

COMPLIANCE WITH HOUSE OF REPRESENTATIVES AND SENATE RULES
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Repeal of sense of Congress on age and service requirements for retired pay for non-regular service

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Legislative Provisions Not Adopted

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Traumatic brain injury
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DIVISION C-DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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respect to the modernization and refurbishment of
the nuclear security complex
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certain Department of Energy facilities
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Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

Explanation of funding summary

The administration's budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2012 was \$689.0 billion. Of this amount \$553.0 billion was requested for the base budget programs of the Department of Defense, \$117.8 billion for overseas contingency operations, and \$18.1 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The agreement authorizes \$662.4 billion national defense discretionary programs and includes \$530.0 billion for the base budget of the Department of Defense, \$115.5 billion for overseas contingency operations, and \$16.9 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The following two tables summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2012 defense programs.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 101)

The House bill contained a provision (sec. 101) that would authorize the recommended fiscal year 2012 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, and Defense-wide activities as specified in funding tables in section 4101.

The Senate amendment contained an identical provision (sec. 101).

The conferees agree to include a provision that would authorize the recommended fiscal year 2012 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, and Defense-wide activities.

Subtitle B—Army Programs

Limitation on procurement of Stryker combat vehicles (sec. 111)

The House bill contained a provision (sec. 112) that would limit the procurement of Stryker combat vehicles to not more than 100 until the Secretary of the Army submits written certification that the program has stable requirements and cost estimates.

The Senate amendment contained no similar provision.

The Senate recesses.

Limitation on retirement of C-23 aircraft (sec. 112)

The House bill contained a provision (sec. 111) that would: (1) require the Secretary of the Army to maintain at least 42 C-23 Sherpa aircraft in inventory; and (2) prevent the Secretary from retiring any C-23 aircraft until the Director of the National Guard Bureau had conducted a study to determine the number of fixed-wing and rotary-wing aircraft required to

support a number of missions at low, medium, moderate, high, and very-high levels of operational risk, including Homeland defense and disaster response.

The Senate amendment contained a provision (sec. 137) that would require that, if the Secretary of Army were to retire any C-23 Sherpa aircraft, the Secretary would have to offer those aircraft to the governors of the states within whose jurisdiction the C-23s had been operating at no cost to the Federal Government. It would also allow, notwithstanding the transfer of title to an aircraft to a State, the National Guard of the State to fly the aircraft using National Guard crews in a State status.

The House recedes with an amendment that would: (1) delete the authority for the National Guard crews in State status to operate the aircraft; and (2) add a requirement that the Secretary of the Air Force conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support a number of missions at low, medium, moderate, high, and very-high levels of operational risk, including Homeland defense and disaster response.

Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters (sec. 113)

The House bill contained a provision (sec. 113) that would authorize the Secretary of the Army to enter a multiyear procurement contract in accordance with section 2306b of title 10, United States Code, for up to 5 years for UH-60M/HH-60M and MH-60R/MH-60S helicopter airframes.

The Senate amendment contained an identical provision (sec. 154).

The conference agreement includes this provision.

Subtitle C-Navy Programs

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

The House bill contained a provision (sec. 123) that would authorize the Secretary of the Navy to enter into a multiyear contract to purchase mission avionics and common cockpits for Navy MH-60R/S helicopters, subject to the Secretary providing a

certification that all of the criteria in section 2306b of title 10, United States Code, have been met.

The Senate amendment contained an identical provision (sec. 121).

The conference agreement includes the provision.

Separate procurement line item for certain Littoral Combat Ship mission modules (sec. 122)

The House bill contained a provision (sec. 124) that would require the Secretary of Defense ensure that the Navy budget includes a separate procurement line item for the three primary mission defense modules for the Littoral Combat Ship program: (1) surface warfare modules; (2) mine countermeasures modules; and (3) anti-submarine warfare modules.

The Senate amendment contained no similar provision.

The Senate recesses.

Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program (sec. 123)

The House bill contained a provision (sec. 125) that would require that the Secretary of the Navy to conduct a life cycle cost-benefit analysis, in accordance with the Office of Management and Budget Circular A-94, comparing alternative maintenance and sustainability plans for the Littoral Combat Ship program. The Secretary would be required to submit a report on that analysis to the congressional defense committees with the fiscal year 2013 budget request.

The Senate amendment contained no similar provision.

The Senate recesses.

Extension of Ford-class aircraft carrier construction authority (sec. 124)

The House bill contained a provision (sec. 127) that would: (1) authorize the Secretary of the Navy to enter into a multiyear contract for the *Ford*-class aircraft carriers designated CVN-79 and CVN-80 and for the construction of major components, modules, or other structures related to such carriers; and (2) amend section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to allow the Secretary to fund these aircraft

carriers over a 5 year period. Section 121(a) now provides the authority for the Secretary to fund the ships over a 4 year period (“...in the fiscal year of the contract and the three succeeding fiscal years.”).

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would authorize the Secretary of the Navy to fund these aircraft carriers over a 5 year period.

Subtitle D-Air Force Programs

Strategic airlift aircraft force structure (sec. 131)

The Senate amendment contained a provision (sec. 136) that would amend section 8062(g)(1) of title 10, United States Code, to reduce the number of strategic airlift aircraft the Air Force must maintain from 316 aircraft to 301 aircraft.

The House bill contained no similar provision.

The House recesses.

Limitations on the use of funds to retire B-1 bomber aircraft (sec. 132)

The House bill contained a provision (sec. 131) that would prohibit the Secretary of the Air Force from retiring six B-1 bomber aircraft until January 1, 2018, and would identify minimum inventory levels for combat coded, primary, back-up and attrition reserve aircraft.

The Senate bill contained a provision (sec. 134) that would prevent the Secretary of the Air Force from retiring any B-1 bomber aircraft until the Secretary submitted a modernization plan to the congressional defense committees.

The House recesses with an amendment that would require the Secretary to submit a B-1 modernization plan and would authorize the retirement of six B-1 bomber aircraft as follows: three training aircraft in fiscal year 2012, one combat-coded aircraft in fiscal year 2014, one combat-coded aircraft in fiscal year 2015, and one combat-coded aircraft in fiscal year 2016.

The conferees expect the Secretary of the Air Force to maintain non-retired B-1 aircraft in a condition that addresses Congressional intent of having a remaining fleet of 60 B-1 aircraft prepared to meet warfighting plans of the combatant commanders.

Limitation on retirement of U-2 aircraft (sec. 133)

The Senate amendment contained a provision (sec. 135) that would prohibit the retirement of the U-2 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) certifies that the operating and sustainment (O&S) costs for the Global Hawk are less than the O&S costs for the U-2 on a comparable flight-hour cost basis.

The House bill contained no similar provision.

The House recedes with an amendment that would add an additional limitation, requiring that the Chairman of the Joint Requirements Oversight Council certify that the capability to be fielded at the same time or before the U-2 aircraft retirement would result in equal or greater capability available to the combatant commanders.

The USD(AT&L) certification in June, 2011, pursuant to the Global Hawk Nunn-McCurdy cost breach (section 2433a of title 10, United States Code), noted that the U-2 is less expensive to operate on a flight hour basis, but pointed out that, because the Global Hawk has greater endurance than the U-2, fewer sorties are required to fulfill requirements, such that the Global Hawk is less expensive in terms of a full mission profile. The conferees acknowledge this advantage, but believe that flight hour cost is a relevant metric that should favor the more modern, unmanned platform.

The conferees are concerned about Department of Defense (DOD) transition plans in U.S. Pacific Command (PACOM). The U-2 has been operated basically as a dedicated asset to support U.S. Forces Korea and Combined Forces Command, but the Global Hawks that are slated to replace them will be operated as a PACOM-wide asset, substantially reducing collection on the Korean Peninsula.

Global Hawk's imaging sensors also have substantially less range than the Senior Year Electro-optical Reconnaissance System (SYERS) and the Advanced Synthetic Aperture Radar System II carried by the U-2. In the high-threat Korean Peninsula, this range disadvantage equates to reduced coverage and/or increased risk from operating at reduced standoff ranges. The conferees are informed that the Air Force is considering development of a SYERS-like electro-optical imaging system that would fit in the Global Hawk. While this initiative is welcome, it may be years before it is available, and does not address the gap in radar performance.

DOD hoped that a Foreign Military Sale to South Korea of a

number of Global Hawks would mitigate the gap in coverage created by DOD's Global Hawk transition plan in PACOM. This sale appears to have stalled, however. The conferees intend to assess whether the risk of a gap in intelligence collection in Korea is significant and to examine alternatives.

Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft (sec. 134)

The Senate amendment contained a provision (sec. 132) that would authorize the Secretary of the Air Force to use up to \$20.0 million in prior year balances available in the B-2 bomber program in Aircraft Procurement and not needed for low observable signature and supportability modifications and trainer system upgrades, to continue the modifications necessary to allow the B-2 to carry a mix of conventional rotary launcher assembly and smart bomb rack assembly conventional weapons from a single aircraft. This effort was started in fiscal year 2011, is funded in the future-years defense program, but is not funded in the fiscal year 2012 budget request. This provision would authorize the Secretary of the Air Force to use funds already in the B-2 program budget to continue the mixed load modifications.

The House bill contained no similar provision.

The House recedes with an amendment that would change "shall be available" to "may be available".

Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record (sec. 135)

The Senate amendment contained a provision (sec. 133) that would authorize the Secretary of the Air Force to use up to \$15.0 million in prior year balances available in the B-2 bomber program in Aircraft Procurement, Air Force (APAF), and not needed for low observable signature and supportability modifications and trainer system upgrades, to continue to explore alternatives to the Increment 1 Extremely High Frequency (EHF) terminal program of record. The provision would authorize the Secretary to use these funds as part of the EHF terminal program which is funded in APAF line 76. The EHF terminal will be used in the B-2 and other aircraft.

The House bill contained no similar provision.

The House recesses with an amendment that would change "\$15,000,000 shall be available" to "\$15,000,000 may be available".

*Procurement of advanced extremely high frequency satellites
(sec. 136)*

The House bill contained a provision (sec. 132) that would authorize the Secretary of the Air Force to enter into a fixed price contract to procure two Advanced Extremely High Frequency (AEHF) satellites, authorize incremental funding of the two AEHF satellites over a period not to exceed 5 years, and establish a limitation on the total funds to be obligated and expended for the procurement. This section would also require the Secretary of the Air Force to submit a report to the congressional defense committees on contract details, cost savings, and plans for reinvesting the cost savings into capability improvements for future blocks of AEHF satellites.

The Senate amendment contained a similar provision (sec. 131).

The Senate recesses with an amendment that would authorize a 6 year period and a 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.

The conferees do not support the request for advanced appropriations authority and note that such authority has not been provided to the Department in the past and would limit the oversight ability of future Congresses.

Subtitle E-Joint and Multiservice Matters

Limitation on availability of funds for acquisition of joint tactical radio system (sec. 141)

The House bill contained a provision (sec. 143) that would limit the obligation of funds of the Joint Tactical Radio System to not more than 70 percent of the requested amount until the Secretary of the Army submits written certification that full rate production includes full and open competition.

The Senate amendment contained no similar provision.

The Senate recesses.

Limitation on availability of funds for aviation foreign internal defense program (sec. 142)

The House bill contained a provision (sec. 144) that would prohibit more than 50 percent of the funds available in fiscal year 2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the aviation foreign internal defense program from being obligated or expended until 30 days after the Commander of U.S. Special Operations Command submits a required report on the aviation foreign internal defense program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the elements of the required report.

F-35 Joint Strike Fighter aircraft (sec. 143)

The Senate amendment contained a provision (sec. 152) that would require the Secretary of Defense to ensure that, in entering into a contract for the fifth low-rate initial production (LRIP) contract lot for the F-35 Lightning II Joint Strike Fighter (JSF) aircraft: (1) the contract is a fixed price contract; and (2) the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the provision to make the requirement apply to the sixth and all subsequent low-rate initial production contracts.

Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command (sec. 144)

The Senate amendment contained a provision (sec. 155) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to designate the undersea mobility acquisition program of the United States Special Operations Command as a major defense acquisition program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to make an assessment and determination, prior to any

milestone B acquisition decision, on whether to treat the Dry Combat Submersible-Light, Dry Combat Submersible-Medium, Next-Generation Submarine Shelter, and any other future dry combat submersible programs of the United States Special Operations Command, as major defense acquisition programs. The Under Secretary of Defense for Acquisition, Technology, and Logistics will include in his assessment a requirements validation by the Joint Requirements Oversight Council, an independent cost estimate prepared by the Director of Cost Assessment and Program Evaluation, a test and evaluation master plan reviewed by the Director of Operational Test and Evaluation, and a technology readiness assessment reviewed by the Assistant Secretary of Defense for Research and Engineering. At least 30 days prior to any milestone B acquisition decision on the programs listed above, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide to the congressional defense committees his determination of the appropriate acquisition category for these programs, including the validated requirements, independent cost estimate, test and evaluation master plan, and technology readiness assessment.

Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement Funds (sec. 145)

The Senate amendment contained a provision (sec. 151) that would clarify the quarterly reporting requirements related to the use of Combat Mission Requirement Funds.

The House bill contained no similar provision.

The House recesses.

Joint Surveillance Target Attack Radar System aircraft re-engining program (sec. 146)

The Senate amendment contained a provision (sec. 157) that would require: (1) the Air Force Audit Agency to 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; and (2) the Secretary of the Air Force to ensure that any funds described authorized and appropriated for the JSTARS re-engining program are obligated and expended for the purpose for which originally authorized and appropriated, including, but not limited to, the installation of

two engine ship sets on two operational JSTARS aircraft and the purchase of two spare engines.

The House bill contained no similar provision.

The House recesses with an amendment that would change the requirement to install one engine ship set to be installed on one operational JSTARS aircraft.

Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft (sec. 147)

The Senate amendment contained a provision (sec. 159) that would authorize the Secretary of Defense to exchange an F-35B short take-off and vertical landing aircraft to the United Kingdom in exchange for an F-35C carrier variant aircraft. This exchange became desirable when the United Kingdom announced that they were not intending to continue any participation in the F-35B program, but had decided instead to pursue the F-35C variant. The provision would place certain terms and conditions on the exchange to ensure that the each government gets fair value in the transaction.

The House bill contained no similar provision.

The House recesses.

Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter (sec. 148)

The Senate amendment contained a provision (sec. 158) that would require the Secretary of Defense to submit a report to the congressional defense committees about the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the 2 year probationary status imposed by the Secretary on or about January 6, 2011, and several other matters.

The House bill contained no similar provision.

The House recesses.

Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program (sec. 149)

The Senate amendment contained a provision (sec. 153) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit 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 aircraft program. The provision would require that the Under Secretary submit a report with the budget request for fiscal year 2013.

The House bill contained no similar provision.
The House recesses.

Legislative Provisions Not Adopted

Multiyear funding for detail design and construction of LHA replacement ship designated LHA-7

The House bill contained a provision (sec. 121) that would amend section 111(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to allow the Navy to fund detail design and construction for LHA-7 in fiscal year 2013, in addition to fiscal years 2011 and 2012, as was originally authorized by section 111(a).

The Senate amendment contained no similar provision.
The House recesses.

Multiyear funding for procurement of Arleigh Burke-class destroyers

The House bill contained a provision (sec. 122) that would authorize the Secretary of the Navy to enter into a multiyear contract for the DDG-51 *Arleigh Burke*-class destroyers and government-furnished equipment associated with such destroyers.

The Senate amendment contained no similar provision.
The House recesses.

Limitation on availability of funds for F/A-18 service life extension program

The House bill contained a provision (sec. 126) that would prevent the Secretary of the Navy from spending any funds on a program to extend the service life beyond 8,600 hours pending submission of that required report. The Navy submitted the required report after the House of Representatives passed the National Defense Authorization Act for Fiscal Year 2012 (H.R. 1540).

The Senate amendment contained no similar provision.
The House recesses.

Contracts for commercial imaging satellite capabilities

The House bill contained a provision (sec. 142) that would repeal section 127 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained no similar provision.

The House recesses.

The conferees agree that commercial imaging satellites are a key part of the overhead imagery architecture, and the related legislation should not be overly prescriptive. The executive agencies should reach consensus on capability requirements and allow commercial imagery service providers to offer the best value solutions that meet the needs of the government. The conferees look forward to the executive agencies further identification of the role(s) and requirements of commercial imagery, specifically in the context of a broader intelligence, surveillance, and reconnaissance strategy. The conferees plan to actively monitor this important area and consider the need for additional legislation and existing statute.

Limitation on availability of funds for commercial satellite procurement

The House bill contained a provision (sec. 145) that would prohibit the Defense Information Systems Agency and the Air Force from obligating more than 20 percent of the funds available for fiscal year 2012 for commercial satellite procurement until the Secretary of Defense provides an independent assessment of the acquisition strategy.

The Senate amendment contained no similar provision.

The House recesses.

Separate procurement line item for non-lethal weapons funding

The House bill contained a provision (sec. 147) that would require future budget requests to include a separate procurement line item for each military department for non-lethal weapons.

The Senate amendment contained no similar provision.

The House recesses.

Study on domestic capacity for manufacture of ship shafts and other forged components

The House bill contained a provision (sec. 148) that would require the Secretary of Defense to measure the domestic capacity to manufacture ship shafts and other forged components used by Navy combatants.

The Senate amendment contained no similar provision.

The House recesses.

The conferees understand that the Department is already conducting a review that will produce such a measurement of industry capacity.

Transfer of Air Force C-12 Liberty Intelligence, Surveillance, and Reconnaissance Aircraft to the Army

The Senate amendment contained a provision (sec. 156) that would require the Secretary of Defense to develop and implement a plan for the orderly transfer of the Air Force MC-12 Liberty intelligence, surveillance, and reconnaissance (ISR) aircraft to the Army.

The House bill contained no similar provision.

The Senate recesses.

The Senate based this position on the view that: (1) the Department of Defense (DOD) does not need two fleets of C-12-based ISR aircraft equipped with full-motion video and tactical signals intelligence sensors supporting ground forces (the MC-12 Liberty in the Air Force and the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) in the Army); (2) the Army is more likely than the Air Force to maintain a commitment to this type of platform and mission; (3) the Army has an existing and available pool of C-12 pilots and infrastructure; and (4) the Air Force has a shortage of pilots for its rapidly growing unmanned aerial vehicle fleet.

The DOD leadership, including the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence (USD(I)), and the Secretaries of the Air Force and Army, informed the conferees that they all believe that the Air Force should continue to operate and manage the MC-12 Liberty fleet and assured the conferees that the Air Force is committed to the mission.

The conferees accept DOD's judgment, but note that other actions within the Department send mixed signals about the conclusions these officials have reached.

The conferees understand that the Air Force has already proposed to transfer the Liberty aircraft to the Air National Guard, despite assurances to the conferees from the USD(I) that

this would not be allowed to happen. The conferees have concerns about the ability of the Air National Guard to sustain the levels of forward deployment and operational tempo required to meet the needs of Army, Marine Corps, and special forces ground units. The conferees are not opposed to having the Air National Guard contribute to this mission by operating at least a portion of these assets as the demand for high levels of forward deployment recedes. However, that level of participation should be consistent with meeting the demands of the combatant commanders, when considering the strains in operating tempo that would be placed on the Air National Guard force. The conferees urge the Department, in making any decision on transfers of this mission and aircraft to the Guard, to consider requirements for aircraft of this type to assist in border control and counternarcotics operations.

The conferees expect that the decision to keep the Liberty aircraft in the Air Force as a theater-level asset would be reflected in a commitment by the combatant commanders to follow established allocation procedures through the Joint Forces Air Component Commander process in supporting deployed joint forces, obviating the need for a second fleet of EMARSS aircraft in the Army.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Budget Item

Armored multipurpose vehicle program

The budget request included \$53.3 million in PE 23735A for combat vehicle improvement. Of this amount, \$31.4 million was requested for the Armored Multipurpose Vehicle (AMPV) program.

The House bill would authorize \$78.3 million in PE 23735A, an increase of \$25.0 million.

The Senate amendment would authorize \$53.3 million in PE 23735A for combat vehicle improvement.

The House recedes. The conferees strongly support the AMPV program moving forward as quickly as possible. The conferees note that in 2007 the Army identified the M-113 Armored Personnel Carrier for replacement due to its inadequate survivability and force protection. As currently planned, the AMPV's low-rate initial production will not occur until 2016.

The conferees believe that this timeline is too long and that numerous options exist to accelerate the replacement of M-113s such as modified versions of existing Army tracked or wheeled vehicle systems. The conferees are concerned, however, that production of many of the Army's current tracked and wheeled combat vehicles will end before 2016. Therefore, the conferees urge the Army to carefully consider competitive selection from modified existing armored vehicle systems to control costs and avoid delay in development, testing, production, and fielding of an M-113 replacement vehicle. As part of this competitive selection, the conferees encourage the Army to consider the use of existing acquisition authorities to begin this M-113 replacement effort as an engineering change proposal or upgrade program, if that approach reduces cost, and shortens the development and testing timelines.

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) that would authorize appropriations for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation.

The Senate bill contained an identical provision (sec. 201).

The conference agreement includes this provision.

Subtitle B—Program Requirements, Restrictions, and Limitations

Limitation on availability of funds for the ground combat vehicle program (sec. 211)

The House bill contained a provision (sec. 211) that would limit obligation or expenditure of funds to not more than 70 percent for the Ground Combat Vehicle (GCV) program until the Army provides a report containing an updated analysis of alternatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the obligation or expenditure of funds to not more than 80 percent for the program until submission of a report containing the

Army's plans to carry out a dynamic analysis of alternatives and a description of the resources needed to conduct a separate assessment of selected non-developmental vehicles in accordance with the acquisition decision memorandum dated August 17, 2011.

The conferees continue to support the Army's goal of pursuing a modernized combat vehicle. However, before the Army starts another major development program that could cost \$30.0 to \$40.0 billion, the conferees want assurances that the GCV will be significantly more capable than a potentially less expensive upgraded version of currently fielded platforms. The conferees agree with the Under Secretary of Defense for Acquisition, Technology and Logistics directive for the Army to conduct a dynamic analysis of alternatives and separate assessment of selected non-developmental vehicles. The conferees are concerned about the differences between the Army's and the Director of Cost Assessment and Program Evaluation's unit cost estimates and expect these differences to be resolved during the technology development phase of the program.

Limitation on the individual carbine program (sec. 212)

The House bill contained a provision (sec. 212) that would require the Army to conduct an analysis of alternatives (AOA) for the Individual Carbine program and prohibit the approval of a full rate production decision until the AOA has been reported. The provision would also give the Secretary of Defense waiver authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a business case analysis instead of an AOA and modify the Secretary of Defense's waiver authority.

Limitation on availability of funds for future unmanned carrier-based strike system (sec. 213)

The House bill contained a provision (sec. 223) that would prevent the Secretary of Defense from obligating more than 15 percent of the fiscal year 2012 program funds for the unmanned carrier launched airborne surveillance and strike (UCLASS) program until the Department made certain certifications and established acquisition baselines for the program. The provision would also require the Comptroller General to assess the acquisition strategy defined by the Department as part of

that effort, and to report to the congressional defense committees on that assessment.

The Senate amendment contained a provision (sec. 213) that that would prevent the Secretary of Defense from obligating more than 50 percent of the UCLASS program funds until Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the acquisition strategy he approved at Milestone A requires implementation of open architecture standards for the program.

The conferees agree to a provision that would prevent the Navy from obligating more than 75 percent of the funds available to the program until 60 days after the date on which: (1) the Chairman of the Joint Requirements Oversight Council makes certain certifications about requirements; (2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits a report describing certain acquisition program attributes; and (3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies certain aspects of the program plan.

Limitation on availability of funds for amphibious assault vehicles of the Marine Corps (sec. 214)

The House bill contained a provision (sec. 214) that would prohibit the obligation of funds made available after the enactment of the National Defense Authorization Act for Fiscal Year 2012 for Marine Corps amphibious assault vehicles until the Secretary of the Navy provided Congress a report on requirements and an analysis of alternatives (AoA) for amphibious assault vehicles.

The Senate amendment contained a similar provision (sec. 214) that would prohibit Milestone B approval of the Marine Personnel Carrier (MPC) until the AoA is submitted to Congress; allow the Marine Corps to obligate funds for amphibious assault vehicle research and development, and testing, necessary to support the AoA and the development of requirements for the Amphibious Combat Vehicle (ACV); and require the Director, Cost Assessment and Program Evaluation, to conduct life cycle cost assessments of the portfolio of Marine Corps ground vehicles prior to Milestone B approval.

The Senate recedes with an amendment that would (1) allow the Marine Corps to obligate funds for amphibious assault vehicle activities to support survivability or other operational issues, to support the AoA, or to support the development of

requirements for the ACV; (2) allow the Marine Corps to obligate funds for amphibious vehicles for other purposes after submitting a report to Congress on combatant commanders' requirements for amphibious assault vehicles; (3) prohibit Milestone B approval for the MPC until the requirements report is submitted to Congress; and (4) require a habitability assessment report based on ongoing Marine Corps evaluations.

Limitation on obligation of funds for the F-35 Lightning II aircraft program (sec. 215)

The House bill contained a provision (sec. 215) that would prohibit obligation or expenditure of any funds for performance improvements to the F-35 propulsion system unless the Secretary of Defense ensures competitive development and production of the F-35 propulsion system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prevent the obligation of more than 80 percent of the research and development funding for the F-35 program until the Secretary of Defense certifies to the congressional defense committees that the acquisition strategy for the F-35 program includes a plan for achieving competition throughout operation and sustainment, in accordance with section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23).

Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program (sec. 216)

The Senate amendment contained a provision (sec. 212) that would prohibit the Secretary from obligating or expending funds for Increment 2 of the B-2 Bomber aircraft Extremely High Frequency (EHF) Satellite Communications program, until the Secretary of the Air Force makes a series of certifications and a report with respect to the acquisition plan for Increment 2, which consists of the integration of an EHF terminal and low observable antenna for secure strategic communications. The required certifications would be that the U.S. Government owns the data rights for the antennas, and that the antenna technology selected is the most cost effective and lowest risk option for the B-2. The report would include a detailed plan setting forth the projected cost and schedule for the research, development, and testing of the antenna.

The House bill contained no similar provision.

The House recesses with an amendment that would prohibit spending 60 percent of funds available until the Secretary of the Air Force makes the above certification.

Limitation on availability of funds for the Joint Space Operations Center management system (sec. 217)

The House bill contained a provision (sec. 217) that would limit the obligation or expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2012 for Release 1 of the Joint Space Operations Center Management System (JMS) until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Air Force jointly provide to the congressional defense committees the acquisition strategy for JMS, to include a description of the acquisition policies and procedures applicable to JMS and any additional acquisition authorities that may be necessary.

This section would also express a sense of Congress that improvements to U.S. space situational awareness and space command and control capabilities are necessary, and the traditional defense acquisition process is not optimal for developing the services oriented architecture and net-centric environment planned for JMS.

The Senate amendment contained no similar provision.

The Senate recesses.

Limitation on availability of funds for wireless innovation fund (sec. 218)

The House bill contained a provision (sec. 218) that would limit the Defense Advanced Research Projects Agency to obligating or expending not more than 10 percent of funds authorized to be appropriated for the wireless innovation fund until 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits a report on how such funds will be managed and executed.

The Senate amendment contained no similar provision.

The Senate recesses.

Prohibition on delegation of budgeting authority for certain research and educational programs (sec. 219)

The House bill contained a provision (sec. 222) that would prohibit the Secretary of Defense from delegating authority for the Historically Black Colleges and Universities (HBCU) program to any individual outside of the Office of the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recesses.

The conferees direct that any amounts appropriated for the HBCU/Minority Institutions program, in a program element other than PE 0602228087, shall be transferred to this program element for execution consistent with the requirements of this section.

Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram (sec. 220)

The House bill contained a provision (sec. 220) that would require the Secretary of Defense to designate the main propulsion system of the next-generation long-range strike bomber aircraft as a major subprogram and would require the Secretary of the Air Force to develop a competitive acquisition strategy for the propulsion system.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that changes "system" to "turbomachinery" and the designation date to "30 days after Milestone A".

Designation of electromagnetic aircraft launch system development and procurement program as major subprogram (sec. 221)

The House bill contained a provision (sec. 221) that would require that the Secretary of Defense designate the electromagnetic aircraft launch system (EMALS) development and procurement program as a major subprogram of the CVN-78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would provide that the requirement to maintain this major subprogram designation for EMALS would expire upon successful completion of operation testing.

Advanced rotorcraft flight research and development (sec. 222)

The House bill contained a provision (sec. 219) that would authorize the Secretary of the Army to conduct a program for flight research and demonstration of advanced helicopter technology.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Army, if they chose to award a contract, to use full and open competition as defined in section 2302(3)(D) of title 10, United States Code.

Preservation and storage of certain property related to F136 propulsion system (sec. 223)

The House bill contained a provision (sec. 252) that would require the Secretary of Defense to develop and implement a plan to store and preserve property owned by the Federal Government that was acquired under the F136 propulsion system development contract that would, with the aim of ensuring that the option of allowing the contractor to fund continued development of the F136 from within contractor funds would not be precluded by actions that the Defense Department might take in implementing the announced contract termination.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that the Secretary of Defense to develop a plan that would provide for the long-term sustainment and repair of such property pending a determination of whether such property: (1) can be used within the F-35 Lightning II aircraft program, in other government development programs, or in other contractor-funded development activities; (2) should be stored for use in future government development programs; or (3) should be disposed. The provision would also require the Secretary to identify how he intends to obtain maximum benefit to the U.S. Government from the investment already made in developing the F136.

Subtitle C-Missile Defense Programs

Acquisition accountability reports on the ballistic missile defense system (sec. 231)

The House bill contained a provision (sec. 231) that would amend chapter 9 of title 10, United States Code, to require

acquisition baselines and annual acquisition accountability reports on the ballistic missile defense system.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Comptroller General review and assessment of missile defense acquisition programs (sec. 232)

The Senate amendment contained a provision (sec. 231) that would amend section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to require the Comptroller General to review and assess the annual baseline acquisition reports of the Missile Defense Agency for fiscal years 2012 through 2015, and provide annual reports to Congress on those assessments.

The House bill contained no similar provision.

The House recesses with an amendment that would make this a separate provision of law, since section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 is repealed elsewhere in this Act.

Homeland defense hedging policy and strategy (sec. 233)

The House bill contained a provision (sec. 233) that would establish policy for a hedging strategy for homeland missile defense of the United States, and would require the Department of Defense to develop and submit such a hedging strategy to the congressional defense committees.

The Senate amendment contained a similar provision (sec. 234).

The Senate recesses with an amendment that would require the Department of Defense to submit a report on the homeland missile defense hedging strategy.

Ground-based Midcourse Defense program (sec. 234)

The House bill contained a provision (sec. 234) that would express the sense of Congress regarding the need to take steps to correct the cause of two flight test failures of the Ground-based Midcourse Defense system, and would require the Department of Defense to establish and submit to Congress a plan to address the flight test failures.

The Senate amendment contained a similar provision (sec. 232).

The House recesses with an amendment that would require the Department of Defense to report to Congress on the details and status of the plan to correct the cause of the flight test failures.

Limitation on availability of funds for the Medium Extended Air Defense System (Sec. 235)

The House bill contained a provision (sec. 232) that would limit the availability of any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the Medium Extended Air Defense System (MEADS) until the Secretary of Defense either (1) negotiates a multilateral termination of the contract covering the program, or (2) restructures the program to ensure that specific deliverables under the contract are transitioned to United States programs of record by not later than September 30, 2013. The provision would also require the Secretary to submit notification of the details of the plan to meet either of the options permitted.

The Senate amendment contained no similar provision. However, the Senate amendment did include a provision (sec. 807) that would require the Department of Defense to conduct risk assessments of future international weapon development programs, to avoid problems such as the current MEADS situation. Furthermore, the Senate amendment would authorize no fiscal year 2012 funds for the MEADS program.

The Senate recesses with an amendment that would limit the availability of more than 25 percent of fiscal year 2012 funds for MEADS until the Secretary of Defense submits a plan to use such funds as final obligations under the MEADS program for either (1) implementing a restructured MEADS program of reduced scope, or (2) contract termination liability costs with respect to the contracts covering the program. The provision would also require the Secretary to submit the plan for using fiscal year 2012 funds for the purposes permitted, with details of such plan. The provision would also require the Secretary to submit a report, not later than 180 days after the date of enactment of this Act, describing the efforts the Secretary has made with Germany and Italy, including involvement by the Secretary of State, to agree on ways to minimize the costs to each nation of implementing a restructured program or of unilateral or multilateral contract termination.

The conferees are extremely disappointed that in 2004 the

Department of Defense negotiated and signed a Memorandum of Understanding on the Medium Extended Air Defense System with Germany and Italy that effectively created an unacceptable situation for the United States in the event of poor program execution, significant schedule delays, or significantly increased cost estimates, such as have taken place. It is the conferees' understanding that none of the partner nations - the United States, Germany, or Italy - intend to procure and field the MEADS system. Yet, Congress has been told that the United States still must face an obligation of more than \$800.0 million for contract completion or for contract termination liability in the context of our fiscal crisis.

The conferees believe the Department of Defense failed the American taxpayer by signing the Memorandum in question, and believe that it is the Department's urgent responsibility, at the highest levels, to engage with Germany and Italy to minimize possible further costs to the United States of implementing a restructured program or multilateral contract termination.

Sense of Congress regarding ballistic missile defense training (sec. 236)

The House bill contained a provision (sec. 333) that would express the sense of Congress concerning the importance of improving the integration of ballistic missile defense training across and between the combatant commands.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle D-Reports

Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics (sec. 241)

The Senate amendment contained a provision (sec. 251) that would extend the biennial reporting requirement from the Department of Defense on hypersonic weapons development from 2012 to 2020.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the reporting requirement from 2012 to 2016.

Report and cost assessment of options for Ohio-class replacement ballistic missile submarine (sec. 242)

The House bill contained a provision (sec. 213) that contained a series of findings and expressed a sense of Congress on the program to replace the *Ohio*-class ballistic missile submarine. The House provision would also limit, to not more than 90 percent, the obligation or expenditure of fiscal year 2012 funds authorized or otherwise made available for such program until the Secretary of Defense submits a report to the congressional defense committees on the program including, among other matters, the analysis and cost estimates that supported the Department of Defense decision to reduce the planned number of missile tubes per submarine to 16.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Navy and the Commander of U.S. Strategic Command to jointly submit a report, not later than 180 days after the date of enactment of this Act, assessing several options for the number of submarines and the number of missile tubes per submarine for the *Ohio*-class replacement program. The report would be required to assess the procurement cost and total life cycle cost of each option, the ability for each option to meet Strategic Command's at-sea requirements that are in place as of the date of enactment of this Act and any expected changes to such requirements, and the ability for each option to meet nuclear employment and planning guidance in place as of the date of enactment of this Act and any expected changes to such guidance. The report would also be required to include a description of the postulated threat and strategic environment used to inform selection of a final option, as well as how each option provides flexibility for responding to changes in the threat and strategic environment.

Report on the electromagnetic rail gun system (sec. 243)

The House bill contained a provision (sec. 243) that would require the Secretary of Defense to submit a report on the feasibility of developing and deploying the electromagnetic rail gun system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting authority to the Secretary of the Navy, focusing on development, future deployment, and operational challenges

within the Navy program. The Secretary of the Navy would be required to brief the congressional defense committees with an interim update within 90 days of enactment of this Act, and a full report within 180 days.

Annual Comptroller General report on the KC-46A aircraft acquisition program (sec. 244)

The House bill contained a provision (sec. 241) that would require the Comptroller General to submit an annual report on the KC-46A program, beginning in fiscal year 2012 and concluding in fiscal year 2017. The reports would include assessment of various aspects of the program, including whether the Air Force was making any changes to the program's requirements or documentation.

The Senate amendment contained no similar provision.

The Senate recesses.

Independent review and assessment of cryptographic modernization program (sec. 245)

The House bill contained a provision (sec. 242) that would require the Secretary of Defense to conduct an independent review through an appropriate entity outside of the Department of Defense (DOD) of the DOD cryptographic modernization program.

The Senate amendment contained no similar provision.

The Senate recesses.

Report on increased budget items (sec. 246)

The House bill contained a provision (sec. 1699F-1) that would require reports on increased budget items authorized to be appropriated by section 201 of this Act.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment that would require a one-time report. The conferees intend the Secretary of Defense to describe the justification for awarding a contract using other than full and open competition, in the case of contracts against which funds will be obligated that were not included in the President's fiscal year 2012 budget request.

Subtitle E-Other Matters

Repeal of requirement for Technology Transition Initiative (sec. 251)

The House bill contained a provision (sec. 251) that would repeal the requirement for the Technology Transition Initiative.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the repeal effective on October 1, 2013.

Further, the conferees note that the repeal of the Technology Transition Initiative is incumbent upon the receipt, no later than March 31, 2012, of the report directed in section 253 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The Under Secretary of Defense for Acquisition, Technology, and Logistics has failed to comply with this statutory requirement, which was required no later than October 1, 2009.

Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems (sec. 252)

The Senate amendment contained a provision (sec. 261) that would require the contractor of certain research and development programs to bear at least one half of the cost of such activities.

The House bill contained no similar provision.

The House recedes.

Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions (sec. 253)

The House bill contained a provision (sec. 253) that would extend the authority for funding mechanisms from October 1, 2013, till September 30, 2016.

The Senate amendment contained a similar provision (sec. 905(b)) that would make the authority permanent.

The Senate recedes.

However, conferees remain concerned about the Department of Defense's execution of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The statute requires the establishment of mechanisms under which the director of a defense laboratory may use an amount of funds equal to not more than 3 percent of all funds

available to the defense laboratory for specified purposes. Current implementation varies from service to service and the conferees expect the Department and the services to establish consistent mechanisms that clearly follow the provisions of this statute. Furthermore, the conferees direct the service secretaries, in coordination with the Director of the Assistant Secretary of Defense for Research and Engineering Laboratories Office, to report to the Committees on Armed Services of the Senate and the House of Representatives by March 31, 2012, on all barriers or impediments to fully implementing the statute.

National defense education program (sec. 254)

The House bill contained a provision (sec. 257) that would prohibit the Secretary of Defense from using K-12 education funds within the National Defense Education Program (NDEP) to make up the difference should the amount authorized to be appropriated for fiscal year 2012 be less than the amount requested by the President.

The Senate amendment contained no similar provision.
The Senate recesses.

The conferees strongly encourage the Department that however it allocates non-K-12 funding within NDEP, existing Science, Mathematics and Research for Transformation scholarships and internships should not be impacted.

Laboratory facilities, Hanover, New Hampshire (sec. 255)

The Senate amendment contained a provision (sec. 262) that would allow the Secretary of the Army to acquire property in the vicinity of Hanover, New Hampshire, as may be needed for the Engineer Research and Development Center laboratory at the Cold Regions Research and Engineering Laboratory.

The House bill contained no similar provision.
The House recesses.

Sense of Congress on active matrix organic light emitting diode technology (sec. 256)

The House bill contained a provision (sec. 255) that would establish a sense of Congress on the importance of organic light emitting diode (OLED) technology. The provision urges the Secretary of Defense to utilize existing programs to support the reduction of costs and risks related to the technology.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment that would change this provision from being directive to permissive.

Legislative Provisions Not Adopted

Study on space-based interceptor technology

The House bill contained a provision (sec. 235) that would require the Department of Defense to conduct of study of space-based interceptor technology.

The Senate amendment contained no similar provision.

The House recesses.

Application of RNA biological and functional science and technology

The House bill contained a provision (sec. 254) that would require the Secretary of Defense to ensure that RNA technology would be used, when applicable, in research.

The Senate amendment contained no similar provision.

The House recesses.

Prohibition on use of funds for newly designed flight suit

The House bill contained a provision (sec. 256) that would prohibit the Department from using any funds to research, develop, manufacture, or procure a newly designed flight suit for members of the armed forces

The Senate amendment contained no similar provision.

The House recesses.

Prohibitions relating to use of funds for research, development, test, and evaluation on the F136 engine

The Senate amendment contained a provision (sec. 211) that would prohibit: (1) the obligation of any funds in this Act for research, development, test, or evaluation on the F136 engine; and (2) the consideration of any research, development, testing and evaluation of the F136 engine conducted and funded by the contractor as an allowable charge on any future government contract, either as a direct or an indirect cost.

The House bill contained no similar provision.

The Senate recesses.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Operation and maintenance funding (sec. 301)

The House bill contained a provision (sec. 301) that would authorize fiscal year 2012 funding levels for all operation and maintenance accounts.

The Senate amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

Subtitle B—Energy and Environmental Provisions

Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification (sec. 311)

The House bill contained a provision (sec. 311) that would require the Chairman of the Joint Chiefs of Staff to designate a senior official to be responsible for operational energy plans and programs for the Joint Chiefs of Staff, the Joint Staff, and for coordinating with the Assistant Secretary of Defense for Operational Energy, Plans, and Programs and implementing initiatives pursuant to the operational energy strategy established by the Assistant Secretary of Defense for Operational Energy, Plans, and Programs. The provision would also modify the date of the report requirement accompanying the President's budget certification.

The Senate amendment contained no similar provision.

The Senate recesses.

Improved Sikes Act coverage of State-owned facilities used for the national defense (sec. 312)

The House bill contained a provision (sec. 313) that would improve the coverage of State-owned National Guard facilities under the Sikes Act (16 U.S.C. 670 et seq.) and would make certain technical modifications.

The Senate amendment contained no similar provision.
The Senate recesses.

Discharge of wastes at sea generated by ships of the armed forces (sec. 313)

The House bill contained a provision (sec. 314) that would amend section 1902 of title 33, United States Code, by codifying discharge standards at sea for ships of the armed forces.

The Senate amendment contained a similar provision (sec. 315).

The Senate recesses with an amendment that eliminates the 270 day deadline for the reporting of a discharge necessary for purposes of securing the safety of the ship, the health of the ship's personnel, or saving life at sea.

Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs (sec. 314)

The House bill contained a provision (sec. 315) that would designate one of the military departments to serve as the executive agent for alternative fuel development for the Department of Defense (DOD).

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment that would modify the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs, in consultation with the military departments and the Assistant Secretary of Defense for Research and Engineering, to include development and oversight of alternative fuels activities and the streamlining of alternative fuel investments.

The conferees note that the amendment would also include a modification to the reporting requirement set forth in section 2925(b)(2) of title 10, United States Code.

Energy-efficient technologies in contracts for logistics support of contingency operations (sec. 315)

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to give favorable consideration in the award of logistics support contracts for contingency operations to offers that include energy-efficient or energy reduction technologies or processes.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the energy performance master plan for the Department of Defense to include goals, metrics, and incentives for achieving energy efficiency in such contracts.

Health assessment reports required when waste is disposed of in open-air burn pits (sec. 316)

The House bill contained a provision (sec. 317) that would require the Secretary of Defense to submit a health assessment report to the Committees on Armed Services of the Senate and the House of Representatives when certain waste is disposed of in open-air burn pits during contingency operations.

The Senate amendment contained no similar provision.

The Senate recesses.

Streamlined annual report on defense environmental programs (sec. 317)

The Senate amendment contained a provision (sec. 312) that would streamline the Defense Department's Annual Report to Congress on Defense Environmental Programs.

The House bill contained no similar provision.

The House recesses with a clarifying amendment that the report would cover fiscal years vice calendar years, and to reference the "environmental restoration program" instead of the "installation restoration program."

The conferees note that the Office of the Secretary of Defense and the military departments present their environmental account information to the defense committees in varying formats. It is the intention of the conferees that this streamlined report will include the total funds expended by account by the Department of Defense and by each military department. It is also the intention that the Defense Department use consistent nomenclature and metrics when reporting its environmental data to ensure that the defense committees can exercise proper oversight of the environmental program funding.

Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington (sec. 318)

The Senate amendment contained a provision (sec. 313) that would authorize the Secretary of the Navy to pay a stipulated penalty to the Environmental Protection Agency.

The House bill contained no similar provision.

The House recesses.

Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina (sec. 319)

The Senate amendment contained a provision (sec. 314) that would establish certain requirements relating to actions associated with the ongoing investigation and study of exposures to contaminated drinking water at Camp Lejeune, North Carolina.

The House bill contained no similar provision.

The House recesses.

Fire suppression agents (sec. 320)

The House bill contained a provision (sec. 318) that would amend section 7671d(a) of title 42, United States Code, to allow the use of certain fire suppression agents under certain circumstances.

The Senate amendment contained a similar provision (sec. 1089).

The House recesses.

Subtitle C-Logistics and Sustainment

Definition of depot-level maintenance and repair (sec. 321)

The House bill contained a provision (sec. 321) that would modify and clarify the definition of depot-level maintenance and repair.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

The conferees note that the study on the future capability of the Department of Defense maintenance depots directed by section 322 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that the existing statutory definition was ambiguous and subject to interpretation. The conferees are concerned that these ambiguities are directly affecting the development of core depot maintenance capabilities and allocation of sustaining

workloads. To resolve these ambiguities, the conferees specifically addressed in the provision the depot-level maintenance of software and the installation of modifications or upgrades. The conferees have removed exceptions from the definition and have addressed that issue more appropriately in the core depot-maintenance capability provision provided for elsewhere in this Act.

Designation of military arsenal facilities as Centers of Industrial and Technical Excellence (sec. 322)

The House bill contained a provision (sec. 323) that would amend 10 U.S.C. 2474 by allowing military industrial facilities to be designated as Centers of Industrial and Technical Excellence (CITE).

The Senate amendment contained a similar provision (sec. 323).

The Senate recedes with a clarifying amendment that would ensure that Army arsenals are designated as CITE.

Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities (sec. 323)

The House bill contained a provision (sec. 325) that would give permanent and expanded authority to the Secretary of the Army to enter into certain cooperative arrangements with non-Army entities.

The Senate amendment contained a similar provision (sec. 341) that would increase the limit of cooperative arrangements and expand the expiration clause.

The Senate recedes.

The conferees note that 10 U.S.C. 4544 is the appropriate partnering authority for cooperative arrangements with non-Army entities. The conferees further note that the Secretary of the Army shall evaluate all cooperative arrangements previously entered into under the Arsenal Support Program Initiative to determine which, if any, cooperative arrangements should be continued and transferred under the appropriate authority of 10 U.S.C. 4544.

Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft (sec. 324)

The House bill contained a provision (sec. 327) that would require the Department of Defense (DOD) to implement the recommendations of the Government Accountability Office (GAO) study of the F-22 Raptor and F-35 Joint Strike Fighter aircraft or submit to Congress a written justification for any decision not to do so.

The Senate amendment contained a similar provision (sec. 825).

The Senate recesses.

The conferees note that language from the Senate provision requiring DOD to address corrosion issues at the time of milestone decisions is addressed in a separate provision of the bill.

The GAO study found that the DOD had not adequately addressed the problem of corrosion and resulting material degradation in the design, development, and testing of these weapon systems. The conferees agree that renewed focus in the area of corrosion prevention and mitigation, with the active participation of the Director of Corrosion Policy and Oversight, is needed to address material degradation issues that can significantly impact the affordability and sustainability of a major weapon systems over its entire service life.

In addressing the recommendations of the GAO report, the conferees expect the Department to specifically address the following issues: (1) with regard to the F-22 Raptor program, the need for a plan to manage cumulative corrosion damage in order to mitigate long-term structure risk to the aircraft; and (2) with regard to the F-35 Joint Strike Fighter program, the need for an update to the F-35 Corrosion Prevention and Control plan with lessons learned from the F-22 program, a plan for full climatic testing early in the program to robustly address the effects of severe wet weather, temperature extremes, and high humidity, an appropriate corrosion risk mitigation follow-on plan (including management of the corrosion risk of parts qualified by similarity), expanded involvement of the Naval Air Systems Command corrosion testing capability and Air Force Research Laboratory low-observable testing capability, reconsideration of the selection of materials and coating, and responsibility for management of the Autonomic Logistics Information System link with the Aircraft Structural Integrity Program.

Modification of requirements relating to minimum capital investment for certain depots (sec. 325)

The House bill contained a provision (sec. 328) that would modify the requirements relating to minimum capital investment for certain depots.

The Senate amendment contained a similar provision (sec. 321).

The Senate recedes with an amendment that would ensure that capital investment funds are spent solely to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support of depot operations.

The conferees note that sustainment operation and maintenance funding does not count towards the 6 percent minimum capital investment requirement, but restoration and modernization operation and maintenance funding does.

Reports on depot-related activities (sec. 326)

The Senate amendment contained a provision (sec. 324) that would require a report from the Secretary of Defense on the status of the drawdown, retrograde, and reset program for the equipment used in support of operations in Iraq and Afghanistan. The provision would also require a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, product support managers at Air Logistics Centers or Air Logistics Complexes, and a review of the civilian and military command structure associated with the Air Force Materiel Command realignment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Core depot-level maintenance and repair capabilities (sec. 327)

The House bill contained a provision (sec. 322) that would modify core logistics capabilities requirements (10 U.S.C. 2464) and require an annual report.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the study on the future capability of the Department of Defense (DOD) maintenance depots directed by section 322 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that the existing core determination process should be revised to ensure that it is visible and readily understood. Through this conference agreement, the conferees confirm the

criticality of a government-controlled source of repair to support warfighter requirements. The conferees believe a streamlined core policy that eliminates exclusions and exemptions and instead provides for conditional waivers of government performance is in keeping with the section 322 study's recommendations. To provide greater transparency of the core determination process, the conference agreement includes an annual core report that should align capital investment to support current and emerging core requirements and better align sustainment planning with acquisition and development.

Subtitle D-Readiness

Modification of Department of Defense authority to accept voluntary contributions of funds (sec. 331)

The House bill contained a provision (sec. 331) that would make a technical amendment to section 358(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to clarify that voluntary contributions received from developers to offset the cost of mitigating adverse impacts on military operations and readiness and may be used for the purpose of conducting studies and will remain available until expended.

The Senate amendment contained a similar provision (sec. 344).

The Senate recesses.

Review of proposed structures affecting navigable airspace (sec. 332)

The House bill contained a provision (sec. 332) that would require the Administrator of the Federal Aviation Administration to develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on aeronautical studies prior to completion of such studies.

The Senate amendment no similar provision.

The Senate recesses.

Subtitle E-Reports

Annual certification and modifications of annual report on repositioned materiel and equipment (sec. 341)

The House bill contained a provision (sec. 341) that would, upon the arrival of the President's budget request for a fiscal year under section 1105 of title 31, require the Secretary of Defense to certify in writing that the prepositioned stocks of each of the military departments meet all operational plans, in both rate of fill and readiness. The provision also would require the Secretary of Defense to report on the inclusion of non-standard items selected for inclusion in prepositioned stocks and the long-term sustainment plan beyond current operations.

The Senate amendment contained no similar provision.
The Senate recesses.

Additional matters for inclusion in and modified deadline for the annual report on operational energy (sec. 342)

The House bill contained a provision (sec. 346) that would increase the reporting requirements for the annual report on operational energy.

The Senate amendment contained a similar provision (sec. 334) that would modify the deadline for the annual report on operational energy.

The Senate recesses.

Study on Air Force test and training range infrastructure (sec. 343)

The Senate amendment contained a provision (sec. 331) that would require the Secretary of the Air Force to conduct a study on the ability of the major air test and training range infrastructure to support the full spectrum of Air Force operations.

The House bill contained no similar provision.
The House recesses.

Study on training range infrastructure for special operations forces (sec. 344)

The Senate amendment contained a provision (sec. 332) that would require the Commander of U.S. Special Operations Command to conduct a study on existing training ranges used by special operations forces.

The House bill contained no similar provision.

The House recesses.

Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve costs savings (sec. 345)

The Senate amendment contained a provision (sec. 333) that would require the Secretary of Defense to conduct a survey and determine the advisability for establishing a service life extension program for non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments.

The House bill contained no similar provision.

The House recesses.

Study on United States force posture in the United States Pacific Command area of responsibility (sec. 346)

The House bill contained a provision (sec. 345) that would require the Secretary of Defense to study training requirements in the United States Pacific Command area of responsibility.

The Senate amendment contained a similar provision (sec. 1079) that would require an independent assessment of the United States force posture in East Asia and the Pacific.

The House recesses with an amendment that would require an independent assessment of the United States military force posture throughout the Pacific Command area of responsibility.

The conferees note that over recent years, the United States has embarked on a number of initiatives in the Pacific Command area of responsibility that are intended to realign our military force structure to respond to regional interests and, in this regard, U.S. bilateral security arrangements, especially with Japan and the Republic of Korea. Our continued strong alliance and cooperation with these two countries maintain a significant part of the foundation that supports our force posture and military activities in the region. Accordingly, the conferees direct that the assessment required by this provision include a particular focus on the current posture and plans for United States force realignments in Korea, Okinawa, and Guam.

The amendment also includes a requirement for an independent study of the overseas basing presence of United States forces, as codified in section 347.

Study on overseas basing presence of United States forces (sec.

347)

The conferees agreed to a study on overseas basing presence of United States Forces. *Inclusion of assessment of joint military training and force allocations in Quadrennial Defense Review and National Military Strategy (sec. 348)*

The House bill contained a provision (sec. 344) that would require the Secretary of Defense to conduct an assessment of joint military training and the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by United States Joint Forces Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the assessment of joint military training and force allocations in the Quadrennial Defense Review and National Military Strategy.

Modification of report on procurement of military working dogs (sec. 349)

The House bill contained a provision (sec. 343) that would amend section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), which is codified at section 2302 (note) of title 10, United States Code, to require the Secretary of Defense to provide additional information on the use of military working dogs on a contracted basis, the status of the Department's breeding programs, and the future military working dog force structure.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the data elements currently required in the report and change the reporting interval to biennial vice annual.

Subtitle F-Limitations and Extension of Authority

Adoption of military working dog by family of deceased or seriously wounded member of the armed forces who was the dog's handler (sec. 351)

The House bill contained a provision (sec. 351) that would amend section 2583(c) of title 10, United States Code, to clarify the circumstances justifying the adoption of a military working dog prior to the end of its useful life and to authorize

the adoption of a military working dog by certain family members of a deceased or seriously wounded member of the armed forces who was the handler of the dog.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Prohibition on expansion of the Air Force food transformation initiative (sec. 352)

The House bill contained a provision (sec. 352) that would prohibit the expansion of the Air Force food transformation initiative until 270 days after the Secretary of the Air Force reports to the congressional defense committees on the implementation and impact of the initiative.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would prohibit the expansion of the initiative until the Secretary submits the report, and simplifying the reporting requirement.

Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services (sec. 353)

The House bill contained a provision (sec. 353) that would limit the obligation or expenditure of funds for the migration of Army enterprise email services until the Secretary of the Army delivers a report comparing the service provided by the Defense Information Systems Agency and the Army Knowledge Online system.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would designate the Army enterprise email services program a formal acquisition program under the oversight of the Army acquisition executive, and change the limitation from 2 percent of the funds to no funds. It also adds additional provisions to the report required to lift the limitation.

The conferees note their concern about the execution of the migration of Army enterprise email services, but also recognize that currently many Army users have already migrated to the new Defense Information Systems Agency-provided solution. The conferees interpret the existing legislative language to be a limitation only on funds for the continued migration of users and not for the sustainment and maintenance of those users already migrated.

One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements (sec. 354)

The House bill contained a provision (sec. 354) that would extend section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) by 1 year.

The Senate amendment contained no similar provision.
The Senate recesses.

Subtitle G-Other Matters

Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases (sec. 361)

The Senate amendment contained a similar provision (sec. 343) that would amend section 346 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) by making available for sale any small arms ammunition and small ammunition components which are in excess of military requirements.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

The conferees note that the intent of section 346 of Public Law 111-383, as amended, is to clarify that the only fired cartridge cases (referred to as expended small arms cartridge cases) subject to the provision are intact expended small arms cartridge cases and that the provision does not apply outside the continental United States or overrides established Department of Defense (DOD) trade security controls or explosives safety controls. The conferees note that the DOD would be permitted to demilitarize and recycle expended small arms cartridge cases covered by the provision so long as there is not a significant decrease in intact expended small arms cartridge cases being made available for sale and there is no evidence that commercial demands are not generally being met. The conferees note that based on its current force structure and training requirements, the DOD currently makes approximately 6-8 million pounds of intact (non-demilitarized) expended small arms cartridge cases available each year for commercial sales. The conferees recognize that the amount made available may change as the DOD's force structure or training requirements change. The

conferees note that the DOD would be responsible for assessing commercial demands for the purpose of implementing this requirement; the conferees understand that the DOD may choose to conduct market surveys or studies to assess commercial demands for this purpose.

Comptroller General review on space-available travel on military aircraft (sec. 362)

The Senate amendment contained a provision (sec. 346) that would add a new section 2641c to title 10, United States Code, that would codify the authority of the Secretary of Defense to establish a program to provide transportation to active and reserve members, retirees, dependents, and non-remarried widows of service members on Department of Defense aircraft on a space available basis and in a budget-neutral manner. The provision would also require a Comptroller General study on the Department's space-available travel program, including a review of the cost and capacity of the system and a discussion of logistical and management issues.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the provisions concerning codification of the space available program, and would require the Comptroller General in his review to assess the effect on the cost and capacity of the program if the program were extended to un-remarried widows of active and reserve component members, and expanded for gray area retirees to include overseas travel.

Authority to provide information for maritime safety of forces and hydrographic support (sec. 363)

The House bill contained a provision (sec. 362) that would amend part IV of subtitle C of title 10, United States Code, to authorize the Secretary of the Navy to collect and share certain marine data and hydrographic information.

The Senate amendment contained an identical provision (sec. 1023).

The agreement includes this provision.

Deposit of reimbursed funds under reciprocal fire protection agreements (sec. 364)

The House bill contained a provision (sec. 363) that would,

as requested by the Department of Defense (DOD), amend section 1856d(b) of title 42, United States Code, to ensure that reimbursements to the DOD under the Reciprocal Fire Protection Agreements (42 U.S.C. chapter 15A) do not expire and that the command which provides fire protection services in the event of an emergency is able to merge the reimbursed funds with those in the current appropriation, fund, or account, which is used for DOD fire protection services.

The Senate amendment contained an identical provision (sec. 1004).

The conference agreement includes this provision.

Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet (sec. 365)

The House bill contained a provision (sec. 366) that would refine the definition of Civil Reserve Air Fleet aircraft.

The Senate amendment contained a similar provision (sec. 1045).

The Senate recesses.

Ratemaking procedures for Civil Reserve Air Fleet contracts (sec. 366)

The House bill contained a provision (sec. 367) that would clarify that contracts establishing rates for services provided by air carriers who are participants in the Civil Reserve Air Fleet (CRAF) program are not subject to the Truth in Negotiations Act (section 2306a of title 10, United States Code) or the Cost Accounting Standards (section 1502 of title 41, United States Code).

The Senate amendment contained a similar provision (sec. 883).

The Senate recesses.

Policy on active shooter training for certain law enforcement personnel (sec. 367)

The House bill contained a provision (sec. 369) that would require the Secretary of Defense to establish a policy and promulgate guidelines to ensure that civilian and military law enforcement personnel charged with security functions on military installations shall receive active shooter training as described in finding 4.3 of the document entitled, "Protecting

the Force: Lessons from Fort Hood.”

The Senate amendment contained no similar provision.

The Senate recesses.

Procurement of tents or other temporary structures (sec. 368)

The House bill contained a provision (sec. 146) that would require the Secretary of Defense to consider the total life cycle costs of tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures, when procuring tents or other temporary structures, and award contracts that provide best value to the United States.

The Senate amendment contained no similar provision.

The Senate recesses.

Legislative Provisions Not Adopted

Consideration of energy security and reliability in development and implementation of energy performance goals

The Senate amendment contained a provision (sec. 316) that would consider energy security and reliability in the development and implementation of energy performance goals.

The House bill contained no similar provision.

The Senate recesses.

Limitation on revising the definition of depot-level maintenance

The Senate amendment contained a provision (sec. 322) that would limit the Secretary of Defense on revising the definition, guidance, regulations, policy, and revisions of depot-level maintenance until receipt of a report prepared by the Defense Business Board.

The House bill contained no similar provision.

The Senate recesses.

Redesignation of core competencies as core depot maintenance capabilities for Centers of Industrial and Technical Excellence

The House bill contained a provision (sec. 324) that would amend section 2474 of title 10, United States Code, by modifying core competencies to core logistics capabilities.

The Senate amendment contained no similar provision.

The House recesses.

Modification of report on maintenance and repair of vessels in foreign shipyards

The House bill contained a provision (sec. 342) that would modify section 7310(c) of title 10, United States Code, to include reporting on vessels that are operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the U.S. Transportation Command.

The Senate amendment contained no similar provision.

The House recesses.

Working-capital fund accounting

The Senate amendment contained a provision (sec. 342) that would amend section 2208(k) of title 10, United States Code, to align the two separate dollar thresholds for procurement of capital assets.

The House bill contained no similar provision.

The Senate recesses.

The conferees continue to be concerned with an apparent disconnect in thresholds for capital assets between auditing standards and financial management regulations. The conferees note that while section 342 of the Senate amendment could resolve internal disconnects amongst financial enterprise systems, it would not comply with auditing standards.

Regardless, the conferees strongly urge the Department of Defense to continue to work to resolve this apparent disconnect.

Modification of report on SEAD/DEAD mission requirements of the Air Force

The House contained a provision (sec. 355) that would amend section 334 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383). Section 334 required a report on the suppression of enemy air defenses/destruction of enemy air defenses (SEAD/DEAD) mission requirements for the Air Force. Section 355 would have modified the due date for the report, and made other technical corrections.

The Senate contained no similar provision.

The House recesses.

The conferees received the SEAD/DEAD report, including a classified annex, in August, 2011, as would have been required by the modifications in section 355. The report addressed the feasibility and desirability of expanding the role of the Air National Guard in conducting the SEAD/DEAD mission and incorporated the suggested changes proposed in section 355.

Limitation on obligation and expenditure of funds for migration of management of Air Force Enterprise Logistics Systems Program Executive Office pending cost-benefit analysis

The House bill contained a provision (sec. 356) that would limit Air Force funds for the migration of the Air Force Enterprise Logistics Systems Program Executive Office subject to a cost-benefit analysis.

The Senate bill contained no similar provision.

The House recedes.

Consideration of foreclosure circumstances in adjudication of security clearances

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to give special consideration during security clearance adjudications to service members with a foreclosure on the member's credit report.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that protections are already included in the December 29, 2005, Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information. Guideline F of the Adjudicative Guidelines specifically addresses procedures for financial considerations, to include foreclosures, as part of the security clearance review process. The conferees further note that this should help ensure that clearances are reviewed individually and personnel security clearances are not denied solely on financial circumstances that are beyond the individual's control.

Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction

The House bill contained a provision (sec. 364) that would decrease the operation and maintenance accounts of the military departments by 10 percent for printing and reproduction.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the operation and maintenance accounts for printing and reproduction for the military departments were decreased by 10 percent in the section 4301 budget tables.

Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for studies, analysis, and evaluations

The House bill contained a provision (sec. 365) that would decrease the operation and maintenance accounts of the military departments by 10 percent for studies, analysis, and evaluations.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the operation and maintenance accounts for the military departments were decreased for studies, analysis, and evaluations by 10 percent in the section 4301 budget tables.

Sense of Congress on proposed Federal Aviation Administration changes to flight crew member duty and rest requirements

The House bill contained a provision (sec. 368) that would express the sense of Congress that, among other things, the Administrator of the Federal Aviation Administration (FAA), in consultation with the Commander of the United States Transportation Command (TRANSCOM), should develop guidelines that address not only crew fatigue, but also enhance safety while minimizing the impact on the mission of TRANSCOM and the Department of Defense.

The Senate amendment contained no similar provision. The Senate report (S. Rept. 112-26) accompanying the National Defense Authorization Act for Fiscal Year 2012 (S. 1253) would direct the Commander of TRANSCOM to provide a report to the appropriate committees of Congress assessing, among other things, the potential effects of the proposed rulemaking by the FAA on TRANSCOM operations and what steps are available to TRANSCOM and other government agencies who rely on Civil Reserve Air Fleet support to mitigate the effects of a potential FAA rule making.

The House recesses.

The conferees agree that the Department of Defense should conduct an assessment as outlined in the Senate report, but that the Secretary should decide on how to produce the report, including perhaps relying on an independent analysis group to lead that effort.

Assistance for homeland defense mission training

The House bill contained a provision (sec. 370) that would authorize the Department of Defense to provide funding assistance for the operation and maintenance of training facilities capable of providing emergency response training.

The Senate amendment contained no similar provision.
The House recesses.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2012: Army, 562,000; Navy, 325,739; Marine Corps, 202,100; and Air Force, 332,800.

The Senate amendment contained a similar provision (sec. 401) that would authorize active-duty end strength for the Navy of 325,700.

The House recesses.

End strength levels for the active forces for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army	569,400	562,000	562,000	0	-7,400
Navy	328,700	325,700	325,700	0	-3,000
Marine Corps	202,100	202,100	202,100	0	0
Air Force	332,200	332,800	332,800	0	600
DOD Total	1,432,400	1,422,600	1,422,600	0	-9,800

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active-duty personnel as of September 30, 2012: Army, 562,000; Navy, 325,739; Marine Corps, 202,100; and Air Force 332,800.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish minimum active-duty end strengths for the Army of 547,400 and for the Navy of 325,700.

Minimum end strength levels for active-duty personnel for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012	Change from
		Recommendation	FY 2011
Army	547,400	547,400	0
Navy	324,300	325,700	1,400
Marine Corps	202,100	202,100	0
Air Force	332,200	332,800	600
DOD Total	1,406,000	1,408,000	2,000

Subtitle B-Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves, as of September 30, 2012: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 66,200; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 71,400; and the Coast Guard Reserve, 10,000.

The Senate amendment contained an identical provision (sec. 411).

The conference agreement includes this provision.

End strength levels for the Selected Reserve for fiscal year 2012 are set forth in the following table:

	FY 2012	Change from

Service	FY 2011 authorized	Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	65,500	66,200	66,200	0	700
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	106,700	106,700	0	0
Air Force Reserve	71,200	71,400	71,400	0	200
DOD Total	846,200	847,100	847,100	0	900
Coast Guard Reserve	10,000	10,000	10,000	0	0

End strengths for reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in support of the reserve components as of September 30, 2012: the Army National Guard of the United States, 32,060; the Army Reserve, 16,261; the Navy Reserve, 10,337; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,833; and the Air Force Reserve, 2,662.

The Senate amendment contained a similar provision (sec. 412) that would authorize end strengths for the Navy Reserve of 10,688; the Air National Guard of the United States of 14,584; and the Air Force Reserve of 2,992.

The Senate recedes.

End strength levels for reserves on active duty in support of the reserves for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,261	16,261	0	0
Navy Reserve	10,688	10,337	10,337	0	-351
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,584	14,833	14,833	0	249
Air Force Reserve	2,992	2,662	2,662	0	-330
DOD Total	78,846	78,414	78,414	0	-432

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2012: the Army Reserve, 8,395; the Army National Guard of the United States, 27,210; the Air Force Reserve, 10,777; and the Air National Guard of the United States, 22,509.

The Senate amendment contained a similar provision (sec. 413) that would authorize end strengths for military technicians (dual status) for the Air Force Reserve of 10,720 and for the Air National Guard of the United States of 22,394.

The Senate recesses.

End strength levels for military technicians (dual status) for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army Reserve	8,395	8,395	8,395	0	0
Army National Guard	27,210	27,210	27,210	0	0
Air Force Reserve	10,720	10,777	10,777	0	57
Air National Guard	22,394	22,509	22,509	0	115
DOD Total	68,719	68,891	68,891	0	172

Fiscal year 2012 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the following personnel limits for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2012: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Personnel limitations for non-dual status technicians for fiscal year 2012 are set forth in the following table:

	FY 2012	Change from
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Service	FY 2011 authorized	FY 2012		FY 2012 request	FY 2011 authorized
		Request	Recommendation		
Army National Guard.....	1,600	1,600	1,600	0	0
Air National Guard.....	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,635	2,635	0	0

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2012 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes the provision.

The maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2012 is set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

Subtitle C-Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would

authorize appropriations for military personnel.

The Senate amendment contained a similar provision (sec. 421).

The Senate recesses.

TITLE V-MILITARY PERSONNEL POLICY

Subtitle A-Officer Personnel Policy

Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel (sec. 501)

The House bill contained a provision (sec. 501) that would amend section 523(a)(1) of title 10, United States Code, to increase the grade strength limitations for active-duty Marine Corps officers in the grade of major, lieutenant colonel, and colonel to enable the Marine Corps to shape its force to meet current and future manpower requirements.

The Senate amendment contained a similar provision (sec. 501).

The Senate recesses.

General officer and flag officer reform (sec. 502)

The House bill contained a provision (sec. 502) that would eliminate 14 authorizations for general and flag officers in joint duty assignments, add up to 7 officers serving in intelligence positions to count against the joint duty assignment limit, eliminate 11 Air Force general officer authorizations, and require that the superintendents of the service academies be counted against their respective service's general and flag officer limits.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would amend sections 525 and 526 of title 10 to increase the numbers of general and flag officers on active duty to include the additional general and flag officers that will now be counted against their respective service's general and flag officer limits.

National Defense University outplacement waiver (sec. 503)

The Senate amendment contained a provision (sec. 503) that would amend section 663 of title 10, United States Code, to authorize the Secretary of Defense, in an individual case, to assign a graduate of the National Defense University who is not designated as a joint qualified officer to a joint assignment other than a joint duty assignment. The provision would also exclude from the requirement to be assigned to a joint duty assignment after graduation those joint qualified officers and other officers who graduate from a school within the National Defense University following pursuit of a program on an other-than-in-residence basis.

The House bill contained no similar provision.

The House recedes.

Voluntary retirement incentive matters (sec. 504)

The Senate amendment contained a provision (sec. 502) that would amend chapter 36 of title 10, United States Code, to authorize a voluntary retirement incentive payment of up to 12 times an officer's monthly basic pay to certain officers with between 20 and 29 years of active-duty service. This authority, which was requested by the Department of Defense, would expire not later than December 31, 2018, and would be used to reduce end strength in a responsible manner during the planned force drawdown.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the voluntary retirement incentive to no more than 675 members through the expiration of the authority on December 31, 2018. The amendment would also reinstate temporary early retirement authority contained in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) for the military services, effective until December 31, 2018.

Subtitle B-Reserve Component Management

Leadership of National Guard Bureau (sec. 511)

The House bill contained a provision (sec. 511) that would amend section 10502 of title 10, United States Code, to require the Secretary of Defense to designate the positions of the Chief of the National Guard Bureau and the Vice Chief of the National Guard Bureau as positions to be excluded from the limitation on the number of general and flag officers on active duty and from

general officer distribution limits under sections 525 and 526 of title 10, United States Code; establish an order of succession for a vacancy in the office of the Chief of the National Guard Bureau; and redesignate the position of the Director of the Joint Staff of the National Guard Bureau as Vice Chief of the National Guard Bureau.

The Senate amendment contained a provision (sec. 1602) that would redesignate the position of the Director of the Joint Staff of the National Guard Bureau as Vice Chief of the National Guard Bureau.

The Senate recedes with a clarifying amendment.

Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff (sec. 512)

The House bill contained a provision (sec. 515) that would amend section 10502 of title 10, United States Code, to require the Chief of the National Guard Bureau to serve as an advocate and liaison for state National Guards, and would amend section 151 of title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

The Senate amendment contained a provision that would amend section 151 of title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

The House recedes with an amendment that would amend section 10502 of title 10, United States Code, to provide that, as a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.

Modification of time in which preseparation counseling must be provided to reserve component members being demobilized (sec. 513)

The House bill contained a provision (sec. 512) that would amend section 1142 of title 10, United States Code, to require that individual preseparation counseling be made available to members of the reserve component and to authorize commencement of preseparation counseling for demobilizing members of a reserve component less than 90 days before the projected date of discharge or release from active duty when operational

requirements make it unfeasible to do so at an earlier date.

The Senate amendment contained a similar provision (sec. 513).

The House recesses.

The conferees believe the existing authority in 1142(a)(1) of title 10, United States Code, includes members of the reserve component who have an anticipated separation date and does not need to be further modified. The committee recommends that the Secretary of Defense clarify in policy the availability of pre-separation counseling to members of the reserve component.

Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60 (sec. 514)

The House bill contained a provision (sec. 513) that would amend section 10216(f) of title 10, United States Code, to clarify that the Secretary of the Army and the Secretary of the Air Force may allow a military technician (dual status) to continue serving beyond their mandatory separation date until the technician reaches the age of 60 and becomes eligible for an unreduced civilian annuity, if they otherwise continue to meet the requirements for dual status. Under current law, the Secretaries are required to allow such continued service. The provision would also amend section 10216(f) to clarify that it applies to both officers and enlisted technicians.

The Senate amendment contained no similar provision.

The Senate recesses.

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 (sec. 515)

The Senate amendment contained a provision (sec. 515) that would amend chapter 1209 of title 10, United States Code, to authorize the Secretary of Defense, without the consent of the member affected, to 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 in response to a Governor's request for Federal assistance in responding to a major disaster or emergency.

The House bill contained no similar provision.

The House recesses.

Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands (sec. 516)

The Senate amendment contained a provision (sec. 511) that would amend chapter 1209 of title 10, United States Code, to authorize the secretary of a military department to order units, and certain members of the Selected Reserve or the Individual Ready Reserve, without the consent of the members concerned, to active duty for not more than 365 consecutive days for preplanned missions. The service secretaries would be authorized to exercise this authority only if the manpower and associated costs of the active duty and a description of the mission are included in the budget materials covering the fiscal year or years in which the units or members are anticipated to be ordered to active duty. No more than 60,000 reserve component members may be on active duty under this authority at any one time.

The House bill contained no similar provision.

The House recesses with an amendment that would authorize the secretary of a military department to order units, and certain members of the Selected Reserve or the Individual Ready Reserve, without the consent of the members concerned, to active duty for not more than 365 consecutive days for preplanned missions in support of a combatant command.

Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status) (sec. 517)

The House bill contained a provision (sec. 514) that would amend section 14301 of title 10, United States Code, to clarify that reserve officers employed as military technicians (dual status) who have been retained beyond their mandatory removal date for years of service under either section 10216(f) or 14702(a)(2) of title 10, United States Code, are not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 512).

The Senate recesses.

Consideration of reserve component officers in appointments to certain command positions (sec. 518)

The Senate amendment contained a provision (sec. 1608) that would require the officer serving in the position of Commander, Army North Command shall be an officer in the Army National Guard and the officer serving in the position of Commander, Air Force North Command shall be an officer in the Air National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would require that whenever officers of the Armed Forces are considered for appointment to the position of Commander, Army North Command or Commander, Air Force North Command, fully qualified officers of the National Guard and the Reserves shall be considered for appointment to such position.

Report on termination of military technician as a distinct personnel management category (sec. 519)

The Senate amendment contained a provision (sec. 514) that would direct the Secretary of Defense to conduct an independent study of the feasibility and advisability of terminating the military technician program as a personnel management category and to report to the congressional defense committees on this study, including any recommendations for statutory or administrative change, no later than 1 year after the date of enactment of this Act.

The House bill contained no similar amendment.

The House recedes.

Subtitle C-General Service Authorities

Sense of Congress on the unique nature, demands, and hardships of military service (sec. 521)

The House bill contained a provision (sec. 521) that would amend chapter 37 of title 10, United States Code, to codify findings regarding the unique nature, demands, and hardships of military service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress regarding the unique nature, demands, and hardships of military service.

Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo (sec. 522)

The House bill contained a provision (sec. 522) that would amend section 991 of title 10, United States Code, to require the Secretary of Defense to prescribe a policy addressing dwell time for members of the armed forces. The provision would also require the Secretary to establish a system for tracking and recording the number of days each service member is deployed, prescribe policies and procedures for measuring operations tempo and personnel tempo, and maintain a central data collection repository to provide information for research, analysis, interagency reporting, and evaluation of programs and policies.

The Senate amendment contained no similar provision.

The Senate recesses.

Protected communications by members of the armed forces and prohibition of retaliatory personnel actions (sec. 523)

The House bill contained a provision (sec. 530) that would extend whistleblower protection to certain communications to a member of Congress, an inspector general, a member of a Department of Defense audit, inspection, investigation, or law enforcement organization of ideologically based threats or actions.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would extend this protection against retaliatory personnel actions to a member of the armed force who complains of, or discloses information that the member reasonably believes constitutes evidence of a threat by a member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, federal, or civilian property.

Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion (sec. 524)

The House bill contained a provision (sec. 532) that would amend section 1130 of title 10, United States Code, to require that the Secretary of Defense submit the rationale regarding a favorable recommendation on a request for a review of a proposal

for the award of the Medal of Honor to the Committees on Armed Services of the Senate and the House of Representatives and to the Member of Congress who requested the review.

The Senate amendment contained no similar provision.

The Senate recesses.

Expansion of regular enlisted members covered by early discharge authority (sec. 525)

The Senate amendment contained a provision (sec. 523) that would amend section 1171 of title 10, United States Code, to expand from 3 months to 1 year the period prior to the expiration of an enlistment term during which a service member may be discharged without loss of benefits. The member would not be entitled to pay and allowances for the period not served. This authority, which was requested by the Department of Defense, would be used to reduce end strength in a responsible manner during the planned force drawdown.

The House bill contained no similar provision.

The House recesses.

Extension of voluntary separation pay and benefits authority (sec. 526)

The Senate amendment contained a provision (sec. 524) that would amend section 1175a of title 10, United States Code, to extend until December 31, 2018, the authority to provide voluntary separation pay and benefits to eligible members of the armed forces who are voluntarily separated from active duty. This authority, which was requested by the Department of Defense, would be used to reduce end strength in a responsible manner during the planned force drawdown.

The House bill contained no similar provision.

The House recesses with a technical amendment.

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. 527)

The Senate amendment contained a provision (sec. 522) that would amend section 1214a of title 10, United States Code, to prohibit the denial of reenlistment of a service member who has been determined by a Physical Evaluation Board (PEB) to be fit for duty based on a subsequent administrative determination that

the member is unsuitable for deployment or worldwide assignment based on the same medical condition that was considered by the PEB.

The House bill contained no similar provision.

The House recesses.

Designation of persons authorized to direct disposition of remains of members of the armed forces (sec. 528)

The House bill contained a provision (sec. 529) that would include among the individuals authorized to direct the disposition of remains of a deceased service member the individual identified by the decedent on the record of emergency data maintained by the service secretary, regardless of the relationship of the designee to the decedent.

The Senate amendment contained no similar provision.

The Senate recesses.

Matters covered by preseparation counseling for members of the Armed Forces and their spouses (sec. 529)

The House bill contained a provision (sec. 578) that would amend section 1142(b) of title 10, United States Code, to authorize inclusion of a service member's spouse during certain segments of preseparation counseling and require that additional topics be included in preseparation counseling.

The Senate amendment contained no similar provision.

The Senate recesses.

Conversion of high-deployment allowance from mandatory to authorized (sec. 530)

The Senate amendment contained a provision (sec. 521) that would repeal the authority and requirement to pay the high-deployment allowance under section 436 of title 37, United States Code.

The House bill contained no similar provision.

The House recesses with an amendment that would retain the statutory authority regarding the high-deployment allowance, but would make it permissive rather than mandatory.

Extension of authority to conduct programs on career flexibility to enhance retention of members of the armed forces (sec. 531)

The House bill contained a provision (sec. 524) that would extend for 3 years the authority to conduct programs on career flexibility to enhance retention of service members under section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained no similar provision.
The Senate recesses.

Policy on military recruitment and enlistment of graduates of secondary schools (sec. 532)

The House bill contained a provision (sec. 525) that would require service secretaries to treat graduates who receive diplomas from secondary schools that are legally operating or who otherwise complete a program of secondary education in compliance with the laws of the State in which the graduates reside in the same manner as graduates of secondary schools as defined by section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)) for purposes of recruitment and enlistment in the armed forces.

The Senate amendment contained a similar provision (sec. 526).

The House recesses.

Department of Defense Suicide Prevention Program (sec. 533)

The House bill contained a provision (sec. 528) that would require the Secretary of Defense to take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the armed forces from their initial enlistment or appointment through their final retirement or separation and develop suicide prevention information in cooperation with public and private entities. The provision also prescribed elements of suicide prevention training during recruit basic training for each military service.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would delete basic recruit training elements and amend section 1142 of title 10, United States Code, to include in pre-separation counseling the availability to the member and dependents of suicide prevention resources following separation from the armed forces.

Subtitle D-Military Justice and Legal Matters

Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice (sec. 541)

The Senate amendment contained a provision (sec. 551) that would amend section 920 of title 10, United States Code, (Article 120 of the Uniform Code of Military Justice (UCMJ)) to separate Article 120, UCMJ, into three separate articles applying to the offenses of rape and sexual assault, sexual offenses against children; and other non-consensual sexual misconduct offenses. The provision would also repeal section 125 of title 10, United States Code (Article 125 of the UCMJ), the offense of sodomy.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the repeal of section 125 of title 10, United States Code (Article 125 of the UCMJ).

Authority to compel production of documentary evidence (sec. 542)

The Senate amendment contained a provision (sec. 552) that would amend section 847 of title 10, United States Code, to authorize subpoenas duces tecum to compel production of documents and other tangible evidence for an investigation, including an investigation pursuant to article 32(b) of the Uniform Code of Military Justice (10 U.S.C. 832(b)), consistent with other federal criminal court practice.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize subpoenas duces tecum to compel production of documents and other tangible evidence for an investigation pursuant to article 32(b) of the Uniform Code of Military Justice (10 U.S.C. 832(b)), require that individuals who receive a subpoena must be provided a means for reimbursement for fees and mileage, and authorize military convening authorities to certify facts to United States attorneys under the provision.

Clarification of application and extent of direct acceptance of gifts authority (sec. 543)

The House bill contained a provision (sec. 532) that would expand eligibility to accept gifts to members of the armed forces who incur an injury or illness on or after September 11, 2001, in an operation or area designated as a combat operation or a combat zone.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would authorize the acceptance of gifts received after the date of enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001.

Freedom of conscience of military chaplains with respect to the performance of marriages (sec. 544)

The Senate amendment contained a provision (sec. 527) that would provide that 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.

The House bill contained no similar provision.

The House recedes.

Subtitle E-Member Education and Training Opportunities and Administration

Employment skills training for members of the armed forces on active duty who are transitioning to civilian life (sec. 551)

The House bill contained a provision (sec. 541) that would amend section 1143 of title 10, United States Code, to allow the secretary concerned to permit a member of the armed forces to participate in an apprenticeship program that provides employment skills training and assists them in transitioning into new careers in civilian life.

The Senate amendment contained a similar provision (sec. 525).

The House recedes with a clarifying amendment.

Enhancement of authorities on joint professional military education (sec. 552)

The Senate amendment contained a provision (sec. 541) that

would amend sections 2151 and 2154 of title 10, United States Code, to authorize graduates of the National Defense Intelligence College to receive credit for completion of joint professional military education Phase I. The provision would also eliminate the requirement that the curriculum for Phase II instruction at the Joint Forces Staff College be taught only in residence.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to carry out a pilot program to assess the feasibility and advisability of offering a program of instruction for Phase II joint professional military education on an other than in-residence basis.

Temporary authority to waive maximum age limitation on admission to the military service academies (sec. 553)

The House bill contained a provision (sec. 545) that would authorize the secretary of a military department to waive the maximum age limitation for admission to a military service academy from age 23 to age 26 for an otherwise qualified enlisted service member who was prevented from being admitted before reaching the maximum age as a result of service in a theater of operation for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn; and for candidates with an exceptional record that sets them apart from other candidates.

The Senate amendment contained a similar provision (sec. 546) that applied only to enlisted service members who otherwise meet the eligibility requirements for admission to an academy, and who were prevented from being admitted before reaching the maximum age as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

The House recedes.

Enhancement of administration of the United States Air Force Institute of Technology (sec. 554)

The House bill contained a provision (sec 543) that would amend chapter 901 of title 10, United States Code, by adding a new section establishing a position of Commandant of the United States Air Force Institute of Technology who is either an active-duty officer of the Air Force in a grade not below the

grade of colonel or a civilian who was retired from the Air Force in the grade not below the grade of brigadier general. This section would also establish a position of Provost and Academic Dean at the United States Air Force Institute of Technology.

The Senate amendment contained a similar provision (sec. 904) that would require that the Commandant either be an active-duty Air Force officer not below the grade of colonel, a member of the Senior Executive Service, or a civilian individual, including an Air Force officer who retired in a grade not below brigadier general, selected by the Secretary of the Air Force.

The House recedes.

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. 555)

The Senate amendment contained a provision (sec. 544) that would amend section 9315 of title 10, United States Code, to authorize the Secretary of the Air Force to allow continued participation in associate degree programs of the Community College of the Air Force (CCAF) by former or retired enlisted service members who had commenced but not completed a program of higher education at the CCAF at the time of their separation from active duty, and who have been categorized as seriously wounded, ill, or injured, by their service secretary.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Reserve component mental health stipend (sec. 556)

The House bill contained a provision (sec. 542) that would amend section 16201 of title 10, United States Code, to authorize the secretaries of the military departments to pay a stipend to qualified individuals who agree to be appointed as an officer in a reserve component, and who are pursuing or will pursue a course of study leading to a degree in clinical psychology or social work in exchange for a service commitment of 1 year for every 6 months or portion thereof of stipend received.

The Senate amendment contained a similar provision (sec. 543).

The House recedes with an amendment that would require

recipients of the stipend under this authority to agree to serve in the Selected Reserve.

Fiscal year 2012 administration and report on the Troops-to-Teachers Program (sec. 557)

The House bill contained a provision (sec. 548) that would transfer the responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense.

The Senate amendment contained a provision (sec. 1048) that would authorize the Secretary of Defense to administer and fund the Troops-to-Teachers Program during fiscal year 2012 and require the Secretary of Defense and the Secretary of Education to report to Congress no later than April 1, 2012, on the funding of the program; the number of past participants who have fulfilled, and who have not fulfilled, their service obligation under the program; the impact of state and local budget shortfalls on employing program participants; the program's effectiveness as a transition assistance program; its success in placing teachers in qualified schools and rationale for expanding the program to additional school districts, and an assessment of the advisability of the administration of the program by the Department of Education in consultation with the Department of Defense.

The House recesses.

Pilot program on receipt of civilian credentialing for skills required for military occupational specialties (sec. 558)

The Senate amendment contained a provision (sec. 547) that would require the Secretary of Defense to 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 or qualification for duty specialty codes.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Secretary to complete the pilot program not later than 5 years after the date of the commencement of the pilot program.

The conferees encourage the Secretary to include an assessment of the feasibility of obtaining a commercial driver's license as an element of the pilot program.

Report on certain education assistance programs (sec. 559)

The House bill contained a provision (sec. 547) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code, including a description of the effect of the program on recruiting and retention; an analysis of other programs that provide similar benefits, particularly the programs under chapters 30 and 33 of title 38, United States Code; and a description of the impact of modifying the tuition assistance program to require service members to pay a portion of their educational costs.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would expand the report to include the program of education assistance for spouses of service members under section 1784a of title 10, United States Code. The amendment would also require a description of the costs of these programs, including certain information from institutions receiving funds under these programs in fiscal years 2009, 2010, and 2011. Finally, the amendment would require the report to include an assessment of the feasibility and desirability of requiring institutions of higher learning to make available to the Department of Defense and prospective beneficiaries certain information concerning their programs as a requirement to participation in the Department's education assistance programs.

Subtitle F-Armed Forces Retirement Home

Control and administration by Secretary of Defense (sec. 561)

The House bill contained a provision (sec. 561) that would establish that the administration of the Armed Forces Retirement Home, to include the provision of health care and medical care for the residents, is a responsibility of the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recesses.

Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home (sec. 562)

The House bill contained a provision (sec. 562) that would clarify the oversight responsibilities and reporting requirements of the Senior Medical Advisor with regard to the health care provided to the residents of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1424).

The Senate recesses.

Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees (sec. 563)

The House bill contained a provision (sec. 563) that would establish one Armed Forces Retirement Home Advisory Council, replacing the local boards established for each of the two facilities of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1425).

The Senate recesses with a clarifying amendment.

Administrators, ombudsmen, and staff of facilities (sec. 564)

The House bill contained a provision (sec. 564) that would establish the positions of administrators and ombudsmen in each facility of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1426).

The Senate recesses.

Revision of fee requirements (sec. 565)

The House bill contained a provision (sec. 565) that would repeal the obsolete transitional fee requirements for the Armed Forces Retirement Home and establish permanent fee requirements.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Chief Operating Officer with the approval of the Secretary of Defense, to prescribe monthly fees.

Revision of inspection requirements (sec. 566)

The House bill contained a provision (sec. 566) that would require the Inspector General of the Department of Defense to

conduct a comprehensive inspection of each facility of the Armed Forces Retirement Home not less often than every 3 years. This section also would require that the Inspector General report to Congress and the Secretary of Defense include a plan by the Chief Operating Officer to address recommendations contained in the report.

The Senate amendment contained a similar provision (sec. 1427).

The Senate recesses.

Repeal of obsolete transitional provisions and technical conforming, and clerical amendments (sec. 567)

The House bill contained a provision (sec. 567) that would make technical corrections and repeal obsolete transitional provisions in the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510).

The Senate amendment contained similar provisions (sec. 1428 and 1429).

The Senate recesses.

Subtitle G-Defense Dependents' Education and Military Family Readiness Matters

Impact aid for children with disabilities (sec. 571)

The Senate amendment contained a provision (sec. 572) that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 USC 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of the Department of Defense's assistance to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The House recesses.

Continuation of authority to assist local educational agencies that benefit dependents of member of the armed forces and Department of Defense civilian employees (sec. 572)

The House bill contained a provision (sec. 572) that would authorize \$30.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The provision would also authorize \$10.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate amendment contained a provision (sec. 571) that would authorize \$25.0 million for the assistance program to local educational agencies impacted by the enrollment of dependent children of military members and civilian employees.

The Senate recesses.

Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies (sec. 573)

The Senate amendment contained a provision (sec. 573) that would amend paragraph (2) (B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to modify the authority for the Secretary of Defense to provide grant assistance to local educational agencies to ease the transition of military dependent students from Department of Defense schools to other schools and among schools of local educational agencies. The provision would also extend this authority until September 30, 2016.

The House bill contained no similar provision.

The House recesses.

Revision to membership of Department of Defense Military Family Readiness Council (sec. 574)

The House bill contained a provision (sec. 571) that would amend section 1781a of title 10, United States Code, to revise the membership of the Department of Defense Military Family Readiness Council to include family members, including parents, of members of the military services and members of the reserve component.

The Senate amendment contained a similar provision (sec. 576).

The Senate recesses.

The conferees are disappointed that as of December 9, 2011, the Department of Defense Military Family Readiness Council has not met in nearly a year. Congress required establishment of the council in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) for the purpose of assessing the effectiveness of military family programs and making recommendations to the Secretary on family policies and programs of the Department. The conferees expect the council to meet not less often than twice each year, as required by law, and that not more than one of these meetings will be in the National Capitol Region.

Reemployment rights following certain National Guard duty (sec. 575)

The Senate amendment contained a provision (sec. 1093) that would provide rights under the Uniformed Services Employment and Reemployment Rights Act (Public Law 103-353) to National Guard service under section 502(f) of title 32, United States Code, when such service was authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by federal funds.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Expansion of Operation Hero Miles (sec. 576)

The Senate amendment contained a provision (sec. 1049) that would amend section 2613 of title 10, United States Code, to include points or awards for free or reduced accommodations at hotels or other commercial facilities as a benefit in the Operation Hero Miles program.

The House bill contained no similar amendment.

The House recedes.

Report on Department of Defense autism pilot and demonstration projects (sec. 577)

The House bill contained a provision (sec. 576) that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on any pilot projects that the Department of Defense is conducting on autism services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include in the report all other efforts being conducted by the Department of Defense on autism services in the required report.

Comptroller General of the United States report on Department of Defense military spouse employment programs (sec. 578)

The Senate amendment contained a provision (sec. 577) that would require the Comptroller General of the United States to carry out a review of all current Department of Defense military spouse employment programs.

The House bill contained no similar provision.

The House recedes with an amendment to include in the review the total funding available for each military spouse employment program, the amount obligated for each program, and the number of military spouses who have obtained employment following participation in a Department of Defense spouse employment program.

Subtitle H-Improved Sexual Assault Prevention and Response in the Armed Forces

Access of sexual assault victims to legal assistance and services of sexual assault response coordinators and sexual assault victim advocates (sec. 581)

The House bill contained a provision (sec. 583) that would amend chapter 53 of title 10, United States Code, to entitle members of the armed forces and dependents of members of the armed forces who are victims of a sexual assault to legal assistance, assistance provided by a qualified Sexual Assault Response Coordinator and assistance provided by a qualified Sexual Assault Victim Advocate. The provision would also authorize members of the armed forces who are victims of a sexual assault to confidentially disclose the details of the assault to military legal assistance counsel, Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, personnel staffing the Department of Defense Safe Helpline, healthcare personnel, and chaplains.

The Senate amendment contained a similar provision (sec. 563).

The House recedes with an amendment that would require the service secretaries to prescribe regulations not later than 180

days after date of enactment of this Act on the provision of legal assistance to military personnel and dependents of military personnel who are victims of sexual assault and would provide that restricted reports of sexual assaults may be reported to a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, and healthcare personnel specifically identified in regulations prescribed by the Secretary of Defense.

Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense (sec. 582)

The House bill contained a provision (sec. 586) that would require the secretary concerned to expedite the consideration and approval of an application for a permanent change of station or unit transfer submitted by a member of the Armed Forces who is a victim of sexual assault.

The Senate amendment contained a similar provision (sec. 565).

The Senate recedes with an amendment that would require service secretaries to issue regulations that provide that an application by a victim of sexual assault for a permanent change of station or unit transfer must be approved or disapproved by the member's commanding officer within 72 hours, and if the application is disapproved, the member must be given the opportunity to request review by the first general or flag officer in the chain of command, and that decision must be made within 72 hours.

Director of Sexual Assault Prevention and Response Office (sec. 583)

The House bill contained a provision (sec. 581) that would require that the Director of the Sexual Assault Prevention and Response Office be a general or flag officer or an employee of the Department of Defense in a comparable senior executive service position.

The Senate amendment contained an identical provision (sec. 561).

The conference agreement includes this provision.

Sexual assault response coordinators and sexual assault victim advocates (sec. 584)

The House bill contained a provision (sec. 582) that would require a full time Sexual Assault Response Coordinator and a full time Sexual Assault Victim Advocate be assigned to each brigade or equivalent unit level of the armed forces and would require the Secretary of Defense to establish a training and certification program for Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

The Senate amendment contained a similar provision (sec. 562).

The Senate recedes with a clarifying amendment.

Training and education programs for sexual assault prevention and response program (sec. 585)

The House bill contained a provision (sec. 587) that would require the Secretary of each military department to provide sexual assault training and education for members of the armed forces at each level of professional military education and for civilian employees of the military department.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members for the armed forces (sec. 586)

The House bill contained a provision (sec. 585) that would amend chapter 50 of title 10, United States Code, to require the Department of Defense to maintain records relating to sexual assault involving members of the armed forces or their dependents for not less than 100 years, provide the victim permanent access to the records maintained by the Department, and require that the victim be provided a copy of the court-martial proceedings in certain circumstances.

The Senate amendment contained a provision (sec. 566) that would require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving service members.

The House recedes with an amendment that would require the comprehensive policy be developed not later than October 1, 2012; that Defense Forms 2910 and 2911 be included in the

records that must be retained; require that documentary evidence be retained for not less than the length of time investigative records are retained; and require that victims of sexual assault be provided with a copy of all prepared records of the proceedings of a court-martial if the victim testified during the proceedings.

Subtitle I-Other Matters

Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities (sec. 588)

The Senate amendment contained a provision (sec. 1043) that would authorize the Secretary of Defense to carry out reintegration and post-isolation support activities for certain persons returned to the control of United States authorities following detention in isolation or captivity by a hostile enemy while participating in or associated with a United States-sponsored military activity or mission.

The House bill contained no similar provision.

The House recesses.

Military adaptive sports program (sec. 589)

The House bill contained a provision (sec. 593) that would authorize the Secretary of Defense to establish a military adaptive sports program to provide adaptive sports programs to eligible wounded and injured members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to consult with the Secretary of Veterans Affairs and avoid duplicating programs conducted by the Secretary and United States Paralympics, Inc., under section 521A of title 38, United States Code.

Enhancement and improvement of Yellow Ribbon Reintegration Program (sec. 590)

The Senate amendment contained a provision (sec. 582) that would enhance the Yellow Ribbon Reintegration Program to improve processes for determining best practices for information dispersal and outreach services, as well as improve collaboration with state programs.

The House bill contained no similar provision.

The House recesses.

Army National Military Cemeteries (sec. 591)

The House bill contained a provision (sec. 551) that would establish the general authority of the Secretary of the Army to develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

The conferees have not required that future superintendents of Army National Cemeteries be military veterans but believe that prior honorable military service is an important factor to be considered in their selection. An individual with military service who possesses the qualifications mandated by section 4725(a) would possess experience that the conferees view as invaluable. The conferees also acknowledge that the Army National Cemeteries Advisory Commission recently was established, fulfilling the requirement set forth in section 4723 of title 10, United States Code, as added by this provision, and that the Commission has conducted its first meeting.

Inspection of military cemeteries under jurisdiction of the military departments (sec. 592)

The House bill contained a provision (sec. 552) that would require the Inspector General of the Department of Defense to inspect the cemeteries at the Armed Forces Retirement Home, the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment that would require the Inspector General of each military department to conduct an inspection of each military cemetery under the jurisdiction of that military department.

Authorization for award of the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War (sec. 593)

The Senate amendment contained a provision (sec. 587) that would authorize the award of the Distinguished Service Cross to Captain Frederick L. Spaulding for acts of valor during the Vietnam War.

The House bill contained no similar provision.

The House recesses.

Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War (sec. 594)

The House bill contained a provision (sec. 599D) that would authorize the award of the Medal of Honor to Emil Kapaun for acts of valor during the Korean War.

The Senate amendment contained an identical provision (sec. 586).

The conference agreement includes this provision.

Review regarding award of Medal of Honor to Jewish American World War I veterans (sec. 595)

The House bill contained a provision (sec. 599B) that would require the Secretary of the Army and the Secretary of the Navy to review the service records of each Jewish American World War I veteran who was awarded the Distinguished Service Cross, the Navy Cross, or other military decoration during World War I, or whose name is submitted by the Jewish War Veterans of the United States of America, to determine whether that veteran should be posthumously awarded the Medal of Honor.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of the Army and the Secretary of the Navy to review the service records of any Jewish American World War I veteran awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award to the Medal of Honor are submitted to the service secretary before the end of the 1 year period beginning on the date of enactment of this Act.

Report on process for expedited determination of disability of members of the armed forces with certain disabling conditions (sec. 596)

The Senate amendment contained a provision (sec. 583) that would require the Secretary of Defense to submit a report to

Congress not later than September 1, 2012, on the feasibility and advisability of a process to expedite the determination of disability for service members with certain disabling diseases or conditions, including an evaluation of programs for expedited determinations of disability used by other departments and agencies of the Federal Government.

The House bill contained no similar provision.

The House recesses with a technical amendment.

Comptroller General study of military necessity of Selective Service System and alternatives (sec. 597)

The House bill contained a provision (sec. 595) that would require the Comptroller General of the United States to assess the criticality of the Selective Service System to the Department of Defense in meeting future manpower needs of the armed forces that are in excess of the ability of an all-volunteer force to provide and to determine the fiscal and national security impacts of disestablishing the Selective Service System. In addition, the provision would require the study to assess alternatives to disestablishing the Selective Service System, as well as alternatives to registration for Selective Service.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Evaluation of issues affecting the disposition of remains of American sailors killed in the explosion of the Ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804 (sec. 598)

The House bill contained a provision (sec. 1099C) that would require the Secretary of Defense to exhume the remains of any deceased service member buried in certain mass burial sites in Tripoli, Libya; transfer the remains to a forensics laboratory for identification; transfer identified remains for burial in a veterans cemetery; and transfer unidentified remains to Arlington National Cemetery for burial in the Tomb of the Unknowns.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense and Secretary of the Navy to determine within 270 days after the date of enactment of this Act the feasibility of recovering the remains of American sailors killed in Tripoli Harbor on September 4, 1804, the ability to make

identifications of remains within a 2 year period, and the diplomatic and inter-governmental issues that would have to be addressed in order to exhume and repatriate the remains. The provision would require the Secretary of Defense and Secretary of State to subsequently provide the Committees on Armed Services of the Senate and House of Representatives with their recommendation regarding the identification, exhumation, and relocation of the remains and their reasons supporting that recommendation.

Legislative Provisions Not Adopted

Modification of definition of "joint duty assignment" to include all instructor assignments for joint training and education

The Senate amendment contained a provision (sec. 504) that would amend section 668(b)(1)(B) of title 10, United States Code, to change the definition of joint duty assignment to include instructor positions that provide significant experience in joint matters.

The House bill contained no similar provision.

The Senate recesses.

Authorized leave available for members of the armed forces upon birth or adoption of a child

The House bill contained a provision (sec. 523) that would increase the number of days of non-chargeable leave from 21 to 42 that a service member would be granted following the adoption of a child, if the service member will be the primary caretaker of the child. The provision would also require that in the case of an adoption by a dual military couple that the service member who will not be the primary caretaker be granted 10 days of non-chargeable leave following the adoption.

The Senate amendment contained no similar provision.

The House recesses.

Navy recruiting and advertising

The House bill contained a provision (sec. 526) that would increase funding for the Navy Sea Cadet program by \$983,000.

The Senate amendment contained no similar amendment.

The House recesses.

Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents

The House bill contained a provision (sec. 527) that would require service secretaries to approve requests for deferment from deployment of service members with minor dependents who have a service member spouse who is deployed in an area for which imminent danger pay is authorized.

The Senate amendment contained no similar provision.
The House recesses.

Procedures for judicial review of military personnel decisions relating to correction of military records

The House bill contained a provision (sec. 531) that would amend chapter 79 of, title 10, United States Code, to establish guidelines for judicial review of decisions by the boards for correction of military records operated by the secretaries of the military departments.

The Senate amendment contained a similar provision (sec. 553).

The House and the Senate recessed. This provision is not included in the conference agreement.

Retroactive award of Army Combat Action Badge

The House bill contained a provision (sec. 531) that would authorize the retroactive award of the Army Combat Action Badge to eligible persons for participation in combat during the period beginning on December 7, 1941, and ending on September 18, 2001.

The Senate amendment contained no similar provision.
The House recesses.

Additional condition on repeal of Don't Ask, Don't Tell policy

The House bill contained a provision (sec. 533) that would amend the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111-321) to require the Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force to submit to the congressional defense committees their written certification that repeal of the Don't Ask, Don't Tell law specified in section 654 of title 10, United States Code, will not degrade the readiness,

effectiveness, cohesion, and morale of combat arms units and personnel of their respective armed force that are engaged in combat, deployed to a combat theater, or preparing for deployment to a combat theater.

The Senate amendment contained no similar provision.

The House recesses.

Military regulations regarding marriage

The House bill contained a provision (sec. 534) that would reaffirm the policy of section 3 of the Defense of Marriage Act, codified at section 7 of title 1, United States Code.

The Senate amendment contained no similar provision.

The House recesses.

Use of military installations as site for marriage ceremonies and participation of chaplains and other military and civilian personnel in their official capacity

The House bill contained a provision (sec. 535) that would place certain limitations on the use of military installations for marriage ceremonies and the participation of chaplains in such ceremonies.

The Senate amendment contained no similar provision.

The House recesses.

Grade of commissioned officers in uniformed medical accession programs

The Senate amendment contained a provision (sec. 542) that would amend sections 2114(b) and 2121(c) of title 10, United States Code, to authorize medical students attending the Uniformed Services University of the Health Sciences and students participating in the Armed Forces Health Professions Scholarship and Financial Assistance Programs, while on active duty, to serve in pay grade O-1, or in pay grade O-2 if they meet specified promotion criteria prescribed by the service secretary. The provision would also amend section 2004a of title 10, United States Code, to provide that an officer detailed as a student at a medical school would serve on active duty in the same grade with the same entitlement to pay as specified in section 2114(b) of title 10, United States Code.

The House bill contained no similar provision.

The Senate recesses.

The conferees recognize the value of the Health Professions Scholarship Program (HPSP), authorized in subchapter 1 of chapter 105 of title 10, United States Code, which helps the military departments recruit and retain needed health care professionals in peacetime and in war. Since 2001, many wounded and ill service members returning from combat in Iraq and Afghanistan have required treatment from highly trained physical and occupational therapists in their long and difficult road to recovery. Also, because of the physical demands of war, physical therapists may be required to deploy in support of military forces. The conferees have learned that gaps appear to exist within several military components for qualified physical therapists and occupational therapists to fill available military authorizations for these specialties.

The conferees strongly urge the Department of Defense to use all available educational assistance tools, including HPSP, to alleviate any potential shortages in health care personnel, to include an assessment of current or projected shortfalls in qualified physical and occupational therapy personnel within the military departments and at major military medical treatment facilities specializing in the rehabilitation of wounded, ill, and injured members of the armed forces.

Appointments to military service academies from nominations made by the governor of Puerto Rico

The House bill contained a provision (sec. 544) that would amend sections 4342, 6954 and 9342 of title 10, United States Code, to increase the number of nominations to each of the military service academies by the Governor of Puerto Rico from 1 to 3.

The Senate amendment contained no similar provision.
The House recesses.

Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC

The Senate amendment contained a provision (sec. 545) that would amend chapter 152 of title 10, United States Code, to consolidate in one section of law the existing authority contained in three separate sections of law for military departments to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior Reserve Officer

Training Corps.

The House bill contained no similar provision.

The Senate recesses.

Education and employment advocacy program for wounded members of the armed forces

The House bill contained a provision (sec. 546) that would require the Secretary of Defense to obligate an additional \$15.0 million for the purpose of an Education and Employment Advocacy pilot program to engage wounded members of the armed forces early in their recovery.

The Senate amendment contained no similar provision.

The House recesses.

Diversity recruitment efforts for the military service academies

The House bill contained a provision (sec. 549) that would add \$1.4 million each to Operations and Maintenance for the Army, Navy, and Air Force for officer acquisition to expand diversity recruitment efforts for the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

The Senate amendment contained no similar provision.

The House recesses.

Department of Defense support for programs on pro bono legal representation for members of the armed forces

The Senate amendment contained a provision (sec. 554) that would authorize the Secretary of Defense to provide support to one or more public or private programs designed to facilitate representation for service members by pro bono attorneys.

The House bill contained no similar provision.

The Senate recesses.

Protection of child custody arrangements for parents who are members of the armed forces

The House bill contained a provision (sec. 573) that would amend title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) to prohibit State court judges from considering the absence of a service member parent by reason of a deployment, or the possibility of deployment, in determining

the best interest of a child in child custody litigation. The provision would require State court judges under certain circumstances to reinstate custody orders in favor of service members upon their return from deployments during which a temporary order directing a change of custody was issued.

The Senate amendment contained no similar provision.
The House recesses.

Center for Military Family and Community Outreach

The House bill contained a provision (sec. 574) that would require the Secretary of the Army to obligate an additional \$1.0 million to establish a Center for Military Family and Community Outreach in cooperation with an historically black university to train social work students, social work faculty members, and social workers to understand military life and enhance their competencies in providing services to military families.

The Senate amendment contained no similar provision.
The House recesses.

Mental health support for military personnel and families

The House bill contained a provision (sec. 575) that would require the Secretary of the Navy to obligate an additional \$3.0 million for a collaborative program that responds to escalating suicide rates and combat stress related arrests of military personnel and to train active-duty military personnel to recognize combat stress disorder, suicide risk, substance addiction, risk-taking behaviors and family violence.

The Senate amendment contained no similar provision.
The House recesses.

Sense of Congress regarding financial counseling for military families

The House bill contained a provision (sec. 577) that would express the sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Servicemember Affairs to provide financial counseling for members of the armed forces and their families.

The Senate amendment contained no similar provision.
The House recesses.

Cold War Service Medal

The Senate amendment contained a provision (sec. 581) that would authorize the Secretary of Defense to authorize the issuance of a Cold War Service Medal by the service secretaries.

The House bill contained no similar provision.

The Senate recesses.

Privilege in cases arising under Uniform Code of Military Justice against disclosure of communications between sexual assault victims and sexual assault response coordinators, victim advocates, and certain other persons

The House bill contained a provision (sec. 584) that would add a new Article 140a to the Uniform Code of Military Justice establishing a privilege against disclosure of communications between a person who is a victim of a sexual assault and a Sexual Assault Response Coordinator (SARC), a Sexual Assault Victim Advocate, and personnel staffing the Department of Defense (DOD) Safe Helpline or successor operation.

The Senate amendment contained a provision (sec. 564) that would require the President to establish in the Manual for Courts-Martial (MCM) an evidentiary privilege against disclosure of communications to similar effect.

The House and the Senate recess. Neither provision is included in the conference report.

The conferees note that the DOD has indicated that a new Executive Order that would amend the MCM by adding a proposed new Military Rule of Evidence 514 Victim Advocate Privilege has completed all review within the Office of Management and Budget and is now with the President for review and approval. Additionally, DOD has amended its controlling regulations to ensure that the privilege against disclosure applies to communications with a SARC whenever their duties and responsibilities involve victim advocate functions. Once this change to the MCM is signed and implemented, the conferees believe that it accomplishes the objective of ensuring privileged communications for sexual assault victims.

Report on the achievement of diversity goals for the leadership of the armed forces

The Senate amendment contained a provision (sec. 584) that would require the Secretary of Defense to submit a report on the

achievement of diversity goals for the leadership of the armed forces.

The House bill contained no similar provision.

The Senate recesses.

Specification of period in which application for voter registration or absentee ballot from an overseas voter is valid

The Senate amendment contained a provision (sec. 585) that would amend section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) to clarify that the prohibition on refusal by States to accept or process valid applications for voter registration and absentee ballots on the grounds of early submission applies to overseas voters in the same manner that it applies to uniformed service voters.

The House bill contained no similar provision.

The Senate recesses.

Authority to provide support and services for certain organizations and activities outside Department of Defense

The House bill contained a provision (sec. 591) that would amend section 2012 of title 10, United States Code, to limit to \$20.0 million the amount that may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities.

The Senate amendment contained no similar provision.

The House recesses.

Display of State, District of Columbia, and territorial flags by Armed Forces

The House bill contained a provision (sec. 592) that would amend section 2249b of title 10, United States Code, to require the Secretary of Defense to ensure that whenever the official flags of all 50 states are displayed by the armed forces, the flags of the District of Columbia and the territories of the United States shall also be displayed.

The Senate amendment contained no similar provision.

The House recesses.

Wounded warrior careers program

The House bill contained a provision (sec. 594) that would require the Secretary of Defense to obligate \$1.0 million to carry out a career-development program with the Education and Employment Initiative for severely wounded warriors of the armed forces and their spouses.

The Senate amendment contained no similar provision.

The House recesses.

The conferees are aware of the Department's effort to address the high unemployment rate for wounded warriors who have since left active duty. The Education and Employment Initiative was established by the Department to leverage the best practices from existing employment and training initiatives in the federal and private sector. The conferees look forward to learning of the results of the pilot and any recommendations, including any additional legislative authorities necessary to continue or expand their program.

Sense of Congress regarding playing of bugle call commonly known as "Taps" at military funerals, memorial services, and wreath laying ceremonies

The House bill contained a provision (sec. 596) that would express the sense of Congress that the bugle call known as "Taps" should be sounded by a live solo bugler or trumpeter at a military funeral, memorial service or wreath laying ceremony.

The Senate amendment contained no similar provision.

The House recesses.

Sense of Congress regarding support for Yellow Ribbon Day

The House bill contained a provision (sec. 597) that would express Congress' support for Yellow Ribbon Day.

The Senate amendment contained no similar provision.

The House recesses.

Postal benefits program

The House bill contained a provision (sec. 598) that would require the Secretary of Defense, in consultation with the United States Postal Service, to establish a program providing postal benefits to service members deployed to Iraq or Afghanistan, or who are hospitalized for injuries sustained in Iraq or Afghanistan.

The Senate amendment contained no similar provision.

The House recesses.

Prohibition on the unauthorized use of names and images of members of the armed forces

The House bill contained a provision (sec. 599A) that would amend chapter 49 of title 10, United States Code, to prohibit the use of names or images of members of the armed forces and certain former members of the armed forces in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the individual with their service in the armed forces without the permission of the member or former member.

The Senate amendment contained no similar provision.

The House recesses.

Limitation on military musical units

The House bill contained a provision (sec. 599C) that would prohibit the obligation or expenditure of more than \$200.0 million on military musical units.

The Senate amendment contained no similar provision.

The House recesses.

Short title

The Senate amendment contained a provision (sec. 1601) that would cite Title XVI as the "National Guard Empowerment and State-National Defense Integration Act of 2011."

The House bill contained no similar provision.

The Senate recesses.

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

Subtitle A—Pay and Allowances

Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 601)

The House bill contained a provision (sec. 602) that would reauthorize for a period of 1 year previously expired authority

to pay additional basic allowance for housing in areas impacted by a major disaster or at installations experiencing a sudden increase in personnel.

The Senate amendment contained a similar provision (sec. 611(g)).

The Senate recesses.

Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship (sec. 602)

The House bill contained a provision (sec. 603) that would amend section 7572 of title 10, United States Code, to expand the authority of the Secretary of the Navy to provide lodging accommodations to enlisted service members deprived of quarters aboard ships when the ships are under construction or repair. The provision would also provide the Secretary special authority to compensate service members for their lodging expenses when they are deprived of quarters aboard ships that are under construction at the shipyards at Pascagoula, Mississippi, and Bath, Maine.

The Senate amendment contained no similar provision.

The Senate recesses.

Subtitle B—Bonuses and Special and Incentive Pays

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, and income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

The Senate amendment contained a similar provision (sec. 611(a)).

The Senate recesses.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The House bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate amendment contained similar provisions (sec. 611(b) and (c)).

The Senate recesses.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The Senate amendment contained a similar provision (sec. 611(d)).

The Senate recesses.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The House bill contained a provision (sec. 614) that would extend for 1 year the authority to pay the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, special bonus and incentive pay

authorities for officers in health professions, hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The Senate amendment contained a similar provision (sec. 611(e)).

The Senate recesses.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between armed forces, and the accession bonus for officer candidates.

The Senate amendment contained a similar provision (sec. 611(f)).

The Senate recesses.

Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay (sec. 616)

The Senate amendment contained a provision (sec. 612) that would amend sections 310 and 351 of title 37, United States Code, to require that hostile fire and imminent danger pay be prorated according to the number of days spent in a qualifying area, rather than on a monthly basis regardless of the number of such days.

The House bill contained no similar provision.

The House recesses with an amendment that would require that hostile fire and imminent danger pay that is based on presence in a qualifying area be prorated at the rate of 1/30 of the monthly amount for each day spent in the qualifying area. The amendment would authorize the payment of the full monthly amount of hostile fire and imminent danger pay when eligibility for such pay is based on actual exposure to hostile fire or a hostile mine explosion.

Subtitle C—Travel and Transportation Allowances Generally

One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance (sec. 621)

The House bill contained a provision (sec. 621) that would extend for 1 year the authority to reimburse travel expenses for inactive-duty training outside of normal commuting distances.

The Senate amendment contained no similar provision.

The Senate recesses.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

Consolidation and reform of travel and transportation authorities of the uniformed services (sections 631 and 632)

The House bill contained a series of provisions (sections 631-636) that would add a new chapter 8 to title 37, United States Code, to consolidate and reform the existing statutory authorities related to travel and transportation allowances for members of the uniformed services, their dependents, other family members, and authorized travelers of the Department of Defense. The provisions would authorize the Secretary of Defense to conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers.

The Senate amendment contained similar provisions (sections 621 and 622) that would consolidate and reform the existing statutory authorities relating to travel and transportation allowances. The provisions would require the Secretary of Defense and the other administering secretaries to establish programs of compliance to ensure the integrity of the defense travel system, minimize fraud and waste, and ensure that benefits do not exceed actual expenses of travel or reasonable allowances based on commercial travel rates. Finally, the provisions would require that all travel claims be processed electronically within 5 years of the date of enactment of this Act.

The House recesses with clarifying amendments to the

definitions contained in the provisions.

Subtitle E-Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat (sec. 641)

The House bill contained a provision (sec. 644) that would provide discretionary authority to the Secretary of the Navy to determine what products will be sold by Navy ship stores.

The Senate amendment contained no similar provision.

The Senate recesses.

Access of military exchange stores system to credit available through Federal Financing Bank (sec. 642)

The House bill contained a provision (sec. 645) that would authorize the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges to issue and sell their obligations to the Federal Financing Bank to facilitate the provision of in-store credit to patrons.

The Senate amendment contained no similar provision.

The Senate recesses.

Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House (sec. 643)

The House bill contained a provision (sec. 643) that would deem that the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, shall be considered a Fisher House for all other purposes established in law with regard to Fisher Houses and Fisher Suites.

The Senate amendment contained a similar provision (sec. 1084).

The House recesses.

Subtitle F-Disability, Retired Pay and Survivor Benefits

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. 651)

The Senate amendment contained a provision (sec. 634) that would amend section 1475 of title 10, United States Code, to clarify that a reservist who receives permission to stay overnight at their residence during an inactive-duty training drill weekend will be entitled to the death gratuity if they die during the night between drilling days. The provision would be retroactive to January 1, 2010.

The House bill contained no similar amendment.

The House recedes with an amendment that would remove the retroactive application of the provision.

The conferees recommend that the Secretary of the Army use an appropriate authority, including the authority under section 127 of title 10, United States Code, to equitably resolve certain cases in which reserve component members participating in inactive-duty training are determined not to be covered under section 1475 of title 10, United States Code, including cases involving deaths occurring before the date of enactment of this Act.

Subtitle G—Other Matters

Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty (sec. 661)

The Senate amendment contained a provision (sec. 641) that would require that basic allowance for housing (BAH) paid to a member of the National Guard not be reduced upon the transition of the member between full-time National Guard duty under title 32, United States Code, and active duty under title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to study the implications on BAH for members of the National Guard when they transition between full-time National Guard duty under title 32, United States Code, and active duty under title 10, United States Code, taking into account current laws, policies, and practices, and the well-being of service members and their families. The amendment would require the Secretary to report to the congressional

defense committees the results of this study within 5 months of the date of enactment of this Act.

Report on incentives for recruitment and retention of health care professionals (sec. 662)

The House bill contained a provision (sec. 663) that would require the Surgeons General of the Army, Navy, and Air Force to report to Congress within 90 days of the date of enactment of this Act on their staffing needs for health care professionals and to provide recommendations on additional recruiting incentives needed to encourage experienced health care professionals to join the active or reserve components.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment.

Legislative Provisions Not Adopted

Fiscal year 2012 increase in military basic pay

The House bill contained a provision (sec. 601) that would establish a pay raise of 1.6 percent for all members of the uniformed services beginning January 1, 2012.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that a 1.6 percent pay raise for all uniformed service members will become effective January 1, 2012 by operation of law.

One-year extension of authorities relating to payment of referral bonuses

The House bill contained a provision (sec. 616) that would extend for 1 year the authority to pay the health professions referral bonus and the Army referral bonus.

The Senate amendment contained no similar provision.

The House recesses.

Mandatory provision of travel and transportation allowances for non-medical attendants for seriously ill and wounded members of the armed forces

The House bill contained a provision (sec. 622) that would require the Secretary of Defense to pay non-medical attendants

per diem allowances or reimburse them for actual and necessary expenses.

The Senate amendment contained no similar provision.

The House recesses.

Inclusion of members of the armed forces assigned to Egypt Multi-National Force and Observers Mission in United States Central Command rest and recuperation absence program

The House bill contained a provision (sec. 623) that would amend section 705a of title 10, United States Code, to authorize service members serving with the Egypt Multi-National Force and Observers Mission to receive non-chargeable rest and recuperation leave and other benefits under that section.

The Senate amendment contained no similar provision.

The House recesses.

Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the armed forces married to other members

The Senate amendment contained a provision (sec. 631) that would amend section 1967 of title 38, United States Code, to remove service members from automatic enrollment as a dependent under the Family Servicemembers' Group Life Insurance program when they are insured on their own behalf under the Servicemembers' Group Life Insurance program.

The House bill contained no similar provision.

The Senate recesses.

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

The Senate amendment contained a provision (sec. 632) that would limit the obligation and expenditure of travel funds of the Office of the Under Secretary of Defense for Personnel and Readiness until the Under Secretary provided to the congressional defense committees a report detailing the Department's implementation of the caregiver compensation authority in section 439 of title 37, United States Code, and other information.

The House bill contained no similar provision.

The Senate recesses.

Repeal of sense of Congress on age and service requirements for retired pay for non-regular service

The Senate amendment contained a provision (sec. 633) that would repeal section 635 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The Senate recesses.

The conferees recognize that the changes to section 12731 of title 10, United States Code, enacted by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 160) were intended to reduce the minimum age at which reserve component members would be eligible to begin receiving retired pay according to time spent deployed, by 3 months for 90-day periods, not excluding consecutive days of duty that span 2 fiscal years, as well as duty within the same fiscal year. Recognizing the increase in direct spending that such a revision would require, the conferees will continue to look for an opportunity to revise section 12731 to ensure such periods of deployed service may be credited.

Repeal of requirement of reduction of Survivor Benefits Plan survivor annuities by Dependency and Indemnity Compensation

The Senate amendment contained a provision (sec. 635) that would eliminate the offset of Survivor Benefit Plan annuities by the amount of Dependency and Indemnity Compensation received from the Department of Veterans Affairs.

The House bill contained no similar provision.

The Senate recesses.

Expansion of use of uniform funding authority to include permanent change of station and temporary duty lodging programs operated through nonappropriated fund instrumentalities

The House bill contained a provision (sec. 641) that would expand the use of the uniform funding authority authorized for morale, welfare, and recreation programs operated through nonappropriated fund instrumentalities to include permanent change of station and temporary duty lodging programs.

The Senate amendment contained no similar provision.

The House recesses.

Contracting authority for nonappropriated fund instrumentalities to provide and obtain goods and services

The House bill contained a provision (sec. 642) that would clarify that nonappropriated fund instrumentalities may enter into single-year or multiyear contracts with another element of the Department of Defense, another federal agency, or a private-sector agency to provide or obtain goods and services beneficial to the military community and the effective management of such instrumentalities. This section also would authorize nonappropriated fund instrumentalities to participate in partnerships with private entities to provide programs at no cost to the government on military installations using government facilities and other government support resources.

The Senate amendment contained no similar provision.

The House recesses.

Enhanced commissary stores pilot program

The House bill contained a provision (sec. 646) that would authorize the Defense Commissary Agency to operate an enhanced commissary store at a military installation designated for closure or adverse realignment under a base closure law.

The Senate amendment contained no similar provision.

The House recesses.

Monthly amount and duration of Special Survivor Indemnity Allowance for widows and widowers of deceased members of the armed forces affected by required Survivor Benefit Plan annuity offset for Dependency and Indemnity Compensation

The House bill contained a provision (sec. 651) that would increase the existing monthly amounts paid under the Special Survivor Indemnity Allowance (SSIA) to surviving spouses or former spouses of deceased service members whose annuity under the Survivor Benefit Program is offset by the amount of Dependency and Indemnity Compensation they receive from the Department of Veterans Affairs. The provision would also extend the termination date for the SSIA from October 1, 2017, to October 1, 2021, and establish additional monthly amounts to be paid those fiscal years.

The Senate amendment contained no similar provision.

The House recesses.

Reimbursement of American National Red Cross for humanitarian support and other services provided to members of the armed forces and their dependents

The House bill contained a provision (sec. 661) that would amend section 2602 of title 10, United States Code, to authorize the Secretary of Defense or the Secretary of a military department to reimburse the Red Cross for humanitarian and other support provided to service members and their dependents.

The Senate amendment contained no similar provision.
The House recesses.

Treatment of members of the armed forces and civilian employees of the Department of Defense who were killed or wounded in the November 5, 2009, attack at Fort Hood, Texas

The House bill contained a provision (sec. 662) that would require that a member of the armed forces killed or wounded in the attack at Fort Hood, Texas, on November 5, 2009, be treated as if killed or wounded in a combat zone as a result of enemy action. The provision would also require that a civilian employee of the Department of Defense killed or wounded in the attack at Fort Hood be treated as if killed or wounded while serving with the armed forces in a contingency operation and as a result of a terrorist attack.

The Senate amendment contained no similar provision.
The House recesses.

TITLE VII-HEALTH CARE PROVISIONS

Subtitle A-Improvements to Health Benefits

Annual enrollment fees for certain retirees and dependents (sec. 701)

The House bill contained a provision (sec. 701) that would express a sense of Congress regarding the extraordinary sacrifices of career members of the uniformed services and would limit the annual increase in TRICARE Prime enrollment fees to the amount equal to the percentage by which military retired pay is increased beginning October 1, 2012.

The Senate amendment contained a similar provision (sec.

701).

The Senate recedes with an amendment that would limit the annual increase in TRICARE Prime enrollment fees to the amount equal to the percentage by which military retired pay is increased beginning October 1, 2012, and would clarify that the basis for determining increases in the TRICARE Prime enrollment fee for fiscal year 2013 and thereafter is the enrollment fee for retirees who enrolled for the first time in fiscal year 2012.

Mental health assessments for members of the armed forces deployed in support of a contingency operation (sec. 702)

The House bill contained a provision (sec. 705) that would codify, with several modifications, the existing legislative requirement for the Secretary of Defense to provide person-to-person mental health assessments for each member of the armed forces who is deployed in support of a contingency operation at specified times before and after the deployment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would align the timing of the mental health assessments with the timing of required periodic health assessments.

Behavioral health support for members of the reserve components of the armed forces (sec. 703)

The House bill contained a provision (sec. 703) that would require the Secretary of Defense to provide access to mental health assessments to members of the reserve components during scheduled unit training and assemblies. The provision would also require the Secretary to provide psychological health programs and training on suicide prevention and post-suicide response during scheduled unit training.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the requirement to provide access to mental health assessments permissive, and would require that funding for these programs be provided from operations and maintenance accounts of the reserve components.

Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities (sec. 704)

The House bill contained a provision (sec. 702) that would authorize the Secretary of Defense to provide food and beverages at no cost to certain individuals receiving outpatient care or individuals assisting with infants receiving inpatient medical care at a military treatment facility.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States (sec. 705)

The Senate amendment contained a provision (sec. 711) that would provide temporary authority to the Secretary of Defense to pay travel expenses to a location in the United States for a command-sponsored dependent of a service member assigned to a remote location who requires or elects certain anesthesia services for childbirth.

The House bill contained no similar provision.

The House recesses with an amendment that would provide that transportation may not be provided under this authority if the dependent would otherwise receive obstetrical anesthesia services at a military treatment facility and the medical treatment facility, in carrying out the required number of necessary obstetric cases, would not maintain competency of its obstetrical staff unless the facility provides such services to the dependent.

The conferees note that, in accordance with Department of Defense procedures governing military personnel assignments, the military departments generally authorize curtailment of overseas tours for pregnancy of a service member.

Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation (sec. 706)

The Senate amendment contained a provision (sec. 712) that would amend section 1145(a)(4) of title 10, United States Code, to clarify that, in the case of a reserve component member who is called to active duty in support of a contingency operation who then, without a break in service, is extended on active duty for any purpose, the 180-day period of Transition Assistance Management Program medical eligibility begins when the member is

separated from active duty at the end of the extended active duty.

The House bill contained no similar provision.

The House recesses.

Provision of rehabilitative equipment under Wounded Warrior Act (sec. 707)

The House bill contained a provision (sec. 733) that would amend section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) to authorize the Secretary of Defense to provide an active-duty member of the armed forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment, that provide an adaptation or accommodation for the member.

The Senate contained no similar provision.

The Senate recesses.

Transition enrollment of Uniformed Services Family Health Plan Medicare-eligible retirees to TRICARE for Life (sec. 708)

The House bill contained a provision (sec. 704) that would prohibit a Medicare eligible military retiree from enrolling in the Uniformed Services Family Health Plan after September 30, 2012.

The Senate amendment contained a similar provision (sec. 703) affecting Medicare eligible retired enrolling after September 30, 2011.

The Senate recesses.

Subtitle B-Health Care Administration

Codification and improvement of procedures for mental health evaluations for members of the armed forces (sec. 711)

The Senate amendment contained a provision (sec. 713) that would amend chapter 55 of title 10, United States Code, to require the Secretary of Defense to prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States (sec. 712)

The Senate amendment contained a provision (sec. 705) that would extend the time limit for submission of TRICARE claims for services provided outside the United States from 1 year to 3 years after the services are provided.

The House bill contained no similar provision.

The House recesses.

Expansion of State licensure exception for certain health care professionals (sec. 713)

The House bill contained a provision (sec. 713) that would express the sense of Congress concerning access to behavioral health care and the need for improved collaboration between the Department of Defense and Department of Veterans Affairs on transition of service member medical records. The provision would also amend section 1094(d), title 10, United States Code, to permit Department of Defense civilian employees and other health care professionals credentialed and privileged at a federal health care institution or location designated by the Secretary of Defense to practice at any location, regardless of where the health care professional or the patient are located, so long as the practice is within the scope of the authorized federal duties. The provision would also require reports on plans to develop and expand programs utilizing Internet and communications technologies to improve access to care, and plans to improve the transition of health and battlefield deployment records from the Department to the Department of Veterans Affairs.

The Senate amendment contained a similar provision (sec. 721), which would limit additional State licensure exceptions to duties relating to mental health care.

The Senate recesses with an amendment to delete the sense of Congress and required reports.

Clarification on confidentiality of medical quality assurance records (sec. 714)

The Senate amendment contained a provision (sec. 722) that would amend section 1102(j) of title 10, United States Code, to clarify that medical quality assurance records are limited to

records of any peer review activity by or for the Department of Defense to assess the quality of medical care.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Maintenance of the adequacy of provider networks under the TRICARE program (sec. 715)

The Senate amendment contained a provision (sec. 702) that would state that TRICARE network providers are not considered subcontractors for purposes of the Federal Acquisition Regulation (FAR) or any other law.

The House bill contained no similar provision.

The House recedes with an amendment that would require that, in determining whether TRICARE network providers are subcontractors for the purposes of the FAR or any other law, a TRICARE managed care support contract including the requirement to establish, manage, or maintain a network of providers shall not be considered to be a contract for the performance of health care services or supplies on the basis of that requirement.

The conferees are aware that the Administration is currently undertaking a review with relevant agencies, including the Departments of Defense, Labor, and Justice, to clarify the coverage of health care providers under federal statutes applicable to contractors and subcontractors. The conferees agree that this is a complex issue which merits continued review from the Committees on Armed Services of the Senate and the House of Representatives and other committees of jurisdiction in the Senate and the House of Representatives.

Review of the administration of the military health system (sec. 716)

The House bill contained a provision (sec. 711) that would amend chapter 6 of title 10, United States Code, to require the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, to establish a unified medical command for medical operations under section 161 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees a report on the options developed and considered by the task force established by the Deputy Secretary of Defense to

review the governance model options for the military health system. The amendment would prohibit the Secretary of Defense from proceeding with restructuring the military health system until 120 days after the Comptroller General of the United States submits a report to Congress on a review of the strengths, weaknesses, and costs of each option.

Limitation on availability of funds for the future electronic health records program (sec. 717)

The House bill contained a provision (sec. 712) that would limit the amount of funds the Secretary of Defense may obligate or expend for future electronic health programs until 30 days after the date that the Secretary submits a report to the congressional defense committees that addresses: the architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable; a process for selecting investments in information technology; the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383); and the effectiveness of the Interagency Program Office.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle C-Reports and Other Matters

Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra (sec. 721)

The Senate amendment contained a provision (sec. 704) that would amend section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to extend the length of time the Department of Defense is required to report on access to health care under TRICARE Standard and TRICARE Extra from 2011 until 2015, and to modify the frequency of reports required to be conducted by the Comptroller General from twice per year to once every 2 years.

The House bill contained a similar provision (sec. 739).

The House recedes with a technical amendment.

Treatment of wounded warriors (sec. 722)

The House bill contained a provision (sec. 724) that would

add \$3,000,000 to Research, Development, Test, and Evaluation, Army, for rapid clinical evaluation and deployment of novel treatment strategies for wounded service members with an emphasis on musculoskeletal injuries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to enter into partnerships to enable coordinated rapid clinical evaluation and application of evidence-based treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries that will address the priorities of the armed forces with respect to retention and readiness.

Report on research and treatment of post-traumatic stress disorder (sec. 723)

The House bill contained a provision (sec. 735) that would require the Secretary of Defense to submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify and increase the diagnostic properties of post-traumatic stress disorder.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees have learned that research using neuroimaging techniques may offer hope in identifying conditions in the brain to facilitate distinct classification and diagnosis of post-traumatic stress. The conferees urge the Secretary to consider the potential benefits of research using such techniques for wounded, ill, and injured service members with post-traumatic stress and to explore collaborative interagency and extramural research in this area.

Report on memorandum regarding traumatic brain injuries (sec. 724)

The House bill contained a provision (sec. 738) that would require the Secretary of Defense to submit to the congressional defense committees a report on how the Secretary will identify, refer, and treat traumatic brain injuries with respect to members of the armed forces who served in Operation Enduring Freedom or Operation Iraqi Freedom before the June, 2010, the effective date of the policy using a 50-meter distance from an explosion as a criterion to properly identify, refer, and treat members for potential traumatic brain injury.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to submit to the congressional defense committees, not later than 180 days after the date of enactment of this Act, a report on the policy of the Department of Defense related to the management of concussion and mild traumatic brain injury in the deployed setting (Directive Type Memorandum 09-033, "Policy Guidance for Management of Concussion/Mild Traumatic Brain Injury in Deployed Setting," June 21, 2010), the effectiveness of such policy with respect to identifying and treating blast-related concussive injuries, and the effect of the policy on operational effectiveness in theater.

Comptroller General report on women-specific health services and treatment for female members of the armed force (sec. 725)

The House bill contained a provision (sec. 721) that would require the Secretary of Defense to conduct a comprehensive review on the availability, efficacy, and adequacy of health care services for female members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Comptroller General to carry out a review of women specific health services and treatment for female members of the armed forces and to submit a report on this review to the congressional defense committees not later than December 31, 2012.

Comptroller General report on contracted health care staffing for military medical treatment facilities (sec. 726)

The House bill contained a provision (sec. 723) that would require the Comptroller General of the United States to submit to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31, 2012, a report on the contracting activities of the military departments with respect to providing health care professional services to members of the armed forces, dependents, and retirees.

The Senate amendment contained no similar provision.

The Senate recesses.

Legislative Provisions Not Adopted

TRICARE Standard for certain members of the Individual Ready

Reserve

The House bill contained a provision (sec. 706) that would make TRICARE Standard available to members of the Retired Reserve qualified for a non-regular retirement at age 60 but who have not yet reached age 60 and to certain members of the Individual Ready Reserve.

The Senate amendment contained no similar provision.

The House recesses.

Cooperative health care agreements

The House bill contained a provision (sec. 725) that would require the Secretary of Defense to obligate an additional \$500,000 to the Defense Health Program for cooperative health care agreements between military installations and local or regional health care systems.

The Senate amendment contained no similar provision.

The House recesses.

Prostate cancer imaging research initiative

The House bill contained a provision (sec. 726) that would authorize \$2.0 million additional funding for prostate cancer imaging research initiatives.

The Senate amendment contained no similar provision.

The House recesses.

Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury

The House bill contained a provision (sec. 727) that would require the Secretary of Defense to obligate an additional \$2.0 million to the Defense Health Program for the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

The Senate amendment contained no similar provision.

The House recesses.

Collaborative military-civilian trauma training programs

The House bill contained a provision (sec. 728) that would require the Secretary of Defense to obligate an additional \$3.0 million to the Defense Health Program for collaborative military-civilian trauma training programs between military

installations and local or regional health care systems.

The Senate amendment contained no similar provision.

The House recesses.

Traumatic brain injury

The House bill contained a provision (sec. 729) that would add \$1,000,000 to the Defense Health Program to develop national medical guidelines regarding the post-acute rehabilitation of individuals with traumatic brain injury.

The Senate amendment contained no similar provision.

The House recesses.

Competitive programs for alcohol and substance abuse disorders

The House bill contained a provision (sec. 730) that would add \$5,000,000 to the Defense Health Program to support a competitive program for translational research centers tasked with addressing alcohol and substance abuse issues.

The Senate amendment contained no similar provision.

The House recesses.

Pilot program on payment for treatment of members of the armed forces and veterans for traumatic brain injury and post-traumatic stress disorder

The House bill contained a provision (sec. 731) that would authorize to be appropriated \$10.0 million to carry out a 5 year pilot program to pay for the treatment of traumatic brain injury and post-traumatic stress disorder in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities.

The Senate amendment contained no similar provision.

The House recesses.

Report on establishment of registry on occupational and environmental chemical concerns

The House bill contained a provision (sec. 732) that would require the Secretary of Defense to report on establishing a registry for members of the armed forces exposed to occupational and environmental hazards during contingency operations.

The Senate amendment contained no similar provision.

The House recesses.

Sense of Congress on post-traumatic stress disorder

The House bill contained a provision (sec. 734) that would express the sense of Congress that post-traumatic stress disorder is an increasingly common disease and that treatment for service members with post-traumatic stress disorder should be expanded to include local and community medical facilities.

The Senate amendment contained no similar provision.

The House recesses.

Study on breast cancer among members of the armed forces and veterans

The House bill contained a provision (sec. 736) that would require the Secretary of Defense and Secretary of Veterans Affairs to jointly conduct a study on the incidence of breast cancer among members of the armed forces (including members of the National Guard and reserve components) and veterans.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that in a separate provision in this report the Comptroller General is required to conduct a comprehensive review on the availability, efficacy, and adequacy of health care services for female members of the armed forces, including the access to and efficacy of women-specific breast cancer services and programs with respect to outreach, prevention, and treatment.

Transfer of Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury

The House bill contained a provision (sec. 737) that would require the Secretary of Defense to develop a plan to transfer the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury from the TRICARE Management Activity to a military department, as determined by the Secretary.

The Senate amendment contained no similar provision.

The House recesses.

The conferees understand that the Department is preparing to move ahead with this transfer.

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

Subtitle A-Acquisition Policy and Management

Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B (sec. 801)

The House bill contained a provision (sec. 801) that would amend sections 2366a and 2366b of title 10, United State Code, to incorporate certification requirements for core logistics capabilities and to eliminate obsolete references to Key Decision Points A and B for Space Programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that life cycle sustainment planning, to include core depot-level maintenance and repair capabilities, is considered at applicable milestones for major defense acquisition programs.

Revision to law relating to disclosures to litigation support contractors (sec. 802)

The House bill contained a provision (sec. 802) that would clarify the authority of the Department of Defense to disclose sensitive information to litigation support contractors.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts (sec. 803)

The House bill contained a provision (sec. 803) that would expand the limitation on allowable compensation for defense contractor employees to any individual performing under a covered contract.

The Senate amendment contained a provision (sec. 842) that would expand the limitation to contractor and subcontractor employees and reduce the ceiling amount to the annual amount paid to the President of the United States under section 102 of

title 3, United States Code.

The House recesses with an amendment that would expand the limitation to all contractor employees, subject to the authority of the Secretary of Defense to establish narrowly-targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has continued access to needed skills and capabilities. The Secretary is directed to report to the congressional defense committees on whether there are any additional categories of employees for whom such authority may be needed. The conferees understand that the term "contractor employees" includes employees of a subcontractor.

Extension of availability of funds in the Defense Acquisition Workforce Development Fund (sec. 804)

The House bill contained a provision (sec. 805) that would provide uniformity in the availability of funds in the Defense Acquisition Workforce Development Fund, as requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 881).

The Senate recesses.

Defense Contract Audit Agency annual report (sec. 805)

The House bill contained a provision (sec. 806) that would require the Director of the Defense Contract Audit Agency (DCAA) to submit an annual report to Congress.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would simplify the reporting requirement and ensure that it is consistent with the nature of the work performed by DCAA.

Inclusion of data on contractor performance in past performance databases for source selection decisions (sec. 806)

The Senate amendment contained a provision (sec. 821) that would require the Department of Defense to 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.

The House bill contained no similar provision.

The House recesses with an amendment requiring that

contractors be provided up to 2 weeks to respond to past performance information before it is included in the database. Nothing in the provision would preclude contractors from providing comments, or otherwise challenging the information, after the 2 week period has expired and the information has been posted.

Implementation of recommendations of Defense Science Board Task Force on improvements to Service Contracting (sec. 807)

The Senate amendment contained a provision (sec. 822) that would require the Department of Defense to develop a plan to implement the recommendations of a Defense Science Board report on service contracting.

The House bill contained no similar provision.

The House recedes with an amendment striking language requiring a taxonomy and definitions for the tracking of contract services. This issue has been already addressed in previously-enacted legislation requiring an inventory of contract services.

Temporary limitation on aggregate annual amount available for contract services (sec. 808)

The Senate amendment contained a provision (sec. 823) that would limit Department of Defense spending for contract services in fiscal years 2012 and 2013 (not including spending from the Overseas Contingency Operations account).

The House bill contained no similar provision.

The House recedes.

Annual report on single-award task and delivery order contracts (sec. 809)

The Senate amendment contained a provision (sec. 824) that would streamline reporting requirements for single-award task and delivery order contracts.

The House bill contained no similar provision.

The House recedes.

Subtitle B-Amendments to General Contracting Authorities, Procedures, and Limitations

Calculation of time period relating to report on critical changes in major automated information systems (sec. 811)

The House bill contained a provision (sec. 811) that would clarify the trigger for determining whether a major automated information system has achieved full deployment decision in a timely manner.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment based on comments from the Department of Defense.

Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days (sec. 812)

The House bill contained a provision (sec. 812) that would adjust the deadline for submission of Selected Acquisition Reports.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of sunset date for certain protests of task and delivery order contracts (sec. 813)

The House bill contained a provision (sec. 813) that would extend the sunset date for certain protests of task and delivery order contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation (sec. 814)

The House bill contained a provision (sec. 814) that would clarify Department of Defense authority to purchase right-hand drive passenger sedans.

The Senate amendment contained a similar provision (sec. 884).

The House recedes with a technical amendment.

Rights in technical data and validation of proprietary data restrictions (sec. 815)

The Senate amendment contained a provision (sec. 841) that would clarify the treatment of independent research and development and bid and proposal costs for purposes of section 2320 of title 10, United States Code, governing rights in technical data.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the circumstances in which the United States has government-purpose rights in technical data and the extent to which the United States may require the delivery of technical data to which it already has rights, but the delivery of which was not required in the contract.

Covered contracts for purposes of requirements on contractor business systems (sec. 816)

The Senate amendment contained a provision (sec. 843) that would clarify what contracts are covered for the purposes of withholding funds under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The House recedes.

Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense (sec. 817)

The Senate amendment contained a provision (sec. 844) that would amend section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to clarify that when the Department of Defense makes purchases through non-defense agencies the other agencies are expected to comply with the requirements of the Federal Acquisition Regulation and other laws and regulations that apply to procurements by all federal agencies and with laws and regulations applicable to inter-agency transactions by the Department of Defense, but not with internal Department of Defense procurement rules.

The House bill contained no similar provision.

The House recedes.

Detection and avoidance of counterfeit electronic parts (sec. 818)

The Senate amendment contained a provision (sec. 848) that would strengthen the detection, avoidance, notification, and remediation of counterfeit and suspect counterfeit electronic parts in defense systems.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

The conferees note that the authority provided to the Secretary of the Treasury to share information under this provision should not be interpreted to suggest that any other government agency lacks the authority to share similar information with the owner of a copyright or registered mark.

Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009 (sec. 819)

The House bill contained a provision (sec. 841) that would amend certain provisions of acquisition law to provide additional flexibility to the Department of Defense.

The Senate amendment contained a similar provision (sec. 802).

The House recesses.

Inclusion of contractor support requirements in Department of Defense planning documents (sec. 820)

The House bill contained a provision (sec. 852) that would require the Secretary of Defense to develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration.

The Senate amendment contained a provision (sec. 866) that would require inclusion of contractor support requirements in Department of Defense planning documents.

The House recesses.

The conferees note that the Commission on Wartime Contracting found significant deficiencies in the Department's requirements determination processes, management, oversight, and administration of operational contract support in recent contingency operations. The conferees urge the Secretary of Defense to take aggressive steps to address shortfalls in education, training, information-sharing, pre-deployment exercises and experiments, and workforce planning related to the Department's continued reliance on operational contract support.

Amendment relating to buying tents, tarpaulins, or covers from American sources (sec. 821)

The House bill contained a provision (sec. 815) that would amend section 2533a of title 10, United States Code, to include the materials and components of tents, tarpaulins, and covers under that provision.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment to include tent poles and similar structural components.

Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms (sec. 822)

The House bill contained a provision (sec. 817) that would repeal the sunset on the authority to procure fire resistant rayon fiber from foreign sources under the circumstances provided in section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate amendment contained a provision (sec. 888) that would require further review of the issue.

The Senate recesses.

Prohibition on collection of political information (sec. 823)

The House bill contained a provision (sec. 847) that would prohibit federal agencies from requiring contractors to disclose information on campaign contributions and expenditures as a condition for participating in an acquisition.

The Senate amendment contained a similar provision (sec. 845) that would be applicable only to the Department of Defense.

The House recesses with a clarifying amendment.

Subtitle C-Provisions Relating to Major Defense Acquisition Programs

Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased (sec. 831)

The Senate amendment contained a provision (sec. 801) that would allow the waiver of certain requirements applicable to

programs that experience critical Nunn-McCurdy breaches in narrow circumstances where the cost growth is attributable almost exclusively to changes in the number of units to be purchased.

The House bill contained no similar provision.

The House recesses.

Assessment, management, and control of operating and support costs for major weapon systems (sec. 832)

The Senate amendment contained a provision (sec. 803) that would require the Department of Defense to take action to assess, manage, and control operation and support costs for major weapon systems.

The House bill contained no similar provision.

The House recesses with an amendment to ensure that the provision references, and is consistent with, the life-cycle management and product support requirements in section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Clarification of responsibility for cost analyses and targets for contract negotiation purposes (sec. 833)

The Senate amendment contained a provision (sec. 804) that would clarify that the Under Secretary of Defense for Acquisition, Technology, and Logistics is responsible for policies and guidance on cost analyses and targets to be used in contract negotiations.

The House bill contained no similar provision.

The House recesses.

Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs (sec. 834)

The House bill contained a provision (sec.841(b)) that would repeal certain requirements relating to manufacturing risk in major defense acquisition programs.

The Senate amendment contained a provision (sec. 805) that would provide the Department of Defense increased flexibility in complying with such requirements.

The House recesses.

The conferees note that the conference agreement would

authorize the Department of Defense to tailor manufacturing readiness levels and other manufacturing readiness standards to address the unique characteristics of specific industry sectors and weapon system portfolios.

Management of developmental test and evaluation for major defense acquisition programs (sec. 835)

The Senate amendment contained a provision (sec. 806) that would strengthen management of developmental test and evaluation for major defense acquisition programs.

The House bill contained no similar provision.

The House recesses.

Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries (sec. 836)

The Senate amendment contained a provision (sec. 807) that would require a risk assessment in advance of any cooperative agreement with an allied nation 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 House bill contained no similar provision.

The House recesses.

Competition in maintenance and sustainment of subsystems of major weapon systems (sec. 837)

The House bill contained a provision (sec. 326) that would amend section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note) to include subsystems and components.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program (sec. 838)

The Senate amendment contained a provision (sec. 889) that would direct the Secretary of Defense to designate the Evolved Expendable Launch Vehicle (EELV) program as a Major Defense Acquisition Program (MDAP) not in sustainment phase under

section 2430 of title 10, United States Code, or require the EELV program to provide to the congressional defense committees and, as appropriate, the Under Secretary of Defense for Acquisition, Technology, and Logistics, all information with respect to its cost, schedule, and performance that would be required if the program were an MDAP not in sustainment.

The House bill contained no similar provision.

The House recesses.

Implementation of acquisition strategy for Evolved Expendable Launch Vehicle (sec. 839)

The Senate amendment contained a provision (sec. 891) that would direct the Secretary of Defense to submit, with the fiscal year 2013 budget submission, how it is implementing the findings of the Government Accountability Office (GAO) report on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641) and if the findings cannot be implemented, an explanation of how the Department is addressing the deficiency. Within 60 days the GAO is to assess the Secretary's report and forward recommendations it considers appropriate.

The House bill contained no similar provision.

The House recesses with an amendment that would extend the report submission to no later than March 31, 2012.

The conferees also agreed that the report shall be delivered to the Committees on Armed Services of the Senate and the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.

Subtitle D-Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

Prohibition on contracting with the enemy in the United States Central Command theater of operations (sec. 841)

The House bill contained a provision (sec. 821) that would allow the Secretary of Defense to void a contract, upon a determination that a foreign entity or individual performing on the contract is directly engaged in hostilities or is

substantially supporting forces that are engaged in hostilities against the United States or its coalition partners.

The Senate amendment contained a similar provision (sec. 861).

The House recedes with an amendment clarifying that the authority provided by the section is available only to the Department of Defense.

Additional access to contractor and subcontractor records in the United States Central Command Theater of Operations (sec. 842)

The House bill contained a provision (sec. 823) that would allow the Secretary of Defense to examine the records of a foreign contractor or subcontractor in Iraq or Afghanistan under certain circumstances.

The Senate amendment contained a similar provision (sec. 862).

The House recedes with an amendment clarifying that the authority provided by the section is available only to the Department of Defense.

Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn (sec. 843)

The House bill contained a provision (sec. 822) that would authorize a contracting activity inside the United States to utilize increased thresholds available for overseas contracting, when acting in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn.

The Senate amendment contained a similar provision (sec. 865).

The House recedes.

Competition and review of contracts for property or services in support of a contingency operation (sec. 844)

The House bill contained a provision (sec. 826) that would require the Department of Defense to establish, measure, and monitor goals for competition in contracts performed outside the United States in support of contingency operations.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees understand that separate goals would be established under this section for any overseas contingency

operation requiring significant contract support. While limitations on competition may be justified by urgent contracting requirements early in a contingency operation, the conferees expect the Department to transition to sustainment contracting, with increasing levels of competition, as rapidly as practicable.

Inclusion of associated support services in rapid acquisition and deployment procedures for supplies (sec. 845)

The Senate amendment contained a provision (sec. 864) that would amend section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to include associated support services in the rapid acquisition procedures authorized by that section, as requested by the Department of Defense.

The House bill contained no similar provision.

The House recesses.

Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs (sec. 846)

The Senate amendment contained a provision (sec. 863) that would establish a Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.

The House bill contained no similar provision.

The House recesses.

Subtitle E-Defense Industrial Base Matters

Assessment of the defense industrial base pilot program (sec. 851)

The House bill contained a provision (sec. 831) that would require the Secretary of Defense to submit a report to the congressional defense committees on the defense industrial base (DIB) pilot program.

The Senate amendment contained no similar provision.

The Senate recesses.

The conferees emphasize the importance of a careful and objective assessment of the effectiveness of the DIB pilot program, since it could serve as a model for other critical infrastructure sectors. The Defense Cyber Crime Center (DC3) reports that the so-called "threat indicators" they have

compiled for the Department of Defense networks and the defense industrial base, respectively, reflect a very small overlap. According to DC3, the overlap between these threat indicators and those of the financial sector is significantly smaller still. These statistics are interpreted to indicate that each sector is experiencing attacks from different threat actors using different tactics and techniques. If correct, this would mean that signatures developed for one sector could have limited utility for a different sector or organization. If the intelligence community is to provide threat signatures to defend all of the government departments and agencies, and all of the critical infrastructure sectors, the resources required could be very extensive.

The conferees request that the assessment required by this section address this specific issue.

Strategy for securing the defense supply chain and industrial base (sec. 852)

The House bill contained a provision (sec. 832) that would require the Secretary of Defense to assess the defense industrial base and develop mitigation strategies to address any gaps and vulnerabilities identified in the assessment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to address industrial base and supply chain issues (including risks and vulnerabilities) through the sector-by-sector, tier-by-tier assessment of the industrial base now underway and the annual industrial base report required by section 2504 of title 10, United States Code.

Assessment of feasibility and advisability of establishment of rare earth material inventory (sec. 853)

The House bill contained a provision (sec. 835) that would require the Department of Defense to develop a plan for the establishment of a rare earth material inventory.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department to assess the feasibility and advisability of establishing a rare earth material inventory.

Department of Defense assessment of industrial base for night vision image intensification sensors (sec. 854)

The Senate amendment contained a provision (sec. 890) that would require an assessment of the night vision image intensification sensor industrial base.

The House bill contained no similar provision.

The House recesses.

Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy (sec. 855)

The Senate amendment contained a provision (sec. 1086) that would correct an erroneous statutory reference in section 139e of title 10, United States Code, as added by section 896 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (P.L. 11-383).

The House bill contained no similar provision.

The House recesses.

Subtitle F-Other Matters

Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts (sec. 861)

The House bill contained a provision (sec. 843) that would ensure that the jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts is consistent with jurisdiction over other types of bid protests under federal law.

The Senate amendment contained no similar provision.

The Senate recesses.

Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs (sec. 862)

The House bill contained a provision (sec. 845) that would establish a preference for offerors who take steps to encourage and enhance undergraduate, graduate, and doctoral programs in science, technology, engineering, and math ("STEM" programs).

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Department of Defense to develop programs and incentives to encourage contractors to support STEM programs.

Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels (sec. 863)

The House bill contained a provision (sec. 848) that would express the sense of Congress on the desirability of long-term contracting for alternative fuels.

The Senate amendment contained a provision (sec. 849) that would require the Secretary of Defense to report to Congress on available authorities for such long-term contracting.

The Senate recesses with an amendment combining the two provisions.

Acquisition workforce improvements (sec. 864)

The House bill contained a provision (sec. 849) that would foster and promote the acquisition workforce on a government-wide basis.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries (sec. 865)

The Senate amendment contained a provision (sec. 882) that would authorize the Secretary of Defense to delegate authority under section 2350a of title 10, United States Code, to the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

The House bill contained no similar provision.

The House recesses with an amendment that would authorize the Secretary to delegate authority to the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research, Development, and Engineering.

Three-year extension of test program for negotiation of comprehensive small business subcontracting plans (sec. 866)

The Senate amendment contained a provision (sec. 886) that

would extend the test program for the negotiation of comprehensive small business subcontracting plans until September 30, 2014.

The House bill contained no similar provision.

The House recesses with an amendment that would extend the program until December 31, 2014.

Five-year extension of Department of Defense mentor-protégé program (sec. 867)

The Senate amendment contained a provision (sec. 887) that would extend the Department of Defense mentor-protégé program through September 30, 2018.

The House bill contained no similar provision.

The House recesses.

The conferees are aware that the Department of Defense (DOD) mentor-protégé program is the oldest of the federal mentor protégé programs, and the only one to provide appropriated funds for cost reimbursement for mentors that support small businesses. The conferees believe that this has been a valuable program to both the Department, as well as to small businesses and encourage the DOD mentor-protégé program to look at opportunities to align with the Small Business Administration (SBA) mentor-protégé program. Further, the conferees encourage the Department to add into future DOD mentor-protégé annual reports descriptions of efforts being made to align with the program standards of the SBA mentor-protégé program, identification of opportunities for synergy, and analysis of technical, legal or regulatory impediments to closer alignment with the program standards of the SBA mentor-protégé program.

Legislative Provisions Not Adopted

Additional information on waivers under the Buy American Act by Department of Defense required to be included in annual report

The House bill contained a provision (sec. 850) that would amend section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) to require that additional information be included in the annual report of the Department of Defense on Buy American waivers.

The Senate amendment contained no similar provision.

The House recesses.

Assessment of Department of Defense contracting actions and the impact on small business

The House bill contained a provision (sec. 851) that would require the Inspector General of the Department of Defense to conduct an assessment of consolidated contracting actions relating to base services and construction activities.

The Senate amendment contained no similar provision.

The House recesses.

The conferees expect the Department of Defense (DOD) to manage its business operations in an efficient manner. At the same time, the conferees understand that the consolidation of contracts for base services and construction can have a detrimental impact on the ability of small businesses to compete for such contracts. This issue has been addressed by Congress in the Small Business Jobs Act of 2010 (Public Law 111-240), the Small Business Reauthorization Act of 1997 (Public Law 105-135), the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

The conferees direct the Comptroller General to review DOD's compliance with provisions of law and regulation addressing contract consolidation and bundling with regard to contracts for base services and construction. The Comptroller General's report should address the scope of consolidation or bundling undertaken by the Department, the justification provided for such consolidation or bundling, and the impact of such consolidation or bundling on contracting with small business concerns. The report should also address associated issues, including the need for training, the availability of alternative contracting approaches, and any recommendations the Comptroller General may have to improve the Department's performance in this area.

Comptroller General assessment of government competition in the Department of Defense industrial base

The House bill contained a provision (sec. 833) that would require the Comptroller General to assess the effect of government-mandated competition on the defense industrial base.

The Senate amendment contained no similar provision.

The House recesses.

Comptroller General of the United States reports on Department of Defense implementation of justification and approval

requirements for certain sole-source contracts

The Senate amendment contained a provision (sec. 850) that would require the Comptroller General of the United States to report to Congress on the implementation of section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) by the Department of Defense (DOD).

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives, no later than March 1, 2012, and March 1, 2013, on the implementation of section 811. The Secretary's report should provide, at a minimum, an assessment of the following: (1) the number of sole-source contracts in excess of \$20.0 million that have been awarded to each category of 8(a) participant; (2) the dollar amounts associated with such contracts; (3) the justifications cited for the award of such sole-source contracts; (4) a description of the goods or services that were or are to be provided under such contracts; (5) the percentage of work on such contracts that was subcontracted by the awardee or performed by an entity other than the awardee; and (6) any measures taken by the Department of Defense or the Small Business Administration to ensure that such contracts are not abused.

The conferees further direct the Comptroller General to provide the committees, no later than 90 days after DOD submits the March 1, 2012, and March 1, 2013, reports, with his own assessment of the extent to which the Department's implementation of section 811 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.

Comptroller General of the United States reports on noncompetitive and one-offer contracts awarded by the Department of Defense

The Senate amendment contained a provision (sec. 847) that would require the Comptroller General to report to the Committees on Armed Services of the Senate and the House of Representatives on non-competitive and one-offer contracts awarded by the Department of Defense during fiscal years 2012, 2013, and 2014.

The House bill contained no similar provision.

The Senate recesses.

The conferees direct the Comptroller General to report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31 of 2013, 2014, and 2015, on non-competitive and one-offer contracts awarded by the Department of Defense during the preceding fiscal year. The Comptroller General's reports should address the number and dollar amounts of non-competitive and one-offer contracts awarded, the basis for exceptions from competitive procedures and the adequacy of the justifications for such exceptions, and the impact of recent Department of Defense guidance on one-offer contracts.

Definitions

The House bill contained a provision (sec. 824) that would define certain terms.

The Senate amendment contained no similar provision.

The House recesses.

Exemption of Department of Defense from alternative fuel procurement requirement

The House bill contained a provision (sec. 844) that would exempt the Department of Defense from section 526 of the Energy Independence and Security Act (42 U.S.C. 17142).

The Senate amendment contained no similar provision.

The House recesses.

Extension and expansion of small business programs of the Department of Defense

The Senate amendment contained a provision (sec. 885) that would extend through September 30, 2018, the Department of defense Small Business Innovative Research (SBIR) program and associated programs and authorities.

The House bill contained no similar provision.

The Senate recesses.

The SBIR program would be extended by a separate division of the bill.

Para-aramid fibers and yarns

The House bill contained a provision (sec. 816) that would repeal section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261).

The Senate amendment contained no similar provision.
The House recesses.

Procurement of photovoltaic devices

The House bill contained a provision (sec. 842) that would address the circumstances in which the Buy American Act (41 U.S.C. 10a-10d) applies to photovoltaic devices acquired by contractors and lessees under energy savings performance contracts, utility service contracts, private housing contracts, and land leases.

The Senate amendment contained a similar provision (sec. 827).

The conference agreement does not include either provision.

Prohibition on use of funds for certain programs

The Senate amendment contained a provision (sec. 826) that would prohibit the use of Department of Defense funds for any program that creates a price evaluation adjustment that would be inconsistent with the court of appeals decision in *Rothe Development Corporation v. Department of Defense*, 545 F.3d 1023 (2008).

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the Federal Acquisition Regulation was revised earlier this year to eliminate the authority to establish such a price preference.

Quality Assurance Surveillance Plan for security contractors operating in Afghanistan and in support of other contingency operations

The House bill contained a provision (sec. 825) that would establish new requirements for the oversight of private security contractors operating in Afghanistan.

The Senate amendment contained no similar provision.

The House recesses.

The conferees agree that Department of Defense (DOD) oversight of private security contractors in Afghanistan has been deficient, and that significant improvements are needed in

this regard. However, the issue of oversight and accountability of contractors performing private security functions in areas of combat operations was recently addressed in section 831 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The conferees direct the Government Accountability Office to review the steps that DOD has taken to implement the requirements of section 831 and report to the congressional defense committees on the extent to which these changes have addressed deficiencies in the oversight of private security contractors.

Report on impact of foreign boycotts on the defense industrial base

The House bill contained a provision (sec. 834) that would require the Comptroller General to assess the impact of foreign boycotts on the defense industrial base.

The Senate amendment contained a similar provision (sec. 892).

The conference report does not include either provision.

The conferees direct the Comptroller General to assess the impact of foreign boycotts on the defense industrial base. The Comptroller General's report should include a summary of any foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the present. The report should address policies or practices adopted by foreign governments or businesses that are intended to penalize, disadvantage, or harm Department of Defense contractors or subcontractors because of their relationship with the Department.

Reports on use of indemnification agreements

The House bill contained a provision (sec. 846) that would require the Secretary of Defense to report to the congressional defense committees on indemnification agreements with contractors.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to report to the congressional defense committees, not later than 90 days after the end of each fiscal year from fiscal year 2012 to fiscal year 2015 on indemnification agreements entered with

contractors in connection with overseas contingency operations during the preceding fiscal year. The Secretary's reports should address indemnification provisions relative to wrongful death and bodily injury caused by negligence and should provide the name of each contractor, a description of the indemnification provision, and a justification for the agreement.

Supplier risk management

The House bill contained a provision (sec. 804) that would require the Department of Defense to use a business credit reporting bureau to track existing contractors, subcontractors, and suppliers before and during the performance of contracts.

The Senate amendment contained no similar provision.

The House recesses.

The conferees encourage the Secretary of Defense to consider the use of business credit reporting bureaus or other sources of business information to assess the viability of potential offerors and contractors at appropriate points in the acquisition process.

Waiver of "Buy American" requirement for procurement of components otherwise producible overseas with specialty metal not produced in the United States

The Senate amendment contained a provision (sec. 846) that would allow the Secretary of Defense to waive the requirement to use specialty metals melted or produced inside the United States, if the Secretary determines that, in the absence of a waiver, both the metals and the products fabricated from the metals would be produced overseas.

The House bill contained no similar provision.

The Senate recesses.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Revision of defense business systems requirements (sec. 901)

The House bill contained a provision (sec. 901) that would update the structure and process of the defense business systems investment review boards and clarify management and oversight responsibilities based on recent changes in the organization and management of the Department of Defense.

The Senate amendment contained a similar provision (sec. 1002).

The Senate recedes with an amendment that would combine the two provisions and address comments received from the Department of Defense.

Qualifications for appointments to the position of Deputy Secretary of Defense (sec. 902)

The Senate amendment contained a provision (sec. 901) that would establish qualifications for appointments to the position of Deputy Secretary of Defense, to reflect the new role of the Deputy Secretary as Chief Management Officer of the Department.

The House bill contained no similar provision.

The House recedes.

Designation of Department of Defense senior official with principal responsibility for airship programs (sec. 903)

The Senate amendment contained a provision (sec. 902) that would require the Secretary of Defense to designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department.

The House bill contained no similar provision.

The House recedes.

Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces (sec. 904)

The Senate amendment contained a provision (sec. 903) that would require each secretary of a military department to enter into a memorandum of agreement with the Commander of U.S. Special Operations Command establishing the procedures by which the availability of the enabling capabilities of the general purpose forces will be synchronized with the training and deployment cycle of special operations forces.

The House bill contained no similar provision.
The House recesses with a clarifying amendment.

Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests (sec. 905)

The Senate amendment contained a provision (sec. 906) that would require the Secretary of Defense to 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 national security.

The House bill contained no similar provision.
The House recesses.

Sense of Congress on use of modeling and simulation in Department of Defense activities (sec. 906)

The Senate amendment contained a provision (sec. 907) that would establish a sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation across the spectrum of defense activities.

The House bill contained no similar provision.
The House recesses.

Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO (sec. 907)

The Senate amendment contained a provision (sec. 908) that would express the sense of Congress that the successor organization to the U.S. Joint Forces Command, the Joint Warfighting and Coalition Center, should establish close ties with the North Atlantic Treaty Organization's Allied Command Transformation command.

The House bill contained no similar provision.
The House recesses.

Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills (sec. 908)

The Senate amendment contained a provision (sec. 909) that would require the Secretary of Defense to conduct an assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center on the personnel skills to be available at the Center after the reductions.

The House bill contained no similar provision.

The House recesses.

Subtitle B-Space Activities

Harmful interference to Department of Defense Global Positioning System (sec. 911)

The House bill contained a provision (sec. 911) that would prohibit the Federal Communications Commission (FCC) from finalizing its January 26, 2011, order until the FCC has resolved concerns about widespread harmful interference with Global Positioning System (GPS) receivers of the Department of Defense (DOD). It would further require a notice to Congress of certain FCC decision documents, as well as the complete final working group report undertaken per the January 26, 2011, order.

The Senate amendment contained a similar provision (sec. 913) that would direct the Secretary of Defense to review and assess the ability of national security GPS receivers to receive the signals of the GPS satellites without interruption or interference and determine if commercial communications services are causing or will cause widespread or harmful interference with national security GPS receivers. In the event that the review determines that commercial communications services are causing or will cause widespread or harmful interference with national security GPS receivers, the Secretary would be required to promptly notify the congressional defense committees. The provision would direct the Secretary to conduct such a review every 90 days for 2 years or until the Secretary determines there is no widespread or harmful interference with national security GPS receivers by commercial communications services, whichever is earlier.

The House recesses with an amendment that would add the reporting requirements of the Senate provision as a separate subsection to the Senate provision.

Authority to designate increments or blocks of satellites as

major subprograms subject to acquisition reporting requirements (sec. 912)

The Senate amendment contained a provision (sec. 912) that would amend section 2430a(a)(1) of title 10, United States Code, to authorize the Secretary of Defense to designate blocks or increments of two or more space vehicles as a major subprogram for the purposes of acquisition reporting.

The House bill contained no similar provision.

The House recesses with a technical amendment that would change the word "space vehicles" to "satellites".

Subtitle C-Intelligence-Related Matters

Report on implementation of recommendations by the Comptroller General on intelligence information sharing (sec. 921)

The House bill contained a provision (sec. 921) that would require the Secretary of Defense to submit a report to the appropriate congressional committees and the Comptroller General a report on the Secretary's actions in response to the Comptroller General's recommendations regarding intelligence information sharing. The provision also requires the Comptroller General to review the Secretary's report and assess whether the Secretary's actions are consistent with the recommendations.

The Senate amendment contained no similar provision.

The Senate recesses.

Insider threat detection (sec. 922)

The House bill contained a provision (sec. 922) that would require the Secretary of Defense to establish a program for information sharing protection and insider threat mitigation, and to provide the congressional defense committees regular briefings on the Secretary's strategy, strategy implementation, and associated resources. In addition, annual budget submissions must include identification of the resources requested for the program.

The Senate amendment contained a similar provision (sec. 932).

The Senate recesses with an amendment that would include

several procedural and technical options for countering the insider threat that were contained in the Senate provision.

The conferees concur with the admonishment contained in the Senate provision for the Department of Defense to fully integrate its program to counter the insider threat with its overall cybersecurity strategy and programs because of the high degree of overlap between the two challenges.

Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions (sec. 923)

The Senate amendment contained a provision (sec. 921) that would expand the authority of the Secretary of Defense to authorize the National Geospatial Intelligence Agency to exchange or furnish mapping, charting, and geodesy data, supplies, or services to nongovernmental organizations and academic institutions pursuant to an agreement with those organizations.

The House bill contained no similar provision.

The House recesses.

Ozone Widget Framework (sec. 924)

The Senate amendment contained a provision (sec. 923) that would require the Director of the Defense Information Systems Agency (DISA) to publish and maintain on the Internet the Application Programming Interface specifications, a developer's toolkit, source code, and such other information on, and resources for, the Ozone Widget Framework that are necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications. The provision also would require the DISA Director to encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework itself by commercial industry.

The House bill contained no similar provision.

The House recesses with an amendment that would designate the Department of Defense Chief Information Officer as the responsible official for carrying out this provision, rather than the Director of DISA.

Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise

(sec. 925)

The Senate amendment contained a provision (sec. 924) that would require the Under Secretary of Defense for Intelligence to incorporate an advanced enterprise-wide distributed query and correlation capability into the Defense Intelligence Information Enterprise, to conduct a pilot demonstration of such a capability, and to rationalize the multiple ongoing and planned deployments of large-scale query and correlation systems that operate on centralized data stores.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a sunset date for the pilot program of September 30, 2014.

Facilities for intelligence collection or special operations activities abroad (sec. 926)

The Senate amendment contained a provision (sec.922) that would create a narrow exception to the current requirement in section 2682 of title 10, United States Code, that the Secretary of Defense ensures that jurisdiction over, and maintenance and repair of real property facilities used by an activity or agency of the Department of Defense other than a military department be exercised by or through a military department. The exception proposed in this provision would be available only for real property facilities acquired as part, or in support, of Department of Defense intelligence or special operations activities abroad, where security is paramount.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a sunset date for this authority on September 30, 2015, or the date of enactment of the National Defense Authorization Act for Fiscal Year 2016, whichever is later.

Subtitle D-Total Force Management

General policy for total force management (sec. 931)

The House bill contained a provision (sec. 931) that would amend section 129a of title 10, United States Code, to require the Department of Defense to establish a total force management policy which comprehensively addresses the Department's

military, civilian, and contractor workforces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the requirements of the provision.

Revisions to Department of Defense civilian personnel management constraints (sec. 932)

The House bill contained a provision (sec. 932) that would amend section 129 of title 10, United States Code, which prohibits the management of the Department of Defense civilian workforce on the basis of arbitrary ceilings and constraints, to ensure that manpower requirements are established on the basis of the total force management policy developed in accordance with section 129a of title 10, as amended.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Additional amendments relating to total force management (sec. 933)

The House bill contained a provision (sec. 933) that would make conforming amendments to a series of statutes to ensure that the total force management policy established in accordance with section 129a of title 10, United States Code, as amended, is considered in key workforce decisions of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modifications of annual defense manpower requirements report (sec. 934)

The House bill contained a provision (sec. 934) that would revise the annual defense manpower requirements report required by section 115a, to ensure that the report addresses all components of the Department of Defense workforce, including the military, civilian, and contractor workforce.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Revisions to strategic workforce plan (sec. 935)

The House bill contained a provision (sec. 935) that would amend section 115b of title 10, United States Code, to revise the requirements established in that section for a Department of Defense strategic workforce plan.

The Senate amendment contained no similar provision.
The Senate recesses.

Amendments to requirement for inventory of contracts for services (sec. 936)

The House bill contained a provision (sec. 936) that would make clarifying amendments to section 2330a of title 10, United States Code, which requires the Department to develop an inventory of contract services.

The Senate amendment contained no similar provision.
The Senate recesses with a clarifying amendment.

The conferees note that the inventory, when fully developed in accordance with statutory requirements, will provide the Department with useful workforce information for identifying inherently governmental functions inappropriately performed under contract, informing strategic human capital planning, and facilitating an appropriate mix of military, civilian, and contractor personnel. At the same time, a compliant inventory will be an important acquisition tool, enabling the Department to better leverage its buying power, rationalize its supplier base, foster competitive procurements, and ensure the best value for the taxpayers' dollar.

The conferees are disappointed that the Department has yet to take the steps needed to achieve full compliance with the statutory requirements. The conferees are encouraged by the Department's recent development of a plan to achieve such compliance and urge the Department to implement this plan as rapidly and completely as practicable.

Preliminary planning and duration of public-private competitions (sec. 937)

The House bill contained a provision (sec. 938) that would amend section 2461 of title 10, United States Code, to clarify when "preliminary planning" begins for the purpose of public-private competitions governed by that provision.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees (sec. 938)

The House bill contained a provision (sec. 939) that would amend section 2463 of title 10, United States Code, to clarify the requirements for conversion of functions from contractor performance to performance by Department of Defense civilian employees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision.

The conferees expect the use of insourcing to be focused, in accordance with the total force management policy developed in accordance with section 129a of title 10, United States Code, as amended, on ensuring appropriate government capacity to perform acquisition workforce and other critical government functions. The conferees note that section 7.503 of the Federal Acquisition Regulation states that contracts "shall not be used for the performance of inherently governmental functions."

Subtitle E-Quadrennial Roles and Missions and Related Matters

Chairman of the Joint Chiefs of Staff assessment of contingency plans (sec. 941)

The House bill contained a provision (sec. 954) that would amend section 153 of title 10, United States Code, to require the Chairman of the Joint Chiefs of Staff to submit an assessment of combatant command contingency plans.

The Senate amendment contained no similar provision.

The Senate recedes.

Quadrennial defense review (sec. 942)

The House bill contained a provision (sec. 955) that would amend section 118 of title 10, United States Code, to modify language specifying that the review's recommendations should not

be constrained by the Department of Defense's budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the sense of Congress and modify language regarding the review's recommendations.

The conferees note that the report accompanying the Quadrennial Defense Review (QDR) is an important strategic document intended to be based upon an analysis unconstrained by the budgetary environment. The conferees emphasize that the QDR should allow Congress to assess the levels of acceptable strategic risk and then evaluate the extent to which the Department of Defense's budget request achieves the objectives associated with the national security strategy and national military strategy.

Subtitle F-Other Matters

Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity (sec. 951)

The House bill contained a provision (sec. 963) that would establish a cybersecurity fellowship program within the Department of Defense that would allow for the temporary assignment of a member of the military force of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on United States Special Operations Command structure (sec. 952)

The House bill contained a provision (sec. 964) that would require the Secretary of Defense to submit to the congressional defense committees a study of the United States Special Operations Command subunified structure.

The Senate amendment contained no similar provision.

The Senate recedes.

Strategy to acquire capabilities to detect previously unknown cyber attacks (sec. 953)

The Senate amendment contained a provision (sec. 931) that would require the Secretary of Defense to develop and implement a strategy to acquire advanced threat discovery capabilities to complement current cybersecurity systems that depend heavily on advance knowledge of specific attacks.

The House bill contained no similar provision.

The House recesses.

Military activities in cyberspace (sec. 954)

The House bill contained a provision (sec. 962) that would clarify that the Secretary of Defense has the authority to conduct clandestine cyberspace activities in support of military operations pursuant to the Authorization for the Use of Military Force (Public Law 107-40; title 50 United States Code, section 1541 note) outside of the United States or to defend against a cyber attack on an asset of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment.

The conferees recognize that because of the evolving nature of cyber warfare, there is a lack of historical precedent for what constitutes traditional military activities in relation to cyber operations and that it is necessary to affirm that such operations may be conducted pursuant to the same policy, principles, and legal regimes that pertain to kinetic capabilities.

The conferees also recognize that in certain instances, the most effective way to deal with threats and protect U.S. and coalition forces is to undertake offensive military cyber activities, including where the role of the United States Government is not apparent or to be acknowledged. The conferees stress that, as with any use of force, the War Powers Resolution may apply.

Legislative Provisions Not Adopted

Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps

The House bill contained a provision (sec. 902) that would redesignate the name of the Department of the Navy as the Department of the Navy and Marine Corps. Additionally, the article would redesignate the titles of the Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretaries of the Navy and the General Counsel of the Navy.

The Senate amendment contained no similar provision.

The House recesses.

Modification of temporary suspension of public-private competitions for conversion of Department of Defense functions to contractor performance

The House bill contained a provision (sec. 937) that would lift the temporary suspension of public-private competitions that was included in section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained no similar provision.

The House recesses.

The conferees recognize that the conduct of public-private competitions can be a useful tool for implementing total force management decisions. However, the conferees note that the Department has not yet complied with the statutory requirements for an inventory of contract services. The conferees conclude that the appropriate use of public-private competition is predicated on a sound planning process and the availability of accurate information, including the information that would be supplied by a compliant inventory.

Assessment of appropriate Department of Defense and contractor personnel for the Defense Medical Readiness Training Institute

The House bill contained a provision (sec. 940) that would require the Secretary of Defense to conduct an assessment of the appropriate mix of military, civilians, and contractor personnel to carry out the mission of the Defense Medical Readiness Training Institute.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that elsewhere in this Act the Secretary is required to establish policies and procedures for determining the most appropriate and cost efficient mix of military, civilian and contractor personnel to perform the mission of the

Department of Defense. The conferees expect that the Secretary will implement such policies across all programs, including medical readiness training programs.

Transfer of provisions relating to quadrennial roles and missions review

The House bill contained a provision (sec. 951) that would amend title 10, United States Code, to transfer the requirement for the Chairman of the Joint Chiefs of Staff to conduct an assessment of the roles and missions of the armed forces from section 118n to section 153, and to enhance the Chairman's role in advising the Secretary of Defense on the assignment of functions of the armed forces.

The Senate amendment contained no similar provision.

The House recesses.

The conferees urge the Secretary of Defense to use the Quarterly Roles and Missions Review (QRMR) required by section 118b of title 10, United States Code, to identify capability gaps and areas of unnecessary duplication. The conferees believe that QRMR, if conducted as intended, would provide a solid basis for reducing waste while also improving the joint warfighting capability of the Department of Defense.

Revisions to the quadrennial roles and missions review

The House bill contained a provision (sec. 952) that would amend section 118b of title 10, United States Code, to modify the requirements of the Quadrennial Roles and Missions Review.

The Senate amendment contained no similar provision.

The House recesses.

Amendment to presentation of future-years budget and Comptroller General report on budget justification material

The House bill contained a provision (sec. 953) that would amend section 222(b) of title 10, United States Code, to include the functions of each of the armed forces as identified under the most recent Quadrennial Roles and Missions Review. This section also would require the Comptroller General of the United States to review Department of Defense regulations, policies, and guidance governing the construction of budget exhibits and to provide recommendations for their improvement.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the Secretary of Defense has not complied with the requirement in section 222 of title 10, United States Code, to present the future-years budget by core mission areas identified as a result of the Quarterly Roles and Missions Review. The conferees note also that it is difficult to relate how the Department's annual budget request, including the future-years defense program, supports the services' core missions and functions as determined by the Quarterly Roles and Missions Review. The conferees will continue to seek a better understanding of the budgetary challenges associated with aligning and communicating how requested resources support core missions and functions.

Deadline revision for report on foreign language proficiency

The House bill contained a provision (sec. 961) that would modify the date on which an annual report on language proficiency is submitted.

The Senate amendment contained no similar provision.

The House recesses. The conferees agree to include such changes in the subtitle of the bill regarding repeal and modification of reporting requirements.

Sense of Congress regarding the performance of commercially-available activities by Department of Defense civilian employees

The House bill contained a provision (sec. 965) that would express the sense of Congress regarding the performance of commercially-available activities by Department of Defense civilian employees.

The Senate amendment contained no similar provision.

The House recesses.

Clarification of status of participants of defense industrial base active cyber defense pilot project

The House bill contained a provision (sec. 966) that would establish that, notwithstanding any other provision of law, any nongovernment entity or personnel participating in the defense industrial base active cyber defense pilot project shall not be considered an agent of the government.

The Senate amendment contained no similar provision.

The House recesses.

The conferees are aware that programs like the defense industrial base active cyber defense pilot are important components of the Department of Defense's (DOD) cyber defense strategy. The conferees are also aware that information sharing is critical to making pilots like this, and overall cyber defense strategy, effective. The conferees believe that there are issues that may be impeding better information sharing of threats and vulnerabilities by industry, resulting in concerns that industry may be acting as agents of the government.

Therefore, the conferees direct the DOD Chief Information Officer to brief the congressional defense committees 90 days after the enactment of this Act on any issues impeding industry's ability to share cyber threat or vulnerability information with the government, and any recommendations for addressing those concerns.

Expansion of oversight offices in Department of Defense

The House bill contained a provision (sec. 967) that would require the establishment of a new Senate-confirmed position of Assistant Secretary of Defense for Contingency Contracting and a new Office of Contingency Contracting.

The Senate amendment contained no similar provision.

The House recesses.

Report on the manufacturing policy of the United States

The House bill contained a provision (sec. 1099L) that would require the Secretary of Defense to report to Congress on the manufacturing industry of the United States.

The Senate amendment contained no similar provision.

The House recesses.

Commercial space launch cooperation

The Senate amendment contained a provision (sec. 911) that would recommend as stated in the Senate report accompanying S. 1235 (S. Rept. 112-26) of the National Defense Authorization Act for Fiscal Year 2012 a "provision that would facilitate cooperation between the private sector and the Department of Defense (DOD) in using DOD space transportation infrastructure. The provision would authorize the Secretary of Defense to maximize the use of the space transportation infrastructure by the private sector, and maximize the effectiveness and

efficiency of DOD's use of the infrastructure, reduce costs, and encourage commercial space activities through the use of contracts or other cooperative agreements. The DOD would be authorized to enter into such contracts or agreements with private sector entities to provide or receive specific space launch and reentry range support and services. Before entering into any such contracts or agreements the Secretary would have to determine that such contract or agreement is in the best interest of the government, would not interfere with DOD requirements and would not compete with commercial space entities, unless the competition is in the national security interest of the United States. Pursuant to a contract or agreement, which must be managed in accordance with DOD procurement regulations, the Secretary of Defense could accept funds, services, or equipment to enable participation in joint space transportation infrastructure improvements with the private sector. The provision would also establish an account in the Treasury of the United States into which the Secretary would deposit any funds received. In addition, the Secretary would submit to the congressional defense committees an annual report describing how any funds, equipment, or services were used during the preceding fiscal year."

The House bill contained no similar provision.

The Senate recedes.

The conferees ask that the Department of Defense submit legislation that does not have mandatory scoring associated with the acceptance of funds by private entities and consider other processes or authorities in statute to accomplish this objective.

Enhancement of authorities relating to the United States Northern Command and other combatant commands

The Senate amendment contained a provision (sec. 1607) that would designate the United States Northern Command and the United States Pacific Command as the combatant commands principally responsible for the support of civil authorities in the United States by the armed forces.

The House bill contained no similar provision.

The Senate recedes.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

General transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would provide the Department with general transfer authority totaling \$4.0 billion in fiscal year 2012.

The Senate amendment contained a similar provision (sec. 1001) that would provide the Department with \$5.0 billion in general transfer authority.

The Senate recedes with an amendment providing the Department with \$4.0 billion in general transfer authority and a provision that allows the Secretary of Defense to transfer up to \$125.0 million to the Secretary of Energy from amounts appropriated to the Department of Defense, for weapons activities of the National Nuclear Security Administration.

Budgetary effects of this Act (sec. 1002)

The House bill contained a provision (sec. 1002) that would determine the budgetary effects of this Act.

The Senate amendment contained a similar provision (sec. 4).

The Senate recedes.

Additional requirements relating to the development of Financial Improvement and Audit Readiness Plan (sec. 1003)

The House bill contained two provisions that would address the Department of Defense's Financial Improvement Audit Readiness (FIAR) plan and report. The first provision (sec. 1066) would require that the report include additional detail on subordinate activities and interim milestones for audit readiness. The second provision (sec. 1067) would require the Secretary of Defense to develop a corrective action plan to address weaknesses and deficiencies in the execution of the FIAR plan.

The Senate bill also contained two provisions that would address the FIAR plan and report. The first provision (sec. 1005) would require that the Department achieve a complete and validated full Statement of Budgetary Resources (SBR statements) by no later than September 30, 2014. The second provision (sec. 1006) would require the Department to develop a plan, including interim objectives and milestones for achieving this objective.

The House recesses with an amendment that would combine the House and Senate provisions. The conference amendment would require the Department to establish a specific plan, with interim objectives and milestones, for meeting the September 30, 2014, deadline for audit-ready SBR statements, to develop metrics and mitigating strategies for missed milestones and program delays, and to report to Congress on the steps taken and to be taken.

Today's challenging fiscal environment requires that management decisions be based on sound and reliable financial data. For this reason, the conferees are concerned that the Department's financial management remains on the Government Accountability Office's High Risk List of government programs and activities that are subject to waste and mismanagement. Achieving audit-ready SBR statements by the 2014 deadline would be a significant accomplishment and an important milestone on the Department's path to achieving full audit-readiness by the 2017 statutory deadline.

While achieving a clean audit opinion is a necessary step toward removing the Department's financial management from the High Risk list, it is far from sufficient. To be meaningful, a clean audit statement must be repeatable. For this reason, the conference amendment would require that the Department's FIAR plan be based on improvements to the Department's business processes and controls as well as efforts to modernize its business systems to a degree sufficient for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

Display of procurement of equipment for the reserve components of the armed forces under estimated expenditures for procurement in future-years defense programs (sec. 1003A)

The Senate amendment contained a provision (sec. 1606) that would require the Department of Defense, in its future-years defense program submitted with its annual budget request, to display separately the estimated expenditures and item quantities for each reserve component of the armed forces.

The House bill contained no similar provision.

The House recesses.

The conferees note that this provision would display estimated expenditures and item quantities that are included in the service budgets. The future-years defense program budget information for reserve components procurement is already

available to Congress in the Department's detailed budget justification materials (Exhibit P-40, Budget Item Justification Sheet) as prepared by the military departments and submitted with the annual budget request.

Subtitle B-Counter-Drug Activities

Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities (sec. 1004)

The House bill contained a provision (sec. 1011) that would extend, by 1 year, the support by joint task forces under section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 1012(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained a similar provision (sec. 1014) that also would prohibit the Department from utilizing this authority until it complies with section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

The House recesses.

Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies (sec. 1005)

The House bill contained a provision (sec. 1012) that would extend, by 1 year, the authority of the Department of Defense to provide additional support to counterdrug activities of other governmental agencies under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

The Senate amendment contained a similar provision (sec. 1011) that would extend, by 5 years, the authority of the Department of Defense to provide additional support to counterdrug activities of other governmental agencies under section 1004 of the National Defense Authorization Act for Fiscal Year 1991. The Senate amendment also would modify the authorized recipients of support under this authority to include tribal law enforcement entities, as defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

The Senate recesses with an amendment that would extend the authority for 3 years and would incorporate definitions for

"Indian tribe," "tribal government," and "tribal law enforcement agency".

Two-year extension and expansion of authority to provide additional support to counter-drug activities of certain foreign governments (sec. 1006)

The House bill contained a provision (sec. 1013) that would extend, by 1 year, the authority to provide support for counterdrug activities of certain foreign governments under subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained a provision (sec. 1012) that would extend, by 5 years, the authority to provide support for counterdrug activities of certain foreign governments under subsection (a)(2) of section 1033 of the National Defense Authorization Act (NDAA) for Fiscal Year 1998, as most recently amended by section 1014(a) of the Ike Skelton NDAA for Fiscal Year 2011. The provision also would amend subsection (e)(2) of section 1033 of the NDAA for Fiscal Year 1998 by increasing the authorized maximum annual amount of support to \$100.0 million, and would amend subsection (b) of section 1033 of the NDAA for Fiscal Year 1998 to expand the list of countries eligible to receive support to include the Governments of Benin, Cape Verde, The Gambia, Ghana, Guinea, Ivory Coast, Jamaica, Liberia, Mauritania, Nicaragua, Nigeria, Sierra Leone, and Togo.

The Senate recedes with an amendment that would extend, by 2 years, the authority to provide support for counterdrug activities of certain foreign governments, increase the authorized maximum annual amount of support to \$100.0 million, and expand the list of countries authorized to receive assistance under this authority to match the Senate amendment.

Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia (sec. 1007)

The House bill contained a provision (sec. 1014) that would extend, by 1 year, the unified counter-drug and counterterrorism campaign in the Republic of Colombia under section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by

section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained an identical provision (sec. 1015).

The conference agreement includes the provision.

Reporting requirement on expenditures to support foreign counter-drug activities (sec. 1008)

The Senate amendment contained a provision (sec. 1013) that would extend, by 1 year, the reporting requirement on expenditures to support foreign counterdrug activities under section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), as amended.

The House bill contained no similar provision.

The House recesses.

Subtitle C—Naval Vessels and Shipyards

Budgeting for construction of naval vessels (sec. 1011)

The House bill contained a provision (sec. 1021) that would modify section 231 of title 10, United States Code, to change the requirement for a report and certification by the Secretary of Defense to an annual basis.

The Senate amendment contained no similar provision.

The Senate recesses.

Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta (sec. 1012)

The House bill contained a provision (sec. 1022) that would encourage the Secretary of the Navy to name the next available naval vessel after United States Marine Corps Sergeant Rafael Peralta.

The Senate amendment contained no similar provision.

The Senate recesses with amendment to state the sense of Congress that the Secretary of the Navy should name the next available naval vessel after Marine Corps Sergeant Rafael Peralta.

Limitation on availability of funds for placing Maritime

Prepositioning Ship squadrons on reduced operating status (sec. 1013)

The Senate amendment contained a provision (sec. 1021) that prohibits the authorization of funds for placing a Maritime Prepositioning Ship squadron (MPSRON) on reduced operating status until Congress receives a report from the Secretary of Defense, the Chief of Naval Operations, and the Commandant of the Marine Corps which assesses the impact on military readiness for placing any MPSRON, or component thereof, on reduced operating status.

The House bill contained no similar provision.

The House recesses.

Report on policies and practices of the Navy for naming the vessels of the Navy (sec. 1014)

The Senate amendment contained a provision (sec. 1024) that would require the Secretary of Defense to submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

The House bill contained no similar provision.

The House recesses.

Transfer of certain high-speed ferries to the Navy (sec. 1015)

The Senate amendment contained a provision (sec. 1026) that would authorize the Secretary of the Navy to provide up to \$35.0 million to the Maritime Administration of the Department of Transportation for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the two high-speed ferries. The Maritime Administration currently holds title to these two vessels due to the bankruptcy of the former operator of these vessels.

The House bill contained no similar provision.

The House recesses.

Modification of conditions on status of retired aircraft carrier ex-John F. Kennedy (sec. 1016)

The Senate amendment contained a provision (sec. 1022) that would amend section 1011 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to allow the Navy to dispose of the ex-John F. Kennedy.

The House bill contained no similar provision.
The House recesses.

Assessment of stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida (sec. 1017)

The Senate amendment contained a provision (sec. 1025) requiring an assessment of the stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida.

The House bill did not contain a similar provision.
The House recesses.

Subtitle D-Counterterrorism

Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force (sec. 1021)

The House bill contained a provision (sec. 1034) that would affirm that the United States is engaged in an armed conflict with al-Qaeda, the Taliban, and associated forces.

The Senate amendment contained a provision (sec. 1031) that would affirm the authority of the Armed Forces of the United States to detain certain covered persons pursuant to the Authorization for Use of Military Force (Public Law 107-40). The provision would not 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.

The House recesses.

Military custody for foreign al-Qaeda terrorists (sec. 1022)

The Senate amendment contained a provision (sec. 1032) that would require military custody for foreign al-Qaeda terrorists who are captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40), subject to a national security waiver. Under the provision, the President would have broad authority to issue implementation procedures, including but not limited to deciding who makes a determination of coverage, how the determination is made, and when it is made.

The House bill contained no similar provision.

The House recesses with an amendment providing that nothing

in this provision shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody. The law enforcement and national security tools that would not be affected in any way by this provision include, but would not be limited to, Grand Jury subpoenas, national security letters, and actions pursuant to the Foreign Intelligence Surveillance Act (Public Law 95-511). The amendment would also authorize the President, rather than the Secretary of Defense, to waive the requirements of the provision.

The conferees note that while section 1021 of this bill would apply to "al Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners," this section would apply to "al Qaeda or an associated force that acts in coordination with or pursuant to the direction of al Qaeda." The conferees agree that while the Taliban is covered by section 1021, it is not covered by this section.

Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1023)

The House bill contained a provision (sec. 1036) that would require the Secretary of Defense to establish a process to review the detention of each individual detained at Guantanamo.

The Senate amendment contained a provision (sec. 1035) that would require the Secretary to submit to Congress a report on procedures for implementing the periodic review process required by Executive Order No. 13567 for such detainees.

The House recedes with an amendment that would clarify that the periodic review process applies to any individual who is detained as an unprivileged enemy belligerent at Guantanamo at any time on or after the date of enactment of this Act.

The conferees understand that the review process established by the Executive Order is not a legal proceeding and does not create any discovery rights in the detainee, his personal representative, or private counsel. For this reason, the conferees expect the procedures established under this section to provide that: (1) the compilation of information for the review process should be conducted in good faith, but does not create any rights on behalf of the detainee; (2) the mitigating information to be provided to the detainee is

information compiled in the course of this good faith compilation effort; (3) the decision whether to permit the calling of witnesses and the presentation of statements by persons other than the detainee is discretionary, and not a matter of right; and (4) access to classified information on the part of private counsel is subject to national security constraints, clearance requirements, and the availability of resources to review and clear relevant information.

Procedures for status determinations (sec. 1024)

The Senate amendment contained a provision (sec. 1036) that would require the Secretary of Defense to establish procedures for determining the status of persons captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40), including access to a military judge and a military lawyer for an enemy belligerent who will be held in long-term detention.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that the Secretary of Defense is not required to apply the procedures for long-term detention in the case of a person for whom habeas corpus review is available in federal court.

Because this provision is prospective, the Secretary of Defense is authorized to determine the extent, if any, to which such procedures will be applied to detainees for whom status determinations have already been made prior to the date of the enactment of this Act.

The conferees expect that the procedures issued by the Secretary of Defense will define what constitutes "long-term" detention for the purposes of subsection (b). The conferees understand that under current Department of Defense practice in Afghanistan, a detainee goes before a Detention Review Board for a status determination 60 days after capture, and again 6 months after that. The Department of Defense has considered extending the period of time before a second review is required. The conferees expect that the procedures required by subsection (b) would not be triggered by the first review, but could be triggered by the second review, in the discretion of the Secretary.

Requirement for national security protocols governing detainee communications (sec. 1025)

The House bill contained a provision (sec. 1035) that would require the Secretary of Defense to submit to Congress a national security protocol governing communications and related issues for each individual detained at Guantanamo.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to develop and submit a single national security protocol including policies and procedures governing communications and related issues for individuals detained at Guantanamo.

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 (sec. 1026)

The House bill contained a provision (sec. 1037) that would prohibit the use of funds authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 to build any facility in the United States to house Guantanamo detainees.

The Senate amendment contained a similar provision (sec. 1034).

The House recesses.

Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1027)

The House bill contained a provision (sec. 1039) that would prohibit the use of fiscal year 2012 Department of Defense funds to bring Guantanamo detainees, or any other individuals detained by the Department of Defense overseas pursuant to the Authorization for Use of Military Force (Public Law 107-40), to the United States.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would continue for fiscal year 2012 the prohibition on the use of Department of Defense funds to bring Guantanamo detainees to the United States.

Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1028)

The House bill contained a provision (sec. 1040) that would continue for another year the certification requirements for transfer of Guantanamo detainees to foreign countries and other foreign entities and modify the requirements.

The Senate amendment contained a provision (sec. 1033) that would continue the existing requirements for another year and authorize the Secretary of Defense to waive certain certification requirements in the interest of national security if alternative actions are taken to address the underlying purpose of the requirements.

The House recesses with a clarifying amendment.

Requirement for consultation regarding prosecution of terrorists (sec. 1029)

The House bill contained a provision (sec. 1042) that would require the Attorney General to consult with the Director of National Intelligence and the Secretary of Defense before initiating the prosecution in federal court of an alien for a terrorist offense.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would limit the consultation requirement to: (1) a person who is determined to be a foreign al Qaeda terrorist pursuant to the requirements of section 1022 of this bill; and (2) any other person who is held in military detention outside of the United States pursuant to the Authorization for Use of Military Force (Public Law 107-40).

Clarification of right to plead guilty in trial of capital offense by military commission (sec. 1030)

The House bill contained a provision (sec. 1033) that would clarify the right of a defendant to plead guilty in a trial of a capital offense by a military commission.

The Senate amendment contained a similar provision (sec. 1037).

The Senate recesses.

Counterterrorism operational briefing requirement (sec. 1031)

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to provide quarterly briefings to the congressional defense committees outlining Department of Defense counterterrorism operations not later than March 1,

2012.

The Senate amendment contained no similar provision.
The Senate recesses.

National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates (sec. 1032)

The House bill contained a provision (sec. 1045) that would require the President to issue national security planning guidance to deny safe havens to al Qaeda and its violent extremist affiliates and strengthen at-risk states. The provision would require the submission of the guidance to Congress and would also require that the agencies involved in executing the guidance enter into a memorandum of understanding related to the implementation of the guidance.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would strike: the findings, the requirement to submit any issued guidance to Congress, the requirement for memorandums of understanding between agency heads, and requirement to update and review the memorandums of understanding.

While the conferees struck the requirement to provide the guidance to Congress, the conferees expect to be briefed on the guidance issued by the President.

Extension of authority to make rewards for combating terrorism (sec. 1033)

The House bill contained a provision (sec. 1032) that would extend the authority for the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or government personnel of allied forces participating in a combined operation with U.S. Armed Forces through fiscal year 2014 and change the annual reporting timeline from December to February.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would extend, for 2 years, the underlying authority, shift the due date of the annual reporting timeline from December to February, and adjust the elements of the annual reporting requirement.

Amendments relating to the Military Commissions Act of 2009 (sec. 1034)

The Senate amendment contained a provision (sec. 1042) that would make technical corrections to the Military Commissions Act of 2009 (Title XVIII of Public Law 111-84), as requested by the Department of Defense.

The House bill contained no similar provision.

The House recesses.

Subtitle E-Nuclear Forces

Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system (sec. 1041)

The House bill contained a provision (sec. 1051) that would amend chapter 23 of title 10, United States Code, to require (as stated in the House report accompanying H.R. 1540 (H.Rept. 112-78) of the National Defense Authorization Act for Fiscal Year 2012) that the "director of the Strategic Systems Program, U.S. Navy, commander of the Global Strike Command, U.S. Air Force, and Commander, U.S. Strategic Command to each complete an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness for each type of nuclear weapons delivery platform and the nuclear command and control system of the United States within their direct responsibility. This section would further require that these assessments be submitted to the Secretary of Defense and Nuclear Weapons Council not later than December 1 of each year, along with several other reporting requirements. The Secretary of Defense would then be required to submit to the President each report along with any comments that the Secretary considers appropriate, not later than March 1 of each year. Finally, the President shall forward to Congress the reports provided by the Secretary of Defense along with any comments the President considers appropriate. The first submissions to Congress would be required by March 15, 2012".

The Senate amendment contained a similar provision (sec. 1073) that requires (as stated in the Senate report accompanying S. 1235 (S.Rept. 112-26) of the National Defense Authorization Act for Fiscal Year 2012) "that the Secretary of Defense in each odd-numbered year, to conduct an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness of each type of U.S. platform for the delivery of nuclear weapons and of the nuclear command and control system".

The Senate recesses with an amendment that would change the

House provision to a biennial reporting requirement with the first report due 30 days after the date of enactment of this Act.

Plan on implementation of the New START Treaty (sec. 1042)

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command to submit a report no later than December 12, 2011, with a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty, and would require a Comptroller General review of such plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting requirement to 30 days after date of enactment of this Act.

Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system (sec. 1043)

The House bill contained a provision (sec. 1053) that would require the President to submit an annual report to relevant congressional committees on plans for the modernization of the nuclear weapons stockpile, nuclear weapons complex, and nuclear weapons delivery platforms. The report would be required to include a detailed description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile; to modernize the nuclear weapons complex; to maintain, modernize, or replace the delivery platforms for nuclear weapons; and to retire, dismantle, or eliminate any covered nuclear system. The report would also be required to include a detailed estimate of the costs associated with such plans. The report would be required to be submitted in unclassified form, but could include a classified annex.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the report to also include plans to sustain and modernize the nuclear weapons command and control system.

Sense of the Congress on nuclear force reductions (sec. 1044)

The House bill contained a provision (sec. 1054) that would express the sense of Congress that any reduction in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy, as well as the technical and operational implications of such reductions. This section would also state that specific criteria are necessary to guide future decisions regarding further reductions in such nuclear forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the findings of the House provision.

Nuclear force reductions (sec. 1045)

The House bill contained a provision (sec. 1055) that would limit the obligation of amounts authorized to be appropriated or otherwise made available to the Department of Defense or the Department of Energy for any of the fiscal years 2011 through 2017, to retire, dismantle, eliminate, or remove from deployed status any covered nuclear system of the United States as required by the New START Treaty. The provision would allow the Secretary of Defense and the Secretary of Energy to jointly waive this limitation if they submit written notice to the congressional defense committees of the status of carrying out the modernization plan described in the most recent report required by section 1053 of the House bill H.R. 1540 of the National Defense Authorization Act for Fiscal Year 2012. If the written notice describes that the modernization plan is being carried out, no funds could be obligated or expended for a period of 30 days following the date on which the President submits the report required by section 1053 of the House bill describing the proposed retirement, dismantlement, or elimination. If the notice describes that the modernization plan is not being carried out, no funds could be obligated or expended for a period of 180 days following the date on which the President submits the report required by section 1053 of the House bill. The House provision contained an exception to this limitation for any activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

The House provision further prohibited the Secretary of Defense and the Secretary of Energy from obligating or expending amounts appropriated or otherwise made available to their

departments to retire, dismantle, or eliminate any non-deployed strategic or non-strategic nuclear weapon until 90 days after the Secretary of Energy submits written certification to the congressional defense committees that the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF) and the Uranium Processing Facility (UPF) are fully operational; that CMRR-NF and the Plutonium Facility-4 are together able to deliver to the nuclear weapons stockpile not less than a total of 80 pits per year; that the UPF is able to deliver to the nuclear weapons stockpile not less than 80 refurbished or new canned subassemblies per year; and that the nuclear security enterprise has a capacity that supports two simultaneous life extension programs. The provision includes an exception such that this limitation would not apply to the dismantlement of legacy warheads that are awaiting dismantlement, or have been designated for retirement, on the date of enactment, and a further exception that this limitation would not apply to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

The House provision contained a third limitation that would prohibit the President from unilaterally retiring, dismantling, or eliminating--or preparing to retire, dismantle, or eliminate--any nuclear weapon of the United States if such action would reduce the number of nuclear weapons to a level that is less than that described in the New START Treaty, unless such action is required by a treaty or international agreement approved with the advice and consent of the Senate or such action is specifically authorized by an Act of Congress. The House provision would include an exception to this limitation for activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

The Senate amendment contained a similar provision (sec. 1047) that would require the President, as soon as practicable after the date on which the President makes a proposal to reduce the number of deployed nuclear weapons below the level prescribed in the New START Treaty or a proposal to reduce the number of nuclear weapons in the hedge stockpile, to submit to the congressional defense committees a net assessment. The net assessment would be required to compare and assess the current and proposed nuclear forces of the United States with those of other countries to determine whether the proposed U.S. nuclear forces would be capable of meeting U.S. objectives of nuclear

deterrence, extended deterrence, assurance of allies, and defense. The Senate provision would include an exception to the requirement for a net assessment if the reduction is associated with routine stockpile stewardship activities.

The Senate amendment also contained a provision (sec. 1074) that would require the Secretary of Defense to submit a report to the congressional defense committees, by March 1, 2012, and annually thereafter, on the nuclear weapons stockpile of the United States. The report would be required to include an accounting of all of the weapons in the stockpile at the end of the fiscal year preceding the submission of the report and 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.

The Senate recedes with an amendment that would express the sense of Congress that the United States is committed to maintaining a safe, secure, reliable, and credible nuclear deterrent; the United States should undertake and support an enduring stockpile stewardship program and maintain and modernize nuclear weapons production capabilities to ensure the safety, security, reliability, and credibility of the U.S. nuclear deterrent and to meet requirements for hedging against possible international developments or technical problems; the United States should maintain nuclear weapons laboratories and plants to preserve the intellectual infrastructure, competencies, and skill sets; and the United States should provide the necessary resources to achieve these goals and use as a starting point the funding levels set forth in the President's 10 year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The conference agreement would also require the President to submit a report to Congress each year in which the President determines that the appropriations provided fail to meet the resource requirements set forth in the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) or if the President determines that more resources are required to carry out such plan than were estimated in the report referred to in section 1251 of Public Law 111-84. The report required by the conference agreement would include a plan to address the resource shortfall identified by the President; if more resources are required, the level of funding needed and a detailed explanation of the purpose for the additional

resources; any effects of the shortfall or need for additional resources on the safety, security, reliability, or credibility of U.S. nuclear forces; and an explanation of whether any planned reductions in U.S. nuclear forces are still in the national interest of the United States given the resource shortfall or the need for additional resources.

The conference agreement would also express a sense of Congress that sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a safe, secure, reliable, and credible nuclear deterrent and that such investments could enable additional reductions in the hedge stockpile in the future. The conference agreement further requires the Secretary of Defense to submit a report to the congressional defense committees, by March 1, 2012, and annually thereafter, on the nuclear weapons stockpile of the United States. The report would be required to include an accounting of all of the weapons in the stockpile at the end of the fiscal year preceding the submission of the report and 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.

Finally, the conference agreement would, in any year in which the President makes a proposal to reduce the number of nuclear weapons in the active or inactive stockpiles of the United States to a level that is lower than the level on the date of enactment of this Act, require the Commander of U.S. Strategic Command to conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries to determine whether the proposed U.S. nuclear forces would be capable of meeting U.S. objectives of nuclear deterrence, extended deterrence, assurance of allies, and defense. The Secretary of Defense would be required to submit the Commander's unaltered net assessment, together with any explanatory views of the Secretary, to the Committees on Armed Services of the Senate and the House of Representatives. In any such year, the Administrator of the National Nuclear Security Administration would also be required to submit to the Committees on Armed Services of the Senate and the House of Representatives, a report describing the current capacities of the U.S. nuclear weapons infrastructure to respond to strategic developments or technical problems in the nuclear weapons stockpile. The conference agreement would include an exception to these requirements for any reductions that are a direct result of activities associated with routine stockpile

stewardship - including stockpile surveillance, logistics, or maintenance - and for any nuclear weapons that are retired or awaiting dismantlement on the date of enactment of this Act. These requirements would terminate on December 31, 2017.

Nuclear employment strategy of the United States (sec. 1046)

The House bill contained a provision (sec. 1056) that would have prohibited the President from making any changes to the nuclear employment strategy of the United States unless the President submitted a report to Congress describing the implications of such changes, certified that such changes do not require a change in targeting strategy from counterforce to counter value targeting, and certified that such proposed changes preserve the nuclear force structure triad. The President would have been required to wait a period of 90 days from submission of such report until changes to the nuclear employment strategy may be made.

The Senate amendment contained a similar provision (sec. 1075) which would not have conditioned changes in the nuclear employment guidance, but which required reporting to Congress after a change.

The House, encouraged by a letter that Chairmen Buck McKeon and Michael Turner received from the Secretary of Defense on November 2, 2011, and having received further assurances from the Office of the Secretary of Defense, recedes with an amendment that would require a report to be submitted concurrently with the issuance by the President of a modified employment strategy. The report would require a description of the modification, the impact on the nuclear posture of the United States, and the implications for the flexibility and resilience of U.S. strategic forces and their ability to meet the nuclear deterrence objectives of the United States. The House amendment also expresses the sense of Congress concerning the importance of congressional oversight of the nuclear war plan of the United States.

Comptroller General report on nuclear weapon capabilities and force structure requirements (sec. 1047)

The House bill contained a provision (sec. 1057) that would require the Comptroller General of the United States to conduct a study on the strategic nuclear weapon capabilities, force

structure, employment policy, and targeting requirements of the Department of Defense (DOD). The study would update the September 1991 Government Accounting Office (GAO) report titled 'Strategic Weapons: Nuclear Weapons Targeting Process' (GAO/NSIAD-91-319FS). The study would also assess the process and rigor used by DOD to determine the effectiveness of nuclear-related capabilities and policies in achieving the goals of deterrence, extended deterrence, assurance, and defense, and would also include an assessment of the Department of Defense's requirements for strategic nuclear bomber aircraft and intercontinental ballistic missiles. The provision would require the Secretary of Defense and the Secretary of Energy to provide the Comptroller General with full cooperation and access to appropriate officials and information for the purposes of conducting this study. The provision would require the Comptroller General to submit one or more reports on the study to the appropriate congressional committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the reports required by this provision must be submitted to the congressional defense committees.

The conferees note that, for the purposes of this study, the Department of Defense need not grant the Comptroller General access to sensitive operational information such as specific target locations or the complete target list.

Report on feasibility of joint replacement fuze program (sec. 1048)

The House bill contained a provision (sec. 216) that would limit the obligation and expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2012 for the Air Force for the joint/common replacement fuze program for Air Force and Navy nuclear warheads to not more than 75 percent until the Secretary of Defense submits a report to the congressional defense committees on the feasibility of the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Navy and the Secretary of the Air Force to jointly submit a report to the congressional defense committees, no later than December 31, 2012, on the feasibility of the joint replacement fuze program. The report would be required to include an assessment of the feasibility of including various

options in the joint fuze and how the inclusion of such options will affect safety, security, reliability, and adaptability, as well as the program schedule and budget.

Subtitle F—Financial Management

Modification of authorities on certification and credential standards for financial management positions in the Department of Defense (sec. 1051)

The House bill contained a provision (sec. 1061) that would strengthen the authority of the Secretary of Defense to establish certification and credential standards for financial management positions in the Department of Defense.

The Senate amendment contained a similar provision (sec. 1003).

The House recesses.

Reliability of Department of Defense financial statements (sec. 1052)

The House bill contained a provision (sec. 1062) that would change the timing of the annual representation of the Department of Defense as to the expected reliability of its financial statement to better harmonize with the timing of the Department's financial statements.

The Senate amendment contained no similar provision.

The Senate recesses.

Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense (sec. 1053)

The House bill contained a provision (sec. 1063) that would require an assessment of the financial management workforce of the Department of Defense and a plan for addressing any gaps in capabilities of that workforce.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to assess and plan the Department's financial management workforce through the strategic workforce plan established pursuant to section 115b of title 10, United

States Code.

Tracking implementation of Department of Defense efficiencies (sec. 1054)

The House bill contained a provision (sec. 1064) that would require the Comptroller General to assess and report to Congress on the extent to which the Department of Defense has tracked and realized the savings proposed pursuant to the efficiencies initiatives announced by the Secretary of Defense.

The Senate amendment contained no similar provision.
The Senate recesses.

Subtitle G-Repeal and Modification of Reporting Requirements

Repeal of reporting requirements under title 10, United States Code (sec. 1061-1067)

The House bill contained a provision (sec. 1071) that would repeal certain recurring reporting requirements applicable to the Department of Defense.

The Senate amendment contained a subtitle (Subtitle F of Title X) that would repeal or modify certain recurring reporting requirements.

The House recesses with an amendment incorporating repeals and modifications from both bills.

Subtitle H-Studies and Reports

Transmission of reports in electronic format (sec. 1068)

The House bill contained a provision (sec. 1073) that would require that Department of Defense reports to Congress be transmitted, to the maximum extent practicable, in an electronic format.

The Senate amendment contained no similar provision.
The Senate recesses.

Modifications to annual aircraft procurement plan (sec. 1069)

The House bill contained a provision (sec. 1074) that would modify section 231a of title 10, United States Code, to expand

the coverage of the report to Army aircraft, and include additional types of aircraft for the armed forces in the following categories: (1) remotely piloted aircraft; (2) rotary-wing aircraft; and (3) operational support and executive lift aircraft. The provision would also require an annual report on aircraft inventory.

The Senate amendment contained no similar provision.
The Senate recesses.

Change of deadline for annual report to Congress on National Guard and reserve component equipment (sec. 1070)

The House bill contained a provision (sec. 1075) that would delay the required submission date for the annual National Guard and Reserve component equipment report from February 15 until March 15.

The Senate amendment contained no similar provision.
The Senate recesses.

Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons (sec. 1071)

The House bill contained a provision (sec. 1077) that would amend section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to add the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to the list of committees that receive the report required by such section.

The Senate amendment contained no similar provision.
The Senate recesses.

Implementation plan for whole-of-government vision prescribed in the National Security Strategy (sec. 1072)

The House bill contained a provision (sec. 1079) that would require the President to submit to the appropriate congressional committees, not later than 270 days after the date of enactment of this Act, an implementation plan for achieving the whole-of-government integration vision prescribed in the President's National Security Strategy of May 2010. The House provision would also require annual updates to the implementation plan in each subsequent year.

The Senate amendment contained a similar provision (sec. 1072) that would require the President to submit to the appropriate congressional committees, not later than 180 days after the date of enactment of this Act, a report setting forth a plan to implement the organizational goals recommended in the President's National Security Strategy of May 2010. The Senate provision would also require annual updates to the report in each subsequent year.

The Senate recedes with an amendment that clarifies that submission of the annual updates to the implementation plan would be required for each subsequent year in which the National Security Strategy of May 2010 remains the policy of the President.

Reports on resolution restrictions on the commercial sale or dissemination of electro-optical imagery collected by satellites (sec. 1073)

The Senate amendment contained a provision (sec. 1077) that would require the Secretary of Commerce to conduct a comprehensive review of the current restrictions on the resolution of electro-optical imagery that commercial satellite imagery data providers are permitted to sell or disseminate.

The provision would require the Secretary to take into consideration a series of factors in evaluating whether the current restriction on resolution to 0.5 meters should be relaxed. These factors would include: (1) the availability of foreign satellite systems capable of collecting at resolutions sharper than what U.S. data providers are allowed to sell; (2) the lead time involved in securing funding for new satellites, and designing, constructing, and launching them, to enable U.S. data providers to match or exceed the capabilities of new foreign satellites; (3) whether the current restrictions remain consistent with the President's National Space Policy, which is to maintain U.S. commercial leadership; (4) the greater utility that higher resolution unclassified commercial satellite imagery would have for U.S. military forces, the intelligence community, cooperation with allies, scientific research, and support to domestic disaster monitoring; and (5) the national security risks, if any, of relaxing the current restrictions.

The provision would require a report from the Secretary of Commerce to the appropriate committees of Congress by April 15, 2012.

The provision also would require the Director of National

Intelligence and the Under Secretary of Defense for Intelligence to provide a report assessing the benefits and risks of relaxing the current resolution restrictions on the electro-optical imagery from satellites that commercial U.S. companies may sell or disseminate, together with recommendations for alternative means to protect national security related information. This report would be required within 15 days of the enactment of this Act.

The House bill contained no similar provision.

The House recesses with an amendment that would (1) eliminate the requirement that the Secretary of Commerce consider the utility that higher resolution imagery would bring to the armed forces, the production of military geospatial information, intelligence analysis, cooperation with allies, scientific research efforts, and domestic disaster monitoring and relief; and (2) extend the date required for the intelligence assessment from 15 days to 60 days after enactment of this Act.

Report on integration of unmanned aerial systems into the national airspace system (sec. 1074)

The Senate amendment contained a provision (sec. 1078) that would require the Secretary of Defense to submit a report describing and assessing: (1) the rate of progress in integrating unmanned aircraft systems into the national airspace system; and (2) the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

The House bill contained no similar provision.

The House recesses.

Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace (sec. 1075)

The Senate amendment contained a provision (sec. 1080A) that would require the Secretary of the Air Force to provide a report assessing the feasibility of using unmanned aerial systems to perform airborne flight inspection of ground-based navigational aids that support military operations in foreign airspace.

The House bill contained no similar provision.

The House recesses.

Comptroller General review of medical research and development relating to improved combat casualty care (sec. 1076)

The Senate amendment contained a provision (sec. 1080B) that would require the Comptroller General to 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.

The House bill contained no similar provision.

The House recesses.

Reports to Congress on the modifications of the force structure for the strategic nuclear weapons delivery systems of the United States (sec. 1077)

The Senate amendment contained a provision (sec. 1080c) that requires the President to submit a report to Congress whenever the President proposes a modification of the force structure of U.S. nuclear weapons delivery systems. The required report shall describe how the modification will maintain a range of delivery systems appropriate for the current and anticipated threats as compared with the current force structure of nuclear delivery systems.

The House bill contained no similar provision.

The House recesses.

Comptroller General of the United States reports on the major automated information system programs of the Department of Defense (sec. 1078)

The Senate amendment contained a provision (sec. 1080D) that would require the Comptroller General to perform an annual assessment of the major automated information system programs of the Department of Defense, comparable to the annual assessment that the Comptroller General already performs for major defense acquisition programs.

The House bill contained no similar provision.

The House recesses.

Report on Defense Department analytic capabilities regarding foreign ballistic missile threats (sec. 1079)

The Senate amendment contained a provision (sec. 1080G)

that would require the Secretary of Defense to submit a report to the congressional defense committees on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

The House bill contained no similar provision.

The House recesses.

Report on approval and implementation of Air Sea Battle Concept (sec. 1080)

The Senate amendment contained a provision (sec. 1080H) that would require a report on the Air Sea Battle Concept.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

Report on costs of units of the reserve components and the active components of the armed forces (sec. 1080A)

The Senate amendment contained a provision (sec. 1605) that would require the Department of Defense to conduct a cost analysis of units of the active and reserve components and direct the Comptroller General to evaluate this report.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Secretary of Defense to submit to the congressional defense committees not later than 180 days after the date of enactment of this Act a report setting forth an analysis of the costs of a sample of deployable units of the active components of the armed forces and the costs of a sample of similar deployable units of the reserve components of the armed forces.

In conducting this analysis the Department should consider issues and matters that are unique and challenging to comparisons between active and reserve components such as, but not limited to: a pro-rated share of active component borne overhead costs (e.g., generating force, schools, ranges, training centers, and material/sustainment) required to prepare and sustain the reserve component when not mobilized and deployed; relative days spent training and preparing per year to personnel cost per year; cost of procurement and sustainment of non-deployable equipment excess to unit tables of organization and equipment; and impact of unavailable domestic response capabilities when respective components are deployed (e.g., what capabilities Governors lose when reserve component forces are deployed).

Subtitle I-Miscellaneous Authorities and Limitations

Authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense (sec. 1081)

The Senate amendment contained a provision (sec. 1046) that would provide the Department of Defense with authority, for 3 fiscal years, to advise foreign defense ministries and international peace and security institutions. The provision also would require the Secretary of Defense to provide an annual report to the Committees on Armed Services of the Senate and the House of Representatives, and would require the Comptroller General of the United States to conduct an evaluation of the effectiveness of the program no later than December 30, 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the provision to foreign ministries of defense by striking the phrase "international peace and security organizations" from the provision, modify and expand the elements of the annual report required under the provision, and add the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to the listed recipients of the annual report.

Exemption from Freedom of Information Act for data files of the military flight operations quality assurance systems of the military departments (sec. 1082)

The House bill contained a provision (sec. 1081) that would exempt data files of the military flight operations quality assurance systems of the military departments from section 552 of title 5, United States Code.

The Senate amendment contained a similar provision (sec. 1044(b)).

The Senate recedes with an amendment that would incorporate transparency standards and a delegation limitation into the provision.

Limitation on procurement and fielding of light attack armed reconnaissance aircraft (sec. 1083)

The House bill contained a provision (sec. 1082) that would prevent the Secretary of Defense from obligating any funds for the procurement or fielding of light attack armed reconnaissance aircraft until: (1) the Joint Requirements Oversight Council validates the requirements for the development or procurement of such aircraft to address a gap identified by specific reporting in the next Quadrennial Defense Review; and (2) the Under Secretary of Defense for Acquisition, Technology, and Logistics approves the acquisition strategy for such an aircraft. The provision also included a waiver of this funding prohibition that could be exercised if the Secretary were able to certify that expenditures on such a program were necessary to support the contingency operations in Afghanistan or Iraq.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report from the Secretary on: (1) any requirements for such a capability; and (2) his plans for meeting those requirements. The provision would require that the Secretary submit such a report before he obligates any fiscal year 2012 funds for such a purpose.

Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities (sec. 1084)

The House bill contained a provision (sec. 1084) that would prohibit the use of funds for manufacturing beyond low rate initial production at a prototype integration facility.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the provision would contain a waiver option for the Secretary of Defense for reasons of national security or to rapidly acquire equipment to respond to combat emergencies.

Use of State Partnership Program Funds for certain purposes (sec. 1085)

The House bill contained a provision (sec. 1083) that would authorize the National Guard to use up to \$3.0 million of the funds made available through the State Partnership Program to

pay travel and per diem costs associated with the participation of U.S. and foreign civilian and non-defense ministry personnel in authorized National Guard State Partnership Program events.

The Senate amendment contained a similar provision (sec. 1609).

The Senate recesses with an amendment that would conform the provision to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Subtitle J-Other Matters

Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage (sec. 1086)

The Senate amendment contained a provision (sec. 1081) that would redesignate "psychological operations" as "military information support operations" in title 10, United States Code, to conform to Department of Defense nomenclature.

The House bill contained no similar provision.

The House recesses.

The conferees direct the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in coordination with the Commander, U.S. Special Operations Command (USSOCOM), to provide a report to the Committees on Armed Services of the Senate and the House of Representatives that outlines: a comprehensive military information support operations (MISO) strategy to include the roles, missions, authorities, and capabilities of MISO active and reserve components; current and future force structure requirements, operational limitations and constraints; and efforts to shift required active and reserve component funding from overseas contingency operations to base funding to support future active and reserve force structure requirements. The conferees also direct the Assistant Secretary to include in the report an examination with recommendations for the potential transfer of proponentcy of the MISO reserve component from USSOCOM to the Department of the Army, similar to the potential transfer of proponentcy responsibilities for U.S. Army Reserve Component Civil Affairs forces. The conferees direct the Assistant Secretary also to include in the report an analysis of the relationship among all Information Operations/Strategic Communications disciplines to determine if they are sufficient or could be improved through changes to authorities, processes, procedures, and synchronization

mechanisms. The conferees further direct the Assistant Secretary to submit the report to the Committees on Armed Services of the Senate and the House of Representatives within 180 days after the date of enactment of this Act.

Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate (sec. 1087)

The Senate amendment contained a provision (sec. 1082) that would terminate the requirement for Senate confirmation of civilian members of the National Security Education Board.

The House bill contained no similar provision.

The House recesses.

Sense of Congress on application of moratorium on earmarks to this Act (sec. 1088)

The Senate amendment contained a provision (sec. 1085) that would express the sense of the Senate that the moratorium on congressional earmarks should be fully enforced in this Act.

The House bill contained no similar provision.

The House recesses with an amendment expressing the sense of Congress on the subject.

Technical Amendment (sec. 1089)

The Senate amendment contained a provision (sec. 1087) that would amend section 382 of title 10, United States Code, to conform the language to an amendment made by section 1075(b)(10) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The House recesses.

Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security (sec. 1090)

The Senate amendment contained a provision (sec. 1092) that would codify in statute the Memorandum of Understanding (MOU) that the Secretary of Defense and the Secretary of Homeland Security signed in September, 2010, to promote and guide cooperation between the two Departments on cybersecurity. The MOU and section 1092 are intended to set the terms under which

the two Departments will provide personnel, equipment, and facilities to enable collaboration in strategic planning, mutual support for capabilities development, and synchronization of operations.

The House bill contained no similar provision.

The House recesses.

Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information (sec. 1091)

The House bill contained a provision (sec. 1091) that would exempt certain Department of Defense critical infrastructure information from disclosure pursuant to section 552 of title 5, United States Code.

The Senate amendment contained a similar provision (sec. 1044(a)).

The Senate recesses with an amendment that would incorporate the Senate definition of critical infrastructure information and add transparency requirements and delegation limitations to the provision.

Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance (sec. 1092)

The House bill contained a provision (sec. 1092) that would modify the Department of Defense definition of "Humanitarian Demining Assistance" to include physical security, stockpile management, and explosive safety as components of assistance and training.

The Senate amendment contained a similar provision (sec. 1201).

The Senate recesses with a technical and clarifying amendment.

Number of Navy carrier air wings and carrier air wing headquarter (sec. 1093)

The House bill contained a provision (sec. 1094) that would require the Secretary of the Navy to maintain: (1) a minimum of 10 carrier air wings; and (2) for each such carrier air wing, a dedicated and fully staffed headquarters.

The Senate amendment contained no similar provision.
The Senate recesses.

Display on annual budget requirements for organizational clothing and individual equipment (sec. 1094)

The House bill contained a provision (sec. 1095) that would require the Secretary of Defense to include with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

The Senate amendment contained no similar provision.
The Senate recesses.

National Rocket Propulsion Strategy (sec. 1095)

The House bill contained a provision (sec. 1096), as stated in the House report accompanying H.R. 1540 (H. Rept. 112-78) of the National Defense Authorization Act for Fiscal Year 2012 that contains five findings concerning the reviews undertaken by the Department of Defense (DOD) of the solid rocket motor and liquid rocket engine propulsion industrial base, the reliance of multiple government agencies on this industrial base, the impact on the Department of Defense resulting from the end of the National Aeronautics and Space Administration Space Shuttle program and termination of the Constellation program, and the increasing cost of DOD systems that are in part due to the uncertainty in the industrial base. The section also requires the President to submit to the appropriate congressional committees a national rocket propulsion strategy for the United States and expresses the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple government agencies and requires the Administration's attention.

The Senate amendment contained a provision (sec. 1091) that requires the Secretary of Defense to include with the budget submission a long-term plan for maintaining a minimal production capability to produce intercontinental ballistic missile (ICBM) solid rocket motors.

The Senate recesses with an amendment that would add the long-range ICBM sustainment plan.

Grants to certain regulated companies for specified energy

property not subject to normalization rules (sec. 1096)

The House bill contained a provision (sec. 1099A) that would amend section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 (Public Law 111-5) for grants for energy property in lieu of tax credits.

The Senate amendment did not contain a similar provision.
The Senate recesses.

Unmanned aerial systems and national airspace (sec. 1097)

The House bill contained a provision (sec. 1098) that would require the Administrator of the Federal Aviation Administration to establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require that, for any project established by the Administrator under this authority, the Administrator ensures that the project is operational not later than 180 days after the date on which the project is established.

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 (sec. 1098)

The House bill contained a provision (sec. 722) that would reduce the frequency of reviews conducted by the Comptroller General of the United States as required by section 1701 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained a similar provision (sec. 1071).

The House recesses.

Legislative Provisions Not Adopted

Mitigation of national security threats along the border of the United States and Mexico

The House bill contained a provision (sec. 1015) that would state it is the sense of Congress that the Secretary of Defense

should take various actions to help other federal agencies mitigate security threats along the United States-Mexico border. The provision also would require the Defense Department to provide information on collaboration between the United States and Mexico to mitigate such threats.

The Senate amendment contained no similar provision.
The House recesses.

Report on policies and practices of the Navy for naming the vessels of the Navy

The Senate amendment contained a provision (sec. 1024) that would require the Secretary of Defense to submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

The House bill contained no similar provision.
The House recesses.

Definition of individual detained at Guantanamo

The House bill contained a provision (sec. 1031) that would define the term "individual detained at Guantanamo."

The Senate amendment contained no similar provision.
The House recesses.

Prohibition on family member visitation of individuals detained at Naval Station, Guantanamo Bay, Cuba

The House bill contained a provision (sec. 1038) that would prohibit the use of Department of Defense funds to facilitate family member visits to Guantanamo detainees.

The Senate amendment contained no similar provision.
The House recesses.

Management of Department of Defense installations

The Senate amendment contained a provision (sec. 1041) that would authorize the Secretary of Defense to: (1) prescribe regulations necessary for the protection and administration of Department of Defense property; and (2) designate military or civilian law enforcement officers for the purpose of enforcing such regulations.

The House bill contained no similar provision.
The Senate recesses.

Prohibition on United States citizenship for detainees repatriated to the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands

The House bill contained a provision (sec. 1043) that would prohibit individuals who had been held in detention at United States Naval Station, Guantanamo Bay, Cuba, and who have been repatriated to the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, from being afforded rights and benefits under the Compact of Free Association.

The Senate amendment contained no similar provision.

The House recesses.

Sense of Congress regarding the efforts by the Department of Defense to keep America safe from terrorist attacks since 9/11

The House bill contained a provision (sec. 1044) that would recognize the efforts of the Department of Defense to keep America safe since the attacks of September 11, 2001.

The Senate amendment contained no similar provision.

The House recesses.

Trial of foreign terrorists

The House bill contained a provision (sec. 1046) that would prohibit the trial of any foreign terrorist who is subject to trial by military commission by any court or tribunal other than a military commission.

The Senate amendment contained no similar provision.

The House recesses.

Business case analysis for Department of Defense efficiencies

The House bill contained a provision (sec. 1065) that would require the Comptroller General to assess the extent to which the Department of Defense conducted a business case analysis prior to recommending and implementing efficiencies initiatives.

The Senate amendment contained no similar provision.

The House recesses.

Biennial review of required reports

The House bill contained a provision (sec. 1072) that would require the Secretary of Defense to make recommendations to Congress, on a biennial basis, on reporting requirements that should be repealed.

The Senate amendment contained no similar provision.
The House recesses.

Report on homeland defense activities

The House bill contained a provision (sec. 1076) that would modify the requirement for reporting in years when no homeland defense assistance or activities take place.

The Senate amendment contained a similar provision (sec. 1067).

The House recesses. The conferees agree to include such changes in the subtitle of the bill regarding repeal and modification of reporting requirements.

Study on the recruitment, retention, and development of cyberspace experts

The Senate amendment contained a provision (sec. 1076) that would require an independent study examining the availability of military and civilian personnel for Department of Defense (DOD) cyberspace operations, identifying any gaps in meeting personnel needs, and recommending available mechanisms to fill such gaps, including permanent and temporary positions.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that DOD conducted an internal study of its cyberspace workforce at congressional direction in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The conferees agree that DOD's implementation of the results of that study should proceed for an additional period of time before an independent evaluation should be conducted.

The conferees also note that DOD is seeking approval through the interagency review process of a proposal for expedited hiring authority for cybersecurity personnel. This proposal will be evaluated in the context of the cyberspace personnel needs government-wide, and especially in the Department of Homeland Security, and the hiring authorities available to address them. The conferees support initiatives to

improve the expertise of government employees engaged in this critical area.

Report on certain unnecessary or unwanted Department of Defense programs

The House bill contained a provision (sec. 1078) that would require the Secretary of Defense to report to Congress on unnecessary or unwanted programs.

The Senate amendment contained no similar provision.

The House recesses.

Report on a Department of Defense recycling program for rare earth materials

The House bill contained a provision (sec. 1080) that would require the Secretary of Defense to prepare a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in the Department of Defense facilities, batteries, and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to prepare a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in Department of Defense facilities, batteries, and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

Report on National Guard and reserve components of the armed forces

The House bill contained a provision (sec. 1080A) that would require the Secretary of Defense to submit to the congressional defense committees a report on the National Guard and reserve components of the armed forces.

The Senate amendment contained no similar provision.

The House recesses.

Report on status of implementation of accepted recommendations in the final report of the 2010 Army Acquisition Review Panel

The Senate amendment contained a provision (sec. 1080) that would require a report on implementation of the recommendations of the Army Acquisition Review Panel.

The House bill contained no similar provision.

The Senate recesses.

The conferees are encouraged by recent improvements in the Army's analysis, planning, and management of its equipment modernization programs. However, the recommendations provided by the 2010 Army Acquisition Review Panel (also known as the Decker-Wagner Report) identify several areas for continued or additional improvement of modernization planning and execution. The conferees therefore direct that the Secretary of the Army provide the congressional defense committees with a detailed update on its implementation of those Panel recommendations that the Secretary has agreed to adopt. The conferees further direct that the Secretary periodically provide implementation update briefings to the congressional defense committees.

Comptroller General report on Department of Defense science and technology Programs

The Senate amendment contained a provision (sec. 1080E) that would require the Comptroller General of the United States to produce a report for the congressional defense committees examining redundancies, inefficiencies, and gaps in science and technology (S&T) programs.

The House bill contained no similar provision.

The Senate recesses.

In current times of fiscal austerity, the conferees firmly believe that all activities within the Department of Defense (DOD) must be reviewed to identify potential cost-savings and increase efficiencies. In the President's fiscal year (FY) 2012 budget request, over \$12.0 billion would be dedicated to 6.1 through 6.3 Science and Technology programs. This funding level is a little more than 2 percent of DOD's overall budget, and hence it is vital that S&T investments are most efficiently made across the spectrum from basic exploration of knowledge to advanced technology development for the next-generation of weapons systems. In addition, the conferees believe that there is potential within DOD's S&T activities to better align, consolidate, or eliminate lower priority programs.

The conferees note that in the report language accompanying S. 1235 (S. Rept. 112-26) of the National Defense Authorization

Act for Fiscal Year 2012 directed the Comptroller General to conduct a study of the effectiveness of the Department's various technology transition programs due no later than 1 year after the enactment of this Act. The conferees direct that the Comptroller General expand its study efforts in the area of defense S&T over the longer term and focus on non-basic research activities to conduct a holistic review of the Defense S&T enterprise, including its investment strategy, technology development and transition activities. In addition, the scope of this broader review should include the Department's S&T related interactions with industry and academia.

Comptroller General report on Science, Technology, Engineering, and Math initiatives

The Senate amendment contained a provision (sec. 1080F) that would require the Comptroller General of the United States to produce a report for the congressional defense committees examining Science, Technology, Engineering, and Math (STEM) programs within the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

The conferees firmly believe that the education of America's students in the STEM fields is vital to national security interests. In an increasingly globalized world, the United States is facing growing competition in technological advancement. Ensuring that the United States remains a leader in these areas will rest on the shoulders of current and future generations. Giving students the opportunities to excel in the STEM fields - from K-12 through post-graduate research - will guarantee our success as a world leader, and safeguard our national interests.

The conferees look forward to reviewing the current study being conducted by the Comptroller General on government-wide STEM educational initiatives, planned to be published early in 2012. The conferees strongly urge the Department of Defense to continue working in close collaboration with the Comptroller General to produce this report. The anticipated results of the study will help the conferees better understand the challenges ahead, and offer guidance on how to best assist the Department of Defense in developing and managing successful STEM educational programs, including the balance between K-12, undergraduate, graduate, and junior faculty programs.

Report on effects of changing flag officer positions within the Air Force Materiel Command

The Senate amendment contained a provision (sec. 1080I) that would require the Secretary of the Air Force to 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.

The House bill contained no similar provision.

The Senate recesses.

Sense of Congress regarding deployment of the National Guard to the southwestern border of the United States

The House bill contained a provision (sec. 1085) that would state it is the sense of Congress that the deployment of National Guard personnel along the southwestern border of the United States should continue through the end of fiscal year 2011.

The Senate amendment contained no similar provision.
The House recesses.

Rules of engagement for members of the armed forces deployed in designated hostile fire areas

The House bill contained a provision (sec. 1087) that would require the Secretary of Defense to ensure that the rules of engagement applicable to members of the armed forces assigned to duty in hostile fire areas fully protect the members' right to bear arms and authorize the members to fully defend themselves from hostile actions.

The Senate amendment contained no similar provision.

The House recesses.

The conferees acknowledge that rules of engagement applicable to members of the armed forces provide for self defense. However, the conferees also acknowledge that military commanders may restrict service members' ability to carry or employ weapons to achieve mission success. The conferees encourage the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to ensure that members of the armed forces serving in hostile fire areas have the means to exercise self defense to the maximum extent practicable and consistent with their mission.

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

The Senate amendment contained a provision (sec. 1088) that would require the Secretary of Defense and the Secretary of Transportation to jointly conduct a study to identify the legislative and regulatory actions that can be taken to facilitate the obtaining of commercial driver's licenses by former members of the armed forces who operated qualifying motor vehicles as members of the armed forces and to improve the transition of members of the armed forces into careers operating commercial motor vehicles in the private sector.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that another provision in this report requires 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 or qualification for duty specialty codes. The conferees encourage including the feasibility of obtaining a commercial driver's license as an element of this pilot program.

Acquisition and procurement exchanges between the United States and India

The Senate amendment contained a provision (sec. 1090) that would urge exchanges between acquisition and procurement officials of the Department of Defense and of the Government of India.

The House bill contained no similar provision.

The Senate recedes.

Nonetheless, the conferees believe that it is important to increase the mutual understanding between the United States and India regarding best practices in defense acquisition and procurement and urge the Secretary of Defense to establish exchanges between defense acquisition and procurement officials of the Department of Defense and defense officials in India.

Mandatory implementation of the standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for

International Development on matters of national security

The House bill contained a provision (sec. 1093) that would amend section 1054 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to require the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) to establish jointly a standing advisory panel to advise, review, and make recommendations on ways to improve coordination among the Department of Defense, the Department of State, and USAID on matters relating to national security, including reviewing their respective roles and responsibilities.

The Senate amendment contained no similar provision.

The House recesses.

Inclusion of religious symbols as part of military memorials

The House bill contained a provision (sec. 1097) that would amend chapter 21 of title 36, United States Code, to authorize the inclusion of religious symbols as part of a military memorial established or acquired by the U.S. Government or for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

The Senate amendment contained no similar provision.

The House recesses.

Report to Congress on maintenance, repair, and overhaul capability of Navy unmanned aerial systems

The House bill contained a provision (sec. 1098A) that would require the Secretary of the Navy to provide a report on efforts to establish maintenance, repair, and overhaul capability for Navy unmanned aerial systems.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that unmanned aerial systems have become vitally important to the national security. Therefore, the conferees direct the Secretary of Navy to report to the congressional defense committees, within 180 days of enactment of this Act, on the efforts being made to establish maintenance, repair, and overhaul capability for unmanned aerial systems.

Sense of Congress regarding the killing of Osama bin Laden

The House bill contained a provision (sec. 1099) that would express the sense of Congress regarding the killing of Osama bin Laden.

The Senate amendment contained no similar provision.

The House recesses.

Submittal of information regarding individuals detained at United States Naval Station, Guantanamo Bay, Cuba

The House bill contained a provision (sec. 1099B) that would require the Secretary of Defense, in coordination with the Attorney General and the Director of National Intelligence, to compile and provide to appropriate committees of Congress certain materials relating to current and former detainees at the United States Naval Station, Guantanamo Bay, Cuba.

The Senate amendment contained no similar provision.

The House recesses.

Sense of Congress regarding the recovery of the remains of certain members of the armed forces killed in Thurston Island, Antarctica

The House bill contained a provision (sec. 1099D) that would express the sense of Congress that the remains of service members killed at Thurston Island, Antarctica should be recovered and repatriated.

The Senate amendment contained no similar provision.

The House recesses.

Requirement that written communications from Congress be made public by Department of Defense

The House bill contained a provision (sec. 1099E) that would require the Department of Defense to make public any communication from a Member of Congress or congressional staff recommending the expenditure of funds from any program element identified in division D of this Act.

The Senate amendment contained no similar provision.

The House recesses.

Sense of Congress regarding deployment of armed forces without considerable deliberation

The House bill contained a provision (sec. 1099F) that would express the intent of Congress to debate thoroughly the deployment of the United States Armed Forces.

The Senate amendment contained no similar provision.
The House recesses.

Sense of Congress regarding the establishment of a Korean War National Museum

The House bill contained a provision (sec. 1099G) expressing the sense of Congress on the establishment of a Korean War Museum.

The Senate amendment did not contain a similar provision.
The House recesses.

Interagency Collaboration

The House bill contained a provision (sec. 1099H) that would direct the Department of Defense to collaborate with the Department of Homeland Security on equipment and technology that could be used by U.S. Customs and Border Protection to improve the security of the United States borders with Mexico and Canada.

The Senate amendment contained no similar provision.
The House recesses.

The conferees note that there is a broad program of collaboration between the Department of Defense and the Department of Homeland Security to identify equipment and technology that could be leveraged by the Department of Homeland Security to help fulfill its missions. The conferees note their strong interest in this collaboration and expect it to continue.

Designation of "Taps" as National Song of Remembrance

The House bill contained a provision (sec. 1099I) that would designate "Taps" as the National Song of Remembrance.

The Senate amendment contained no similar provision.
The House recesses.

Sense of Congress regarding United States Northern Command preparedness

The House bill contained a provision (sec. 1099J) that would state it is the sense of Congress that United States

Northern Command should enhance its capabilities and preparedness to provide defense support of civil authorities.

The Senate amendment contained no similar provision.

The House recesses.

Closing of National Drug Intelligence Center

The House bill contained a provision (sec. 1099M) that would close the National Drug Intelligence center by striking section 9078 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

The Senate amendment contained no similar provision.

The House recesses.

Sunken military craft

The House bill contained a provision (sec. 1099N) that would amend section 1408(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375).

The Senate amendment contained no similar provision.

The House recesses.

Proclamation for national day of honor to celebrate members of the armed forces returning from Iraq, Afghanistan, and other combat areas

The House bill contained a provision (sec. 1099O) that would require the President to designate a day entitled a National Day of Honor to celebrate members of the armed forces who are returning from deployment in support of Iraq, Afghanistan, and other combat areas.

The Senate amendment contained no similar provision.

The House recesses.

Additional budget items

The House bill included additional budget items (secs. 1601-1699M).

The Senate amendment contained no similar provisions.

The House recesses on all items except for sec. 1699F-1 which has been moved to title II.

Continuation as a permanent program and enhancement of

activities of Task Force for Emergency Readiness pilot program of the Federal Emergency Management Agency

The Senate amendment contained a provision (sec. 1604) that would require the Administrator of the Federal Emergency Management Agency to continue the Task Force for Emergency Readiness pilot program as a permanent program of the Agency.

The House bill contained no similar provision.

The Senate recesses.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Amendments to Department of Defense personnel authorities (sec. 1101)

The House bill contained a provision (sec. 1101) that would make technical amendments to Department of Defense authorities in section 9902 of title 5, United States Code.

The Senate amendment contained no similar provision.

The Senate recesses.

Provisions relating to Department of Defense performance management system (sec. 1102)

The House bill contained a provision (sec. 1102) that would make technical and clarifying amendments to the Department of Defense (DOD) performance management, training, and hiring authorities under section 9902 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recesses.

The conferees commend the Department for its efforts to bring together management and employee representatives in a joint effort, called "New Beginnings," to design a new performance management system and hiring process pursuant to section 9902. This joint labor-management effort appears to have paved the way for the successful implementation of significant improvements to the DOD personnel system.

Repeal of sunset provision relating to direct hire authority at demonstration laboratories (sec. 1103)

The House bill contained a provision (sec. 1103) that would repeal the sunset provision relating to direct hire authority at demonstration laboratories.

The Senate amendment contained a similar provision (sec. 905(a)).

The Senate recesses.

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas (sec. 1104)

The House bill contained a provision (sec. 1106) that would extend the authorization to waive limitations on federal civilian pay for persons working overseas.

The Senate amendment contained a similar provision (sec. 1107).

The House recesses.

Waiver of certain pay limitations (sec. 1105)

The House bill contained a provision (sec. 1107) that would amend section 9903 of title 5, United States Code, to authorize highly qualified experts assigned in support of a contingency operation to receive similar benefits and compensation as other federal civilian employees serving in support of a contingency operation. This includes premium pay or danger pay allowances, compensatory time off, and other appropriate compensation or allowances authorized under chapter 59 of title 5, United States Code.

The Senate amendment contained no similar provision.

The Senate recesses.

Services of post-combat case coordinators (sec. 1106)

The House bill contained a provision (sec. 1108) that would require the head of each agency to provide for the assignment of a post-combat case coordinator in the case of any employee of the agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of the employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

The Senate amendment contained no similar provision.

The Senate recesses.

*Authority to waive maximum age limit for certain appointments
(sec. 1107)*

The House bill contained a provision (sec. 1111) that would amend section 3307 of title 5, United States Code, to allow the Department of Defense to waive the hiring and retirement age limits for Federal law enforcement and fire fighter positions in certain circumstances.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require consultation with the Director of the Office of Personnel Management.

*Sense of Congress relating to pay parity for federal employees
serving at certain remote military installations (sec. 1108)*

The House bill contained a provision (sec. 1112) that would express the sense of Congress that the Office of Personnel Management and the Department of Defense should develop procedures for determining locality pay for employees of the Department of Defense in circumstances unique to such employees.

The Senate amendment contained no similar provision.

The Senate recesses.

Federal internship programs (sec. 1109)

The House bill contained a provision (sec. 1116) that would require the Office of Personnel Management to make publicly available on its website information on the availability of federal internship programs and to maintain a database of all individuals in such programs. In addition, each agency would be required to appoint an internship coordinator, conduct exit interviews and provide an annual report assessment on the internship program.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment to clarify the definitions of internship programs and to remove the database and reporting requirements.

The conferees encourage the Office of Personnel Management to consider the feasibility of developing a centralized database. The conferees expect that agencies would, as a normal part of the internship program, conduct exit interviews and

surveys to obtain data that would assist in improving the internship programs.

Extension and expansion of experimental personnel program for scientific and technical personnel (sec. 1110)

The Senate amendment contained a provision (sec. 1104) that would repeal the sunset provision for the experimental personnel management program established by section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), increase the number of positions allocated to the Defense Advanced Research Projects Agency (DARPA), and expand the program to include up to 10 new positions for the Director, Operational Test and Evaluation (DOT&E).

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the program until 2016, and grant 10 new positions to DOT&E.

The conferees recognize the specialized hiring needs of agencies requiring a highly technologically competent workforce, such as DARPA. The conferees are concerned, however, that increasing the number of available billets for this specialized hiring authority for DARPA does not have a solid analytic basis, and does not fully account for the other means by which skilled personnel can be hired, such as Highly Qualified Expert (HQE) and Intergovernmental Personal Act (IPA) authorities. The conferees encourage DARPA to develop a better analytical framework for comprehensively detailing and justifying the human resource needs of the Agency, and the means by which those needs will be addressed.

The conferees understand that the Department recently rescinded the delegation of authorities for civilian senior executive positions, including those for HQEs and IPAs, and are concerned about potential delays this might cause. To address those concerns, the conferees encourage DARPA to become a member of the working group established by the Washington Headquarters Service that was established to determine business procedures for HQE and IPA actions.

Furthermore, the conferees direct the Under Secretary of Defense for Personnel and Readiness and the Director of the Washington Headquarters Service, within 90 days of enactment of this Act, to provide the Armed Services Committees of the Senate and the House of Representatives with an implementation plan for the centralized appointment of HQE and IPA positions. Further, the conferees direct DARPA to provide a report to the Armed

Services Committees of the Senate and the House of Representatives on the hiring timelines for any HQE or IPA positions they may fill in fiscal year 2012.

Authority of the secretaries of the military departments to employ up to 10 persons without pay (sec. 1111)

The Senate amendment contained a provision (sec. 1101) that would amend section 1583 of title 5, United States Code, to authorize the secretaries of the military departments to employ without pay up to 10 persons of outstanding experience and ability.

The House bill contained no similar provision.

The House recesses.

Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone (sec. 1112)

The Senate amendment contained a provision (sec. 1106) that would authorize temporary discretionary authority to federal agencies to grant allowances, benefits, and gratuities to civilian employees on official duty in a combat zone.

The House bill contained no similar provision.

The House recesses.

Subtitle B-Other Matters

Modification of beneficiary designation authorities for death gratuity payable upon death of a United States government employee in service with the armed forces (sec. 1121)

The House bill contained a provision (sec. 1105) that would amend section 8102 of title 5, United States Code, to authorize a federal employee to designate anyone they choose to receive the entirety of a death gratuity if the employee dies of injuries incurred in connection with service with an armed force in a contingency operation.

The Senate amendment contained a similar provision (sec. 1105).

The House recesses.

Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive

program (sec. 1122)

The House bill contained a provision (sec. 1109) that would authorize the Secretary of Defense to waive repayment of the voluntary separation incentive pay (VSIP) for certain employees who accepted a reassignment with the Department of Defense during the period of June 1, 2004, to March 1, 2008, to support a declared national emergency related to terrorism or a natural disaster.

The Senate amendment contained a similar provision (sec. 1103).

The House recesses.

Extension of continued health benefits (sec. 1123)

The House bill contained a provision (sec. 1110) that would amend section 8905a of title 5, United States Code, to extend for 5 years the Department of Defense's authority to pay the government's share and administrative fees for Temporary Continuation of Coverage (TCC) health insurance premiums for former employees enrolled in TCC based on separation due to a reduction in force.

The Senate amendment contained a similar provision (sec. 1102).

The Senate recesses.

Disclosure of senior mentors (sec. 1124)

The House bill contained a provision (sec. 1114) that would require the Department of Defense to publicly disclose the names of senior mentors on a quarterly basis.

The Senate amendment contained no similar provision.

The Senate recesses.

Termination of Joint Safety Climate Assessment System (sec. 1125)

The House bill contained a provision (sec. 1115) that would terminate the Joint Safety Climate Assessment System of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recesses.

Legislative Provisions Not Adopted

Denial of certain pay adjustments for unacceptable performance

The House bill contained a provision (sec. 1104) that would prohibit certain salary adjustments for employees who fail to achieve satisfactory performance ratings.

The Senate amendment contained no similar provision.

The House recesses.

Reports by Office of Special Counsel

The House bill contained a provision (sec. 1113) that would modify reporting requirements for the Office of Special Counsel under section 1213 of title 5, United States Code.

The Senate amendment contained no similar provision.

The House recesses.

**TITLE XII—MATTERS RELATING TO FOREIGN
NATIONS**

Subtitle A—Assistance and Training

Commanders' Emergency Response Program in Afghanistan (sec. 1201)

The House bill contained a provision (sec. 1212) that would authorize the use of up to \$425.0 million for fiscal year 2012 to support the activities of the Commanders' Emergency Response Program (CERP) in Afghanistan. The provision would require the Secretary of Defense to provide the congressional defense committees quarterly reports on CERP activities and notification prior to the initiation of any individual CERP project with an anticipated cost of \$5.0 million or more.

The Senate amendment contained a similar provision (sec. 1202) which would extend the authority to support CERP activities in Afghanistan during fiscal year 2012 and authorize up to \$400.0 million for the Afghanistan CERP.

The Senate recesses with an amendment that would authorize \$400.0 million for CERP activities in Afghanistan and make technical amendments.

Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for

personnel protection and survivability (sec. 1202)

The House bill contained a provision (sec. 1205) that would extend for 3 years, through September 30, 2014, the temporary authority under section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended, for the Secretary of Defense to loan or lease certain equipment for personnel protection to the military forces of partner nations for use in coalition operations or in pre-deployment training for such operations.

The Senate amendment contained a similar provision (sec. 1203).

The Senate recesses.

Extension and expansion of authority for support of special operations to combat terrorism (sec. 1203)

The House bill contained a provision (sec. 1201) that would increase the amount of funds available to the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism from \$45.0 million to \$50.0 million, extend the authority through 2014, and require a report to clarify future requirements.

The Senate amendment included a provision (sec. 1205) that would extend the authority of the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism through 2017.

The Senate recesses with an amendment that would extend the authority through 2015 and require a report to clarify future requirements.

Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1204)

The House bill contained a provision (sec. 1202) that would extend by 1 year, through September 30, 2013, the authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended, for the Secretary of Defense, with the concurrence of the Secretary of State, to conduct a program to build the capacity of foreign military forces. The provision would increase the amount

authorized each fiscal year for these purposes to \$400.0 million. The provision would also add a requirement to report annually on the implementation of the section 1206 authority during the previous fiscal year.

The Senate amendment contained a provision (sec. 1206) that would limit the amount of funds available during fiscal year 2012 for programs under the section 1206 authority to \$100.0 million until the Secretaries of Defense and State jointly 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).

The Senate recedes with an amendment that would maintain the authorized annual funding level for the section 1206 program at the current level of \$350.0 million. It would also include a clarifying amendment regarding the annual reporting requirement on the implementation of the section 1206 authority.

The conferees note that the Department of Defense is authorized to use up to \$100.0 million under the section 1206 program to build the capacity of foreign military forces to participate in or support stabilization operations in which the United States Armed Forces are a participant, including building the capabilities of special operations forces. Separately, the conferees note that the North Atlantic Treaty Organization (NATO) special operations forces are making important contributions to Operation Enduring Freedom (OEF). The conferees support the President's fiscal year 2012 base budget request of \$28.7 million in the Army Operation and Maintenance account for the NATO Special Operations Headquarters (NSHQ) and believe that nothing in this Act precludes the Secretary of Defense from supporting the activities of the NSHQ using Overseas Contingency Operations funding for OEF in fiscal year 2012. The conferees encourage the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a legislative proposal for fiscal year 2013 that would authorize necessary and recurring Department of Defense support for the NSHQ in future years.

Two-year extension of authorization for non-conventional assisted recovery capabilities (sec. 1205)

The House bill contained a provision (sec. 1203) that would extend the authority of the Department of Defense to establish, develop, and maintain non-conventional assisted recovery capabilities through 2016.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would extend the authority through 2013 and modify the notification and reporting requirements associated with the authority. The required report will be submitted to the congressional defense committees as part of the recurring classified quarterly report required by section 8062 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10), section 8060 of H.R.2219 the Department of Defense Appropriations Act, 2012, as passed in the House of Representatives, and section 8060 of H.R.2219 the Department of Defense Appropriations Act, 2012, as reported in the Senate.

Support of foreign forces participating in operations to disarm the Lord's Resistance Army (sec. 1206)

The Senate amendment contained a provision (sec. 1209) that would - pursuant to the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172) - authorize, for 2 fiscal years, the Department of Defense to obligate not more than \$35.0 million in each fiscal year in operation and maintenance funding to provide logistical support, services and supplies, and intelligence support to: (1) the national military forces of Uganda participating in operations to mitigate or eliminate the threat posed by the Lord's Resistance Army (LRA); and (2) the national military forces of any other countries determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in operations to mitigate or eliminate the threat posed by the LRA.

The House bill contained no similar provision.

The House recesses with an amendment that would: strike intelligence support and limit the authority to the provision of logistical support, services, and supplies to foreign forces; modify the notification to Congress to 15 days prior to utilizing this authority; and strike the quarterly reporting requirement.

Global Security Contingency Fund (sec. 1207)

The House bill contained a provision (sec. 1204) that would authorize the Secretary of State, with the concurrence of the Secretary of Defense, to establish a fund, to be known as the Global Security Contingency Fund (GSCF), to provide assistance

to a foreign country to enhance the capabilities of that country's military forces and other security forces. The provision would limit the amount of funds that could be contributed to the fund to not more than \$300.0 million for each of the fiscal years 2012 through 2015. The provision would also require the Secretary of State, with the concurrence of the Secretary of Defense, to notify Congress not less than 15 days before initiating a program under the GSCF.

The Senate amendment contained a similar provision (sec. 1207) that would establish the GSCF to be used to provide assistance to a foreign country to build the capabilities of the country's military and other security forces and to enhance the justice sector, rule of law programs, and stabilization efforts under conditions of conflict or instability. The provision would limit the total amount of funds appropriated and transferred to the Fund in any fiscal year to not more than \$300.0 million.

The House recedes with an amendment that would limit the total amount that the Department of Defense may transfer into the GSCF in any fiscal year to \$200.0 million. The provision would also provide authority during the period prior to when the processes for implementing the GSCF authority are fully operational for the Secretary of Defense to provide assistance to certain security forces of Yemen and of countries in the Horn of Africa or participating in the African Union Mission in Somalia to conduct counterterrorism operations. The total amount of funds available for activities under these transitional authorities and the GSCF authority may not exceed \$350.0 million during fiscal year 2012. In addition, the total amount of funds available under the GSCF authority for any fiscal year after fiscal year 2012 would be limited to \$300.0 million.

Subtitle B-Matters Relating to Iraq, Afghanistan, and Pakistan

Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan (sec. 1211)

The Senate amendment contained a provision (sec. 1221) that would extend for 1 year the authority under section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public

Law 110-181), as amended, to provide logistical support for coalition forces supporting operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recesses with a technical amendment.

One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan (sec. 1212)

The Senate amendment contained a provision (sec. 1222) that would extend for 1 year, through December 31, 2012, the authority under section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-81; 123 Stat. 2533), as amended, to transfer defense articles being withdrawn from Iraq to the Iraq security forces or the Afghanistan security forces, and to provide defense services in connection with the transfer of those defense articles.

The House bill contained no similar provision.

The House recesses.

One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1213)

The House bill contained a provision (sec. 1213) that would extend for 1 year the authority under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended, for the Secretary of Defense to reimburse key cooperating nations for support provided to or in connection with U.S. military operations in Operation Enduring Freedom ("Coalition Support Fund" authority). The total amount of reimbursements authorized under this section during fiscal year 2012 would be limited to \$1.6 billion.

The Senate amendment contained a similar provision (sec. 1226) that would extend the Coalition Support Fund authority for 1 year and limit the total amount of reimbursements authorized for fiscal year 2012 to \$1.75 billion.

The House recesses with an amendment that would limit the total amount of Coalition Support Fund reimbursements for fiscal year 2012 to \$1.69 billion.

Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan (sec. 1214)

The House bill contained a provision (sec. 1218) that would prohibit the use of funds authorized to be appropriated by this Act to establish any military installation or base for the purpose of providing for permanently stationing United States Armed Forces in Iraq or Afghanistan.

The Senate amendment contained no similar provision.
The Senate recesses.

Authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1215)

The House bill contained a provision (sec. 1216) that would authorize the Secretary of Defense to use funds available to the Department of Defense (DOD) to support the operations and activities of the Office of Security Cooperation in Iraq (OSC-I), including life support, transportation and personal security, and facilities renovation and construction.

The Senate amendment contained a similar provision (sec. 1228) that would authorize the use of DOD funds to support the operations and activities of the OSC-I and security assistance teams. The provision would limit the total amount of funds available for these purposes to \$524.0 million.

The House recesses with an amendment that would clarify the Senate provision and require a report by the Secretary of Defense, not later than 180 days after the date of enactment of this Act, on the activities of the OSC-I.

One-year extension of authority to use funds for reintegration activities in Afghanistan (sec. 1216)

The House bill contained a provision (sec. 1086) that would provide a 1 year extension of the authority under section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to use up to \$50.0 million to support a program for the reintegration of former insurgent fighters into Afghan society.

The Senate amendment contained a similar provision (sec. 1224).

The House recesses.

Authority to establish a program to develop and carry out infrastructure projects in Afghanistan (sec. 1217)

The House bill contained a provision (sec. 1211) that would

provide a 1 year extension of the authority under section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) for a program to develop and carry out infrastructure projects in Afghanistan, to be funded by the Afghanistan Infrastructure Fund (AIF). The provision would authorize up to \$475.0 million for the AIF.

The Senate amendment contained a similar provision (sec. 1225) that would provide up to \$400.0 million for the AIF.

The Senate recesses with an amendment that would authorize up to \$400.0 million for the AIF and make technical changes.

Two-year extension of certain reports on Afghanistan (sec. 1218)

The House bill contained a provision (sec. 1223) that would extend through the end of fiscal year 2014 the requirement under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) for a report on the progress toward security and stability in Afghanistan.

The Senate amendment contained a provision (sec. 1227) that would extend through the end of fiscal year 2014 the requirement to provide a report under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) and the requirement under section 1231 of that Act to provide a report on the long-term plan for sustaining the Afghanistan National Security Forces.

The House recesses.

Limitation on availability of amounts for reintegration activities in Afghanistan (sec. 1219)

The House bill contained a provision (sec. 1219) that would permit no more than 75 percent of amounts available for the Afghanistan Infrastructure Fund for fiscal year 2012 to be used to assist the Government of Afghanistan unless the Secretary of Defense, in consultation with the Secretary of State, certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Government of Afghanistan and the Taliban.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would restrict the availability of more than 50 percent of the funds authorized for a program of reintegration under another section of this title unless the certification under this provision is made.

Extension and modification of Pakistan Counterinsurgency Fund (sec. 1220)

The House bill contained a provision (sec. 1214) that would extend for 1 year the authority under section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), as amended, regarding the use of the Pakistan Counterinsurgency Fund (PCF) to build the capabilities of the Pakistan security forces. The provision would also restrict the amount of PCF funds that could be obligated in a fiscal year to not more than 25 percent of funds appropriated or transferred to the PCF until a report is submitted to Congress on the strategy for utilizing the PCF and metrics for measuring progress.

The Senate amendment contained a provision (sec. 1223) that would extend the authority regarding the use of the PCF for 1 year.

The Senate recedes with an amendment that would allow up to 40 percent of amounts appropriated or transferred to the PCF during fiscal year 2012 to be obligated prior to the submission of the report to Congress on a strategy and metrics for the PCF. The amendment would also require the report to include a strategy for enhancing Pakistan's efforts to counter improvised explosive devices (IED) and information on whether Pakistan is making significant efforts to implement a strategy to counter IEDs.

The conferees encourage the Secretary of Defense to make available a copy of the report required under this section to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan (sec. 1221)

The Senate amendment contained a provision (sec. 1229) that would require the President to set benchmarks for evaluating progress being made in Afghanistan toward transitioning and transferring lead responsibility for security to the Government of Afghanistan, and to report regularly to Congress on those benchmarks. The provision would also require the President to develop a transition plan for expediting the drawdown of U.S.

troops and accelerating the transfer of authority to the Government of Afghanistan.

The House bill contained no similar provision.

The House recesses with an amendment that would require the President to establish and update regularly options to accelerate the expansion of the capacity of Afghan National Security Forces with the goals of enabling the Government of Afghanistan to assume lead security responsibility, achieving U.S. national security objectives in Afghanistan, and enabling the United States to move to an enduring partnership with Afghanistan. The provision would also require the President to establish benchmarks to evaluate progress toward these goals and regularly report to Congress on those benchmarks.

Subtitle C-Reports and Other Matters

Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom (sec. 1231)

The Senate amendment contained a provision (sec. 1231) that would require the Secretary of Defense to 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 Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

Review and report on Iran's and China's conventional and anti-access capabilities (sec. 1232)

The House bill contained a provision (sec. 1221) that would require the Secretary of Defense to appoint an entity outside the Department of Defense to conduct an independent review of gaps between Iran's and China's conventional and anti-access capabilities and the United States' capability to overcome them.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would direct the Comptroller General of the United States to conduct the review.

Report on energy security of NATO alliance (sec. 1233)

The House bill contained a provision (sec. 1222) that would require the Secretary of Defense to direct a federally funded research and development center (FFRDC) of the Department of Defense to assess the energy security of the North Atlantic Treaty Organization (NATO) alliance. The provision would also require the Secretary of Defense to report to Congress on the results of the assessment by the FFRDC.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense, in consultation with the Secretary of State and the Secretary of Energy, to report on the efforts by the Department of Defense, including within NATO, to address the energy security of the NATO alliance.

Comptroller General of the United States report on the National Guard State Partnership Program (sec. 1234)

The Senate amendment contained a provision (sec. 1242) that would direct the Comptroller General of the United States to conduct a review of the effectiveness of the National Guard State Partnership Program and provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives no later than March 31, 2012.

The House bill contained no similar provision.

The House recesses.

Man-portable air-defense systems originating from Libya (sec. 1235)

The Senate amendment contained a provision (sec. 1243) that would direct the Intelligence Community to complete an intelligence assessment of the disposition of man-portable air-defense systems (MANPADS) in Libya. Following the completion of the intelligence assessment, the provision would require the President to develop a strategy to reduce and mitigate the threat posed from MANPADS.

The House bill contained no similar provision.

The House recesses.

Report on military and security developments involving the Democratic People's Republic of Korea (sec. 1236)

The House bill contained a provision (sec. 1224) that would

require the Secretary of Defense to report on military and security developments in North Korea. The provision would require two reports: one due on March 1, 2012, and the other due on March 1, 2013.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a single report, due to specified committees of the Senate and the House of Representatives on November 1, 2012.

Sense of Congress on non-strategic nuclear weapons and extended deterrence policy (sec. 1237)

The House bill contained a provision (sec. 1230) that would prohibit any action from being taken to effect or to implement the reduction, consolidation, or withdrawal of nuclear forces of the United States that are based in Europe. The provision included two exceptions to this prohibition. First, the reduction, consolidation, or withdrawal of such nuclear forces would be allowed if such action is requested by the government of the host nation. Second, an exception would be allowed if the President certifies that North Atlantic Treaty Organization (NATO) member states have considered the reduction, consolidation, or withdrawal within the NATO High Level Group; that NATO has decided to support the reduction, consolidation, or withdrawal; and that the remaining nuclear forces of the United States that are based in Europe after such reduction, consolidation, or withdrawal would provide a commensurate or better level of assurance and credibility as before. The provision would require that upon any decision to reduce, consolidate, or withdraw nuclear forces of the United States from Europe, the President must submit to the appropriate congressional committees a notification of the certification described above. The certification must contain a justification for the reduction and an assessment of how NATO member states, in light of such action, assess the credibility of the deterrence capability of the United States in support of its commitments under article 5 of the North Atlantic Treaty of 1949. This provision would require the expiration of a 180 day wait period beginning on the date that the President makes the certification described above before the President may commence a reduction, consolidation, or withdrawal.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress on non-strategic nuclear weapons and extended

deterrence policy. It states that if the United States pursues arms control negotiations with the Russian Federation, such negotiations should be aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear weapons and increased transparency of such weapons. It also states that for the purposes of such negotiations, non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia and that geographical relocation and consolidated or centralized storage of non-strategic nuclear weapons by Russia should not be considered a reduction or elimination of such weapons.

Regarding extended deterrence, the provision states that it is the sense of Congress that the commitment of the United States to extended deterrence in Europe and the nuclear alliance of NATO is an important component of ensuring and linking the national security of the United States and its European allies. Finally, it would express the sense of Congress that the nuclear forces of the United States are a key component of the NATO nuclear alliance and that the presence of United States nuclear weapons in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

Annual report on Military and Security Developments involving the People's Republic of China (sec. 1238)

The House bill contained a provision (sec. 1227) that would further amend subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) to include additional information in the annual report to Congress and to change the title of the report.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would retain the current title of the report.

Report on expansion of participation in Euro-NATO Joint Jet Pilot Training Program (sec. 1239)

The House bill contained a provision (sec. 1232) that would require the Secretary of the Air Force, in consultation with the Secretary of State, to submit a report to Congress on the desirability and feasibility of expanding the participation of

foreign countries in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment that would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report on expanding the ENJJPT program. The conferees encourage the Secretary of Defense also to consult with the Secretary of the Air Force in preparing the report required under this section.

Report on Russian nuclear forces (sec. 1240)

The House bill contained a provision (sec. 1235) that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to submit a report to the appropriate congressional committees not later than March 1, 2013, on the nuclear forces of the Russian Federation and the New START Treaty. The provision would require the report to include an assessment of the number of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022; options with respect to the size and composition of Russian nuclear forces that Russia is considering; factors that are likely to influence the number and composition of Russian nuclear forces; and effects of shifts in the number and composition of Russian nuclear forces on strategic stability. The report would be required to be submitted in unclassified form, but may include a classified annex.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment.

The conferees note that if information that addresses this requirement already exists, the Secretary need only provide the committees listed in this section with this information to fulfill the requirement of this section.

Report on progress of the African Union in operationalizing the African Standby Force (sec. 1241)

The Senate amendment contained a provision (sec. 1241) that would direct the Under Secretary of Defense for Policy to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on progress of the African Union in operationalizing the African Standby Force. This report shall be provided no later than 180 days after the date of enactment of this Act.

The House bill contained no similar provision.
The House recesses.

Defense Cooperation with Republic of Georgia (sec. 1242)

The Senate amendment contained a provision (sec. 1244) that would require the President to develop and submit to Congress a plan for the normalization of U.S. defense cooperation with the Republic of Georgia, including the sale of defensive arms.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

The conferees understand normalization of U.S. defense cooperation to mean strengthening the Republic of Georgia's capacity to provide for its own self-defense, including through the U.S. sale of defensive arms, and continuing to enhance the ability of the United States and the Republic of Georgia to meet common international defense objectives in partnership together, including regional security.

Prohibition on procurements from Communist Chinese military companies (sec. 1243)

The House bill contained a provision (sec. 1234) that would amend section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) by adjusting the waiver provision and modifying the definition of Communist Chinese military company.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would only adjust the waiver provision.

Sharing of classified United States ballistic missile defense information with the Russian Federation (sec. 1244)

The House bill contained a provision (sec. 1228) that would prohibit the availability of funds made available to carry out this Act from being used to provide sensitive ballistic missile defense technology or data of the United States to the Russian Federation. The provision would also limit the availability of funds to provide other ballistic missile defense technology or data of the United States to the Russian Federation unless the President submits a report and a certification, not less than 30 days in advance, to the appropriate congressional committees.

The Senate amendment contained a related provision (sec.

233) that would state it is the sense of Congress that it is in the national security interests of the United States to pursue efforts at missile defense cooperation with Russia that would enhance security, including the sharing of classified United States information. The provision would also require a report on the status of such efforts.

The conferees agree to a provision that would require that no classified United States ballistic missile defense information may be provided to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification to the appropriate congressional committees. The provision would specify the elements required of each such notification.

Imposition of sanctions with respect to the financial sector of Iran (sec. 1245)

The Senate amendment contained a provision (sec. 1245) that would require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) permit the President - in addition to prohibiting - to impose strict conditions on the maintaining of a correspondent account or payable-through account by a foreign financial institution that has dealings with the Central Bank of Iran; (2) add the Secretary of State and the Director of National Intelligence to the report required with respect to petroleum sanctions; (3) modify the Presidential waiver to a national security interest waiver; and (4) provide the President with the authority to implement and enforce penalties associated with the provision.

The conferees intend that implementation be undertaken to conform with the timelines established by this section.

Legislative Provisions Not Adopted

Conditional extension and modification of authority to build the capacity of counterterrorism forces of Yemen

The Senate amendment contained a provision (sec. 1204) that would extend, for 1 fiscal year, the authority of the Secretary of Defense, with the concurrence of the Secretary of State, to build the capacity of the Yemen Ministry of Interior

counterterrorism forces if the Secretary of Defense and Secretary of State jointly certify that such activities are important to the national security interests of the United States. The provision would also require the Secretary of Defense and Secretary of State to provide a report with the certification that would provide the reasons the administration deemed the delivery of such assistance and assistance provided to Yemen's national military forces under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) important to the national security interests of the United States, as well as establish a 60-day "notice and wait" period for the provision of assistance. The provision would also permit the Department to expend not more than \$10.0 million per fiscal year on minor military construction projects outside of Sana'a--the capital of Yemen, and Sana'a Governorate.

The House bill contained no similar provision.

The Senate recedes.

The conferees integrated this provision into the global security contingency fund created under a different section of this Act as a transitional authority.

Interagency working group on foreign police training

The House bill contained a provision (sec. 1206) that would establish an interagency working group to monitor, coordinate, and unify foreign police training, projects, and activities of various federal departments and agencies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the section 1235(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) required a "report on government police training and equipping programs." This report is due on January 7, 2012. The conferees look forward to reviewing this report and considering future action on this matter.

Authority to build the capacity of certain counterterrorism forces of East African countries

The Senate amendment contained a provision (sec. 1208) that would authorize, for 2 fiscal years, the Secretary of Defense, with the concurrence of the Secretary of State to build the capacity of the national military forces, security agencies that serve a similar defense function, and border security forces of

Djibouti, Ethiopia, and Kenya, and the national military forces of nations participating in the African Union Mission in Somalia for the purpose of conducting counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab in East Africa.

The House bill contained no similar provision.

The Senate recesses.

The conferees integrated this provision into the global security contingency fund created under a different section of this Act as a transitional authority.

Report on extension of United States-Iraq Status of Forces Agreement

The House bill contained a provision (sec. 1215) that would require the Secretary of Defense to notify the congressional defense committees if the U.S. Government and the Government of the Republic of Iraq complete an agreement to permit the United States to retain a force presence in Iraq above that envisioned for the Office of Security Cooperation-Iraq.

The Senate amendment contained no similar provision.

The House recesses.

Report on United States military strategy in Afghanistan in light of the Death of Osama Bin Laden

The House bill contained a provision (sec. 1217) that would require the Secretary of Defense to submit a report to the congressional defense committees on the U.S. military strategy in Afghanistan, including any changes to that strategy in light of the death of Osama bin Laden.

The Senate amendment contained no similar provision.

The House recesses.

National security risk assessment of United States federal debt owned by the People's Republic of China

The House bill contained a provision (sec. 1225) that would require the Secretary of Defense, in consultation with the Director of National Intelligence, to conduct an assessment of the national security risks posed to the United States and its allies as a result of the debt owed to China.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to provide an assessment of the national security risks posed to the United States as a result of the United States federal debt owed to China as a creditor of the United States Government and the implications of that debt for the United States military. The assessment shall include a description of the United States federal debt liabilities owed to China as a creditor of the United States and a discussion of any options available to China for deterring United States military freedom of action in the western Pacific as a result of this debt. This assessment shall be provided not later than 120 days after enactment of this Act, should be provided in written form to the Committees on Armed Services of the Senate and the House of Representatives, and may contain a classified annex if necessary. In preparing this assessment, the Secretary should consult with other members of the Executive Branch, as necessary, including the Director of National Intelligence.

Congressional notification requirement before permanent relocation of any United States military unit stationed outside the United States

The House bill contained a provision (sec. 1226) that would require the Secretary of Defense, prior to relocating any military unit stationed outside the United States, to submit to Congress a written notification and detailed report relating to the planned relocation.

The Senate amendment contained no similar provision.

The House recesses.

International agreements relating to missile defense

The House bill contained a provision (sec. 1229) that would establish policy and conditions related to international agreements relating to limitations on the missile defense capabilities of the United States.

The Senate amendment contained no similar provision.

The House recesses.

Certification requirement regarding efforts by Government of Pakistan to implement a strategy to counter improvised explosive devices

The Senate amendment contained a provision (sec. 1230) that

would provide that prior to the use of funds from the Pakistan Counterinsurgency Fund, the Secretary of Defense, in consultation with the Secretary of State, should certify 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 making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IED).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the report required under another section of this title to be submitted in connection with the use of the Pakistan Counterinsurgency Fund includes a requirement for a strategy to enhance the efforts of Pakistan to counter IEDs and information on whether Pakistan is demonstrating a continuing commitment to and making significant efforts toward implementing a strategy to counter IEDs.

Rule of construction relating to the situation in Libya

The House bill contained a provision (sec. 1231) that would conclude that nothing in the House bill shall be construed to authorize military operations in Libya.

The Senate amendment contained no similar provision.

The House recedes.

Report on long-term costs of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Odyssey Dawn

The House bill contained a provision (sec. 1233) that would require the President to report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Odyssey Dawn.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on United States ground combat presence in Libya

The House bill contained a provision (sec. 1236) that would prohibit the presence of ground combat troops in Libya.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of the United States Institute of Peace Act

The House bill contained a provision (sec. 1237) that would repeal the United States Institute of Peace Act (title XVII of Public Law 98-525; 22 U.S.C. 4601 et seq.).

The Senate amendment contained no similar provision.
The House recesses.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Specification of Cooperative Threat Reduction programs and funds (sec. 1301)

The House bill contained a provision (sec. 1301) that would define the programs and funds that are Cooperative Threat Reduction (CTR) programs and funds as those authorized to be appropriated in section 301 of this Act and specify that CTR funds shall remain available for obligation for 3 fiscal years.

The Senate amendment contained an identical provision.
The conference agreement includes the provision.

Funding allocations (sec. 1302)

The House bill contained a provision (sec. 1302) that would provide specific amounts for each program element under the Department of Defense Cooperative Threat Reduction (CTR) Program from within the overall \$508.2 million that the committee would authorize for the CTR program, require notification to Congress 15 days before the Secretary of Defense obligates and expends fiscal year 2012 funds for purposes other than those specifically authorized, and provide limited authority to obligate amounts for a program element under the CTR program in excess of the amount specifically authorized for that purpose.

The Senate amendment contained an identical provision (sec. 1302).

The conference agreement includes this provision.

Limitation on availability of funds for cooperative biological engagement program (sec. 1303)

The House bill contained a provision (sec. 1303) that would limit funds that may be obligated or expended for fiscal year 2012 for the cooperative biological engagement program (CBEP) to

not more than 75 percent of the amounts authorized or otherwise available, until the date on which the Secretary of Defense submits to the appropriate congressional committees an analysis of the effectiveness of CBEP, a certification that CBEP results in changed practices and threat reduction, or a detailed list of policy and program recommendations considered by the Secretary to be necessary to modify, expand, or curtail CBEP.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would limit the amount to be obligated to not more than 80 percent.

Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union (sec. 1304)

The Senate amendment contained a provision (sec. 1303) that would prohibit the Secretary of Defense from obligating or expending more than \$0.5 million of Cooperative Threat Reduction (CTR) funds to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Secretary of Defense submits to the congressional defense committees a report on the particular center to be established. The report shall identify the country where the center would be established, the purpose for which the center would be used, the agreement under which the center would operate, and the funding plan for the center including any cost sharing arrangement.

The House bill contained no similar provision.

The House recesses.

TITLE XIV-OTHER AUTHORIZATIONS

Subtitle A-Military Programs

Working capital funds (sec. 1401)

The House bill contained a provision (sec. 1401) that would authorize appropriations for fiscal year 2012 for working capital and revolving funds.

The Senate amendment contained a similar provision (sec. 1401).

The Senate recesses.

National Defense Sealift Fund (sec. 1402)

The House bill contained a provision (sec. 1402) that would authorize appropriations for fiscal year 2012 for the National Defense Sealift Fund.

The Senate amendment contained a similar provision (sec. 1402).

The Senate recesses.

Chemical agents and munitions destruction, defense (sec. 1403)

The House bill contained a provision (sec. 1403) that would authorize appropriations for fiscal year 2012 for chemical agents and munitions destruction, defense.

The Senate amendment contained a similar provision (sec. 1404).

The Senate recesses.

Drug interdiction and counterdrug activities, defense-wide (sec. 1404)

The House bill contained a provision (sec. 1404) that would authorize appropriations for fiscal year 2012 for drug interdiction and counterdrug activities, defense-wide.

The Senate amendment contained a similar provision (sec. 1405).

The Senate recesses.

Defense Inspector General (sec. 1405)

The House bill contained a provision (sec. 1405) that would authorize appropriations for fiscal year 2012 for the Office of the Inspector General of the Department of Defense.

The Senate amendment contained a similar provision (sec. 1406).

The Senate recesses.

Defense Health Program (sec. 1406)

The House bill contained a provision (sec. 1406) that would authorize appropriations for fiscal year 2012 for the Defense Health Program.

The Senate amendment contained a similar provision (sec. 1403).

The Senate recesses.

Subtitle B-National Defense Stockpile

Authorized uses of National Defense Stockpile funds (sec. 1411)

The House bill contained a provision (sec. 1411) that would authorize \$50.1 million from the National Defense Stockpile Transaction fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2012. This provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after congressional notification.

The Senate amendment contained an identical provision (sec. 1411).

The conference agreement includes this provision.

Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile (sec. 1412)

The House bill contained a provision (sec. 1412) that would amend section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), as amended, to increase the Department of Defense stockpile commodity disposal authority from \$730.0 million to \$830.0 million, and to extend this authority from 2013 to 2016.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Subtitle C-Other Matters

Authorization of appropriations for Armed Forces Retirement Home (sec. 1421)

The House bill contained a provision (sec. 1431) that would authorize \$67.7 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2012.

The Senate amendment contained an identical provision (sec. 1421).

The conference agreement includes this provision.

Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration

Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1422)

The House bill contained a provision (sec. 1432) that would authorize the Secretary of Defense to transfer \$135.6 million from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained a similar provision (sec. 1431).

The Senate recesses.

Legislative Provisions Not Adopted

Changes to management organization to the Assembled Chemical Weapons Alternative program

The House bill contained a provision (sec. 1421) that would amend section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) to eliminate the requirement for the program manager for the Assembled Chemical Weapons Alternative (ACWA) program to act independently of the Army program manager for Chemical Demilitarization and to report to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The provision would also require the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs to provide a briefing on ways that lessons learned from Army Chemical Materials Agency operations could be applied to the ACWA program.

The Senate amendment contained no similar provision.

The House recesses.

The conferees agree that the Army Chemical Materials Agency has developed great expertise in the demilitarization of chemical weapons that could be highly beneficial to the ACWA program. The conferees expect the Department of Defense to assess and, to the extent practicable, implement opportunities to leverage such expertise to maximize ACWA program effectiveness, without changing the management structure for the ACWA program.

Amendment of Armed Forces Retirement Home Act of 1991

The Senate amendment contained a provision (sec. 1422) that would clarify that any amendments or repeals in this Act made in reference to the Armed Forces Retirement Home be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XI of Public Law).

The House bill contained no similar provision.
The Senate recesses.

Annual validation of multiyear accreditation

The Senate amendment contained a provision (sec. 1423) that would require the Chief Operating Officer of the Armed Forces Retirement Home, if accreditation is granted to the Home for more than 1 year, to seek validation of the accreditation for every year that the Department of Defense Inspector General does not conduct an inspection of the Home.

The House bill contained no similar provision.
The Senate recesses.

Mission force enhancement transfer fund

The House bill contained a provision (sec. 1433) that would: (1) establish a fund known as the "Mission Force Enhancement Transfer Fund"; (2) authorize \$348.3 million for the Fund, consisting of the amount of funds not needed to carry out projects identified elsewhere in the bill; and (3) define the purposes for which the Secretary of Defense could make transfers from the Fund.

The Senate amendment contained no similar provision.
The House recesses.

**TITLE XV—AUTHORIZATION OF ADDITIONAL
APPROPRIATIONS FOR OPERATION IRAQI FREEDOM
AND OPERATION ENDURING FREEDOM**

**Subtitle A—Authorization of Additional
Appropriations**

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) stating the purpose of the title.

The Senate amendment contained an identical provision (sec. 1501).

The conference agreement includes this provision.

Procurement (sec. 1502)

The House bill contained a provision (sec. 1502) authorizing additional appropriations for procurement.

The Senate amendment contained an identical provision (sec. 1502).

The conference agreement includes this provision.

Research, development, test, and evaluation (sec. 1503)

The House bill contained a provision (sec. 1503) authorizing additional appropriations for research, development, test, and evaluation.

The Senate amendment contained an identical provision (sec. 1503).

The conference agreement includes this provision.

Operation and maintenance (sec. 1504)

The House bill contained a provision (sec. 1504) authorizing additional appropriations for operation and maintenance.

The Senate amendment contained an identical provision (sec. 1504).

The conference agreement includes this provision.

Military personnel (sec. 1505)

The House bill contained a provision (sec. 1505) authorizing additional appropriations for military personnel.

The Senate amendment contained a similar provision (sec. 1505).

The Senate recedes.

Working capital funds (sec. 1506)

The House bill contained a provision (sec. 1506) authorizing additional appropriations for Working Capital Funds.

The Senate amendment contained a similar provision (sec. 1506).

The Senate recesses.

Defense Health Program (sec. 1507)

The House bill contained a provision (sec. 1507) authorizing additional appropriations for the Defense Health Program.

The Senate amendment contained a similar provision (sec. 1507).

The Senate recesses.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1508)

The House bill contained a provision (sec. 1508) authorizing additional appropriations for drug interdiction and counterdrug activities, defense-wide.

The Senate amendment contained a similar provision (sec. 1508).

The Senate recesses.

Defense Inspector General (sec. 1509)

The House bill contained a provision (sec. 1509) authorizing additional appropriations for the Defense Inspector General.

The Senate amendment contained a similar provision (sec. 1509).

The Senate recesses.

Subtitle B—Financial Matters

Treatment as additional authorizations (sec. 1521)

The House bill contained a provision (sec. 1521) stating that the amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The Senate amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

Special transfer authority (sec. 1522)

The House bill contained a provision (sec. 1522) that would provide the Department with special transfer authority totaling \$3.0 billion in fiscal year 2012.

The Senate amendment contained a similar provision (sec. 1522) that would provide the Department with \$4.0 billion in special transfer authority.

The House recesses.

Subtitle C—Limitations and Other Matters

Joint Improvised Explosive Device Defeat Fund (sec. 1531)

The House bill contained a provision (sec. 141) that would authorize various transfer authorities and associated activities for the Joint Improvised Explosive Device Defeat Fund.

The Senate amendment contained no similar provision.

The Senate recesses.

Continuation of prohibition on use of United States funds for certain facilities projects in Iraq (sec. 1532)

The House bill contained a provision (sec. 1532) that would apply the prohibitions of section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to funds authorized to be appropriated by this title.

The Senate amendment contained no similar provision.

The Senate recesses.

Availability of funds in Afghanistan Security Forces Fund (sec. 1533)

The House bill contained a provision (sec. 1531) that would extend for fiscal year 2012 the application of the existing limitations on the use of the Afghanistan Security Forces Fund (ASFF) under section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended. The provision would also authorize the use of amounts in the ASFF for literacy instruction for Afghanistan Ministry of Defense personnel. In addition, the provision would withhold the availability of 25 percent of the funds for the ASFF during fiscal year 2012 unless the Secretary of Defense certified that sufficient contract management and oversight mechanisms were in place.

The Senate amendment contained a similar provision (sec. 1532) that would extend the existing limitations on the use of ASFF and authorize the use of ASFF amounts for literacy and vocational training for personnel of the Afghanistan Ministry of Defense and Ministry of Interior.

The House recedes with an amendment that would require the Secretary of Defense to certify to Congress not later than 180 days after the date of enactment of this Act that sufficient contract management and oversight mechanisms are in place in Afghanistan or report on the efforts of the Department of Defense to put those mechanisms in place.

One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan (sec. 1534)

The House bill contained a provision (sec. 1533) that would extend for 1 year the authority under section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) for the Department of Defense Task Force for Business and Stability Operations (TFBSO) in Afghanistan. The provision would authorize up to \$75.0 million for the activities of the Task Force.

The Senate amendment contained a similar provision (sec. 1531) that would extend the authority for the TFBSO for 1 year and authorize up to \$150.0 million for its activities.

The Senate recedes with an amendment that would authorize up to \$150.0 million for the activities of the TFBSO. The amendment would also provide that funds remain available across fiscal years for Task Force activities that begin in one fiscal year but do not end until the following fiscal year. Additionally, the amendment would clarify the scope of projects that may be carried out by the TFBSO.

Limitation on availability of funds for Trans Regional Web Initiative (sec. 1535)

The Senate amendment contained a provision (sec. 1533) that would prohibit the Department of Defense from obligating or expending any funds for the Trans Regional Web Initiative until the Secretary of Defense makes several certifications to the Committees on Armed Services of the Senate and the House of Representatives related to the performance and cost effectiveness of the program.

The House bill contained no similar provision.
The House recesses.

Report on lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq (sec. 1536)

The Senate amendment contained a provision (sec. 1534) that would require the Secretary of Defense to submit to the congressional defense committees a report on the lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Secretary of Defense to direct a federally funded research and development center to conduct an assessment on the lessons learned from interagency teams for counterterrorism operations in Afghanistan and Iraq and provide the report with his assessment and comments to the congressional defense committees not later than 1 year after the date of enactment of this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2012.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVI shall expire on October 1, 2014, or the date of enactment of an act authorizing funds for military construction for fiscal year 2015, whichever is later.

The Senate amendment contained an identical provision (sec.

2002).

The conference agreement includes this provision.

Legislative Provisions Not Adopted

Funding tables

The Senate amendment contained a provision (sec. 2003) making the amounts authorized to be appropriated available in the amounts specified in the funding table in section 4501.

The House bill did not contain a similar provision.

The Senate recesses.

Effective date

The House bill contained a provision (sec. 2004) stating the date titles XXI through XXVII shall take effect.

The Senate amendment did not contain a similar provision.

The House recesses.

Limitation on implementation of projects designated at various locations

The House bill contained a provision (sec. 2003) that would limit the Department's ability to award a project authorized for various locations in titles XXI through XXVII.

The Senate amendment did not contain a similar provision.

The House recesses.

TITLE XXI—ARMY

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2101).

The Senate recesses with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at

each location.

The budget request included an authorization of appropriations of \$31.0 million for the Department of the Army to construct road and infrastructure improvements at Fort Belvoir, Virginia to support the construction of the National Museum of the United States Army, which would be funded with private donations. The conferees agree to authorize \$25.0 million for infrastructure improvements to construct utilities for the new museum. The conferees have not included an authorization of appropriations for this project, since the Department of the Army has indicated that funds are available through unobligated balances as a result of bid savings for other military construction projects.

The conferees are concerned that the project must comply with statutes regarding the construction of complete and usable facilities. Therefore, the conferees have included a statutory provision that requires the Secretary of the Army to certify to the congressional defense committees prior to an award of a contract for the infrastructure project that sufficient funds from private donations have been raised and a construction contract has been awarded for the "baseline" museum. Finally, the conferees direct the Secretary of the Army to establish and maintain a clear and auditable separation of accounts between appropriations and private donations to ensure that the military construction appropriations are used only for the infrastructure and utilities up to the museum building exterior. The conferees agree that amounts appropriated for military construction should not be used to construct the museum.

The budget request included an authorization of appropriations of \$24.0 million for the Department of the Army to construct a vehicle maintenance facility at Fort Bliss, Texas and a separate request for \$14.6 million to construct infrastructure for the vehicle maintenance facility. The Senate amendment did not include the authorization of appropriations for these two projects.

The Department of the Army notified the conferees that a portion of infrastructure project was required to ensure that a separate Electronics Maintenance Facility included in the budget request would not be complete and usable without the infrastructure project. Therefore the conferees agree to authorize \$11.6 million for the infrastructure project.

The conferees direct the Secretary of the Army to ensure that the authorization for each military construction project in the budget request will include a scope of work that will result

in a complete and useable facility without relying on the authorization of a separate project, even if that project is included in the same budget request.

The conferees are also concerned that the authorization of appropriations for a military construction project for infrastructure or utilities is considered by the United States Corps of Engineers to constitute a complete and usable facility even if the infrastructure or utilities do not service a military facility. The conferees do not agree with this interpretation of military construction statutes as it would permit the construction of 'infrastructure to nowhere' and a waste of taxpayer funds.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2012. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained a similar provision (sec. 2102).

The Senate recedes with a clarifying amendment.

Improvements to military family housing units (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize funding for fiscal year 2012 to improve existing family housing.

The Senate amendment contained a similar provision (sec. 2103).

The Senate recedes with a clarifying amendment.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2104) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec.

2104).

The Senate recedes with a clarifying amendment.

Modification of authority to carry out certain fiscal year 2009 project (sec. 2105)

The House bill contained a provision (sec. 2105) that would amend the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417) to allow for a scope increase of a Multipurpose Training Range at Fort Benning, Georgia.

The Senate amendment contained an identical provision (sec. 2105).

The conference agreement includes the provision.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2106)

The Senate amendment contained a provision (sec. 2106) that would modify the authority to carry out a certain fiscal year 2010 project.

The House bill did not contain a similar provision.

The House recedes.

Modification of authority to carry out certain fiscal year 2011 projects (sec. 2107)

The House bill contained a provision (sec. 2106) that would amend the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383) to allow for a scope increases in various projects.

The Senate amendment contained an identical provision (sec. 2107).

The conference agreement includes the provision.

Additional authority to carry out certain fiscal year 2012 project (sec. 2108)

The House bill contained a provision (sec. 2107) that provided the Secretary of the Army authorization to carry out a military construction project to construct a water treatment facility for Fort Irwin, California.

The Senate amendment contained a similar provision (sec. 2108).

The House recesses with a clarifying amendment.

*Extension of authorizations of certain fiscal year 2008 projects
(sec. 2109)*

The House bill contained a provision (sec. 2108) that would extend the authorization for certain projects.

The Senate amendment contained a similar provision (sec. 2109).

The House recesses with a clarifying amendment.

*Extension of authorizations of certain fiscal year 2009 projects
(sec. 2110)*

The House bill contained a provision (sec. 2109) that would extend the authorization for certain projects.

The Senate amendment contained an identical provision (sec. 2110).

The conference agreement includes the provision.

Tour normalization (sec. 2111)

The Senate amendment contained a provision (sec. 2113) that would prevent the obligation or expenditure of funds for tour normalization until certain conditions were met.

The House bill did not contain a similar provision.

The House recesses with a clarifying amendment.

The conferees note that the term, "tour normalization", refers to a proposal to allow all married service members to serve accompanied tours in Korea. Within tour normalization, unmarried or unaccompanied (no dependents authorized) members would serve 24 months and accompanied members would serve 36 months. Command sponsorship opportunities are not available to all service members and are controlled by U.S. Forces Korea. U.S. Forces Korea allocates command sponsorship based on the readiness contribution of stabilizing key leaders and critical skill positions for longer periods of time. Command sponsorship opportunity is contingent upon the availability of facilities and services and is currently capped at 4,645 positions across the peninsula, covering all services. The conferees' intent is to restrict the increase of command sponsorship opportunities above 4,645.

Technical amendments to correct certain project specifications

(sec. 2112)

The House bill contained a provision (sec. 2110) that would make certain technical amendments to correct certain project specifications.

The Senate amendment contained a similar provision (sec. 2111).

The House recedes with a clarifying amendment.

Reduction of Army military construction authorization (sec. 2113)

The Senate amendment contained a provision (sec. 2112) that would reduce the Army's military construction authorization.

The House bill did not contain a similar provision.

The House recedes.

Legislative Provision Not Adopted

Additional budget items relating to Army construction and land acquisition projects

The House bill contained a provision (sec. 2111) authorizing the Secretary of the Army additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

TITLE XXII-NAVY

Legislative Provisions Adopted

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2201).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the

binding list of specific construction projects authorized at each location.

The budget request included an authorization of appropriations of \$45.2 million for Waterfront Development, Phase 4 at Naval Support Activity Bahrain, which included the construction of a climate controlled warehouse, a vehicle wash rack, and a fleet recreation center. The conferees note that phase 3 of the project has not yet been awarded.

The conferees encourage the Department of the Navy to review the timing and phasing of the recapitalization of the Navy's existing facilities to ensure that only the most critical projects in direct support of Naval operations in the Central Command area of responsibility are carried out in a difficult budget environment.

The budget request included authorizations of appropriations of \$77.3 million for Finegayan Water Utilities, Guam and \$78.7 million for North Ramp Utilities, Increment 2 at Anderson Air Base, Guam. The conferees defer the authorization of appropriations for these two projects pending receipt of information required by section 2207 of this Act.

The conferees determined that the Massey Avenue Corridor Improvements Project had merit to support requirements at the Naval Station Mayport, Florida, whether or not a nuclear powered aircraft carrier was home ported there.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2012. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained a similar provision (sec. 2202).

The Senate recedes with a clarifying amendment.

Improvements to military family housing units (sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize funding for fiscal year 2012 to improve existing family housing.

The Senate amendment contained a similar provision (sec. 2203).

The Senate recesses with a clarifying amendment.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Navy for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Navy.

The Senate amendment contained a similar provision (sec. 2204).

The Senate recesses with a clarifying amendment.

Extension of authorizations of certain fiscal year 2008 project (sec. 2205)

The House bill contained a provision (sec. 2205) extending the authorization for certain projects.

The Senate amendment contained a similar provision (sec. 2205).

The House recesses with a clarifying amendment.

Extension of authorizations of certain fiscal year 2009 projects (sec. 2206)

The House bill contained a provision (sec. 2206) extending the authorization for certain projects.

The Senate amendment contained a similar provision (sec. 2206).

The House recesses with a clarifying amendment.

Guam realignment (sec. 2207)

The Senate amendment contained a provision (sec. 2208) preventing the obligation or expenditure of funds to execute the realignment of Marine Corps personnel from Okinawa to Guam until certain conditions are met.

The House bill did not contain a similar provision.

The House recesses with an amendment that extends the limitation on the use of funds authorized to be appropriated in the Act with certain exceptions. The amendment also requires the Secretary of Defense to obtain a specific authorization for

the use of appropriated funds in fiscal year 2012 to be used to construct or acquire public infrastructure on Guam.

The conferees note that the Department of Defense has not overcome a number of obstacles, including lengthy environmental studies, legal challenges, and land use issues, thereby delaying its execution of planned military construction projects associated with the realignment that have been authorized and appropriated in previous acts.

The conferees also note that while the congressional defense committees have been briefed on the Marine Corps' preferred force lay-down on Guam, the Secretary of Defense has yet to provide Congress with a master plan for construction of facilities and infrastructure to support the Marine Corps' preferred option.

As was noted in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (P.L. 111-383), the conferees continue to support a comprehensive approach in the Pacific that supports our strategic interests. Guam is an essential element in the framework of the United States' theater security plan, but the continued lack of a comprehensive master plan and the inability of the Government of Japan to demonstrate tangible progress for the Futenma Replacement Facility provide additional risk in our ability to quickly move forward with the realignment.

The conferees encourage the Secretary of Defense to promptly provide the committees with a master plan, as well as a cost-mitigation strategy, for the realignment of forces to Guam.

Reduction of Navy military construction authorization (sec. 2208)

The Senate amendment contained a provision (sec. 2207) that would reduce the Navy's military construction authorization.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

Legislative Provision Not Adopted

Additional budget items relating to Navy construction and land acquisition projects

The House bill contained a provision (sec. 2207) authorizing the Secretary of the Navy additional funding.

The Senate amendment did not contain a similar provision.

The House recesses.

TITLE XXIII—AIR FORCE

Legislative Provisions Adopted

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2301).

The Senate recesses with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

The budget request included an authorization of appropriations of \$128.0 million for the Department of the Air Force to construct a Fuel Maintenance Hangar at Andersen Air Force Base, Guam as part of the Guam Strike program. According to budget documents provided to Congress, Guam Strike could cost more than \$2.9 billion though the Air Force future-year defense program only contains approximately \$450.0 million for the program.

The conferees believe that completing the Guam Strike program would be a significant investment and the Air Force should therefore re-assess the affordability of such an investment for a rotational presence.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2012. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained a similar provision (sec. 2302).

The Senate recesses.

Improvements to military family housing units (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize funding for fiscal year 2012 to improve existing family housing.

The Senate amendment contained a similar provision (sec. 2303).

The Senate recesses.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2304).

The Senate recesses with a clarifying amendment.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2305)

The House bill contained a provision (sec. 2305) that amends the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84) to allow for a scope increase of a Ground Control Tower at Hickam Air Force Base, Hawaii.

The Senate amendment contained an identical provision (sec. 2305).

The conference agreement includes the provision.

Extension of authorization of certain fiscal year 2009 project (sec. 2306)

The House bill contained a provision (sec. 2306) that would extend the authorization for an Air Force fiscal year 2009 military construction project at Spangdahlem Air Base, Germany.

The Senate amendment contained an identical provision (sec. 2306).

The conference agreement includes the provision.

Reduction of Air Force military construction authorization (sec. 2307)

The Senate amendment contained a provision (sec. 2307) that would reduce the Air Force's military construction authorization.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

Legislative Provisions Not Adopted

Limitation on implementation of consolidation of Air and Space Operations Center of the Air Force

The House bill contained a provision (sec. 2307) limiting the implementation of consolidation of the Air and Space Operations Center of the Air Force.

The Senate amendment did not contain a similar provision.

The House recedes.

The conferees note that the Air Force announced a decision not to pursue a plan to consolidate Air Operations Centers in the United States.

Additional budget items relating to Air Force construction and land acquisition projects

The House bill contained a provision (sec. 2308) authorizing the Secretary of the Air Force additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Authorized defense agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year (FY) 2012.

The Senate amendment contained a similar provision (sec.

2401).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

The agreement does not contain authorization for the North Atlantic Treaty Organization (NATO) Headquarters Facility, in Brussels, Belgium. The conferees believe that this facility is more appropriately funded through the NATO Security Investment Program, which has available unobligated balances.

The agreement contains authorization of a replacement elementary school at Baumholder, Germany with language that requires the Secretary of Defense to certify that Baumholder is an enduring location.

The agreement contains authorization for a Medical Center Replacement Facility at Rhine Ordnance Barracks, Germany. The conferees support the project, but are concerned that the overall scope exceeds demand requirements. Therefore, the conferees request the Secretary reassess the scope of this project and submit the results of this assessment in the form of an amended fiscal year 2013 request.

The President's budget request included an authorization of appropriations for military construction of \$54.6 million to fit out the third floor of the National Geospatial Agency's (NGA) Technology center at Fort Belvoir, Virginia. This facility was constructed in 2010 as a result of the 2005 Defense Base Closure and Realignment (BRAC) Round. During review of the classification of work for this project, the conferees received a ruling from the Office of General Counsel of the Department of Defense that "that specifically authorized MILCON is the appropriate approach for this project." As a result, the conferees are concerned that the original BRAC military construction project may not have complied with section 2801 of title 10, United States Code, which requires a military construction project to include all military construction work necessary to produce a complete and usable facility. Therefore conferees direct the Comptroller General of the United States to prepare a report for the congressional defense committees no later than June 30, 2012 on the following:

1. A review of the BRAC project authorization for the NGA Technology center and a determination whether the Department of Defense carried out the full scope contained

in the budget justification documents to construct a complete and usable facility;

2. The circumstances that resulted in a portion of the completed facility not able to be used for the purpose for which it was constructed;
3. An assessment of use of the facility to determine whether the facility category code that was proposed at the time of authorization of construction is consistent with its current and proposed use of the third floor;
4. An analysis of the proposed scope of the new work for the fit out of the third floor to determine why specifically authorized military construction funds are required;
5. An assessment whether the project was in compliance with federal laws regarding military construction; and
6. Any other matters the Comptroller General determines are appropriate in the review of this project.

The President's budget request included an authorization for military construction of \$860.6 million and an authorization of appropriations of \$29.6 million for a High Performance Computing Center (HPCC-2) at Fort Meade, Maryland. The conferees strongly support the requirement and note the criticality of a timely completion of the center to national security.

The budget justification documents supporting this project included estimated dates of February 2012 to complete a request for proposals, September 2012 to award a design build construction contract, December 2012 to start construction, and December 2015 to complete construction. The conferees note that the National Security Agency (NSA) did not plan to award a design build contract until the last month of FY 2012.

Given the relatively high cost of this project, the history of NSA's military construction project management, and the critical importance of the mission, the conferees are concerned about providing the full authorization for military construction of \$860.6 million that is not validated by a cost estimate informed by any degree of actual design of the facility. The conferees note that Congress provides separate appropriations to the NSA annually for military construction planning and design specifically to permit the Agency to get as much as a two year head start on the design of projects of critical importance to national security while reducing the risk to U.S. taxpayers that funds will only be used to carry out the essential military requirements identified during the design phase. These funds also permit the agency to be able to award a construction

contract as soon as congressional authorization is received, as opposed to having to wait for that authorization to start design, which can potentially add significant time to total acquisition timeline.

The Director of National Intelligence stated in an appeal to the conferees that "in FY 2012, the National Security Agency requested \$29.6 million in military construction for planning and design of the HPCC-2 facility; the budget funded the construction costs of \$831 million in FY 2013 and FY 2014, for a total cost of \$861 million."

The conferees agree that the request of appropriations totaling \$29.6 million in FY 2012 will only be enough to pay for planning and design costs for the HPCC-2 and that the remaining \$830.0 million for construction will be subject to review by the Administration in future budget requests given the need to reduce defense spending. The conferees therefore agree to an authorization of \$29.6 million to complete the design, initiate site preparations, and to order equipment that are considered long lead items for the construction of the facility. The conferees note that the NSA has already initiated a design contract using planning and design appropriations to minimize the impact of any delay in congressional authorizations in order to keep this critical project on schedule.

The Director of National Intelligence also informed the conferees that the House and Senate Intelligence committees have authorized an amount for the HPCC-2 project in the FY 2012 Intelligence Authorization bill. The conferees note a history of actions by the NSA to appeal to the intelligence committees for the approval of military construction projects, most recently an upgrade to the electrical infrastructure of the north side of Fort Meade, at amounts that put the successful award of projects and timely completion of construction at risk. As such, the conferees strongly encourage the NSA to continue to work with the Committees on Armed Services of the Senate and the House of Representatives as the committees of jurisdiction regarding the authorization of military construction projects in order to ensure proper and legal execution of projects that are critical to the national security of the United States.

Authorized energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize certain energy conservation projects for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2402).

The Senate recedes with a clarifying amendment.

The budget request included authorization of appropriations for \$135.0 million for the Energy Conservation Investment Program (ECIP). The conferees note that the budget justification documents accompanying the budget request contained a list of projects by service that would be carried out with funds authorized for the ECIP account. The conferees determined that greater transparency and oversight is required to ensure that the projects proposed in the budget request for ECIP are actually carried out. Therefore, the conferees have included in the table at section 4601 of this Act, a list of specific ECIP project authorizations that exceed \$2.0 million that have been added to the military construction tables by project, name, and location. The conferees also note that an authorization of appropriations of \$18.0 million still remains in an unspecified account for various locations for ECIP, which is intended to be used for those projects less than \$2.0 million that were included in the budget request. The conferees note that none of these projects listed in the table at section 4601 are in addition to, or a deviation from the list of projects included in the budget request for this activity.

Authorization of appropriations, defense agencies (sec. 2403)

The House bill contained a provision (sec. 2403) that would authorize appropriations for military construction and family housing projects of the defense agencies for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2403).

The Senate recedes with a clarifying amendment.

Subtitle B-Chemical Demilitarization Authorizations

Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)

The House bill contained a provision (sec. 2411) that would authorize appropriations for military construction projects for the chemical demilitarization program for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2411).

The Senate recesses with a clarifying amendment.

Subtitle C-Other Matters

Reduction of defense agencies military construction authorization (sec. 2421)

The Senate amendment contained a provision (sec. 2412) that would reduce the defense agencies' military construction authorization.

The House bill did not contain a similar provision.

The House recesses with a clarifying amendment.

Legislative Provision Not Adopted

Additional budget items relating to defense agencies construction and land acquisition projects

The House bill contained a provision (sec. 2404) authorizing the Secretary of Defense additional funding.

The Senate amendment did not contain a similar provision.

The House recesses.

TITLE XXV-NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Legislative Provisions Adopted

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously

financed by the United States.

The Senate amendment contained a similar provision (sec. 2501).

The House recesses.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

The Senate amendment contained a similar provision (sec. 2502).

The Senate recesses.

**TITLE XXVI—GUARD AND RESERVE FORCES
FACILITIES**

**Subtitle A—Project Authorizations and
Authorization of Appropriations**

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2601).

The Senate recesses with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2012.

The Senate amendment contained a similar provision (sec.

2602).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Navy Reserve construction and land acquisition projects (sec. 2603)

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2603).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2604).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2605).

The Senate recesses with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The House bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction projects authorized for the reserve components.

The Senate amendment contained a similar provision (sec. 2606).

The Senate recesses.

Subtitle B-Other Matters

Extension of authorization of certain fiscal year 2008 project (sec. 2611)

The House bill contained a provision (sec. 2621) that would extend the authorization for an Army National Guard fiscal year 2008 military construction project at East Fallowfield Township, Pennsylvania.

The Senate amendment contained a similar provision (sec. 2607).

The Senate recesses.

Extension of authorization of certain fiscal year 2009 projects (sec. 2612)

The House bill contained a provision (sec. 2622) that would extend the authorization for certain fiscal year 2008 military construction projects.

The Senate amendment contained a similar provision (sec. 2608).

The Senate recesses with a clarifying amendment.

Modification of authority to carry out certain fiscal year 2008 and 2009 projects (sec. 2613)

The Senate amendment contained a provision (sec. 2609) that amends the table in section 2601(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417) to allow the Secretary of the Army to construct an Army Reserve Center at Carlin, Nevada.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

Legislative Provisions Not Adopted

Additional budget items relating to Air Force Reserve construction and land acquisition projects

The House bill contained a provision (sec. 2613) authorizing the Secretary of the Air Force additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

Additional budget items relating to Air National Guard construction and land acquisition projects

The House bill contained a provision (sec. 2612) authorizing the Secretary of the Air Force additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

Additional budget items relating to Army National Guard construction and land acquisition projects

The House bill contained a provision (sec. 2611) authorizing the Secretary of the Army additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE
ACTIVITIES**

Legislative Provisions Adopted

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

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment.

The Senate amendment contained a similar provision (sec. 2701).

The Senate recesses.

Authorized Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005 (sec. 2702)

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2012 for ongoing activities that are required to implement the decisions of the 2005 Base Closure and Realignment round.

The Senate amendment contained a similar provision (sec. 2702).

The Senate recesses.

Completion of specific base closure and realignment recommendations (sec. 2703)

The House bill contained a provision (sec. 2704) that would authorize the Department limited authority to extend the implementation period of not more than seven decisions contained in the 2005 Defense Base Closure and Realignment (BRAC) round beyond the statutory deadline.

The Senate amendment did not contain a similar provision.

The Senate recesses with an amendment that would direct the Secretary of Defense to complete all 2005 Defense BRAC actions as expeditiously as possible.

Closing unnecessary defense facilities has historically been difficult because of public concern about the economic effects of closures on communities and the perceived lack of impartiality in the decision-making process. The Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) (BRAC) created an independent commission to review a list of bases for realignment and closure submitted by the Secretary of Defense.

The Department of Defense has now undergone five BRAC rounds. The 2005 Base Realignment and Closure round was the biggest, most complex, and costliest round of BRAC to date. The final BRAC 2005 Commission forwarded a total of 182 closures or realignments to the Congress, including 177 of the 190 recommendations submitted by the Secretary of Defense and five closures or realignment recommendations from the eight installations it considered on its own initiative. These recommendations resulted in 22 major closures and 33 major realignments.

The Secretary of Defense was required to complete all BRAC actions by September 15, 2011. This deadline was directed in statute in order to guide investments and to provide a degree of certainty to local communities around military bases affected by base closures and realignments.

The budget request for fiscal year 2012 included a legislative proposal from the Department of Defense that would provide legislative relief to the statutory deadline for up to 10 BRAC recommendations. The conferees continued to monitor the recommendations that were in danger of missing the BRAC deadline throughout the year.

By the deadline, September 15, 2011, the Department of Defense notified the conferees that essentially all but two recommendations were completed.

The conferees note that the 2005 BRAC Commission acknowledged in their report that the Umatilla Depot in Oregon might not be closed by the deadline due to chemical demilitarization treaty obligations.

The successful completion of the BRAC decision to consolidate medical commands was dependent on actions by other congressional committees to approve a prospectus for a lease carried out by the General Services Administration. While the lease has been approved, the Department is still in the process of carrying out the move.

The conferees expect that both closures will be carried out in accordance with the BRAC statute regarding land disposal and the movement of personnel.

Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment (sec. 2704)

The House bill contained a provision (sec. 2706) that would require the secretary concerned to include transportation

assessment of a proposed closure or realignment of civilian personnel that exceed certain thresholds.

The Senate amendment did not contain a similar provision. The Senate recesses with a clarifying amendment.

Legislative Provisions Not Adopted

Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005

The House bill contained a provision (sec. 2703) that would authorize appropriations for fiscal year 2012 for ongoing activities that are required to implement the decision of the 2005 Base Closure and Realignment.

The Senate amendment contained a similar provision (sec. 2703).

The House and Senate recessed.

Reduction of military construction authorization for base realignment and closure activities authorized through the Department of Defense Base Closure Account 1990

The Senate amendment contained a provision (sec. 2704) that would reduce the Base Closure Account 1990 military construction authorization.

The House bill did not contain a similar provision. The Senate recesses.

Increased emphasis on evaluation of costs and benefits in consideration and selection of military installations for closure or realignment

The House bill contained a provision (sec. 2705) that would increase the emphasis on the evaluation of costs and benefits in consideration and selection of military installations for closure and realignment.

The Senate amendment did not contain a similar provision. The House recesses.

The conferees support the ability of the Department to reduce force structure commensurate with the workload and mission requirements; however, the conferees are concerned with the perception that the Department of Defense may have bypassed the limitations of section 2687 of title 10, United States Code,

by completing a reduction in force at a defense activity and then realigning the balance of the workforce. The conferees believe that such a contravention of section 2687 would be inappropriate. Activities that exceed the thresholds of section 2687 at the time of the Secretary's decision to reorganize a particular activity should be specifically submitted in accordance with the notification process delineated in section 2687.

Limitation on BRAC 133 project implementation

The House bill contained a provision (sec. 2707) that would limit the number of parking spaces at the BRAC 133 project location until the Secretary of Defense provides certain documents and certification.

The Senate amendment did not contain a similar provision.
The House recesses.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects (sec. 2801)

The House bill contained a provision (sec. 2801) prohibiting the use of any cost-plus system of contracting for military construction and military family housing.

The Senate amendment did not contain a similar provision.
The Senate recesses.

Modification of authority to carry out unspecified minor military construction projects (sec. 2802)

The House bill contained a provision (sec. 2802(a) through (d)) that would increase the authority provided by section 2805 of title 10, United States Code, and establish a \$3.0 million threshold requiring specific military construction authorization. This provision would also amend section 2805 by

extending certain temporary authorities associated with defense laboratories.

The Senate amendment contained a similar provision (sec. 905(c) and (d)) making certain temporary authorities associated with defense laboratories permanent.

The Senate recedes with a clarifying amendment.

Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects (sec. 2803)

The House bill contained a provision (sec. 2804) increasing the dollar threshold for purposes of determining when a performance bond and payment bond are required under section 3131 of subchapter III of chapter 31 of title 40, United States Code, (commonly referred to as the Miller Act).

The Senate amendment did not contain a similar provision.
The Senate recedes.

Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States (sec. 2804)

The House bill contained a provision (sec. 2805) extending for 1 year the authority to use operation and maintenance funds for construction projects inside United States Central Command area of responsibility and Combined Joint Task Force-Horn of Africa areas of responsibility and interest.

The Senate amendment contained a similar provision (sec. 2802).

The House recedes.

General military construction transfer authority (sec. 2805)

The Senate amendment contained a provision (sec. 2801) providing the secretary of a military department, or with respect to the defense agencies, the Secretary of Defense, the authority to transfer authorization of appropriations provided in fiscal year 2012 between any such authorization of appropriations for that military department or defense agency for that fiscal year.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

Subtitle B—Real Property and Facilities Administration

*Clarification of authority to use Pentagon Reservation
Maintenance Revolving Fund for minor construction and alteration
activities at Pentagon Reservation (sec. 2811)*

The House bill contained a provision (sec. 2811) clarifying the authority to use Pentagon Reservation Maintenance Revolving Fund monies for minor construction and alteration activities at the Pentagon Reservation.

The Senate amendment contained a similar provision (sec. 2803).

The Senate recesses.

*Reporting requirements related to the granting of easements
(sec. 2812)*

The House bill contained a provision (sec. 2812) that would remove the discretion of secretaries of the military departments regarding purposes for which easements for rights-of-way may be granted.

The Senate amendment did not contain a similar provision.
The Senate recesses with a clarifying amendment.

*Limitations on use or development of property in Clear Zone
Areas and clarification of authority to limit encroachments
(sec. 2813)*

The House bill contained a provision (sec. 2813) that would amend section 2684a of title 10, United States Code, by authorizing the Secretary of Defense or the secretary of a military department to enter into an agreement to protect Clear Zone Areas adjacent to airfields at military installations.

The Senate amendment contained a provision (sec. 2812) that would also amend section 2684a of title 10, United States Code, by clarifying authorities to limit encroachment on military installations.

The Senate recesses with an amendment that would combine House section 2813 and Senate section 2812 into a single provision.

Department of Defense conservation and cultural activities (sec.

2814)

The Senate amendment contained a provision (sec. 2813) that would modify section 2694(b)(2) of title 10, United States Code, to enhance the ability of the Department of Defense to assist with the implementation of certain land management plans and to clarify that the purpose of wildlife studies authorized under the section includes the sustainability of military operations.

The House bill contained a similar provision (sec. 312).
The House recesses.

Exchange of property at military installations (sec. 2815)

The Senate amendment contained a provision (sec. 2811) that would allow for certain exchanges of real property at military installations.

The House bill did not contain a similar provision.
The House recesses.

Defense access road program enhancements to address transportation infrastructure in vicinity of military installations (sec. 2816)

The House bill contained a provision (sec. 2814) that would expand the authority of the Department of Defense (DOD) to use military construction appropriations to mitigate significant transportation impacts caused as a result of an expanded defense mission.

The Senate amendment did not contain a similar provision.
The Senate recesses with a clarifying amendment.

The conferees adopt the provision in recognition that transportation issues have been an issue in recent base realignments and the Department of Defense has been slow to revise the criteria for the Defense Access Road program. Recognition of these transportation issues does not imply that their mitigation is a DOD responsibility. The conferees note that many communities have been exceptional partners in ameliorating the impact of base realignments and believe that this practice should be encouraged.

Subtitle C—Energy Security

Consolidation of definitions used in energy security chapter (sec. 2821)

The House bill contained a provision (sec. 2821) that would consolidate various definitions used in subchapter III of chapter 173 of title 10, United States Code.

The Senate amendment did not contain a similar provision.

The Senate recesses with a clarifying amendment.

Consideration of energy security in developing energy projects on military installations using renewable energy sources (sec. 2822)

The House bill contained a provision (sec. 2822) that would require the Secretary of Defense to establish a policy under which a military installation shall give favorable consideration for energy security in the design and development of renewable energy projects on military installations.

The Senate amendment contained a similar provision (sec. 345) that would require the Secretary of Defense to develop guidance for commanders of military installations inside the United States on planning measures to minimize the effects of a disruption of services by a utility that sells natural gas, water, or electric energy to a military installation in the United States.

The House recesses with a clarifying amendment that combines the two provisions.

Establishment of interim objective for the Department of Defense 2025 renewable energy goal (sec. 2823)

The House bill contained a provision (sec. 2823) that would require the Secretary of Defense to establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.

The Senate amendment contained a similar provision (sec. 311) that would require the Secretary of Defense to establish interim goals for fiscal years 2015, 2018, and 2021 for the production or procurement of facility energy from renewable energy sources.

The Senate recesses.

Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies (sec. 2824)

The House bill contained a provision (sec. 2824) that would require the Secretary of Defense to establish a policy to maximize savings by directing the centralized, bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

The Senate amendment did not contain a similar provision.
The Senate recesses.

Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities (sec. 2825)

The House bill contained a provision (sec. 2825) requiring the Secretary of Defense to prescribe a definition of the term 'energy-efficient product' and establish and maintain a list of products satisfying the definition.

The Senate amendment did not contain a similar provision.
The Senate recesses.

Submission of annual Department of Defense energy management reports (sec. 2826)

The House bill contained a provision (sec. 2827) that would amend section 2925(a) of title 10, United States Code, to require the Secretary of Defense to submit the annual installation energy report not later than 120 days after the end of each fiscal year and would require that the annual report detail the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of title 10, United States Code.

The Senate amendment did not contain a similar provision.
The Senate recesses.

Requirement for Department of Defense to capture and track data generated in metering Department facilities (sec. 2827)

The House bill contained a provision (sec. 2829) that would require the Secretary of Defense to ensure that data being generated by installation energy meters is captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

The Senate amendment contained a similar amendment (sec. 317) that would require the Secretary of Defense, to the maximum

extent practicable, to ensure 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.

The Senate recesses.

Metering of Navy piers to accurately measure energy consumption (sec. 2828)

The House bill contained a provision (sec. 2830) that would require the Secretary of Defense to meter Navy piers in order that the energy consumption of naval vessels while in port can be accurately measured and lead to reductions in consumption.

The Senate amendment did not contain a similar provision.

The Senate recesses.

Training policy for Department of Defense energy managers (sec. 2829)

The House bill contained a provision (sec. 2826) that would require the Secretary of Defense to establish a training program for Department of Defense (DOD) energy managers designated for military installations.

The Senate amendment contained a similar provision (sec. 318) that would require the Secretary of Defense to establish a policy for the training of designated DOD energy managers for military installations.

The House recesses with a clarifying amendment.

Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification (sec. 2830)

The House bill contained a provision (sec. 2831) requiring a report on the energy-efficiency standards utilized by the Department of Defense for military construction and prohibiting the use of funds to obtain Leadership in Energy and Environmental Design gold or platinum certification.

The Senate amendment did not contain a similar provision.

The Senate recesses with a clarifying amendment.

Subtitle D-Provisions Related to Guam Realignment

Certification of medical care coverage for H-2B temporary workforce on military construction projects on Guam (sec. 2841)

The House bill contained a provision (sec. 2842) that would prohibit the Secretary of the Navy from awarding any additional construction projects associated with the realignment of military forces on Guam until the Secretary establishes a lead system integrator for health care for the H-2B workers.

The Senate amendment did not contain a similar provision.

The Senate recesses with a clarifying amendment.

Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system (sec. 2842)

The House bill contained a provision (sec. 2844) that would modify the permissive utility conveyance authority contained in section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383).

The Senate amendment did not contain a similar provision.

The Senate recesses.

Subtitle E—Land Conveyances

Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska (sec. 2851)

The Senate amendment contained a provision (sec. 2823) providing for a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

The House bill did not contain a similar provision.

The House recesses.

Release of reversionary interest, Camp Joseph T. Robinson, Arkansas (sec. 2852)

The Senate amendment contained a provision (sec. 2821) revising the reversionary interest in certain land at Camp Joseph T. Robinson, Arkansas.

The House bill did not contain a similar provision.

The House recesses.

Clarification of land conveyance authority, Camp Caitlin and

Ohana Nui areas, Hawaii (sec. 2853)

The Senate amendment contained a provision (sec. 2822) clarifying section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84).

The House bill did not contain a similar provision.
The House recesses.

Land exchange, Fort Bliss Texas (sec. 2854)

The House bill contained a provision (sec. 2851) that would authorize the Secretary of the Army to exchange approximately 694 acres of real property at Fort Bliss, Texas, for approximately 2,880 acres of real property from the Texas General Land Office.

The Senate amendment did not contain a similar provision.
The Senate recesses.

Land Conveyance, former Defense Depot Ogden, Utah (sec. 2855)

The House bill contained a provision (sec. 2852) authorizing a land conveyance, former Defense Depot, Ogden, Utah.

The Senate amendment did not contain a similar provision.
The Senate recesses with a clarifying amendment.

Subtitle F-Other Matters

Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy (sec. 2861)

The House bill contained a provision (sec. 2861) that would rename the Industrial College of the Armed Forces to the Dwight D. Eisenhower School for National Security and Resource Strategy.

The Senate amendment contained a similar provision (sec. 1083).

The House recesses.

Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center (sec. 2862)

The Senate amendment contained a provision (sec. 2833) that would redesignate the Mike O'Callaghan Federal Hospital in Nevada as the Mike O'Callaghan Federal Medical Center.

The House did not contain a similar provision.

The House recesses.

Prohibition on naming Department of Defense real property after a Member of Congress (sec. 2863)

The House bill contained a provision (sec. 2863) that would prohibit the naming of Department of Defense real property after a sitting Member of Congress.

The Senate amendment did not contain a similar provision.

The Senate recesses.

Notification of reductions in number of members of the armed forces assigned to permanent duty at a military installation (sec. 2864)

The House bill contained a provision (sec. 2862) that would require a notification before the Secretary of Defense or secretary of a military department reduces the number of military service members at an installation by more than 1,000.

The Senate amendment did not contain a similar provision.

The Senate recesses with a clarifying amendment.

Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy (sec. 2865)

The Senate amendment contained a provision (sec. 2831) that would require the Secretary of the Navy to submit a plan to address the facility and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

The House did not contain a similar provision.

The House recesses with a clarifying amendment.

Report on the homeowners assistance program (sec. 2867)

The House bill contained a provision (sec. 2864) requiring a report on the homeowners assistance program.

The Senate amendment did not contain a similar provision.

The Senate recesses.

Data servers and centers (sec. 2866)

The Senate amendment contained a provision (sec. 2832) that would impose a moratorium within the Department of Defense (DOD) on the acquisition or upgrade of data servers, server farms, and data centers, with a waiver process for exceptions; and require the implementation of a plan developed by the DOD Chief Information Officer (CIO) to achieve (1) a reduction in the size of data centers, (2) a reduction in the energy consumed to power and cool servers and data centers, (3) an increase in server virtualization, (4) an increase in the utilization rates of servers and data center capacity, (5) a reduction in the cost of software and applications running on servers and within data centers, and (6) a reduction in the cost of labor associated with operating servers and data centers.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the near-term moratorium to server farms and data centers, and change the authority to coordinate exceptions for national intelligence components within the Department of Defense on behalf of the Director of National Intelligence to the Intelligence Community CIO rather than the CIO of the Office of the Director of National Intelligence.

Legislative Provisions Not Adopted

Condition on rental of family housing in foreign countries for general and flag officers

The House bill contained a provision (sec. 2803) that would limit general and flag officer housing leases in foreign countries to the design criteria for similar housing in the United States.

The Senate amendment did not contain a similar provision.

The House recedes.

Continuous commissioning of Department of Defense facilities to resolve operating problems, improve comfort, optimize energy use, and identify retrofits

The House bill contained a provision (sec. 2828) that would authorize the Secretary of Defense to require the continuous commissioning of Department of Defense (DOD) facilities.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the DOD is currently required to recommission and retrocommission its facilities. When commissioning facilities, the conferees want to ensure that, where appropriate, the DOD considers the most current technologies, subject to fiscal constraints, as opposed to retrocommissioning the facility back to when it was originally constructed.

Use of operation and maintenance funding to support community adjustments related to realignment of military installations and relocation of military personnel on Guam

The House bill contained a provision (sec. 2841) that would authorize the Secretary of Defense to assist the Government of Guam in meeting the costs of providing increase municipal services and facilities associated with the realignment of military forces to Guam.

The Senate amendment did not contain a similar provision.

The House recesses.

Certification of military readiness need for firing range on Guam as condition on establishment of range

The House bill contained a provision (sec. 2843) that would prohibit the establishment of a firing range on Guam until the Secretary of Defense certifies that the firing range is required to meet a national security need.

The Senate amendment contained no similar provision.

The House recesses.

Transfer of the Air Force Memorial to the Department of the Air Force

The House bill contained a provision (sec. 2865) transferring the Air Force Memorial to the Department of the Air Force.

The Senate amendment did not contain a similar provision.

The House recesses.

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

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2012, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title authorizes appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance.

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize \$11.8 billion for the National Nuclear Security Administration (NNSA), an increase of \$20.0 million above the budget request.

The Senate amendment contained a similar provision (sec. 3101) that would authorize \$11.6 billion for the NNSA, a decrease of \$216.8 million below the budget request.

The conferees agree to include a provision that would authorize \$11.1 billion, a decrease of \$713.0 million below the budget request.

Within NNSA, the provision would authorize \$7.3 billion for weapons activities, a decrease of \$355.0 million below the budget request; \$2.3 billion for defense nuclear nonproliferation, a decrease of \$216.0 million below the budget request; \$1.1 billion for naval reactors, a decrease of \$74.0 million below the budget request; and \$383.0 million for the Office of the Administrator, a decrease of \$67.0 million below the budget request.

Within weapons activities, for directed stockpile work the provision would authorize \$1.9 billion, a decrease of \$84.0 million below the budget request. For campaigns, the provision would authorize \$1.7 billion, a decrease of \$95.0 million below the budget request. For readiness in the technical base and facilities, the provision would authorize \$2.0 billion, a decrease of \$317.0 million below the budget request.

Within defense nuclear nonproliferation, for nonproliferation and verification research and development the provision would authorize \$356.0 million, a decrease of \$61.0 million below the budget request. For nonproliferation and international security, the provision would authorize \$155.0 million, a decrease of \$7.0 million below the budget request. For international nuclear materials protection and cooperation, the provision would authorize \$572.0 million, the amount of the budget request. For fissile materials disposition, the provision would authorize \$685.0 million, a decrease of \$205.0 million below the budget request. For the Global Threat Reduction Initiative, the provision would authorize \$500.0 million, a decrease of \$8.0 million below the budget request.

The conferees note that the Committees on Armed Services of the Senate and House of Representatives fully authorized the President's request for Weapons Activities in his budget request for fiscal year 2012 and provided robust support for his nonproliferation program. The final authorized amounts reflect the amount provided for these activities by the conference report for H.R. 2354 of the Energy and Water Development and Related Agencies Appropriations Act, 2012 of the Subcommittee on Energy and Water Development of the Committee on Appropriations

of the Senate and the Subcommittee on Energy and Water Development, and Related Agencies of the House of Representatives.

The conferees recognize the importance of the NNSA mission for national security, and note the President's commitment to secure all vulnerable nuclear materials within 4 years, and his commitment to modernizing the nuclear deterrent as reflected in the section 1251 modernization plan (Public Law 111-84).

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize appropriations for fiscal year 2012 defense environmental cleanup activities.

The Senate amendment contained a similar provision (sec. 3102).

The Senate recesses.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize appropriations for fiscal year 2012 other defense activities.

The Senate amendment contained a similar provision (sec. 3103).

The Senate recesses.

Subtitle B-Program Authorizations, Restrictions and Limitations

Limitation on availability of funds for Center of Excellence on Nuclear Security (sec. 3111)

The House bill contained a provision (sec. 3112) that would limit funds that may be obligated or expended by the Secretary of Energy for fiscal year 2012 to not more than \$7.0 million for a Center of Excellence on Nuclear Security in the People's Republic of China until the date on which the Secretary of Energy submits two reports to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives. These two reports

would provide additional insight and analysis into the two stated rationales for the Center of Excellence.

The Senate amendment contained a similar provision (sec. 3114) that would recommend a provision that would prohibit the Administrator of the National Nuclear Security Administration (NNSA) from obligating or expending more than \$0.5 million of Defense Nuclear Nonproliferation program funds to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Administrator of the NNSA submits to the congressional defense committees a report on the particular center to be established.

The Senate recedes with an amendment that would hold 25 percent of funds appropriated for any center of excellence outside the Former Soviet Union until the Secretary of Energy meets reporting requirements set forth in the provision. The report will provide information on any center of excellence established in a country that is not a state of the former Soviet Union and include the following: an identification of the country in which the center will be located; a description of the center's purpose, including the country's existing capacity to develop and implement best practices training for nuclear security; the extent to which the training and relationship building activities planned for the center could contribute to improving the country's historical pattern with respect to the proliferation of weapons of mass destruction and missiles; the agreement under which the center would operate; and, a funding plan for center, including the amount of funds to be provided by the government of the country in which the center will be located and the percentage of total cost establishing and operating the center the funds, provided by the government of the country, will cover. No funds obligated by the Secretary may be used to construct permanent or temporary buildings.

Aircraft Procurement (sec. 3112)

The Senate amendment contained a provision (sec. 3113) that would authorize the Secretary of Energy to use weapons activities funds available in any fiscal year prior to fiscal year 2013 to purchase not more than one aircraft.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Hanford waste tank cleanup program reforms (sec. 3113)

The House bill contained a provision (sec. 3114) that would amend section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) by striking the portion of section (b)(2) which states "consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington" and inserts in its place "all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant". The provision also amends subsection (d) of section 4442 to require notification to the Committee on Armed Services of the Senate and the House of Representatives of any changes in the roles, responsibilities, and reporting relationships of the Office of River Protection. The provision also reauthorizes the functions of the Office, terminating in 2019, with a clause that the Assistant Secretary of Energy for Environmental Management may extend the functions of the Office further if the Assistant Secretary determines in writing that its termination would disrupt effective management of the Hanford Tank Farm Operation.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Recognition of National Atomic Testing Museum (sec. 3114)

The Senate amendment contained a provision (sec. 3115) that would amend section 7142 of title 42, United States Code, to recognize the National Atomic Testing Museum in Las Vegas, Nevada by stating that (1) it is recognized as the Official Atomic Testing Museum, (2) that it shall be known as the "National Atomic Testing Museum", and (3) "have the sole right throughout the U.S. and its possessions to have and use the name "National Atomic Testing Museum"".

The House bill contained no similar provision.

The House recedes with an amendment striking "have the sole right throughout the U.S. and its possessions to have and use the name 'National Atomic Testing Museum'".

Subtitle C-Reports

Repeal of certain reporting requirements (sec. 3121)

The House bill contained a provision (sec. 3121) that would repeal several recurring reports from the Secretary of Energy and the Administrator for Nuclear Security; section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public

Law 107-107), which requires an annual report to Congress on the financial and programmatic activities of the Nuclear Cities Initiative Program (a program that ended in 2006). The provision would modify section 4302(a)(6) of the Atomic Energy Defense Act (50 U.S.C. 2562) repealing a requirement for the Secretary of Energy to report to Congress each time funds for the Initiatives for Proliferation Prevention Program are used to pay a tax or customs duty levied by the Government of the Russian Federation, this program ended in 2006 and no payments have been made since 2000.

The Senate amendment contained no similar provision.

The Senate recesses.

Progress on nuclear nonproliferation (sec. 3122)

The House bill contained a provision (sec. 3122) that would require the Secretary of Energy to submit, annually until 2016, a report on the strategic plans of the Department of Energy and the National Nuclear Security Administration to prevent nuclear and radiological proliferation and an estimate of budget requirements over 10 years, including interagency coordination. This section would also require the Secretary of Energy to submit annually until 2016, an assessment of the risk that non-nuclear weapon countries may acquire nuclear enrichment or reprocessing technology, and a classified list of the location and vulnerability of highly-enriched uranium worldwide.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would change the budget requirements from 10 to 5 years.

Reports on role of nuclear security complex sites and potential efficiencies (sec. 3123)

The House bill contained a provision (sec. 3123) that would require the Secretary of Energy to submit to the appropriate committees, no later than February 1, 2012, a report assessing the role of the nuclear security complex sites in supporting efforts for a safe, secure, and reliable nuclear deterrent as well as carrying out nuclear weapons reduction and supporting nuclear nonproliferation efforts. The report would include an assessment of opportunities for efficiencies and cost savings and a long-term plan for the nuclear security complex. Finally, the Comptroller General of the United States would be required to submit to the appropriate congressional committees, no later

than 180 days after submission of the Secretary of Energy's report, an assessment of the Secretary's report.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would change the due date of the report to March 1, 2013, and limit the reporting to the congressional defense committees. The conference agreement would also require the report to include, if the Administrator deems it appropriate, an analysis of the potential for shared use or development of high-explosives research and development capacity, supercomputing platforms and infrastructure maintained for Work for Others programs. If this analysis is not provided in the report, the conferees expect the Administrator to provide a written explanation detailing why these elements were not included.

Net assessment of high-performance computing capabilities of foreign countries (sec. 3124)

The House bill contained a provision (sec. 3124) that would require the Administrator for Nuclear Security, in coordination with the Secretary of Defense, the Director of National Intelligence, the Under Secretary of Energy for Science, and the Under Secretary of Commerce for Industry and Security, to conduct a net assessment of high-performance computing capability possessed by foreign countries. The assessment would be required to cover a variety of matters associated with high performance computing. The section would require the Administrator to coordinate the assessment with other appropriate executive agencies and, upon request by the Administrator, require the Secretary of Defense to provide net assessment expertise through the Department of Defense Office of Net Assessment. The Administrator would be required to submit an unclassified report on the results of the assessment, with a classified annex if appropriate, to the appropriate congressional committees within 180 days after the date of enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the net assessment to be conducted by the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, the Administrator for Nuclear Security, and the Secretary of Commerce.

The conferees encourage the Director of National Intelligence to work with the Secretary of Defense to leverage

net assessment expertise resident in the Department of Defense Office of Net Assessment and the Administrator for Nuclear Security to leverage high performance computing expertise resident in the national security laboratories of the National Nuclear Security Administration.

Review and analysis of nuclear waste reprocessing and nuclear reactor technology (sec. 3125)

The House bill contained a provision (sec. 3125) that would require the Administrator for Nuclear Security to enter into an agreement with the National Academy of Sciences (NAS) to conduct a study on waste reprocessing and Generation IV reactor technologies. The study would include a review of previous studies on waste reprocessing and a determination on the feasibility of using nuclear reactor technology, including Generation IV reactor technology developed at certain sites, to reprocess and reuse nuclear materials in a proliferation-resistant manner while generating electricity. The report would also determine the waste streams from such reactors and analyze the proliferation risks of these waste streams, including their effects on nuclear nonproliferation efforts of the United States. In addition, the study would compare using Generation IV reactors for reprocessing with nuclear waste reprocessing technologies used in other countries and with direct waste disposal. Finally, the study would conduct a detailed analysis of large-scale deployment of such reactor technology at military installations. The Administrator would be required to submit the report transmitted from the NAS no later than 18 months after the date of enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Energy, in consultation with the Administrator for Nuclear Security and the Secretary of Defense (as needed), to conduct a study on nuclear waste processing and Generation IV reactor technology. The study would include a review of prior studies conducted by the Department of Energy and the NAS related to nuclear waste reprocessing and the use of mixed oxide fuel in reactors, including Generation IV reactors. The study would determine the waste streams from reprocessing and the use of mixed oxide fuel, analyze the nuclear nonproliferation risks of reprocessing and using mixed oxide fuel, and compare the costs and proliferation risks of nuclear waste reprocessing technologies used in other countries with direct disposal. The

provision would also require the Secretary of Energy, in coordination with the Secretary of Defense, to analyze the feasibility of deploying Generation IV reactors or other nuclear reactors using mixed oxide fuel at military installations. The report would be due 180 days after date of enactment of this Act.

Subtitle D-Other Matters

Sense of Congress on the use of savings from excess amounts for certain pension plan contributions (sec. 3131)

The House bill contained a provision (sec. 3113) that as stated in the House report accompanying H.R. 1540 (H. Rept. 112-78) of the National Defense Authorization Act for Fiscal Year 2012 would "require the Administrator for Nuclear Security and the Assistant Secretary of Energy for Environmental Management to make determinations throughout each fiscal year, until the end of fiscal year 2016, regarding the level of funds needed to meet the minimum funding standard required by the Employee Retirement Income Security Act of 1974 (Public Law 93-406) for any defined-benefit pension plan operated by management and operating contractors of either the Department of Energy Office of Environmental Management or National Nuclear Security Administration (NNSA). If economic conditions improve, or efficiencies are identified, such that the amounts originally budgeted for contributions to the contractors' pension plans exceed the minimum required by statute, this section would require the Administrator and the Assistant Secretary to promptly obligate or expend the excess funds on high priority budgetary shortfalls, as identified by the Administrator or the Assistant Secretary, respectively. This section would authorize the Administrator and the Assistant Secretary to transfer any such funds as needed to fulfill this purpose, and would require the Administrator and the Assistant Secretary to promptly notify the congressional defense committees if such excess funds are identified or transferred. The authorities authorized by this section would terminate on September 30, 2016."

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express a sense of Congress that employee pension plans maintained by contractors who operate and manage the NNSA and the Office of Environmental Management laboratories, plants, and other facilities, should be fully funded consistent with law to ensure

retention of high quality personnel. The sense of Congress would also state that if economic conditions improve, or efficiencies are identified, any funds appropriated for these pensions that are in excess to the contributions required by law should be re-directed and promptly obligated or expended on high-priority mission activities of the NNSA or the Office of Environmental Management.

Legislative Provisions Not Adopted

Energy security and assurance

The House bill contained a provision (sec. 3104) that would authorize appropriations for fiscal year 2012 Energy Security and Assurance activities.

The Senate amendment contained no similar provision.

The House recesses.

Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure

The House bill contained a provision (sec. 3111) that would consolidate several existing reporting requirements in the Atomic Energy Defense Act, chapter 42 of title 50, United States Code. Specifically, this provision would repeal reporting requirements in sections 4202, 4203, 4203A, 4204, and 4208 of the Atomic Energy Defense Act and consolidate them into a new section 4203.

The Senate amendment contained no similar provision.

The House recesses.

The conferees encourage the Administrator for Nuclear Security to re-submit the legislative proposal for this consolidation to the Committees on Armed Services of the Senate and the House of Representatives for consideration in the National Defense Authorization Act for Fiscal Year 2013.

Additional budget item relating to Global Threat Reduction Initiative

The House bill contained a provision (sec. 3115) that would increase the authorized level for the Global Threat Reduction Initiative by \$20.0 million offset by an equal reduction from the Aerostat Joint Project Office set forth in table 4201.

The Senate amendment contained no similar provision.

The House recesses.

The conferees do not support the increase in funding because the funding source crosses jurisdictional accounts. The conferees continue to support the Global Threat Reduction Initiative as an important priority for national security.

Review of security vulnerabilities of national laboratory computers

The Senate amendment contained a provision (sec. 3111) that would amend section 2659 of title 50, United States Code, to delete the requirement for an annual independent external red team to review the security and vulnerabilities of the computers at the national laboratories and for the Secretary of Energy to submit an annual report setting forth the results of the red team review. The provision would direct the Secretary of Energy to conduct an annual review of security vulnerabilities of the national laboratory computers. The Secretary would submit a report to the congressional defense committees only if and when a significant vulnerability was discovered.

The House bill contained no similar provision.

The Senate recesses.

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

The Senate amendment contained a provision (sec. 3112) that would amend section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455(a)) to direct the Secretary of Energy, in consultation with the Secretary of Defense, to review the Government Accountability Office (GAO) report required by this section. Within 30 days of receiving the GAO report, the Secretary of Energy, in consultation with the Secretary of Defense, would complete the review of the GAO report and submit the results to the congressional defense committees. This report would include the results of the review of the GAO report and the views of the two Secretaries with respect to the findings in the GAO report. In addition, the two Secretaries would report on whether the actual funding level in the fiscal year in which the report is submitted is sufficient for the modernization and refurbishment of the nuclear security complex and the refurbishment of the nuclear weapons stockpile.

The House bill contained no similar provision.
The Senate recesses.

Report on feasibility of federalizing the security protective forces contract guard workforce at certain Department of Energy facilities

The Senate amendment contained a provision (sec. 3121) that would direct the Secretary of Energy and the Administrator for Nuclear Security to report on the feasibility of federalizing some or all of the security protective forces contract guard workforce at Department of Energy (DOE) atomic energy facilities. The provision would also direct the Secretary and the Administrator to submit a draft of the report to the Comptroller General. The final report, together with the comments of the Comptroller General, would be submitted to the congressional defense committees not later than 1 year from the date of enactment of this Act.

The House bill contained no similar provision.
The Senate recesses.

Comptroller General study on oversight of Department of Energy defense nuclear facilities

The Senate amendment contained a provision (sec. 3122) that would direct the Comptroller General to 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 defense nuclear facilities at the Department of Energy (DOE) to protect public health and safety.

The House bill contained no similar provision.
The Senate recesses.

Plan to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation

The Senate amendment contained a provision (sec. 3123) that recommends a provision that would direct the Administrator for Nuclear Security at the Department of Energy to submit a plan with the fiscal year 2013 budget request to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation by the end of calendar year 2013.

The House bill contained no similar provision.
The Senate recesses.

The conferees request the Administrator to submit a plan for the program over the next 5 years with the President's fiscal year 2013 budget submission to Congress.

TITLE XXXII-WAR RELATED NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORIZATIONS

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize the Defense Nuclear Facilities Safety Board at the fiscal year 2012 budget request of \$29,130,000.

The Senate amendment contained a similar provision (sec. 3201) that would authorize the Defense Nuclear Facilities Safety Board at \$33,317,000.

The Senate recedes to the House authorization level.

Legislative Provisions Not Adopted

Additional funding for Defense Nuclear Facilities Safety Board

The House bill contained a provision (sec. 3202) that would increase the fiscal year 2012 authorization level for the Defense Nuclear Facilities Safety Board by \$2,500,000, with an offsetting reduction from the Joint Tactical Radio System Maritime-Fixed Radios program.

The Senate amendment contained no similar provision.

The House recedes.

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

The Senate amendment contained a provision (sec. 3202) that would amend section 2286g(1) (A) of title 42, United States Code, to provide authority to the Defense Nuclear Facilities Safety Board to review the facility design of, and review and monitor the construction of, construction project 10-D-904 of the National Nuclear Security Administration.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Director of Naval Reactors to provide the congressional defense committees Critical Decision 1

(CD-1) and Critical Decision 2 (CD-2) documentation for this construction project, in accordance with Department of Energy (DOE) Order 413.3 or equivalent, when completed, as well as documentation that applicable DOE safety requirements are met.

TITLE XXXIV-NAVAL PETROLEUM RESERVES

Authorization of appropriation (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize \$14.909 million for fiscal year 2012 for operation and maintenance of the Naval Petroleum Reserves.

The Senate amendment did not contain a similar provision. The conference agreement includes this provision.

TITLE XXXV-MARITIME ADMINISTRATION

Legislative Provisions Adopted

Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012 (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration (MARAD) of the Department of Transportation for those activities of the Maritime Administration associated with maintaining national defense sealift.

The Senate amendment contained no similar provision. The Senate recesses.

Use of National Defense Reserve Fleet and Ready Reserve Force vessels (sec. 3502)

The House bill contained a provision (sec. 3502) that allows the use of National Defense Reserve Fleet vessels for civil contingency operations when requested by another agency of the government with concurrence of the Secretary of Defense (or a designee).

The Senate amendment contained no similar provision. The Senate recesses.

Recruitment authority (sec. 3503)

The House bill contained a provision (sec. 3503) that authorizes the Secretary of Transportation to expend available funds for the United States Merchant Marine Academy operating expenses for recruiting activities in order to obtain recruits for the Academy and cadet applications.

The Senate amendment contained no similar provision.
The Senate recesses.

Ship scrapping reporting requirement (sec. 3504)

The House bill contained a provision (sec. 3504) that would modify existing MARAD to eliminate the production of annual ship disposal reports to Congress and instead require MARAD, upon request, to provide Congress with timely briefings on its recycling program.

The Senate amendment contained no similar provision.
The Senate recesses.

Legislative Provisions Not Adopted

Strategic Port Assessment and Report

The House bill contained a provision (sec. 3505) that would require an assessment by the Secretary of Defense of all ports designated by the Department of Defense as strategic ports.

The Senate amendment contained no similar amendment.
The House recesses.

The conferees acknowledge that Congress in the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) mandated that the Military Surface Deployment and Distribution Command (SDDC) conduct a study on the optimal use, and potential expansion, of the Nation's strategic ports. Because of the continuing importance of strategic ports to the national security, the conferees direct the Commander of the SDDC, in consultation with the Administrator of the Maritime Administration, to provide an updated report of the port facilities used for military purposes. Specifically, the report should include: an assessment of the structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements; an assessment of the impact on operational readiness if the improvements are not undertaken; an

identification of potential funding sources for the needed improvements from existing authorities; and an opinion of whether the Department of Defense has the necessary authority to support section 50302 of title 46, United States Code.

Maritime Administration

The Senate amendment contained a provision (sec. 3301) that would re-authorize certain aspects of the Maritime Administration.

The House bill contained no similar provision.

The Senate recesses.

DIVISION D—FUNDING TABLES

Authorization of amounts in funding tables (sec. 4001)

The House bill contained a provision (sec. 4001) that would provide for the authorization of projects, programs, or activities in accordance with the tables in division D.

The Senate amendment contained a similar provision (sec. 4001).

The Senate recesses.

DIVISION E-SBIR AND STTR REAUTHORIZATION

Reauthorization of the SBIR and STTR programs (sec. 5001-5168)

The Senate amendment contained several provisions (secs. 5001-5503) that would reauthorize the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs for 8 years. The SBIR/STTR Reauthorization Act of 2011 gradually increases the SBIR allocation from 2.5 percent to 3.5 percent and the STTR allocation from 0.3 percent to 0.6 percent. In addition, it allows entities majority-owned by multiple venture capital firms to compete for SBIR awards.

The House bill contained no similar provisions.

The House recedes and the conferees agree to reauthorize SBIR and STTR for 6 years. The SBIR allocation will increase incrementally from 2.5 percent to 3.2 percent and the STTR allocation will increase incrementally from 0.3 percent to 0.45 percent. The conference agreement also expands the allowance of venture capital firms to include participation by firms that are majority owned by multiple hedge funds or private equity firms.