replacement	48,345	48,345
Navy	Camp Pendleton	Mv–22 Aviation Pavement	18,530	18,530
Navy	Camp Pendleton	Mv–22 Aviation Fuel Storage	6,163	6,163
Navy	Point Mugu	E–2d Aircrew Training Facility	15,377	15,377
Navy	Twentynine Palms	Multi-Use Operational Fitness Area	18,819	18,819
Navy	Twentynine Palms	Tracked Vehicle Maintenance Cover	15,882	15,882
Navy	Twentynine Palms	Child Development Center	23,743	23,743
Navy	Twentynine Palms	Land Expansion	8,665	8,665
Navy	Coronado	Fitness Center North Island	46,763	32,063
Navy	Coronado	Rotary Aircraft Depot Maint Fac (North Is.)	61,672	61,672
	Florida			
Navy	Jacksonville	P–8a Training Facility	25,985	25,985
Navy	Jacksonville	P–8a Hangar Upgrades	6,085	6,085
Navy	Jacksonville	Bams UAS Operator Training Facility	4,482	4,482
Navy	Mayport	Massey Avenue Corridor Improvements	14,998	14,998
Navy	Whiting Field	Applied Instruction Facilities, EOD Course	20,620	20,620
	Georgia			
Navy	Kings Bay	Crab Island Security Enclave	52,913	52,913
Navy	Kings Bay	Wra Land/Water Interface	33,150	33,150
	Hawaii			
Navy	Barking Sands	North Loop Electrical Replacement	9,679	9,679
Navy	Kaneohe Bay	MCAS Operations Complex	57,704	57,704
Navy	Joint Base Pearl Harbor-Hickam	Navy Information Operations Command Fes Fac	7,492	7,492
	Illinois			
Navy	Great Lakes	Decentralize Steam System	91,042	91,042
	Maryland			
Navy	Indian Head	Decentralize Steam System	67,779	67,779
Navy	Patuxent River	Aircraft Prototype Facility, Ph 2	45,844	45,844
	North Carolina			
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek	27,439	27,439
Navy	Camp Lejeune	Squad Battle Course	16,821	16,821
Navy	Camp Lejeune	2nd Combat Engineer Maintenance/Ops Complex	75,214	75,214
Navy	Camp Lejeune	Base Entry Point and Road	81,008	81,008
Navy	Cherry Point Marine Corps Air Station	H–1 Helicopter Gearbox Repair & Test Facility	17,760	17,760
Navy	New River	Aircraft Maintenance Hangar and Apron	69,511	69,511
Navy	New River	Ordnance Loading Area Additiion	9,419	9,419
	South Carolina			
Navy	Beaufort	Vertical Landing Pads	21,096	21,096
	Virginia			
Navy	Norfolk	Bachelor Quarters, Homeport Ashore	81,304	81,304
Navy	Norfolk	Decentralize Steam System	26,924	26,924
Navy	Portsmouth	Controlled Industrial Facility	74,864	74,864
Navy	Quantico	Waste Water Treatment Plant—Upshur	9,969	9,969
Navy	Quantico	Realign Purvis Rd/Russell Rd Intersection	6,442	6,442
Navy	Quantico	Bachelor Enlisted Quarters	31,374	31,374
Navy	Quantico	Enlisted Dining Facility	5,034	5,034
Navy	Quantico	the Basic School Student Quarters, Ph 6	28,488	28,488
Navy	Quantico	Embassy Security Group Facilities	27,079	27,079
Navy	Quantico	Academic Instruction Facility	75,304	75,304
	Washington			
Navy	Bremerton	Integrated Dry Dock Water Treatment Fac, Ph1	13,341	13,341
Navy	Kitsap	Waterfront Restricted Area Vehicle Barriers	17,894	17,894
Navy	Kitsap	Ehw Security Force Facility (Bangor)	25,948	25,948
Navy	Kitsap	Explosives Handling Wharf #2, Inc 1	78,002	78,002
	Bahrain Island			
Navy	Sw Asia	Bachelor Enlisted Quarters	55,010	0
Navy	Sw Asia	Waterfront Development, Ph 4	45,194	0
	Diego Garcia			
Navy	Diego Garcia	Potable Water Plant Modernization	35,444	35,444
	Djibouti			
Navy	Camp Lemonier	Bachelor Quarters	43,529	43,529
Navy	Camp Lemonier	Aircraft Logistics Apron	35,170	35,170

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Navy	Camp Lemonier	Taxiway Enhancement	10,800	10,800
	Guam			
Navy	Joint Region Marianas	North Ramp Utilities—Anderson AFB, Inc 2	78,654	0
Navy	Joint Region Marianas	Finegayan Water Utilities	77,267	0
	Worldwide Unspecified			
Navy	Unspecified	Unspecified Minor Constr	21,495	21,495
Navy	Unspecified	Planning and Design	84,362	69,362
		Total Military Construction, Navy	**2,461,547**	**2,172,622**
		Military Construction, Air Force		
	Alaska			
AF	Eielson AFB	Dormitory (168 Rm)	45,000	45,000
AF	Jb Elmendorf-Richardson	Brigade Combat Team (Light) Complex, (480 Rm)	97,000	97,000
	Arizona			
AF	Davis-Monthan AFB	Ec–130h Simulator/Training Operations	20,500	20,500
AF	Davis-Monthan AFB	HC–130J Joint Use Fuel Cell	12,500	12,500
AF	Luke AFB	F–35 Adal Aircraft Maintenance Unit	6,000	6,000
AF	Luke AFB	F–35 Squad Ops/AMU 2	18,000	18,000
	California			
AF	Travis AFB	Dormitory (144 Rm)	22,000	22,000
AF	Vandenberg AFB	Education Center	14,200	14,200
	Colorado			
AF	U.S. Air Force Academy	Construct Large Vehicle Inspection Facility	13,400	13,400
	Delaware			
AF	Dover AFB	C–5m Formal Training Unit Facility	2,800	2,800
	Florida			
AF	Patrick AFB	Air Force Technical Applications Ctr, Inc 2	79,000	79,000
	Kansas			
AF	Fort Riley	Air Support Operations Center	7,600	7,600
	Louisiana			
AF	Barksdale AFB	Mission Support Group Complex	23,500	23,500
	Missouri			
AF	Whiteman AFB	Wsa Security Control Facility	4,800	4,800
	North Carolina			
AF	Pope AFB	C–130 Flight Simulator	6,000	6,000
	North Dakota			
AF	Minot AFB	Dormitory (168 Rm)	22,000	22,000
AF	Minot AFB	B–52 3–Bay Conventional Munitions Maintenance	11,800	11,800
AF	Minot AFB	B–52 Two-Bay Phase Maintenance Dock	34,000	34,000
	Nebraska			
AF	Offutt AFB	STRATCOM Replacement Facility, Inc 1	150,000	120,000
	New Mexico			
AF	Cannon AFB	Dormitory (96 Rm)	15,000	15,000
AF	Cannon AFB	Adal Wastewater Treatment Plant	7,598	7,598
AF	Holloman AFB	Child Development Center	11,200	11,200
AF	Holloman AFB	Parallel Taxiway 07/25	8,000	8,000
AF	Holloman AFB	F–16 Academic Facility	5,800	5,800
AF	Holloman AFB	F–16 Sead Training Facility	4,200	4,200
AF	Kirtland AFB	Afnwc Sustainment Center	25,000	25,000
	Nevada			
AF	Nellis AFB	F–35a Age Facility	21,500	21,500
AF	Nellis AFB	Communications Network Control Center	11,600	11,600
AF	Nellis AFB	F–35 Add/Alter Engine Shop	2,750	2,750
	Texas			
AF	Jb San Antonio	Bmt Recruit Dormitory 4, Ph 4	64,000	64,000
AF	Joint Base San Antonio	Adv Indiv Training (Ait) Barracks (300 Rm)	46,000	46,000
	Utah			
AF	Hill AFB	F–35 Adal Hangar 45e/AMU	6,800	0
AF	Hill AFB	F–22 System Support Facility	16,500	16,500
	Virginia			
AF	Jb Langley Eustis	Ait Barracks Complex, Ph 2	50,000	50,000
	Washington			
AF	Fairchild AFB	Wing Headquarters	13,600	13,600
AF	Fairchild AFB	Sere Force Support, Ph 2	14,000	14,000
	Greenland			
AF	Thule AFB	Dormitory (72 Pn)	28,000	28,000
	Guam			
AF	Joint Region Marianas	Prtc Red Horse Cantonment Operations Facility	14,000	14,000
AF	Joint Region Marianas	Prtc Combat Communications Transmission Syst	5,600	5,600
AF	Joint Region Marianas	Prtc Combat Communications Combat Support	9,800	9,800
AF	Joint Region Marianas	Guam Strike Clear Water Rinse Facility	7,500	0
AF	Joint Region Marianas	Guam Strike Fuel Systems Maintenance Hangar	128,000	0
AF	Joint Region Marianas	Guam Strike Conventional Munitions Maintenance	11,700	0
AF	Joint Region Marianas	Air Freight Terminal Complex	35,000	35,000
	Germany			
AF	Ramstein Ab	Dormitory (192 Rm)	34,697	34,697
	Italy			
AF	Sigonella	UAS SATCOM Relay Pads and Facility	15,000	15,000
	Korea			
AF	Osan Ab	Dormitory (156 Rm)	23,000	23,000
	Qatar			
AF	AL Udeid	Blatchford Preston Complex, Ph 4	37,000	0

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
	Worldwide Unspecified			
AF	Unspecified	Unspecified Minor Construction	20,000	20,000
AF	Unspecified	Planning & Design	81,913	67,913
		Total Military Construction, Air Force	**1,364,858**	**1,129,858**
		Military Consruction, Defense-Wide		
	District of Columbia			
Def-Wide	Bolling AFB	Diac Parking Garage	13,586	13,586
Def-Wide	Bolling AFB	Electrical Upgrades	1,080	1,080
Def-Wide	Bolling AFB	Cooling Tower Expansion	2,070	2,070
	Virginia			
Def-Wide	Charlottesville	Remote Delivery Facility	10,805	10,805
	Germany			
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,434	2,434
	Alaska			
Def-Wide	Eielson AFB	Upgrade Rail Line	14,800	14,800
	Arizona			
Def-Wide	Davis-Monthan AFB	Replace Hydrant Fuel System	23,000	23,000
	California			
Def-Wide	Defense Distribution Depot-Tracy	Replace Public Safety Center	15,500	15,500
Def-Wide	Point Loma Annex	Replace Fuel Storage Facilities, Inc 4	27,000	27,000
Def-Wide	San Clemente	Replace Fuel Storage Tanks & Pipeline	21,800	21,800
	Florida			
Def-Wide	Whiting Field	Truck Load/Unload Facility	3,800	3,800
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	Upgrade Refueler Truck Parking Area	5,200	5,200
Def-Wide	Joint Base Pearl Harbor-Hickam	Alter Warehouse Space	9,200	9,200
	Louisiana			
Def-Wide	Barksdale AFB	Hydrant Fuel System	6,200	6,200
	Massachusetts			
Def-Wide	Westover ARB	Replace Hydrant Fuel System	23,300	23,300
	Mississippi			
Def-Wide	Columbus AFB	Replace Refueler Parking Facility	2,600	2,600
	Ohio			
Def-Wide	Columbus AFB	Security Enhancements	10,000	10,000
	Oklahoma			
Def-Wide	Altus AFB	Replace Fuel Transfer Pipeline	8,200	8,200
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Enclose Open-Sided Shed	3,000	0
Def-Wide	Def Distribution Depot New Cumberland	Replace General Purpose Warehouse	25,500	0
Def-Wide	Def Distribution Depot New Cumberland	Upgrade Access Control Points	17,500	17,500
Def-Wide	Philadelphia	Upgrade Hvac System	8,000	8,000
	South Carolina			
Def-Wide	Joint Base Charleston	Replace Fuel Storage & Distribution Facility	24,868	24,868
	Washington			
Def-Wide	Whidbey Island	Replace Fuel Pipeline	25,000	25,000
Def-Wide	Joint Base Lewis-Mcchord	Replace Fuel Distribution Facilities	14,000	14,000
	West Virginia			
Def-Wide	Camp Dawson	Replace Hydrant Fuel System	2,200	2,200
	Georgia			
Def-Wide	Fort Benning	Replace Mcbride Elementary School	37,205	37,205
	Kentucky			
Def-Wide	Fort Knox	Replace Kingsolver-Pierce Elementary Schools	38,845	38,845
	Massachusetts			
Def-Wide	Hanscom AFB	Replace Hanscom Middle School	34,040	34,040
	North Carolina			
Def-Wide	Fort Bragg	Replace District Superintendant's Office	3,138	3,138
Def-Wide	New River	Replace Delalio Elementary School	22,687	22,687
	Virginia			
Def-Wide	Dahlgren	Dahlgren E/MS School Addition	1,988	1,988
	Germany			
Def-Wide	Ansbach	Ansbach Middle/High School Addition	11,672	11,672
Def-Wide	Baumholder	Replace Wetzel-Smith Elementary Schools	59,419	0
Def-Wide	Grafenwoehr	Netzaberg MS School Addition	6,529	6,529
Def-Wide	Spangdahlem Ab	Replace Bitburg Elementary School	41,876	41,876
Def-Wide	Spangdahlem Ab	Replace Bitburg Middle & High School	87,167	87,167
	Italy			
Def-Wide	Vicenza	Replace Vicenza High School	41,864	41,864
	Japan			
Def-Wide	Yokota Ab	Replace Temp Classrm/Joan K. Mendel Es	12,236	12,236
Def-Wide	Yokota Ab	Replace Yokota High School	49,606	49,606
	United Kingdom			
Def-Wide	Royal Air Force Alconbury	Replace Alconbury High School	35,030	35,030
	Virginia			
Def-Wide	Quantico	Dss Headquarters Addition	42,727	42,727
Def-Wide	Quantico	Defense Access Road Improvements-Telegraph Rd	4,000	4,000
	Alabama			
Def-Wide	Redstone Arsenal	Von Braun Complex, Ph 4	58,800	58,800
	Missouri			
Def-Wide	Arnold	Data Ctr West #1 Power & Cooling Upgrade	9,253	9,253
	Virginia			
Def-Wide	Fort Belvior	Technology Center Third Floor Fit-Out	54,625	0

SEC. 4501. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
	Colorado			
Def-Wide	Buckley Air Force Base	Mountainview Operations Facility	140,932	70,432
	Georgia			
Def-Wide	Fort Gordon	Whitelaw Wedge Building Addition	11,340	17,705
	Maryland			
Def-Wide	Fort Meade	High Performance Computing Capacity, Inc 1	29,640	0
	Utah			
Def-Wide	Camp Williams	Ic Cnci Data Center 1, Inc 3	246,401	123,201
	United Kingdom			
Def-Wide	Menwith Hill Station	Mhs Psc Construction Generator Plant	68,601	68,601
	Alaska			
Def-Wide	Anchorage	SOF Cold Weather Maritime Training Facility	18,400	18,400
	California			
Def-Wide	Camp Pendleton	SOF Range 130 Support Projects	8,641	8,641
Def-Wide	Camp Pendleton	SOF Military Working Dog Facility	3,500	3,500
Def-Wide	Coronado	SOF Support Activity Operations Facility	42,000	42,000
	Florida			
Def-Wide	Eglin AFB	SOF Company Operations Facility (Gstb)	19,000	19,000
Def-Wide	Eglin AFB	SOF Company Operations Facility (Gsb)	21,000	21,000
Def-Wide	Eglin Aux 9	SOF Enclosed Engine Noise Suppressors	3,200	3,200
Def-Wide	Eglin Aux 9	SOF Simulator Facility	6,300	6,300
Def-Wide	Macdill AFB	SOF Acquisition Center, Ph 2	15,200	15,200
	Kentucky			
Def-Wide	Fort Campbell	SOF Rotary Wing Hangar	38,900	38,900
Def-Wide	Fort Campbell	SOF Mh47 Aviation Facility	43,000	43,000
	North Carolina			
Def-Wide	Camp Lejeune	SOF Armory Facility Expansion	6,670	6,670
Def-Wide	Fort Bragg	SOF Communications Training Complex	10,758	10,758
Def-Wide	Fort Bragg	SOF Squadron HQ Addition	11,000	11,000
Def-Wide	Fort Bragg	SOF Entry Control Point	2,300	2,300
Def-Wide	Fort Bragg	SOF Battalion Operations Complex	23,478	23,478
Def-Wide	Fort Bragg	SOF Brigade Headquarters	19,000	19,000
Def-Wide	Fort Bragg	SOF Group Headquarters	26,000	26,000
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	41,000	41,000
Def-Wide	Fort Bragg	SOF Administrative Annex	12,000	12,000
Def-Wide	Pope AFB	SOF Training Facility	5,400	5,400
	New Mexico			
Def-Wide	Cannon AFB	SOF C–130 Squadron Operations Facility	10,941	10,941
Def-Wide	Cannon AFB	SOF C–130 Wash Rack Hangar	10,856	10,856
Def-Wide	Cannon AFB	SOF Aircraft Maintenance Squadron Facility	15,000	15,000
Def-Wide	Cannon AFB	SOF Apron and Taxiway	28,100	28,100
Def-Wide	Cannon AFB	SOF Hangar Aircraft Maintenance Unit	41,200	41,200
Def-Wide	Cannon AFB	SOF Adal Simulator Facility	9,600	9,600
Def-Wide	Cannon AFB	SOF Squadron Operations Facility	17,300	17,300
	Virginia			
Def-Wide	Dam Neck	SOF Logistic Support Facility	14,402	14,402
Def-Wide	Dam Neck	SOF Building Renovation	3,814	3,814
Def-Wide	Dam Neck	SOF Military Working Dog Facility	4,900	4,900
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Seal Team Operations Facility	37,000	37,000
	Washington			
Def-Wide	Jb Lewis Mcchord	SOF Company Operations Facility	21,000	21,000
	Florida			
Def-Wide	Eglin AFB	Medical Clinic	11,600	11,600
	Georgia			
Def-Wide	Fort Stewart	Hospital Addition/Alteration, Ph 2	72,300	72,300
	Illinois			
Def-Wide	Great Lakes	Health Clinic Demolition	16,900	16,900
	Kentucky			
Def-Wide	Fort Campbell	Hospital Addition/Alteration	56,600	56,600
	Maryland			
Def-Wide	Aberdeen Proving Ground	USAMRICD Replacement, Inc 4	22,850	22,850
Def-Wide	Bethesda Naval Hospital	Child Development Center Addition/Alteration	18,000	18,000
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc 6	137,600	137,600
Def-Wide	Joint Base Andrews	Dental Clinic Replacement	22,800	22,800
Def-Wide	Joint Base Andrews	Ambulatory Care Center	242,900	121,400
	Mississippi			
Def-Wide	Gulfport	Medical Clinic Replacement	34,700	34,700
	North Carolina			
Def-Wide	Fort Bragg	Hospital Alteration	57,600	57,600
	New York			
Def-Wide	Fort Drum	Medical Clinic	15,700	15,700
Def-Wide	Fort Drum	Dental Clinic Addition/Alteration	4,700	4,700
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement, Inc 3	136,700	109,400
Def-Wide	Joint Base San Antonio	Hospital Nutrition Care Department Add/Alt	33,000	33,000
Def-Wide	Joint Base San Antonio	Ambulatory Care Center, Ph 3	161,300	80,600
	Germany			
Def-Wide	Rhine Ordance Barracks	Medical Center Replacement, Inc 1	70,592	0
	Virginia			
Def-Wide	Pentagon	Heliport Control Tower/Fire Station	6,457	6,457
Def-Wide	Pentagon	Pentagon Memorial Pedestrian Plaza	2,285	2,285
	Belgium			

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Def-Wide	Brussels	NATO Headquarters Facility	24,118	0
	Worldwide Unspecified			
Def-Wide	Unspecified	Energy Conservation Investment Program	135,000	135,000
Def-Wide	Unspecified	Contingency Construction	10,000	10,000
Def-Wide	Unspecified	Exercise Related Construction	8,417	8,417
Def-Wide	Unspecified	Unspecified Minor Construction	6,571	6,571
Def-Wide	Unspecified	Unspecified Minor Milcon	6,365	0
Def-Wide	Unspecified	Unspecified Minor Construction	8,876	8,876
Def-Wide	Unspecified	Minor Construction	6,100	6,100
Def-Wide	Unspecified	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified	Planning and Design	1,993	1,993
Def-Wide	Unspecified	Planning and Design	3,043	3,043
Def-Wide	Unspecified	Planning and Design	6,000	6,000
Def-Wide	Unspecified	Planning and Design	3,000	3,000
Def-Wide	Unspecified	Planning and Design	66,974	61,974
Def-Wide	Unspecified	Planning and Design	8,368	8,368
Def-Wide	Unspecified	Planning and Design	52,974	35,474
Def-Wide	Unspecified	Planning and Design	31,468	28,968
Def-Wide	Unspecified	Planning and Design	227,498	202,498
Def-Wide	Unspecified	Planning and Design	48,007	43,007
Def-Wide	Unspecified	Planning and Design	5,277	5,277
		Total Military Consruction, Defense-Wide	**3,848,757**	**3,103,663**
		Military Construction, Army NG		
	Alabama			
Army NG	Fort MC Clellan	Readiness Center, Ph 2	16,500	16,500
	Arkansas			
Army NG	Fort Chaffee	Convoy Live Fire/Entry Control Point Range	3,500	3,500
	Arizona			
Army NG	Papago Military Reservation	Readiness Center	17,800	17,800
	California			
Army NG	Camp Roberts	Utilities Replacement, Ph 1	32,000	32,000
Army NG	Camp Roberts	Tactical Unmanned Aircraft System Facility	6,160	6,160
Army NG	Camp San Luis Obispo	Field Maintenance Shop	8,000	8,000
	Colorado			
Army NG	Fort Carson, Colorado	Barracks Complex (Ortc)	43,000	43,000
Army NG	Aurora	Tactical Unmanned Aircraft System Facility	3,600	3,600
Army NG	Alamosa	Readiness Center	6,400	6,400
	District of Columbia			
Army NG	Anacostia	US Property & Fiscal Office Add/Alt	5,300	5,300
	Florida			
Army NG	Camp Blanding	Convoy Live Fire/Entry Control Point Range	2,400	2,400
Army NG	Camp Blanding	Live Fire Shoot House	3,100	3,100
	Georgia			
Army NG	Atlanta	Readiness Center	11,000	11,000
Army NG	Hinesville	Maneuver Area Training & Equipment Site Ph1	17,500	17,500
Army NG	Macon	Readiness Center, Ph 1	14,500	14,500
	Hawaii			
Army NG	Kalaeloa	Readiness Center, Ph 1	33,000	33,000
	Illinois			
Army NG	Normal	Readiness Center	10,000	10,000
	Indiana			
Army NG	Camp Atterbury	Railhead Expansion & Container Facility	21,000	21,000
Army NG	Camp Atterbury	Deployment Processing Facility	8,900	8,900
Army NG	Camp Atterbury	Operations Readiness Training Complex 1	25,000	25,000
Army NG	Camp Atterbury	Operations Readiness Training Complex 2	27,000	27,000
Army NG	Indianapolis	JFHQ Add/Alt	25,700	25,700
	Massachusetts			
Army NG	Natick	Readiness Center	9,000	9,000
	Maryland			
Army NG	Dundalk	Readiness Center Add/Alt	16,000	16,000
Army NG	Westminster	Readiness Center Add/Alt	10,400	10,400
Army NG	LA Plata	Readiness Center	9,000	9,000
	Maine			
Army NG	Bangor	Readiness Center	15,600	15,600
Army NG	Brunswick	Armed Forces Reserve Center	23,000	23,000
	Minnesota			
Army NG	Camp Ripley	Multipurpose Machine Gun Range	8,400	8,400
	Mississippi			
Army NG	Camp Shelby	Troop Housing (Ortc), Ph 1	25,000	25,000
Army NG	Camp Shelby	Deployment Processing Facility	12,600	12,600
Army NG	Camp Shelby	Operational Readiness Training Complex, Ph1	27,000	27,000
	North Carolina			
Army NG	Greensboro	Readiness Center Add/Alt	3,700	3,700
	Nebraska			
Army NG	Mead	Readiness Center	9,100	9,100
Army NG	Grand Island	Readiness Center	22,000	22,000
	New Jersey			
Army NG	Lakehurst	Army Aviation Suport Facility	49,000	49,000
	New Mexico			
Army NG	Santa Fe	Readiness Center Add/Alt	5,200	5,200
	Nevada			

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Army NG	Las Vegas	Field Maintenance Shop	23,000	23,000
	Oklahoma			
Army NG	Camp Gruber	Upgrade-Combined Arms Collective Training Facility	10,361	10,361
Army NG	Camp Gruber	Live Fire Shoot House	3,000	3,000
	Oregon			
Army NG	the Dalles	Readiness Center	13,800	13,800
	South Carolina			
Army NG	Allendale	Readiness Center Add/Alt	4,300	4,300
	Utah			
Army NG	Camp Williams	Multi Purpose Machine Gun Range	6,500	6,500
	Virginia			
Army NG	Fort Pickett	Combined Arms Collective Training Facility	11,000	11,000
	Wisconsin			
Army NG	Camp Williams	Tactical Unmanned Aircraft System Facility	7,000	7,000
	West Virginia			
Army NG	Buckhannon	Readiness Center, Ph1	10,000	10,000
	Wyoming			
Army NG	Cheyenne	Readiness Center	8,900	8,900
	Puerto Rico			
Army NG	Fort Buchanan	Readiness Center	57,000	57,000
	Worldwide Unspecified			
Army NG	Unspecified	Unspecified Minor Construction	11,700	11,700
Army NG	Unspecified	Planning and Design	20,671	20,671
		Total Military Construction, Army NG	**773,592**	**773,592**
		Military Construction, Air NG		
	California			
Air NG	Beale AFB	Wing Operations and Training Facility	6,100	6,100
Air NG	Moffett Field	Replace Pararescue Training Facility	26,000	26,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Flight Simulator Facility	19,800	19,800
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Weapons Load Crew Training Facilit	7,000	7,000
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Combat Aircraft Parking Apron	12,721	12,721
	Indiana			
Air NG	Fort Wayne IAP	a–10 Facility Conversion—Munitions	4,000	4,000
	Massachusetts			
Air NG	Otis ANGB	TFI—CNAF Beddown—Upgrade Facility	7,800	7,800
	Maryland			
Air NG	Martin State Airport	TFI—C–27 Conversion—Squadron Operations	4,900	4,900
	Ohio			
Air NG	Springfield Beckley-Map	Alter Predator Operations Center	6,700	6,700
	Worldwide Unspecified			
Air NG	Unspecified	Minor Construction	9,000	9,000
Air NG	Unspecified	Planning and Design	12,225	12,225
		Total Military Construction, Air NG	**116,246**	**116,246**
		Military Construction, Army Reserve		
	California			
Army Res	Fort Hunter Liggett	Automated Multipurpose Machine Gun (Mpmg)	5,200	5,200
	Colorado			
Army Res	Fort Collins	Army Reserve Center	13,600	13,600
	Illinois			
Army Res	Homewood	Army Reserve Center	16,000	16,000
Army Res	Rockford	Army Reserve Center/Land	12,800	12,800
	Indiana			
Army Res	Fort Benjamin Harrison	Army Reserve Center	57,000	57,000
	Kansas			
Army Res	Kansas City	Army Reserve Center/Land	13,000	13,000
	Massachusetts			
Army Res	Attleboro	Army Reserve Center/Land	22,000	22,000
	Minnesota			
Army Res	Saint Joseph	Army Reserve Center	11,800	11,800
	Missouri			
Army Res	Saint Charles	Army Reserve Center	19,000	19,000
	North Carolina			
Army Res	Greensboro	Army Reserve Center/Land	19,000	19,000
	New York			
Army Res	Schenectady	Army Reserve Center	20,000	20,000
	South Carolina			
Army Res	Orangeburg	Army Reserve Center/Land	12,000	12,000
	Wisconsin			
Army Res	Fort Mccoy	Container Loading Facility	5,300	5,300
Army Res	Fort Mccoy	Modified Record Fire Known Distance Range	5,400	5,400
Army Res	Fort Mccoy	Automated Record Fire Range	4,600	4,600
Army Res	Fort Mccoy	Ncoa Phase Iii—Billeting	12,000	12,000
	Worldwide Unspecified			
Army Res	Unspecified	Unspecified Minor Construction	2,925	2,925
Army Res	Unspecified	Planning and Design	28,924	28,924
		Total Military Construction, Army Reserve	**280,549**	**280,549**

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
		Military Construction, Navy and MC Reserve		
	Pennsylvania			
N/MC Res	Pittsburgh	Armed Forces Reserve Center (Pittsburgh)	13,759	13,759
	Tennessee			
N/MC Res	Memphis	Reserve Training Center	7,949	7,949
	Worldwide Unspecified			
N/MC Res	Unspecified	Mcnr Unspecified Minor Construction	2,000	2,000
N/MC Res	Unspecified	Planning and Design	2,591	2,591
		Total Military Construction, Navy and MC Reserve	**26,299**	**26,299**
		Military Construction, Air Force Reserve		
	California			
AF Res	March AFB	Airfield Control Tower/Base Ops	16,393	16,393
	South Carolina			
AF Res	Charleston AFB	TFI Red Horse Readiness & Trng Center	9,593	9,593
	Worldwide Unspecified			
AF Res	Unspecified	Unspecified Minor Construction	5,434	5,434
AF Res	Unspecified	Planning & Design	2,200	2,200
		Total Military Construction, Air Force Reserve	**33,620**	**33,620**
		Homeowners Assistance Program		
	Worldwide Unspecified			
HAP	Unspecified	Homeowers Assistance Program	1,284	1,284
		Total Homeowners Assistance Program	**1,284**	**1,284**
		NATO Security Investment Program		
	Worldwide Unspecified			
NATO	Unspecified	NATO Security Investment Program	272,611	240,611
		Total NATO Security Investment Program	**272,611**	**240,611**
		Housing Improvement Fund		
	Worldwide Unspecified			
FHIF	Unspecified	Family Housing Improvement Fund	2,184	2,184
		Total Housing Improvement Fund	**2,184**	**2,184**
		Chemical Demilitarization Construction, Defense		
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiii	15,338	15,338
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph Xii	59,974	59,974
		Total Chemical Demilitarization Construction, Defense	**75,312**	**75,312**
		Family Housing O&m, Defense-Wide		
	Worldwide Unspecified			
FH Ops DW	Unspecified	Utilities Account	280	280
FH Ops DW	Unspecified	Utilities Account	10	10
FH Ops DW	Unspecified	Furnishings Account	2,699	2,699
FH Ops DW	Unspecified	Furnishings Account	19	19
FH Ops DW	Unspecified	Services Account	30	30
FH Ops DW	Unspecified	Management Account	347	347
FH Ops DW	Unspecified	Furnishings Account	70	70
FH Ops DW	Unspecified	Leasing	36,552	36,552
FH Ops DW	Unspecified	Leasing	10,100	10,100
FH Ops DW	Unspecified	Maintenance of Real Property	546	546
FH Ops DW	Unspecified	Maintenance of Real Property	70	70
		Total Family Housing O&m, Defense-Wide	**50,723**	**50,723**
		BRAC Account 1990		
	Worldwide Unspecified			
BRAC IV	Unspecified	Base Realignment & Closure	129,351	129,351
BRAC IV	Unspecified	Base Realignment & Closure	70,716	70,716
BRAC IV	Unspecified	Base Realignment & Closure	123,476	123,476
		Total BRAC Account 1990	**323,543**	**323,543**
		BRAC Account 2005		
	Worldwide Unspecified			
BRAC 05	Unspecified	Usa–121: Fort Gillem, GA	8,903	8,903
BRAC 05	Unspecified	Usa–222: Fort Mcpherson, GA	9,921	9,921
BRAC 05	Unspecified	Program Management Various Locations	32,298	32,298
BRAC 05	Unspecified	Usa–223: Fort Monmouth, NJ	21,908	21,908
BRAC 05	Unspecified	Usa–36: Red River Army Depot	1,207	1,207
BRAC 05	Unspecified	Usa–113: Fort Monroe, VA	23,601	23,601
BRAC 05	Unspecified	Usa–242: Rc Transformation in NY	259	259
BRAC 05	Unspecified	Usa–63: U.S. Army Garrison (Selfridge)	1,609	1,609
BRAC 05	Unspecified	Usa–167: USAR Command and Control—NE	250	250

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
BRAC 05	Unspecified	Usa–166: USAR Command and Control—Nw	1,000	1,000
BRAC 05	Unspecified	Usa–131: USAR Command and Control -Se	250	250
BRAC 05	Unspecified	Usa–168: USAR Command and Control—Sw	250	250
BRAC 05	Unspecified	Ind–112: River Bank Army Ammo Plant, CA	320	320
BRAC 05	Unspecified	Ind–119: Newport Chemical Depot, in	467	467
BRAC 05	Unspecified	Ind–106: Kansas Army Ammunition Plant, KS	45,769	45,769
BRAC 05	Unspecified	Ind–110: Mississippi Army Ammo Plant, MS	122	122
BRAC 05	Unspecified	Ind–120: Umatilla Chemical Depot, OR	9,092	9,092
BRAC 05	Unspecified	Ind–122: Lone Star Army Ammo Plant, TX	19,367	19,367
BRAC 05	Unspecified	Ind–117: Deseret Chemical Depot, UT	34,011	34,011
BRAC 05	Unspecified	Int–4: NGA Activities	1,791	1,791
BRAC 05	Unspecified	Med–2: Walter Reed Nmmc, Bethesda, MD	18,586	18,586
BRAC 05	Unspecified	Don–172: NWS Seal Beach, Concord, CA	9,763	9,763
BRAC 05	Unspecified	Don–126: Nscs, Athens, GA	325	325
BRAC 05	Unspecified	Don–158: NSA New Orleans, LA	2,056	2,056
BRAC 05	Unspecified	Don–138: NAS Brunswick, ME	421	421
BRAC 05	Unspecified	Don–157: Mcsa Kansas City, MO	1,442	1,442
BRAC 05	Unspecified	Don–2: Ns Pascagoula, MS	515	515
BRAC 05	Unspecified	Don–84: JRB Willow Grove & Cambria Reg Ap	196	196
BRAC 05	Unspecified	Don–100: Planing, Design and Management	6,090	6,090
BRAC 05	Unspecified	Don–101: Various Locations	5,021	5,021
BRAC 05	Unspecified	Program Management Various Locations	828	828
BRAC 05	Unspecified	Med–57: Brooks City Base, TX	205	205
BRAC 05	Unspecified	Comm Add 3: Galena Fol, AK	933	933
		Total BRAC Account 2005	**258,776**	**258,776**
		Family Housing Construction, Army		
	Belgium			
FH Con Army	Brussels	Land Purchase for Gfoq (10 Units)	10,000	0
	Germany			
FH Con Army	Grafenwoehr	Family Housing New Construction (26 Units)	13,000	13,000
FH Con Army	Illesheim	Family Housing Replacement Construc(80 Units)	41,000	41,000
FH Con Army	Vilseck	Family Housing New Construction (22 Units)	12,000	12,000
	Worldwide Unspecified			
FH Con Army	Unspecified	Construction Improvements (276 Units)	103,000	103,000
FH Con Army	Unspecified	Family Housing P&d	7,897	7,897
		Total Family Housing Construction, Army	**186,897**	**176,897**
		Family Housing O&m, Army		
	Worldwide Unspecified			
FH Ops Army	Unspecified	Utilities Account	73,637	73,637
FH Ops Army	Unspecified	Services Account	15,797	15,797
FH Ops Army	Unspecified	Management Account	54,728	54,728
FH Ops Army	Unspecified	Miscellaneous Account	605	605
FH Ops Army	Unspecified	Furnishings Account	14,256	14,256
FH Ops Army	Unspecified	Leasing	204,426	204,426
FH Ops Army	Unspecified	Maintenance of Real Property	105,668	105,668
FH Ops Army	Unspecified	Privatization Support Costs	25,741	25,741
		Total Family Housing O&m, Army	**494,858**	**494,858**
		Family Housing Construction, Navy		
	Worldwide Unspecified			
FH Con Navy	Unspecified	Improvements	97,773	97,773
FH Con Navy	Unspecified	Design	3,199	3,199
		Total Family Housing Construction, Navy	**100,972**	**100,972**
		Family Housing O&m, Navy		
	Worldwide Unspecified			
FH Ops Navy	Unspecified	Utilities Account	70,197	70,197
FH Ops Navy	Unspecified	Furnishings Account	15,979	15,979
FH Ops Navy	Unspecified	Management Account	61,090	61,090
FH Ops Navy	Unspecified	Miscellaneous Account	476	476
FH Ops Navy	Unspecified	Services Account	14,510	14,510
FH Ops Navy	Unspecified	Leasing	79,798	79,798
FH Ops Navy	Unspecified	Maintenance of Real Property	97,231	97,231
FH Ops Navy	Unspecified	Privatization Support Costs	28,582	28,582
		Total Family Housing O&m, Navy	**367,863**	**367,863**
		Family Housing Construction, Air Force		
	Worldwide Unspecified			
FH Con AF	Unspecified	Construction Improvements	80,546	80,546
FH Con AF	Unspecified	Classified Improvements	50	50
FH Con AF	Unspecified	Planning and Design	4,208	4,208
		Total Family Housing Construction, Air Force	**84,804**	**84,804**
		Family Housing O&m, Air Force		
	Worldwide Unspecified			

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Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
FH Ops AF	Unspecified	Utilities Account	67,639	67,639
FH Ops AF	Unspecified	Management Account	1,996	1,996
FH Ops AF	Unspecified	Management Account	55,395	55,395
FH Ops AF	Unspecified	Services Account	13,675	13,675
FH Ops AF	Unspecified	Furnishings Account	35,290	35,290
FH Ops AF	Unspecified	Miscellaneous Account	2,165	2,165
FH Ops AF	Unspecified	Leasing Account	122	122
FH Ops AF	Unspecified	Leasing	80,775	80,775
FH Ops AF	Unspecified	Maintenance Account	2,001	2,001
FH Ops AF	Unspecified	Maintenance (Rpma & Rpmc)	98,132	98,132
FH Ops AF	Unspecified	Housing Privatization	47,571	47,571
		Total Family Housing O&m, Air Force	**404,761**	**404,761**

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Senate Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,187	0
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,629,716	7,628,716
Defense nuclear nonproliferation	2,549,492	2,378,679
Naval reactors	1,153,662	1,153,662
Office of the administrator	450,060	405,092
Total, National nuclear security administration	**11,782,930**	**11,566,149**
Environmental and other defense activities:		
Defense environmental cleanup	5,406,781	5,060,126
Other defense activities	859,952	859,952
Total, Environmental & other defense activities	**6,266,733**	**5,920,078**
Total, Atomic Energy Defense Activities	**18,049,663**	**17,486,227**
Total, Discretionary Funding	**18,055,850**	**17,486,227**
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,187	0
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	223,562	223,562
W76 Life extension program	257,035	257,035
Total, Life extension programs	**480,597**	**480,597**
Stockpile systems		
B61 Stockpile systems	72,396	72,396
W76 Stockpile systems	63,383	63,383
W78 Stockpile systems	109,518	107,518
W80 Stockpile systems	44,444	44,444
B83 Stockpile systems	48,215	48,215
W87 Stockpile systems	83,943	83,943
W88 Stockpile systems	75,728	75,728
Total, Stockpile systems	**497,627**	**495,627**
Weapons dismantlement and disposition		
Operations and maintenance	56,770	56,770
Stockpile services		
Production support	354,502	354,502
Research and development support	30,264	30,264
R&D certification and safety	190,892	190,892
Management, technology, and production	198,700	198,700
Plutonium sustainment	154,231	154,231
Total, Stockpile services	**928,589**	**928,589**
Total, Directed stockpile work	**1,963,583**	**1,961,583**
Campaigns:		
Science campaign		
Advanced certification	94,929	94,929
Primary assessment technologies	86,055	86,055
Dynamic materials properties	111,836	111,836

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Senate Authorized
Advanced radiography	27,058	27,058
Secondary assessment technologies	86,061	86,061
Total, Science campaign	**405,939**	**405,939**
Engineering campaign		
Enhanced surety	41,696	41,696
Weapon systems engineering assessment technology	15,663	15,663
Nuclear survivability	19,545	19,545
Enhanced surveillance	66,174	66,174
Total, Engineering campaign	**143,078**	**143,078**
Inertial confinement fusion ignition and high yield campaign		
Ignition	109,888	109,888
Diagnostics, cryogenics and experimental support	86,259	91,259
Pulsed power inertial confinement fusion	4,997	4,997
Joint program in high energy density laboratory plasmas	9,100	9,100
Facility operations and target production	266,030	266,030
Total, Inertial confinement fusion and high yield campaign	**476,274**	**481,274**
Advanced simulation and computing campaign	**628,945**	**628,945**
Readiness Campaign		
Nonnuclear readiness	65,000	65,000
Tritium readiness	77,491	70,491
Total, Readiness campaign	**142,491**	**135,491**
Total, Campaigns	**1,796,727**	**1,794,727**
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	156,217	151,217
Lawrence Livermore National Laboratory	83,990	83,990
Los Alamos National Laboratory	318,526	318,526
Nevada Test Site	97,559	97,559
Pantex	164,848	164,848
Sandia National Laboratory	120,708	120,708
Savannah River Site	97,767	97,767
Y–12 National security complex	246,001	246,001
Institutional site support	199,638	199,638
Total, Operations of facilities	**1,485,254**	**1,480,254**
Program readiness	74,180	74,180
Material recycle and recovery	85,939	85,939
Containers	28,979	28,979
Storage	31,272	31,272
Subtotal, Readiness in technical base and facilities	**1,705,624**	**1,700,624**
Construction:		
12–D–301 TRU waste facilities, LANL	9,881	9,881
11–D–801 TA–55 Reinvestment project, LANL	19,402	19,402
10–D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TN	35,387	35,387
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	25,168	25,168
08–D–802 High explosive pressing facility Pantex Plant, Amerillo, TX	66,960	66,960
07–D–140 Project engineering and design (PED) various locations	3,518	3,518
06–D–141 Project engineering & design (PED) Y–12 National Security Complex, Oakridge, TN	160,194	160,194
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	300,000	300,000
Total, Construction	**620,510**	**620,510**
Total, Readiness in technical base and facilities	**2,326,134**	**2,321,134**
Secure transportation asset		
Operations and equipment	149,274	149,274
Program direction	101,998	101,998
Total, Secure transportation asset	**251,272**	**251,272**
Nuclear counterterrorism incident response	**222,147**	**222,147**
Facilities and infrastructure recapitalization program		
Operations and maintenance	96,380	96,380
Total, Facilities and infrastructure recapitalization program	**96,380**	**96,380**
Site stewardship		
Operations and maintenance	104,002	104,002
Total, Site stewardship	**104,002**	**104,002**
Safeguards and security		
Defense nuclear security		
Operations and maintenance	711,105	711,105
Construction:		
08–D–701 Nuclear materials S&S upgrade project Los Alamos National Laboratory	11,752	9,752
Total, Construction	**11,752**	**9,752**
Total, Defense nuclear security	**722,857**	**720,857**
Cyber security	126,614	126,614
Total, Safeguards and security	**849,471**	**847,471**
National security applications	20,000	30,000
Subtotal, Weapons activities	**7,629,716**	**7,628,716**

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Senate Authorized
Total, Weapons Activities	**7,629,716**	**7,628,716**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	417,598	426,959
Total, Operations and maintenance	**417,598**	**426,959**
Total, Nonproliferation and verification R&D		
Nonproliferation and international security	**161,833**	**159,833**
GIPP		
International nuclear materials protection and cooperation	**571,639**	**571,639**
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	274,790	234,790
U.S. uranium disposition	26,435	26,435
Total, Operations and maintenance	**301,225**	**261,225**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	385,172	385,172
99–D–141–01 Pit disassembly and conversion facility, Savannah River, SC	176,000	48,000
99–D–141–02 Waste Solidification Building, Savannah River, SC	17,582	17,582
Total, Construction	**578,754**	**450,754**
Total, U.S. surplus fissile materials disposition	**879,979**	**711,979**
Russian surplus materials disposition	10,174	0
Total, Fissile materials disposition	**890,153**	**711,979**
Global threat reduction initiative	508,269	508,269
Total, Defense Nuclear Nonproliferation	**2,549,492**	**2,378,679**
Naval Reactors		
Naval reactors development		
Operation and maintenance		
Operation and maintenance	1,069,262	1,069,262
Construction:		
10–D–903, Security upgrades, KAPL	100	100
10–D–904, NRF infrastructure upgrades, Idaho	12,000	12,000
08–D–190 Expended Core Facility M–290 recovering discharge station, Naval Reactor Facility, ID	27,800	27,800
Total, Construction	**39,900**	**39,900**
Total, Naval reactors development	**1,109,162**	**1,109,162**
Program direction	44,500	44,500
Total, Naval Reactors	**1,153,662**	**1,153,662**
Office Of The Administrator		
Office of the administrator	450,060	405,092
Total, Office Of The Administrator	**450,060**	**405,092**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	5,375	5,375
Total, Closure sites	**5,375**	**5,375**
Hanford site:		
Nuclear facility D&D—remainder of Hanford	56,288	56,288
Nuclear facility D&D river corridor closure project	330,534	330,534
Nuclear material stabilization and disposition PFP	48,458	48,458
SNF stabilization and disposition	112,250	112,250
Soil and water remediation—groundwater vadose zone	222,285	222,285
Solid waste stabilization and disposition 200 area	143,897	143,897
Total, Hanford site	**913,712**	**913,712**
Idaho National Laboratory:		
SNF stabilization and disposition—2012	20,114	20,114
Solid waste stabilization and disposition	165,035	165,035
Radioactive liquid tank waste stabilization and disposition	110,169	110,169
Soil and water remediation—2012	87,451	87,451
Total, Idaho National Laboratory	**382,769**	**382,769**
NNSA sites		
Lawrence Livermore National Laboratory	873	873
Nuclear facility D & D Separations Process Research Unit	1,500	1,500
Nevada	63,380	63,380
Los Alamos National Laboratory	357,939	188,939
Total, NNSA sites and Nevada off-sites	**423,692**	**254,692**
Oak Ridge Reservation:		
Nuclear facility D & D ORNL	44,000	44,000
Nuclear facility D & D Y–12	30,000	30,000

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Senate Authorized
Nuclear facility D & D, E. Tennessee technology park	100	100
Soil and water remediation—offsites	3,000	3,000
Solid waste stabilization and disposition—2012	99,000	99,000
Total, Oak Ridge Reservation	**176,100**	**176,100**
Office of River Protection:		
Waste treatment and immobilization plant		
ORP-0060 / Major construction Waste treatment plant (WTP)	840,000	740,000
Total, Waste treatment and immobilization plant	**840,000**	**740,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	521,391	467,001
Total, Office of River protection	**1,361,391**	**1,207,001**
Savannah River sites:		
Nuclear material stabilization and disposition	235,000	245,000
Radioactive liquid tank waste stabilization and disposition	748,896	715,631
05–D–405 Salt waste processing facility, Savannah River	170,071	170,071
SNF stabilization and disposition	40,137	40,137
Solid waste stabilization and disposition	30,040	30,040
Total, Savannah River site	**1,224,144**	**1,200,879**
Waste Isolation Pilot Plant		
Waste isolation pilot plant	147,136	147,136
Central characterization project	23,975	23,975
Transportation	29,044	29,044
Community and regulatory support	28,771	28,771
Total, Waste Isolation Pilot Plant	**228,926**	**228,926**
Program direction	321,628	321,628
Community, regulatory and program support	91,279	91,279
Safeguards and Security:		
Oak Ridge Reservation	17,300	17,300
Paducah	9,435	9,435
Portsmouth	16,412	16,412
Richland/Hanford Site	69,234	69,234
Savannah River Site	130,000	130,000
Waste Isolation Pilot Project	4,845	4,845
West Valley	1,600	1,600
Total, Safeguards and Security	**248,826**	**248,826**
Technology development	32,320	32,320
Subtotal, Defense environmental cleanup	**5,410,162**	**5,063,507**
Use of prior year balances	–3,381	–3,381
Total, Defense Environmental Cleanup	**5,406,781**	**5,060,126**
Other Defense Activities		
Health, safety and security		
Health, safety and security	349,445	349,445
Program direction	107,037	107,037
Total, Health, safety and security	**456,482**	**456,482**
Office of Legacy Management		
Legacy management	157,514	157,514
Program direction	12,586	12,586
Total, Office of Legacy Management	**170,100**	**170,100**
Defense-related activities		
Infrastructure		
Idaho facilities management		
Idaho sitewide safeguards and security	98,500	98,500
Total, Defense-related activities	**98,500**	**98,500**
Defense related administrative support	118,836	118,836
Acquisitions workforce improvement	11,892	11,892
Office of hearings and appeals	4,142	4,142
Total, Other Defense Activities	**859,952**	**859,952**

DIVISION E—SBIR AND STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the ''SBIR/STTR Reauthorization Act of 2011''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5003. REPEAL.

Subtitle E of title VIII of this Act is amended by striking section 885.

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2011'' and inserting ''2019, except as provided in subsection (cc)''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2011'' and inserting ''2019''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The Continuing Appropriations Act, 2012 (Public Law 112–36), as amended by division D of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55), is amended by striking section 123.

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(B), each'';

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2013;

''(D) not less than 2.6 percent of such budget in fiscal year 2014;

''(E) not less than 2.7 percent of such budget in fiscal year 2015;

''(F) not less than 2.8 percent of such budget in fiscal year 2016;

''(G) not less than 2.9 percent of such budget in fiscal year 2017;

''(H) not less than 3.0 percent of such budget in fiscal year 2018;

''(I) not less than 3.1 percent of such budget in fiscal year 2019;

''(J) not less than 3.2 percent of such budget in fiscal year 2020;

''(K) not less than 3.3 percent of such budget in fiscal year 2021;

''(L) not less than 3.4 percent of such budget in fiscal year 2022; and

''(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter,'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''; and

(3) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2012;'';

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2013 and 2014;

''(iv) 0.5 percent for fiscal years 2015 and 2016; and

''(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.''; and

(4) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''every year for inflation''; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting ''(each of which the Administrator shall adjust for inflation annually)'' after ''$1,000,000,''.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON SIZE OF AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASE II AWARDS.—

''(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

''(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.''.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

''(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

''(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

''(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

''(A) induce additional venture capital funding of small business innovations;

''(B) substantially contribute to the mission of the Federal agency;

''(C) demonstrate a need for public research; and

''(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

''(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

''(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

''(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'covered small business concern' means a small business concern that—

''(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

''(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

''(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

''(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

''(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

''(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.

''(8) TERMINATION.—The authority under this subsection shall terminate on September 30, 2016.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term 'venture capital operating company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant

to the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) DEFINITION.—In this subsection, the term ''venture capital operating company'' has the same meaning as in section 3(aa) of the Small Business Act, as added by this section.

(d) ASSISTANCE FOR DETERMINING AFFILIATES.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 5111. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

''(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.''.

SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) ADDITIONAL PHASE II SBIR AND STTR AWARDS.—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.''.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

''(B) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this subsection.

''(C) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this subsection.

''(D) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(E) DEFINITIONS RELATING TO MENTORING NETWORKS.—The terms 'business advice and counseling', 'mentor', and 'mentoring network' have the meanings given those terms in section 34(e).

''(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(3) GRANTS AND COOPERATIVE AGREEMENTS.—

''(A) JOINT REVIEW.—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

''(i) technology research and development by small business concerns;

''(ii) technology transfer from university research to technology-based small business concerns;

''(iii) technology deployment and diffusion benefitting small business concerns;

''(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(I) State and local development agencies and entities;

''(II) representatives of technology-based small business concerns;

''(III) industries and emerging companies;

''(IV) universities; and

''(V) small business development centers; and

''(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

''(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

''(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

''(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

''(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

''(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

''(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

''(ii) shall consider, at a minimum—

''(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by

small business concerns in the State or area of the State;

''(III) whether the projected costs of the proposed activities are reasonable;

''(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

''(V) the manner in which the applicant will measure the results of the activities to be conducted; and

''(VI) whether the proposal addresses the needs of small business concerns—

''(aa) owned and controlled by women;

''(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

''(cc) that are HUBZone small business concerns;

''(dd) located in areas that have historically not participated in the SBIR and STTR programs;

''(ee) owned and controlled by service-disabled veterans;

''(ff) owned and controlled by Native Americans; and

''(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

''(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

''(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

''(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

''(A) Federal agencies required by this section to have an SBIR program; and

''(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(i) State and local development agencies and entities;

''(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(iii) State science and technology councils; and

''(iv) representatives of technology-based small business concerns.

''(5) ADMINISTRATIVE REQUIREMENTS.—

''(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

''(B) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

''(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

''(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

''(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

''(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

''(iii) RURAL AREAS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

''(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

''(III) DEFINITION OF RURAL AREA.—In this clause, the term 'rural area' has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

''(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

''(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

''(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

''(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(7) PROGRAM LEVELS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, $15,000,000 for each of fiscal years 2011 through 2016.

''(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 34(d).

''(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking ''section 34(c)(1)(E)(ii)'' and inserting ''section 9(s)(3)(A)(v)(II)'';

(B) by striking ''section 34'' each place it appears and inserting ''section 9(s)''; and

(C) by adding at the end the following:

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(2) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under section 9(s).

''(3) MENTOR.—The term 'mentor' means an individual described in subsection (c)(2).

''(4) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

''(5) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(6) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(8) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).'';

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR program'' after ''SBIR program''; and

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''or STTR'' after ''SBIR''; and

(ii) by striking ''$4,000'' and inserting ''$5,000'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

''(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(7) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

''SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).''.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

''(1) DEFINITION.—In this subsection, the term 'covered awardee' means a small business concern that—

''(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

''(B) has not received a Phase II award—

''(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

''(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

''(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.''.

SEC. 5207. CLARIFYING THE DEFINITION OF ''PHASE III''.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(ii) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(iii) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 5201 of this Act, by striking ''third phase'' and inserting ''Phase III''.

SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''; and

(B) in subsection (b)(5)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''.

TITLE LIII—OVERSIGHT AND EVALUATION

SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State described in subsection (u)(3); and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;''.

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

''(ii) an abstract of the project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names of key individuals that will carry out the project;

''(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;'';

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to—

''(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

''(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

''(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal

agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (cc);

''(I) carrying out subsection (ff);

''(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(K) funding for additional personnel and assistance with application reviews.

''(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(ii) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 5314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the ''Committee'') comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and

inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE LV—OTHER PROVISIONS

SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;'';

(2) in paragraph (15), by striking ''and'' at the end;

(3) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ll) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 239, S. 384.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 384) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking ''2011'' and inserting ''2015''.

COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 343.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 343) commemorating the 84th birthday of his Majesty King Bhumibol Adulyadej on December 5, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas on June 9, 1946, His Majesty King Bhumibol Adulyadej ascended to the throne and celebrated his 65th year as King of Thailand earlier this year;

Whereas King Bhumibol is the world's longest-serving monarch;

Whereas King Bhumibol has enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts in 1927, while his father was completing his studies in the United States;

Whereas on March 20, 1833, the United States and Thailand (then known as Siam) signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the first treaty ally of the United States in the Asia-Pacific region;

Whereas bilateral trade between Thailand and the United States grew by 38 percent between 2002 and 2010;

Whereas the United States and Thailand have remained strong security allies for 57 years, as memorialized in the Manila Pact in 1954, and later expanded under the Thanat-Rusk Communique of 1962;

Whereas President Bush designated Thailand as a major Non-NATO Ally on December 30, 2003;

Whereas Secretary of State Hillary Clinton, while in Bangkok on November 16, 2011, stated ''Our nations are connected through not only security cooperation and business ties, but the democratic values we share and the bonds of family and friendship that link our people.'';

Whereas the Fulbright Program, which was established between Thailand and the United States in 1950, and other exchanges, provide graduate, undergraduate, and high school students from each country the opportunity to study in the other country;

Whereas collaboration between Thailand and the United States has resulted in significant public health achievements;

Whereas in response to the worst flooding in Thailand's history—

(1) the United States Government—

(A) has provided humanitarian assistance and disaster relief;

(B) is working to help improve Thailand's capacity to prepare and respond to such disasters in the future; and

(C) has declared the United States will support Thailand's long-term recovery; and

(2) United States citizens and the private sector have donated to reconstruction efforts; and

Whereas more than 150,000 people of Thai descent live in the United States.

Now, therefore, be it

Resolved, That the Senate—

(1) sends warm wishes to the people of Thailand as they celebrate the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011, and commemorate his 65-year reign as King of Thailand;

(2) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 178-year diplomatic history, and, most importantly, shared values, including democracy, good governance, and the rule of law; and

(3) expresses its deepest sympathies for the recent historic floods in Thailand, and supports continuing efforts to provide civilian and military assistance to save lives, restore health, and facilitate Thailand's economic recovery.

MEASURE READ THE FIRST TIME—S. 1944

Mr. REID. Mr. President, I am told that S. 1944, introduced earlier today by Senator CASEY, is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1944) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

Mr. REID. Mr. President, I now ask for the second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

ORDERS FOR TUESDAY, DECEMBER 6, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, December 6, 2011; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session under the previous order; finally, that the Senate recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, about noon tomorrow there will be a cloture vote on the nomination of Caitlin Halligan to be U.S. Circuit Judge for the District of Columbia.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, December 6, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

PAULINE R. MAIER, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2017, VICE J. C. A. STAGG, TERM EXPIRED.

DEPARTMENT OF STATE

JONATHAN DON FARRAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE

UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

PHYLLIS MARIE POWERS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO REPUBLIC OF NICARAGUA.

WILLIAM E. TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

POSTAL REGULATORY COMMISSION

TONY HAMMOND, OF MISSOURI, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 14, 2012, VICE DAN GREGORY BLAIR, RESIGNED.

MERIT SYSTEMS PROTECTION BOARD

MARK A. ROBBINS, OF CALIFORNIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2018, VICE MARY M. ROSE, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

BENJAMIN M. LACOUR
ANDREW R. COLEGROVE
ANNA-ELIZABETH B. VILLARD-HOWE
JEFFREY G. PEREIRA
COLIN T. KLIEWER
PAUL M. CHAMBERLAIN
KYLE A. BYERS
ANDREW J. OSTAPENKO
LAURA T. GALLANT
GREGORY R. SCHWEITZER
MEGAN R. GUBERSKI
NATHAN E. WITHERLY
CHRISTINE L. SCHULTZ
CLAIRE V. SURREY-MARSDEN
RONALD L. MOYERS, JR.
BRIAN D. PRESTCOTT

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

To be major general

COL. JIMMIE O. KEENAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TODD S. ALBRIGHT
CLETUS A. ARCIERO
KAREN C. BAKER
VINCENT J. BARNHART
JOHN P. BARRETT
TIMOTHY P. BARRON
JAMES D. BARRY
WILLIAM K. BAXTER
PHILIP J. BELMONT
PAUL D. BENNE
MARK E. BOSELEY
BARBARA L. BOWSHER
STEVEN M. BRADY
TIMOTHY J. CAFFREY
ARTHUR B. CAJIGAL
SEAN T. CARROLL
KENDALL R. CLARK
DAVID S. COBB
JOHN J. COMBS
AMY B. CONNORS
PATRICK R. COOK
GEORGE L. COPPIT III
CORY N. COSTELLO
EUGENE D. COX
SCOTT M. CROLL
GEORGE H. CUMMINGS, JR.
SHELTON A. DAVIS
TROY M. DENUNZIO
KATHRYN K. ELLIS
ANDRE FALLOT
JOHN W. FAUGHT
TOMAS M. FERGUSON
ROGER K. FINCHER
LOUIS N. FINELLI
CHARLES J. FOX
WILLIAM C. FREY
BARNETT T. GIBBS
JAMES D. GRADY
SCOTT D. GREENWALD
STEPHEN A. HARRISON
FRANKLIN H. HAUGER
MICHAEL A. HELWIG
CHARLES G. HENDERSON
MICHAEL D. HENRY
ELIZABETH C. HERSCH
CHRISTY W. JONES
JENNIFER S. JURGENS
SEAN KEENAN
CHRISTOPHER KLEM
STACEY G. KOFF
GEORGE M. KYLE
KRISTIE J. LOWRY
MIGDALIA MACHADO
MARYANN MASONE
PARNELL C. MATTISON
EDWARD L. MCDANIEL
MARK K. MCPHERSON
MICHAEL S. MEYER
BART J. MEYERS
KEVIN E. MOORE
DAN S. MOSELY III
CLINTON K. MURRAY
ALEXANDER S. E. NIVEN
RICARDO C. ONG
JOSEPH R. ORCHOWSKI
JOHN M. PAGE
NEIL E. PAGE
MARK P. PALLIS
JAMES L. PERSSON
CHRISTIAN POPA
MAXIMILIAN PSOLKA
MITCHELL J. RAMSEY
JOHN C. RAYFIELD
SCOTT T. REHRIG
MIN S. RO
DONALD W. ROBINSON
MICHAEL K. ROSNER
ROBERTO J. SARTORI
SAMUAL W. SAUER
BRETT J. SCHNEIDER
JAMES A. SEBESTA
SCOTT B. SHAWEN
CLAYTON D. SIMON
JAMES J. STEIN
EDWARD J. SWANTON
STEVEN J. TANKSLEY
STEVEN K. TOBLER
RAYMOND F. TOPP
LADD A. TREMAINE
DAVID M. WALLACE
ALDEN L. WEG
ROBERT B. WENZEL
JASON S. WIEMAN
RONALD N. WOOL
D001765

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LARRINGTON R. CONNELL
MICHAEL E. DINOS
VESNA ELE
WENDELL J. FOX
MICHAEL K. GREGORY
ERIC A. HALL
JAE I. HWANG
SIMUEL L. JAMISON
HEKYUNG L. JUNG
TODD S. KIMURA
LEE A. KNOX, JR.
VALERIE G. MCDAVID
ANDREW D. PALALAY
DONG S. PARK
KIMBERLEY L. PERKINS
MANUEL POZO-ALONO
ANA L. RIVERA
THOMAS K. SCHREIBER
JACK N. SEIDENBERG
GLORIA T. TORRES
RICARDO J. VENDRELL

CONFIRMATIONS

Executive nominations confirmed by the Senate December 5, 2011:

THE JUDICIARY

EDGARDO RAMOS, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

ANDREW L. CARTER, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JAMES RODNEY GILSTRAP, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

DANA L. CHRISTENSEN, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 5, 2011 withdrawing from further Senate consideration the following nomination:

JONATHAN DON FARRAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA, WHICH WAS SENT TO THE SENATE ON APRIL 14, 2011.

EXTENSIONS OF REMARKS

HONORING THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. MORAN. Mr. Speaker, I rise today to acknowledge the American Society for Training and Development, ASTD, as the largest association dedicated to the training and development profession, recognizing them for their annual Employee Learning Week, held December 5 through the 9, 2011.

Members of ASTD come from more than 100 countries and connect locally in 125 U.S. chapters with 20 international partners. They work in thousands of organizations of all sizes, in government, as independent consultants, and as suppliers.

Established in 1943, ASTD is a leader in the training and development field. As businesses seek competitive advantages and growth, learning and development professionals make sure an organization's best asset, its employees, have the skills they need to help achieve business growth. ASTD serves this important community of professionals with research and resources.

To further these goals, ASTD has declared December 5 though December 9, 2011, as "Employee Learning Week" and designated time for organizations to recognize the strategic value of employee learning. I applaud ASTD and its members for their dedication to developing knowledgeable and skilled employees during Employee Learning Week.

I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

U.S. CENTENNIAL CAMPAIGN HONORS JAN KARSKI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Helsinki Commission and Co-Chairman of the Congressional Poland Caucus, I rise today to speak about the legacy of Jan Karksi, the Polish resistance fighter who risked his life over and over again to bring first-hand reports of the mass murder of Jews in German-occupied Poland to the allied governments. 2014 will be the centennial of Karski's birth, making this a fitting time to remember and honor the heroism of this man.

To that end, a "Jan Karski U.S. Centennial Campaign" has been launched. This campaign will shine a spotlight on this historic figure of towering moral authority, and will increase public knowledge about Jan Karski's extraordinary courage and commitment. This American campaign is joined by a similar undertaking by the Polish History Museum in Warsaw, Poland.

I would like to have reprinted with my remarks today the eloquent tribute to Jan Karski made recently by David Harris, Executive Director of the American Jewish Committee. For those who are unfamiliar with Karski's singular effort to sound the alarm regarding the unfolding Holocaust in Europe, I urge them to read David's description, published in the Jerusalem Post, of what Jan Karski did, and why it still matters today.

[Oct. 17, 2011]

ODE TO JAN KARSKI

(By David Harris)

He passed away in 2000, at the age of 86.

The more time goes by, the more I miss him. Precisely when his voice is needed more than ever, he is no longer among us.

In 1914, Jan Karski (né Kozielewski) was born to a Catholic family in Poland. The youngest of eight children, in 1939 he was mobilized in the Polish army just before the Nazi invasion on September 1. His wartime saga as officer, as Soviet prisoner, as escapee, in the hands of the Gestapo, and as a Polish Underground activist and courier, is beyond remarkable.

In a world today where words such as "courage" and "heroism" have been so overused—applied freely from sports to entertainment to politics—as to be rendered practically meaningless, Jan Karski was the rare human being who embodied both.

He put his life on the line repeatedly in defense of higher principles—the struggle against Nazism and the defense of his homeland, Poland. He carried with him all his life the physical scars of his experience, including the wrists he slit in an attempted suicide after prolonged beating by his Nazi captors.

The emotional scars never healed, either. Nor did he want them to. After the war, serving on the faculty of Georgetown University for four decades, he would not allow what he had witnessed to fade from memory, though, given his unusual modesty, he refused to make a second career from his past exploits.

He had seen the monstrous, indescribable bestiality of the Third Reich unleashed throughout Poland. And Poland was the epicenter of the Nazi grand design.

In 1944, he wrote a book, Story of a Secret State: My Report to the World, after he had reached the United States on assignment to recount what he had seen in Poland to American officials. Once here, he was told by his superiors not to return because his underground cover had been blown.

The book was an instant bestseller. Over the years, however, it faded into obscurity. Now it has been republished by Penguin in the United Kingdom, with, it is to be hoped, an American edition to follow.

It is a gripping account. Indeed, it should be must-reading for an understanding of the Second World War from the ground up.

In effect, it tells three stories.

The first is of Karski, especially from the years 1939 to 1944.

The narrative is straightforward, unadorned, and moving—a sobering reminder of what man is capable of when moral and physical courage meld into one.

The second is of wartime Poland, and especially the development of the Polish resistance movement.

There is no other story like it in occupied Europe. Not only did local officials refuse to collaborate with the Nazis, unlike the experience in France, Norway, and many other countries, but the combined efforts of the Polish government-in-exile and the elaborately woven underground were beyond anything imaginable at the time.

And the third was of the Polish Jewish tragedy.

Before the clandestine journey that took him to London and Washington, to meetings with the likes of British Foreign Minister Anthony Eden and U.S. President Franklin Roosevelt, Karski, wearing a Star of David armband, was smuggled twice into the Warsaw ghetto. Later, disguised as a guard, he spent hours in a Nazi camp that shipped Jews to the Belzec death camp.

What he saw in the Warsaw Ghetto and Izbica Lubelska never left him.

Here is what he wrote in Story of a Secret State: "I know history. I have learned a great deal about the evolution of nations, political systems, social doctrines, methods of conquest, persecution, and extermination, and I know, too, that never in the history of mankind, never anywhere in the realm of human relations did anything occur to compare with what was inflicted on the Jewish population of Poland."

Then he asks: "Is it still necessary to describe the Warsaw ghetto?"

Fortunately, he answered his own question. Unfortunately, however, not everyone read his response.

In the past decade alone, after Karski's death, we have witnessed a flurry of pro-Palestinian activists—from members of the British Parliament like George Galloway, Oona King and Jenny Tonge, to Norwegian diplomat Trine Lelling; from U.N. rapporteur Richard Falk to Portuguese Nobel laureate José Saramago; from Venezuelan President Hugo Chavez to Spanish newspaper cartoonists—who superimpose Nazi terminology on Israel with abandon, including obscene comparisons of the Warsaw Ghetto and Gaza Strip.

Here's Karski's reply at the time: "So much has already been written about it, there have been so many accounts by unimpeachable witnesses. A cemetery? No, for these bodies were still moving, were indeed often violently agitated. These were still living people, if you could call them such. For apart from their skin, eyes, and voice there was nothing human left in these palpitating figures. Everywhere there was hunger, misery, the atrocious stench of decomposing bodies, the pitiful moans of dying children, the desperate cries and gasps of a people struggling for life against impossible odds."

And then, perhaps anticipating what the impact of time and distance might mean for understanding this era, Karski wrote: "I know that many people will not believe me, will not be able to believe me, will think I exaggerate or invent. But I saw it."

Until his dying day, Karski stood as a guardian of the past and its relevance to the present. He remained a fierce anti-communist and, fortunately, lived to see his beloved Poland return to the democratic family of nations, including accession to NATO. He served as an early warning system against the recurrence of anti-Semitism. And he understood the central role of Israel in the life of the Jewish people.

In 1993, AJC gave Karski its highest award. In his acceptance speech, he memorably declared that he was confident there would never again be a Holocaust against the Jews and said he knew why. He paused for a moment and then, summoning his one-word explanation from the depths of his soul, he pronounced each of the three syllables of ''Israel'' as if they were separate words, allowing the moment to linger.

Jan Karski is gone, leaving no immediate family behind. But with his eyewitness account, his recorded words, and his towering example of courage, conviction, and compassion, there is hope the world won't descend into an abyss of moral fog and historical relativism or denial.

May Story of a Secret State become required reading, as a source of both information and inspiration, in every 20th century history course. And may copies find their way into the hands of those today who display their shameful ignorance by misrepresenting history.

IN RECOGNITION OF SENIOR VICE COMMANDER EARL COURTER, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Senior Vice Commander Earl Courter, Jr., honoree at the Veterans of Foreign Wars Testimonial Dinner. This highly decorated veteran has proven to be a valuable member of the community. His actions are deserving of this body's recognition.

Commander Earl Courter enlisted in the United States Army on April 30, 1964 and subsequently endured 13 weeks of basic training in Fort Knox, Kentucky. It was followed by another thirteen weeks of Advanced Infantry Training at Fort Polk, Louisiana. He was later assigned to the 1st Battalion 28th Infantry Mechanized Headquarters. Commander Earl completed two months of intense jungle training and later volunteered to serve in Vietnam. He was assigned to the reconnaissance platoon of the 2nd Battalion 18th Infantry Division as a radio/telephone operator, platoon leader aide and driver. While deeply entrenched in ''Operation Mastiff'' in the Dau Tieng region of Vietnam, the Commander's reconnaissance platoon came under intense fire and sustained extensive wounds, forcing him to return home.

As a result of his heroic actions in Vietnam, Commander Earl was awarded with multiple medals. He is the recipient of the Purple Heart, Vietnam Service Medal with two Bronze Service Stars, Republic of Vietnam Campaign Medial Ribbon with Device, National Defense Service Medal, Good Conduct Medal, Combat Infantry Badge, U.S. Presidential Citation, Vietnam Presidential Citation, Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge, New Jersey Vietnam Service Medal, among others.

Commander Earl has conducted various philanthropic services and holds multiple leadership positions. He served as Post Commander of VFW Post 3620 from 1971 through 1972, and earned the position of Assistant District Quartermaster after twelve years of service. Throughout his tenure, he has also held various prestigious titles which include District 7 Assistant Quartermaster, District Convention Chairman and Public Relations Chairman. Mr. Courter was appointed state Commander on June 18, 2011 and continues to hold this title to this day. As a member of the Townsend C. Young VFW Post # 3620, Commander Courter has counseled other amputees of various Veterans Organizations. He has remained an active member of the community, assisting wounded warriors and hospitalized veterans. Commander Courter is a true testament to the VFW's mission, Honor the Dead by Helping the Living. The Commander is married to the former Janet Walter Kerney and they are residents of Delran, New Jersey. Together they have six children and thirteen grandchildren and are life members of VFW Post 3620 Auxiliary.

Mr. Speaker, once again, please join me in congratulating Commander Earl Courter, Jr. His heroic actions in Vietnam and commitment dedicated toward other wounded warriors are inspirations to us all.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SAVE THE AMERICAN RIVER ASSOCIATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Save the American River Association (SARA), as the organization's staff, volunteers, and supporters celebrate its 50th anniversary. It is my pleasure to recognize SARA's dedication to preserving the American River for future generations, and I ask all my colleagues to join me in honoring their leadership in protecting the American River.

Established in 1961, SARA, a grassroots non-profit organization, has grown to a group of over 600 members. Initially, SARA was founded to establish the American River Parkway. The American River is designated both as a state and national wild and scenic river. It is governed by the American River Parkway Plan, which is approved by the State Legislature upon recommendation of the Sacramento County Board of Supervisors.

The efforts of thousands of SARA volunteers who contributed countless work hours to maintaining and improving the parkway over the last 50 years are evident as the American River Parkway has come to be known as the ''Jewel of Sacramento.'' The American River offers a unique wildlife and recreation area that provides for fishing, boating, rafting, picnicking sites, golfing, and nature historic tours for Sacramento residents and visitors.

SARA has been able to ensure a clean, comfortable and safe environment along the river. Volunteers work to preserve the native habitat and vegetation, improve public safety, reduce the threat of fires and increase the public's stewardship of the American River.

Mr. Speaker, I am honored to pay tribute to the Save the American River Association and the organization's continuous commitment to providing the public with access to the incredibly beautiful American River. Their past 50 years have been tremendously successful and I am confident SARA will continue to enjoy great success in the future. While the SARA staff, volunteers and supporters gather together to celebrate the organization's 50th anniversary, I ask my colleagues to join me in honoring their outstanding work in keeping the American River the ''Jewel of Sacramento.''

IN RECOGNITION OF THE 100TH BIRTHDAY OF ELEANOR NORRIS

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. KEATING. Mr. Speaker, I rise today in recognition of Mrs. Eleanor Norris, a resident of my district in Norwell, Massachusetts, who today celebrates her 100th birthday.

Eleanor was born on December 5, 1911, in Chicago with her family later moving to Boston. A product of dedicated homeschooling, she went on to attend Vassar College and became a first-grade teacher, working in Hanson, among other towns. Shortly after that she met, Albert Norris, a World War II naval aviator, with whom she had a 17-year courtship before they married.

Starting in the 1920s, Albert and Eleanor began purchasing land along the North River, a National Natural Landmark and a Commonwealth of Massachusetts Scenic River. They eventually built a cottage, cut a trail system, opened up the shady forest to attract wildflowers and ferns, and created a haven for woodland and riverside wildlife. Sadly, in 1962, six years after they married, Albert passed away.

Upon his death, she inherited 100 acres along the North River. Many people would have caved to the numerous developers who made her offers, but not Eleanor. She decided, rather, that the land should not be sold but left to the public to enjoy forever. So starting in 1970, she donated those 100 acres to The Trustees of Reservations, a non-profit land management organization. The plot was named the Norris Reservation. This was an extraordinary gift to all of us from a woman who to this day lives very simply next door to the land she donated.

In addition to this timeless gift, Eleanor helped launch the South Shore Natural Science Center in 1962 and was named Norwell Citizen of the Year for 1994. Adding to her numerous achievements, she became an accomplished ballroom dancer in her 60s.

Eleanor's greatest pleasure in life now comes from ''seeing people enjoying themselves with the right thing,'' such as nature and music. And on occasion, she still gets out into the woods of the reservation.

Her legacy of service and commitment to our community will live forever in the Norris Reservation. It seems to me that there is no more fitting a memorial for a woman who contributed so much to Norwell than a living, breathing, growing part of the town she and her husband loved. The Norris Reservation, like the people it is named for, has made its mark on the lives of countless members of our community and will continue to for generations to come.

Mr. Speaker, I am proud to honor Eleanor Norris on this joyous occasion. I ask that my colleagues join me in wishing her many more years of health and happiness.

HONORING THE THAI MONARCHY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. COBLE. Mr. Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our best wishes to the King of Thailand, Bhumibol Adulyadej, today on his birthday. For more than half a century, King Bhumibol Adulyadej has applied technical ingenuity and resources to build his vision of a modern, prosperous Thailand. He has continually sought to improve the lives of the Thai people.

King Bhumibol's philosophy of a ''sufficiency economy,'' developed and refined since the 1970s, provides guidelines for individuals and businesses on how to conduct themselves in life. The King's philosophy emphasizes moderation, responsible consumption and resiliency. In 2006, in recognition of King Bhumibol's contributions to sustainable, human-centered development, the United Nations Development Programme awarded him its first-ever Human Development Lifetime Achievement Award.

Thailand has been America's friend since 1833 and our oldest Treaty ally in Asia. Our economies are tied together, our militaries train together, and our people-to-people ties have never been stronger. Again, on behalf of the citizens of the Sixth District of North Carolina, we are pleased to join our friends in Thailand as its people celebrate the Seventh Cycle Birthday Anniversary of His Majesty King Bhumibol Adulyadej on December 5, 2011.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 5, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,073,380,701,589.57. We've added $10,271,975,526,295.29 to our debt in 16 years. This is $10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 6, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 7

9:30 a.m.

Homeland Security and Governmental Affairs

To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.

HVC–210

10 a.m.

Finance

To hold hearings to examine drug shortages, focusing on why they happen and what they mean.

SD–215

Judiciary

To hold hearings to examine reauthorizing the EB–5 Regional Center Program, focusing on promoting job creation and economic development in American communities.

SD–226

2 p.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions.

SD–538

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine turning the investigation on the science of forensics.

SR–253

Judiciary

To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

SD–226

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster.

SD–342

United States Senate Caucus on International Narcotics Control

To hold hearings to examine government efforts to curtail marijuana cultivation on United States public lands, focusing on exploitation of public lands as grow sites for marijuana and discuss barriers to the criminal prosecution of drug traffickers.

SD–562

Commission on Security and Cooperation in Europe

To receive a briefing on conflicts in the Caucasus, focusing on prospects for resolution, where these conflicts stand today, what factors impede a settlement, whether the resumption of armed hostilities is a serious threat, whether changes in the negotiating format might yield a better outcome, and what, if anything, could the United States do to facilitate a resolution.

B318, Rayburn Building

DECEMBER 8

Time to be announced

Commerce, Science, and Transportation

Business meeting to consider the nominations of Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner, Maureen K. Ohlhausen, of Virginia, to be a Federal Trade Commissioner, Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission, and Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission.

Room to be announced

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy.

SD–366

Environment and Public Works

Business meeting to consider S. 432, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, S. 1296, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, S. 1740, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network, the nomination of Rebecca R. Wodder, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife, and proposed resolutions relating to the General Services Administration.

SD–406

9:45 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine barriers facing the long-term unemployed.

SD–106

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Internet Corporation for Assigned Names and Numbers' (ICANN) expansion of top level domains.

SR–253

Foreign Relations

To hold hearings to examine the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary for Public Diplomacy, Anne Claire Richard, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic, all of the Department of State, and Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development.

SD–419

Judiciary

Business meeting to consider S. 1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage, S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels, and the nominations of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri.

SD–226

2:15 p.m.

Indian Affairs

Business meeting to consider S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and S. 1065, to settle land claims within the Fort Hall Reservation; to be immediately followed by an oversight hearing to examine state and Federal tax policy, focusing on building new markets in Indian country.

SD–628

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

DECEMBER 13

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine MF Global bankruptcy.

SH–216

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8161–S8343

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 1940–1946, and S. Res. 343. **Page S8183**

Measures Reported:

S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund. (S. Rept. No. 112–98) **Page S8183**

Measures Passed:

Breast Cancer Research Stamp: Senate passed S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research. **Page S8342**

His Majesty King Bhumibol Adulyadej 84th Birthday: Senate agreed to S. Res. 343, commemorating the 84th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2011. **Page S8342**

Halligan Nomination—Agreement: A unanimous-consent agreement was reached providing that at 11 a.m., on Tuesday, December 6, 2011, Senate resume consideration of the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, under the order of Thursday, December 1, 2011.

Nominations Confirmed: Senate confirmed the following nominations:

By a unanimous vote of 89 yeas (Vote No. EX. 221), Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York. **Pages S8167–78, S8343**

Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York. **Pages S8167–78, S8343**

James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas. **Pages S8167–78, S8343**

Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana. **Pages S8167–78, S8343**

Nominations Received: Senate received the following nominations:

Pauline R. Maier, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2017.

Jonathan Don Farrar, of California, to be Ambassador to the Republic of Panama.

Joseph E. Macmanus, of New York, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Joseph E. Macmanus, of New York, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

Phyllis Marie Powers, of Virginia, to be Ambassador to Republic of Nicaragua.

William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia.

Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission for the remainder of the term expiring October 14, 2012.

Mark A. Robbins, of California, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2018.

1 Army nomination in the rank of general.

Routine lists in the Army, and National Oceanic and Atmospheric Administration. **Pages S8342–43**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Jonathan Don Farrar, of California, to be Ambassador to the Republic of Nicaragua, which was sent to the Senate on April 14, 2011. **Page S8343**

Messages from the House: **Page S8182**

Measures Referred: **Page S8182**

Measures Read the First Time: **Pages S8182, S8342**

Executive Communications: **Pages S8182–83**

Additional Cosponsors: **Pages S8183–84**

Statements on Introduced Bills/Resolutions: Pages S8184–87

Notices of Hearings/Meetings: Page S8187

Text of H.R. 1540 as Previously Passed (S.1867, as amended, passed): Pages S8187–S8342

Record Votes: One record vote was taken today. (Total—221) Page S8178

Adjournment: Senate convened at 2 p.m. and adjourned at 6:13 p.m., until 10 a.m. on Tuesday, December 6, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8342.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 4 public bills, H.R. 3559–3562, were introduced. Page H8135

Additional Cosponsors: Pages H8135–36

Reports Filed: Reports were filed today as follows:

H.R. 2369, to amend title 36, United States Code, to provide for an additional power for the American Legion under its Federal charter (H. Rept. 112–313) and

H.R. 2815, to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership (H. Rept. 112–314). Page H8135

Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today. Page H8127

Recess: The House recessed at 12:05 p.m. and reconvened at 2 p.m. Page H8128

Recess: The House recessed at 2:04 p.m. and reconvened at 3:31 p.m. Page H8128

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Eliminating an unused lighthouse reservation: H.R. 944, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands; Pages H8128–29

Fort Pulaski National Monument Lease Authorization Act: S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument; Pages H8129–30

Providing for Our Workforce and Energy Resources Act: H.R. 2360, to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas; Pages H8130–31

North Cascades National Park Service Complex Fish Stocking Act: H.R. 2351, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; Page H8131

Amending the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act: H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; Pages H8131–32

Box Elder Utah Land Conveyance Act: S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; and Pages H8132–33

Authorizing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470: S. Con. Res. 32, to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam. Pages H8133–34

Senate Message: Message received from the Senate today appears on page H8128.

Quorum Calls Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 4:04 p.m.

Committee Meetings

FIGHTING MALARIA

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''Fighting Malaria: Progress and Challenges.'' Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 6, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider pending calendar business, 2:15 p.m., S–115, Capitol.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine continued oversight of the implementation of the ''Wall Street Reform Act'', 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance, to hold hearings to examine contaminated drywall, focusing on examining the current health, housing and product safety issues facing homeowners, 10 a.m., SR–253.

Committee on Finance: to hold a joint hearing with the House Committee on Ways and Means to examine tax reform and the tax treatment of financial products, 10 a.m., HVC–210.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine whistleblower protections for government contractors, 10 a.m., SD–342.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine access to the court, focusing on televising the Supreme Court, 10 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the Express Scripts/Medco merger, 2:30 p.m., SD–226.

House

Committee on Financial Services: Full Committee, hearing on H.R. 1148, the ''Stop Trading on Congressional Knowledge Act.'' 10 a.m., 2128 Rayburn.

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, hearing entitled ''Hearing on Draft Legislative Proposal on Cybersecurity.'' 10 a.m., 311 Cannon.

Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Jihadist Use of Social Media—How to Prevent Terrorism and Preserve Innovation.'' 2 p.m., 311 Cannon.

Committee on the Judiciary: Subcommittee on the Constitution, hearing on H.R. 3541, the ''Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act (PRENDA) of 2011.'' 1 p.m., 2141 Rayburn.

Committee on Natural Resources: Full Committee, hearing entitled ''The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts.'' 10 a.m., 1324 Longworth.

Committee on Rules: Full Committee, hearing on H.R. 1633, the ''Farm Dust Regulation Prevention Act of 2011.'' 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology: Full Committee, hearing entitled ''The Next Great Observatory: Assessing the James Webb Space Telescope.'' 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure: Full Committee, hearing entitled ''The Federal Railroad Administration's High Speed and Intercity Passenger Rail Program: Mistakes and Lessons Learned.'' 11 a.m., 2167 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Tuesday, December 6

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will resume consideration of the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, and vote on the motion to invoke cloture on the nomination at approximately 12 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Tuesday, December 6

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H.R. 1254—Synthetic Drug Control Act; (2) H.R. 2405—Pandemic and All-Hazards Preparedness Reauthorization Act; (3) H.R. 3237—SOAR Technical Corrections Act; (4) H.R. 2297—To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; (5) H.R. 313—Drug Trafficking Safe Harbor Elimination Act of 2011; (6) H.R. 2471—To amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; (7) H.R. 1021—Temporary Bankruptcy Judgeships Extension Act of 2011; (8) S.J. Res. 22—A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years, as amended; (9) S. 1639—A bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes; and (10) S. 1541—A bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

Extensions of Remarks, as inserted in this issue

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