

S 1867

National Defense Authorization Act for Fiscal Year 2012

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Sponsor

Name: Sen. Levin, Carl [D-MI]

Party: Democratic • **State:** MI • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported Original Measure	Nov 15, 2011
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Apr 3, 2012

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
112 HR 4401	Related bill	Jul 10, 2012: Referred to the Subcommittee on Strategic Forces.
112 S 2112	Related bill	Feb 15, 2012: Read twice and referred to the Committee on Armed Services.
112 HR 1540	Related bill	Dec 31, 2011: Became Public Law No: 112-81.
112 S 1777	Related bill	Nov 1, 2011: Read twice and referred to the Committee on Armed Services.
112 S 1253	Related bill	Jul 13, 2011: Senate Committee on Armed Services. Hearings held prior to introduction and/or referral. Hearings printed: S.Hrg. 112-80, pt. 2.
112 S 1254	Related bill	Jun 22, 2011: Placed on Senate Legislative Calendar under General Orders. Calendar No. 81.
112 S 1255	Related bill	Jun 22, 2011: Placed on Senate Legislative Calendar under General Orders. Calendar No. 82.
112 S 1256	Related bill	Jun 22, 2011: Placed on Senate Legislative Calendar under General Orders. Calendar No. 83.
112 S 1106	Related bill	May 26, 2011: Read twice and referred to the Committee on Armed Services. (text of measure as introduced: CR S3439)
112 HR 1894	Related bill	May 13, 2011: Referred to the House Committee on Armed Services.
112 S 493	Related bill	May 4, 2011: Cloture on the bill (S. 493) not invoked in Senate by Yea-Nay Vote. 52 - 44. Record Vote Number: 64. (consideration: CR S2661; text: CR S2661)
112 S 240	Related bill	Jan 31, 2011: Read twice and referred to the Committee on Armed Services.

National Defense Authorization Act for Fiscal Year 2012 - **Division A: Department of Defense Authorizations - Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY2012 for the Department of Defense (DOD) for procurement for the Army, Navy and Marine Corps, Air Force, and defense-wide activities, in amounts specified in the funding table in Division D of this Act.

Subtitle B: Navy Programs - (Sec. 121) Authorizes the Secretary of the Navy to enter into one or more multiyear contracts, beginning with the FY2012 program year, for the procurement of mission avionics and common cockpits for MH-60R/S helicopters.

Subtitle C: Air Force Programs - (Sec. 131) Authorizes the Secretary of the Air Force to procure two advanced extremely high frequency satellites through a fixed-price contract. Authorizes such Secretary to (1) include the use of economic order quantities when resulting in cost savings, as well as cost reduction initiatives; and (2) use incremental funding under such contract for up to six fiscal years. Limits total procurement costs to \$3.1 billion, allowing a cost adjustment upon notification to the congressional defense and appropriations committees. Directs such Secretary to: (1) report to such committees within 30 days after entering into such a contract, and (2) submit to such committees a plan to use contract cost savings to improve the capability of military satellite communications. Allows such Secretary to use funds currently available for high frequency satellite space vehicle number 5 for the procurement of parts and the replacement of parts for space vehicle number 6. Expresses the sense of Congress that such Secretary should not enter into such a contract until determining that it will save the Air Force 20% or more over procuring two satellites separately.

(Sec. 132) Earmarks the use of specified B-2 bomber aircraft funds for: (1) research, development, test, and evaluation on a conventional mixed load capability for such aircraft, and (2) supporting alternative options for the extremely high frequency terminal Increment 1 program of record. Directs the Secretary of the Air Force to submit to the defense and appropriations committees a plan to provide an extremely high frequency terminal for secure protected communications for the B-2 and other aircraft.

(Sec. 134) Prohibits this Act's funds from being obligated or expended: (1) to retire any B-1 bomber aircraft before the date on which the Secretary of the Air Force submits to the defense and appropriations committee a plan for retiring such aircraft; and (2) after such date, to retire more than six of such aircraft. Expresses the sense of Congress that: (1) at least 60% of the savings achieved in each year through 2022 resulting from such retirements should be reinvested in modernizing and sustaining bomber aircraft, and (2) at least 35% of such amount should be reinvested in modernizing and sustaining the remaining B-1 fleet through such period.

(Sec. 135) Prohibits the Secretary of the Air Force from taking any action to prevent maintaining the U-2 aircraft fleet in its current configuration and capability beyond FY2016 until the Under Secretary of Defense for Acquisition, Technology, and Logistics (Under Secretary) certifies to the defense, appropriations, and intelligence committees that the operating and sustainment costs for the Global Hawk unmanned aerial vehicle are less than comparable costs for the U-2 on a flight-hour basis.

(Sec. 136) Directs the Secretary of the Air Force, as of October 1, 2011, to maintain a total inventory of strategic airlift aircraft of not less than 301.

(Sec. 137) Directs the Secretary of the Army, upon a determination to retire a C-23 aircraft, to first offer it for transfer, without charge, to the chief executive officer of the state in which the aircraft is based. Allows such aircraft, after transfer,

to continue to be utilized by the National Guard of that state. Requires the state, after the transfer, to assume all aircraft maintenance and operational costs.

Subtitle D: Joint and Multiservice Matters - (Sec. 151) Amends the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Skelton Act) to include in quarterly reports on the use of combat mission requirement funds a table setting forth the requirements approved during the fiscal year in which the report is submitted and the two preceding fiscal years, as well as a statement of any unspent funds for such period.

(Sec. 152) Directs the Secretary of Defense (Secretary), in entering into a contract for the procurement of the F-35 Lightning II Joint Strike Fighter aircraft, to ensure that the contract: (1) is a fixed-price contract, and (2) requires the contractor to assume full responsibility for contract costs above the target cost.

(Sec. 153) Requires the Under Secretary, at the same time as submission of the FY2013 budget, to report to the defense committees on DOD plans to implement the requirements of the Weapon Systems Acquisition Reform Act of 2009 within the Joint Strike Fighter aircraft program.

(Sec. 154) Authorizes the Secretary of the Army to enter into one or more multiyear contracts, beginning with the FY2012 program year, for the procurement of airframes for UH-60M/HH-50M and MH-60R/MH-60S helicopters.

(Sec. 155) Directs the Under Secretary to designate the undersea mobility acquisition program of the U.S. Special Operations Command as a major defense acquisition program (MDAP).

(Sec. 156) Requires the Secretary to: (1) develop and carry out a plan for the orderly transfer of the Air Force C-12 Liberty intelligence, surveillance, and reconnaissance aircraft to the Army; and (2) report to the defense, appropriations, and intelligence committees on such plan.

(Sec. 157) Directs the Air Force Audit Agency to submit to the defense and appropriations committees the results of a financial audit of funds previously authorized and appropriated for the Joint Surveillance Target Attack Radar System aircraft re-engining program.

(Sec. 158) Requires the Secretary to report to the defense and appropriations committees on the development of the short take-off, vertical landing variant of the Joint Strike Fighter.

(Sec. 159) Authorizes the Secretary to transfer to the United Kingdom an F-35 Lightning II aircraft in the carrier variant configuration in exchange for such an aircraft in the short take-off and vertical landing configuration. Provides: (1) funding for the aircraft to be exchanged by the United States, and (2) exchange implementation through a memorandum of understanding.

Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations - (Sec. 201) Authorizes appropriations for FY2012 for DOD for research, development, test, and evaluation (RDT&E), in amounts specified in the funding table.

Subtitle B: Program Requirements, Restrictions, and Limitations - (Sec. 211) Prohibits: (1) the use of this Act's funds for RDT&E on the F136 engine; or (2) such RDT&E conducted by a contractor from being considered an allowable charge on any future government contract.

(Sec. 212) Prohibits the obligation or expenditure of funds earmarked for Increment 2 of the B-2 bomber aircraft extremely high frequency satellite communications program until the Secretary of the Air Force submits to the defense

and appropriations committees a program certification and a plan setting forth the projected cost and schedule for certain RDT&E under the program.

(Sec. 213) Limits to 50% the obligation or expenditure of funds for the unmanned carrier launched airborne surveillance and strike program until the Under Secretary certifies to the defense and appropriations committees the approval of an acquisition plan for such program.

(Sec. 214) Prohibits the granting of Milestone B approval for the Marine personnel carrier until 30 days after submission to the defense and appropriations committees of an analysis of alternatives for the amphibious combat vehicle. Outlines analysis requirements. Prohibits Milestone B approval for certain other Marine Corps ground combat vehicles until 30 days after submission to such committees of a life-cycle assessment of such vehicles performed by the DOD Director of Cost Assessment and Program Evaluation.

Subtitle C: Missile Defense Matters - (Sec. 231) Amends the Skelton Act to direct the Comptroller General (CG), at the end of each of FY2012-FY2015, to review required annual DOD reports on acquisition baselines and variances of missile defense acquisition programs and assess the extent to which the Missile Defense Agency (MDA) has achieved its acquisition goals and objectives, and report assessment results to the defense and appropriations committees.

(Sec. 232) Expresses the sense of Congress that: (1) it is essential for the Ground-based Midcourse Defense (GBMD) element of the Ballistic Missile Defense System to achieve appropriate levels of reliability, availability, sustainability, and operational performance against limited future missile attacks from nations such as North Korea and Iran; (2) the MDA should, as its highest priority, determine the root cause of the December 2010 flight-test failure of the GBMD system, design a correction of the problem, and verify that such correction is effective and will allow the GBMD to reach the capabilities described above; (3) before such verification, the MDA should suspend further production of Exo-atmospheric Kill Vehicles to ensure that they will not be deployed with any component or design flaws that may have caused the flight-test failure; (4) after the MDA has verified the correction of the problem, it should assess the need for any additional ground-based interceptors and any additional steps needed for the GBMD testing and sustainment program; and (5) DOD should plan for and budget sufficient future funds for the GBMD to ensure the ability to complete and verify an effective correction of the problem. Requires two annual reports from the Secretary to the defense and appropriations committees on DOD plans to correct the problem, and progress toward achievement of such plan.

(Sec. 233) Expresses the sense of Congress that: (1) it is in the U.S. national security interest to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization (NATO) allies, and Russia, particularly against missile threats from Iran; (2) the United States should pursue ballistic missile defense cooperation with Russia on both a bilateral and a multilateral basis with its NATO allies, particularly through the NATO-Russia Council; (3) missile defense cooperation with Russia should not in any way limit U.S. or NATO missile defense capabilities and should be mutually beneficial and reciprocal in nature; and (4) the United States should pursue appropriate missile defense cooperation with Russia. Requires a report from the President to the defense, appropriations, and foreign relations committees on the status of efforts to reach agreement with Russia on missile defense cooperation.

(Sec. 234) Directs the Secretary to submit to the defense and appropriations committees the findings and conclusions of the homeland missile defense hedging strategy review, including the feasibility and advisability of establishing a missile defense site on the east coast of the United States.

Subtitle D: Reports - (Sec. 251) Amends the John Warner National Defense Authorization Act for Fiscal Year 2007

(Warner Act) to extend through 2020 requirements for a biennial roadmap and annual review and certification of funding for the development of hypersonics.

Subtitle E: Other Matters - (Sec. 261) Amends the Skelton Act to require the contractor to bear at least 50% of the cost of activities for enhancing or enabling the exportability of certain designated defense systems.

(Sec. 262) Authorizes the Secretary of the Army to acquire real property and associated interests in the vicinity of Hanover, New Hampshire, as needed for research and engineering laboratory facilities. Prohibits such Secretary from paying more than fair market value for such property and interests.

Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations - (Sec. 301) Authorizes appropriations for FY2012 for operation and maintenance (O&M) for the Armed Forces and specified activities and agencies of DOD.

Subtitle B: Energy and Environmental Provisions - (Sec. 311) Establishes periodic goals, covering FY2015-FY2024, for DOD production or procurement of its total facility energy consumption from renewable energy sources.

(Sec. 312) Directs the Secretary to report annually to Congress on defense environmental programs.

(Sec. 313) Authorizes the Secretary of the Navy to transfer specified funds to the Environmental Protection Agency (EPA) as payment in connection with a remedial investigation/feasibility study for the Jackson Park Housing Complex, Washington.

(Sec. 314) Prohibits funds from being used for deciding or adjudicating any claim regarding water contamination at Camp Lejeune, North Carolina, unless the Agency for Toxic Substances and Disease Registry completes all epidemiological and water modeling studies relevant to such contamination that are ongoing as of June 1, 2011, and certifies the completion of all such studies to the defense committees. Provides for the resolution of certain disputes in connection with such claims.

(Sec. 315) Amends the Act to Prevent Pollution from Ships to provide an exclusion from such Act's ship pollutant discharge requirements for military ships that have unique military design, construction, manning, or operation requirements and cannot comply with such requirements because it is not technologically feasible or would impair the operations or operational capability of the ship. Provides updated pollution discharge requirements for military vessels at sea.

(Sec. 316) Requires the Secretary to include opportunities to enhance energy security and reliability of defense facilities and missions when considering the development and implementation of the DOD energy performance master plan.

(Sec. 317) Directs the Secretary to require information generated by installation energy meters to be captured and tracked to determine baseline energy consumption.

(Sec. 318) Requires the Secretary to: (1) establish a training policy for DOD energy managers designated for military installations, (2) issue such policy within 180 days after the enactment of this Act, and (3) brief the defense committees on the policy.

Subtitle C: Workplace and Depot Issues - (Sec. 321) Requires investment funds included in the capital budget of specified military depots to be used to modernize or improve the efficiency of facilities, equipment, work environment, or processes in direct support of depot operations. Excludes the use of such funds for depot repair or other activity to

maintain or sustain existing facilities, infrastructure, or equipment. Adds nine Army depots to the covered depots.

(Sec. 322) Prohibits the Secretary or the Secretary of the military department concerned (Secretary concerned) from issuing guidance, regulations, policy, or revisions to any DOD or military department instructions containing a revision to the definition of depot-level maintenance unless the Secretary reports to the defense and appropriations committees on the advisability of establishing a single definition of such term.

(Sec. 323) Authorizes the Secretary or the Secretary concerned to designate any military industrial facility as a center of industrial and technical excellence.

(Sec. 324) Requires the Secretary to report to the defense and appropriations committees on the status of the drawdown, retrograde, and reset program for equipment used in support of operations in Iraq and Afghanistan, as well as the status of the overall supply chain management for depot-level activities.

Requires the Secretary of the Air Force to contract with a federally funded research and development center to report to the defense and appropriations committees on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

Subtitle D: Reports - (Sec. 331) Directs the Secretary of the Air Force to: (1) conduct a study on the ability of the major air test and training range infrastructure to support the full spectrum of Air Force operations, (2) create a master plan of requirements and investments to meet Air Force training and test needs through 2025, and (3) submit to the defense and appropriations committees an interim and final report on plan implementation.

(Sec. 332) Requires the Commander of the U.S. Special Operations Command to: (1) conduct a study on the ability of existing special operations training ranges to support the full spectrum of missions and operations assigned to special operations forces, and (2) submit to the defense and appropriations committees a plan on meeting special operations training requirements through 2025.

(Sec. 333) Directs the Secretary to: (1) survey the quantity and condition of each class of non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments, and (2) report to the defense and appropriations committees on the advisability of establishing service life extension programs for such classes of vehicles.

(Sec. 334) Revises the deadline for an annual report on budget shortfalls for implementing DOD operational energy strategy.

Subtitle E: Other Matters - (Sec. 341) Allows Army industrial facilities to enter into up to 15 (under current law, 8) contracts or cooperative arrangements with non-Army entities to carry out certain authorized activities related to such facilities. Extends through FY2025 the authority to enter into such contracts or arrangements.

(Sec. 342) Requires all capital assets financed by a DOD working-capital fund to be capitalized and depreciated for budgeting, rate-setting, and financial accounting purposes.

(Sec. 343) Amends the Skelton Act concerning the commercial sale by DOD of small arms ammunition and ammunition components in excess of military requirements to allow the commercial resale of only intact expended small arms cartridge cases. States that such commercial sale provisions shall not apply to ammunition or components stored or expended outside the United States. Requires all such sales to be subject to all applicable explosives safety and trade security controls.

(Sec. 345) Requires: (1) the Secretary to develop guidance for commanders of military installations inside the United States on planning to minimize the effects of disruption of services by a utility that sells natural gas, water, or electricity to such installation; (2) such commanders to develop appropriate action plans to minimize such effects; and (3) the CG to review actions taken and report to Congress on the guidance developed.

(Sec. 346) Authorizes the Secretary to establish a program to provide transportation on DOD aircraft on a space-available basis for: (1) active duty and reserve members holding a valid Uniformed Services Identification and Privilege Card; (2) retired members who, but for not attaining age 60, would be eligible for military retired pay; (3) an unremarried widow or widower of an active or reserve member; and (3) certain dependents of members described above. Allows the Secretary to establish an order of priority based on considerations of military needs and readiness. Requires the CG to review such program.

Title IV: Military Personnel Authorizations - Subtitle A: Active Forces - (Sec. 401) Sets forth authorized end strengths for active-duty forces as of the end of FY2012.

Subtitle B: Reserve Forces - (Sec. 411) Sets forth authorized end strengths as of the end of FY2012 for members of the Selected Reserve and reserve personnel on active duty in support of the reserves.

(Sec. 413) Sets forth minimum end strengths for FY2012 for Army and Air Force dual status military technicians.

(Sec. 414) Provides a FY2012 limitation on the number of non-dual status Army and Air Force military technicians.

(Sec. 415) Sets forth the maximum number of reserve personnel authorized to be on active duty for operational support during FY2012.

Subtitle C: Authorization of Appropriations - (Sec. 421) Authorizes appropriations for FY2012 for military personnel.

Title V: Military Personnel Policy - Subtitle A: Officer Personnel Policy Generally - (Sec. 501) Increases the authorized end strengths for active-duty Marine Corps officers in the grades of major, lieutenant colonel, and colonel.

(Sec. 502) Authorizes the Secretary to allow the Secretary concerned to provide a voluntary retirement incentive payment (VRIP) to officers who: (1) have served on active duty for more than 20 but not more than 29 years on the approved date of retirement; (2) meet the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer; (3) on the approved date, have 12 months or more remaining on active duty before reaching the maximum retirement years for the member's grade, or under any other provision of law; and (4) meet any additional requirements as specified by the Secretary concerned. Provides VRIP exclusions. Makes the maximum VRIP payment 12 times the officer's monthly basic pay at the time of retirement. Requires repayment for members who return to active duty, but allows the Secretary to waive repayment when recovery would be against equity and good conscience or contrary to the best U.S. interests. Terminates the VRIP as specified by the Secretary, but no later than December 31, 2018.

(Sec. 503) Authorizes the Secretary, on a case-by-case basis, 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. Excludes 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.

(Sec. 504) Includes within the definition of "joint duty assignment" all instructor assignments for joint training and

education.

Subtitle B: Reserve Component Management - (Sec. 511) Authorizes the Secretary concerned, when necessary to augment the active forces for a preplanned mission, to order any unit or unassigned member of the Selected Reserve, or any member in the Individual Ready Reserve mobilization category and designated as essential, to active duty, without the consent of the member, for not more than 365 consecutive days. Outlines activation limitations, including a limit of 60,000 members under such order. Excludes members so ordered from active-duty end strength limits. Directs the Secretary concerned to notify Congress when exercising such authority, including the circumstances necessitating such action. Terminates such duty by law or by order of the Secretary concerned. Requires, when determining which members will be so ordered, appropriate consideration to be given to: (1) length and nature of previous service; (2) frequency of assignments during service career; (3) family responsibilities; and (4) employment necessary to maintain the national health, safety, or interest.

(Sec. 512) Makes reserve officer military technicians (dual status) who have been retained beyond their mandatory removal date for years of service ineligible for consideration for promotion by a mandatory promotion board.

(Sec. 513) Allows preseparation counseling for reserve members being demobilized to commence less than 90 days before their projected date of discharge or release from active duty when operational requirements make the full 90- day requirement unfeasible.

(Sec. 514) Directs the Secretary to: (1) study the feasibility and advisability of terminating the military technician as a distinct DOD personnel management category, and (2) report study results to the defense and appropriations committees.

(Sec. 515) Authorizes the Secretary, upon request of a state governor for federal assistance in responding to a major disaster or emergency, to order a unit or member of the reserves to active duty for a continuous period of up to 120 days to provide such assistance. Excludes members so serving from reserve personnel end strength limits. Provides for the termination of such duty by order of the Secretary or by law. Requires the usual and customary command and control arrangement with respect to regular and reserve armed forces serving simultaneously in support of civil authorities during such a disaster or emergency.

Subtitle C: General Service Authorities - (Sec. 521) Repeals the requirement that the Secretary pay a high-deployment allowance for members deployed in excess of specified periods.

(Sec. 522) Prohibits a member from being denied reenlistment for unsuitability based on the same medical condition for which they were determined by a physical evaluation board to be fit for duty.

(Sec. 523) Allows any enlisted member to be discharged within one year (under current law, three months) before the expiration of their enlistment or extended enlistment.

(Sec. 524) Extends through 2018 DOD authority to pay voluntary separation pay and benefits to eligible members voluntarily separated from active duty.

(Sec. 525) Authorizes the Secretary concerned to carry out one or more programs to provide eligible members with job training and employment skills training for civilian employment. Makes eligible for such program members who: (1) have completed at least 180 days of active duty, and (2) are expected to be discharged or released from such duty within 180 days after participation in the program.

(Sec. 526) Requires the Secretary concerned, for the purposes of recruitment or enlistment, to treat a graduate who receives a diploma from a legally operating secondary school or otherwise completes a program of secondary education in compliance with that state's education laws as a graduate of a secondary school as defined under the Elementary and Secondary Education Act of 1965. Directs the Secretary of Defense to prescribe a policy that incorporates means for identifying such graduates who are qualified for recruitment and enlistment. Requires each Secretary concerned to: (1) develop a recruitment plan and strategy for targeting various segments of potential recruits with all types of secondary education credentials, and (2) develop a communication plan to ensure that the policy and plan are understood by military recruiters.

(Sec. 527) Prohibits a military chaplain from being required to perform a marriage that the chaplain does not wish to perform as a matter of conscience or moral principle.

Subtitle D: Education and Training - (Sec. 541) Allows graduates of the National Defense Intelligence College to receive credit for completing joint professional military education phase I. Eliminates the requirement that the curriculum for phase II instruction at the Joint Forces Staff College be taught only in residence.

(Sec. 542) Allows certain military medical students, while on active duty, to serve in pay grade O-2 (under current law, all such students serve in pay grade O-1) if they meet specified criteria prescribed by the Secretary concerned. Requires officers detailed as a student at a medical school to serve on active duty in the same grade (with the same entitlements) in which they served before such detail.

(Sec. 543) Authorizes the Secretary concerned to enter into agreements to pay a stipend to individuals eligible to be appointed as a reserve officer and enrolled or accepted in a course of study that results in a degree in clinical psychology or social work. Requires, under each agreement, that the individual serve, upon completion of the educational program, one year in the Ready Reserve for each six months for which the stipend is provided.

(Sec. 544) Authorizes the Secretary of the Air Force to provide for the enrollment of certain seriously wounded, ill, or injured former or retired enlisted personnel in associate degree programs of the Community College of the Air Force in order to complete their degree program requirements. Prohibits participation by any individuals after the end of the 10-year period following their separation from active duty.

(Sec. 545) Allows the Secretary concerned to issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if such institution: (1) offers a course in military training prescribed by that Secretary, and (2) has a student body of at least 100 physically fit students over 14 years of age.

(Sec. 546) Authorizes the Secretary concerned to waive the maximum age limit for admission to the military service academies if the individual: (1) satisfies all other admission eligibility requirements; and (2) was or is prevented from admission before reaching the maximum age limit as a result of active duty service in a theater of operations for Operations Iraqi Freedom, Enduring Freedom, or New Dawn. Prohibits: (1) any waiver in which the candidate would pass his or her 26th birthday by July 1 of the year of admission, and (2) more than five candidates from being admitted to each service academy under such waiver. Requires a report from each department Secretary to the defense committees on the exercise of the waiver authority.

(Sec. 547) Directs the Secretary to carry out a pilot program to assess the feasibility and advisability of allowing enlisted personnel to obtain civilian credentialing or licensing for skills required for military occupational specialties or qualification for duty specialty codes. Requires the Secretary to: (1) designate at least three and no more than five specialties or

codes for coverage under the pilot program, and (2) report to Congress on the program.

Subtitle E: Military Justice and Legal Matters Generally - (Sec. 551) Amends article 120 of the Uniform Code of Military Justice (UCMJ) involving offenses of rape, sexual assault, and other sexual misconduct to divide such article into three separate articles covering: (1) offenses of rape and sexual assault of any person; (2) sexual offenses against children under age 16; and (3) other nonconsensual sexual misconduct offenses. Defines "child" for purposes of such provisions as one under age 16 (under current law, under 12). Includes as sexual assaults committing a sexual act upon another person: (1) knowing that the other person is asleep, unconscious, or otherwise unaware that the act is occurring; and (2) when the other person is incapable of proper consent due to impairment, mental disease or defect, or physical disability. Provides that marriage is not a defense for any conduct in issue under the offenses of rape and sexual assault. Repeals provisions concerning the defenses of consent and mistake of fact as to consent, as well as other affirmative defenses not being precluded simply by their omission. States specifically that: (1) a sleeping, unconscious, or incompetent person cannot consent; (2) a person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious; and (3) a person cannot consent while under threat or in fear. Includes under other sexual misconduct the indecent viewing, visual recording, or broadcasting of the private area of another person without their consent and under circumstances in which the other person has a reasonable expectation of privacy.

(Sec. 552) Amends the UCMJ to authorize the issuance of subpoenas to compel the production of documentary evidence prior to trial by court-martial. Repeals obsolete provisions relating to fees and mileage allowance payable to witnesses.

(Sec. 553) Requires final decisions of the Secretary or the Secretary concerned which result in the denial of the correction of a personnel record of a member or former member to include a concise written statement of the factual and legal basis for such decision, together with a statement of the procedure and time for obtaining further review. Requires the individual to submit a review request within 90 days after a decision resulting in denial of correction of such record. Requires the decision of a military corrections board to include a thorough advisory opinion if it involves a historically significant military event, if the corrective action modifies a disciplinary action, or if it includes a promotion decision regarding a general or flag officer that would require Senate confirmation.

Sets forth procedures for the judicial review of decisions based on correction board actions, including a requirement that the individual request correction of the record before judicial review may proceed. Allows individuals to seek judicial review within three years after receiving the final decision of a correction board.

(Sec. 554) Authorizes the Secretary to provide support to one or more public or private programs designed to facilitate representation by attorneys who provide pro bono legal assistance to military personnel in need of representation. Provides funding.

Subtitle F: Sexual Assault Prevention and Response - (Sec. 561) Amends the Skelton Act to require the Director of the Sexual Assault Prevention and Response Office to be appointed from among general or flag officers or from DOD employees in a comparable Senior Executive Service position.

(Sec. 562) Directs the Secretary to: (1) issue guidance to implement certain recommendations of the Report of the Defense Task Force on Sexual Assault in the Military Services, and (2) report to Congress on the status of implementation of such recommendations.

(Sec. 563) Requires the Secretaries concerned to prescribe regulations on the provision of legal assistance to victims of sexual assault. Allows a member of the Armed Forces (member) who is the victim of a sexual assault to be provided: (1) legal assistance by military or civilian legal assistance counsel, or (2) assistance through a Sexual Assault Response

Coordinator or Sexual Assault Victim Advocate. Requires a member-victim to be informed of the availability of the various types of assistance at the time the member first seeks assistance. Allows a member-victim to confidentially disclose assault details to any of the above individuals, health care personnel, or a chaplain, and receive medical treatment, legal assistance, or counseling without initiating an official investigation.

(Sec. 564) Directs the President to establish in the Manual for Courts-Martial an evidentiary privilege against disclosure of certain circumstances by victims of sexual assault made to Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, and such other persons as the President shall specify.

(Sec. 565) Requires the Secretaries concerned to provide guidance on expedited consideration and decision-making on requests for a permanent change of station or unit transfer submitted by a member-victim serving on active duty.

(Sec. 566) Directs the Secretary to: (1) develop a comprehensive DOD policy on the retention of and access to evidence and records relating to sexual assaults involving members, and (2) ensure that such policy is implemented uniformly by the military departments.

Subtitle G: Defense Dependents' Education - (Sec. 571) Earmarks specified DOD O&M funds: (1) to assist local educational agencies (LEAs) having a significant number of dependents of members and DOD civilian employees enrolled in their schools, and (2) for impact aid for children with severe disabilities.

(Sec. 573) Amends the Warner Act to authorize additional forms of assistance to LEAs serving military dependent students who do not attend Department of Defense Education Activity schools. Extends such authority through FY2016.

Subtitle H: Military Family Readiness - (Sec. 576) Revises the membership and terms of office on the Department of Defense Military Family Readiness Council.

(Sec. 577) Directs the CG to review all current DOD military spouse employment programs, and report review results to the defense and appropriations committees. Requires the Secretary to submit to such committees the number of spouses who have obtained employment following participation in military spouse employment programs.

Subtitle I: Other Matters - (Sec. 581) Authorizes the Secretary to allow the Secretaries concerned to issue a Cold War Service Medal to eligible individuals.

(Sec. 582) Amends the National Defense Authorization Act (NDAA) for Fiscal Year 2008 relating to the Yellow Ribbon Reintegration Program (military-to-civilian transition assistance) to: (1) include federal and state-led programs of outreach under the Program, and (2) add to Program functions the development and implementation of a process for identifying best practices in the delivery of information and services in outreach programs.

(Sec. 583) Directs the Secretary to submit to Congress an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect to members who suffer from certain disabling diseases or conditions.

(Sec. 584) Requires the Secretary to report to the defense committees on the achievement of diversity goals for the leadership of the Armed Forces.

(Sec. 585) Amends the Uniformed and Overseas Citizens Absentee Voting Act to apply to overseas voters (under current law, only to absent uniformed services voters) the prohibition against U.S. states from refusing to accept or process valid applications for voter registration and absentee ballots on the grounds of premature submission.

(Sec. 586) Authorizes and requests the President to award the Medal of Honor posthumously to Captain Emil Kapaun for acts of valor during the Korean War.

(Sec. 587) Authorizes the Secretary of the Army to award the Distinguished Service Cross to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War.

Title VI: Compensation and Other Personnel Benefits - Subtitle A: Bonuses and Special and Incentive Pays -

(Sec. 611) Extends through 2012 specified authorities currently scheduled to expire at the end of 2011 with respect to certain special pay and bonus programs within the regular and reserve Armed Forces.

(Sec. 612) Requires hostile fire and imminent danger pay and hazardous duty pay to be prorated according to the number of days spent in a qualifying area. (Under current law, such payments are made on a monthly basis.)

Subtitle B: Consolidation and Reform of Travel and Transportation Authorities - (Sec. 621) Provides revised and updated definitions, administrative provisions, and general and specific authorities concerning military travel and transportation. Authorizes the Secretary to conduct pilot programs to evaluate alternative methods for performing and reimbursing travel, for limiting the need for travel, and for reducing the environmental impact of travel. Requires pilot program reports.

Directs the Secretary, the Secretary of Homeland Security (with respect to the Coast Guard when not operating as a service in the Navy), the Secretary of Commerce (with respect to the National Oceanic and Atmospheric Administration [NOAA]), and the Secretary of Health and Human Services (with respect to the Public Health Service) (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. Require that all DOD travel claims be processed electronically within five years after the enactment of this Act.

Recodifies and renumbers current military travel and transportation authorities. Terminates current authorities with respect to travel that occurs after ten years after the enactment of this Act. Makes technical and clerical amendments necessitated by the recodified and renumbered authorities.

(Sec. 622) Directs the Secretary to develop a plan to implement the transition from current military travel and transportation authorities to the revised and updated authorities within the 10-year period following the enactment of this Act. Requires the Secretary to prepare such plan, and modify current law to facilitate the transition process, in coordination with the administering Secretaries.

Subtitle C: Disability, Retired Pay, and Survivor Benefits - (Sec. 631) Removes members from automatic enrollment as a dependent under the Family Servicemembers' Group Life Insurance program when they are already insured under the Servicemembers' Group Life Insurance program.

(Sec. 632) Limits to 50% the obligation or expenditure of FY2012 funds for travel of the Office of the Under Secretary of Defense for Personnel and Readiness until such Under Secretary reports to the defense and appropriations committees on the implementation of special compensation for members with injury or illness requiring assistance in daily living.

(Sec. 633) Amends the Skelton Act to repeal provisions expressing the sense of Congress concerning age and service requirements for retired pay for non-regular (reserve) service.

(Sec. 634) Authorizes the payment of a death gratuity and related benefits for reserve members who die while staying at

their residence, when so authorized, during or between successive days of inactive duty training. Treats such a death as death during inactive duty training. Authorizes payment for the recovery, care, and disposition of remains in such instances.

(Sec. 635) Repeals the reduction of Survivor Benefits Plan (SBP) benefits by the amount received as dependency and indemnity compensation (DIC). Prohibits the recoupment of certain amounts previously refunded to SBP recipients. Repeals the authority for an optional SBP annuity for dependent children, restoring such annuity to previously eligible spouses.

Subtitle D: Pay and Allowances - (Sec. 641) Prohibits reducing the rate of basic allowance for housing paid to a member of the Army or Air National Guard upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service of at least one day.

Title VII: Health Care Provisions - Subtitle A: TRICARE Program - (Sec. 701) Requires the Secretary, after FY2012, to increase the fee payable for enrollment in TRICARE Prime by the same percentage as any cost-of-living increase for retired pay of members and former members.

(Sec. 702) Provides that TRICARE institutional, professional, and pharmacy networks shall not be considered subcontractors for purposes of the Federal Acquisition Regulation (FAR) or any other law.

(Sec. 703) Amends the NDAA for Fiscal Year 1997 to require beneficiaries enrolled in the Uniformed Services Family Health Plan after September 30, 2011, to transition to TRICARE for Life once they become Medicare-eligible.

(Sec. 704) Amends the NDAA for Fiscal Year 2008 to: (1) extend from 2011 to 2015 the required reporting period on access to health care under TRICARE Standard and TRICARE Extra, and (2) change from semiannually to biennially the frequency of CG reports containing reviews of such reports.

(Sec. 705) Extends until three years after the provision of services the time limit for the submittal of claims under TRICARE for care provided outside the United States or its territories and possessions.

Subtitle B: Other Health Care Benefits - (Sec. 711) Authorizes the Secretary to pay travel expenses to a location inside the United States in the case of a command-sponsored dependent of a member assigned to a remote location outside the United States who requires or elects obstetrical anesthesia services.

(Sec. 712) Extends the normal 180-day period for medical eligibility under the Transition Assistance Management Program, in the case of reserve members called to active duty in support of a contingency operation and then extended for additional active duty, to the 180-day period following the end of the extended duty.

(Sec. 713) Directs the Secretary to prescribe and maintain regulations relating to commanding officer and supervisor referrals of members for mental health evaluations. Requires such regulations to seek to eliminate any perceived stigma associated with seeking and receiving mental health services. Outlines procedures for such evaluations, and prohibits using such referrals to retaliate against whistleblowers.

Subtitle C: Health Care Administration - (Sec. 721) Allows a health-care professional who is a member of the Armed Forces, DOD civilian employee, personal services contractor, or other health-care professional who is credentialed and privileged at a federal health care institution to perform duties relating to mental health care at any location in a state, the District of Columbia, or U.S. territory or possession regardless of where the professional or patient is located, as long as

the practice is within the scope of the authorized federal duties.

(Sec. 722) Limits access to medical quality assurance records to peer review activity by or for DOD to assess the quality of medical care.

Title VIII: Acquisition Policy, Acquisition Management, and Related Matters - Subtitle A: Provisions Relating to Major Defense Acquisition Programs - (Sec. 801) Allows the waiver of requirements relating to new milestone approval for certain major defense acquisition programs (MDAPs) that experience critical cost growth attributable to changes in the purchase quantity, and not as the result of an increase in program cost, program delay, or meeting program requirements. Directs the Secretary to submit to Congress a written determination to such effect.

(Sec. 802) Amends the Weapon Systems Acquisition Reform Act of 2009 to: (1) repeal the requirement that DOD certify MDAP compliance with actions on the treatment of systemic problems prior to milestone approval, and (2) eliminate the requirement to continually review and revalidate waivers granted under such Act.

(Sec. 803) Directs the Secretary to issue guidance on actions taken to assess, manage, and control DOD costs for the operation and support of major weapon systems. Makes the Director of Cost Assessment and Program Evaluation responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for such systems.

(Sec. 804) Makes the Under Secretary responsible for policies and guidance on cost analyses and targets to be used in contract negotiations.

(Sec. 805) Amends the Skelton Act to allow DOD to tailor manufacturing readiness levels or other manufacturing standards to address the unique characteristics of specific industry sectors or weapon system portfolios.

(Sec. 806) Amends the Warner Act to require each MDAP to be supported by a chief development tester and a government test agency.

(Sec. 807) Directs the Secretary, after the President certifies Congress regarding a proposed cooperative agreement expected to result in the award of a DOD contract for the engineering and manufacturing development of a major weapon system, to submit to the defense committees a risk assessment of the proposed project.

Subtitle B: Acquisition Policy and Management - (Sec. 821) Directs: (1) the Under Secretary 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, and (2) the CG to report to the defense and appropriations committees on actions taken by the Under Secretary pursuant to such strategy.

(Sec. 822) Requires: (1) the Under Secretary to develop a plan for implementing the recommendations of the Defense Science Board Task Force on Improvements to Service Contracting, and (2) the CG to report to such committees on actions taken pursuant to this section.

(Sec. 823) Prohibits the total amount obligated by DOD for contract services in FY2012 or FY2013 from exceeding the total amount requested for such services by DOD in FY2010, adjusted for net transfers from funding for overseas contingency operations. Provides an exception with respect to any increase in the number of civilian DOD billets in such fiscal years. Requires the Secretary to issue guidance to the military departments and defense agencies on the implementation of such limitations.

(Sec. 824) Requires a single annual report on single-award task and delivery order contracts based on exceptional circumstances (in lieu of separate reports on each single-award contract awarded during such year). Requires an explanation of the basis of the determination with respect to a single-award contract in excess of \$100 million.

(Sec. 825) Directs the Under Secretary to: (1) incorporate specified corrosion prevention and control recommendations into requirements applicable to the development and acquisition of new weapon systems, (2) develop a plan to achieve such incorporation in a timely and appropriate manner, and (3) incorporate such corrosion prevention and control into the F-22 Raptor and F-35 Lightning II Joint Strike Fighter aircraft. Requires: (1) the Secretary to ensure that the Milestone Decision Authority for an MDAP to consider issues of corrosion and materials degradation within MDAP certification requirements; and (2) the Director of Operational Test and Evaluation to consider corrosion, environmental severity, and duration in the adequacy of operational test and evaluation plans, and include such information in required annual reports.

(Sec. 826) Prohibits the use of funds to implement or carry out any program that creates a price evaluation adjustment that is inconsistent with certain federal court rulings.

(Sec. 827) Applies domestic purchase (Buy American) requirements to the DOD procurement of photovoltaic devices.

Subtitle C: Amendments Relating to General Contracting Authorities, Procedures, and Limitations - (Sec. 841)
Provides for the treatment and use of technical data developed through DOD expenditure of certain independent research and development and bid and proposal costs.

(Sec. 842) Prohibits the compensation payable to defense contractor employees from exceeding the annual amount paid to the President of the United States.

(Sec. 843) Amends the Skelton Act to define "covered contracts" for purposes of requirements for contractor business systems.

(Sec. 844) Requires non-defense agencies to comply with defense procurement requirements, including FAR, when making procurements on behalf of DOD.

(Sec. 845) Prohibits the head of a defense agency from requiring a contractor to submit contractor political information as part of a contract solicitation, bid, or proposal, or during any part of contract performance.

(Sec. 846) Waives DOD Buy American requirements for the procurement of components containing specialty metal otherwise producible overseas with specialty metal not produced in the United States.

(Sec. 847) Directs the CG to submit to the defense committees a review and assessment of the noncompetitive contracts and one-offer contracts awarded by DOD during the preceding fiscal year.

(Sec. 848) Directs the Secretary to revise the DOD Supplement to FAR to address the detection and avoidance of counterfeit electronic parts. Requires DOD contractors and subcontractors: (1) whenever possible, to use trusted suppliers (as identified by DOD) when purchasing such parts; and (2) notify the DOD Inspector General of any counterfeit item, part, or material contained in supplies purchased by DOD or by the contractor for delivery to DOD. Directs the Secretary of Homeland Security to establish a methodology for the targeting of imported electronic parts as counterfeit sources. Requires the DOD Secretary to: (1) implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit and suspected counterfeit electronic parts, and (2) take steps to address shortcomings in DOD systems for such detection and avoidance.

Amends the federal criminal code to provide criminal penalties for trafficking in counterfeit military goods or services. Directs the U.S. Sentencing Commission to review and, if appropriate, amend federal sentencing guidelines and policy statements relating to the sale of counterfeit products to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell such products to or for the use of the Armed Forces or federal, state, or local law enforcement agencies, or for use in critical infrastructure or in national security applications.

(Sec. 849) Requires a report from the Secretary to the defense and appropriations committees on the authorities currently available to DOD for multiyear contracts for the purchase of advanced biofuels.

(Sec. 850) Directs the CG to submit to the defense and appropriations committees, in both 2012 and 2013, an assessment of DOD implementation of justification and approval requirements for certain sole-source contracts.

Subtitle D: Provisions Relating to Wartime Contracting - (Sec. 861) Authorizes the head of a DOD contracting activity to void a contract, or restrict or limit the award of future contracts, to a contractor who has been determined by the Commander of the U.S. Central Command as actively opposing U.S. or coalition forces in a contingency operation in the Central Command theater of operations. Allows such contracting head to authorize the contract termination for default of a contractor who fails to exercise due diligence to ensure that none of the contract funds are awarded to persons actively supporting an insurgency or opposing U.S. or coalition forces in such theater of operations. Requires a report from the Secretary to the defense committees in each of 2013-2015 on the use of such authority. Terminates such authority three years after the enactment of this Act.

(Sec. 862) Authorizes the Secretary to include in defense contracts, grants, and cooperative agreements a clause authorizing the Secretary to examine the records of the contract, grant, or agreement recipient to ensure that contract funds are not subject to extortion or corruption and are not provided to persons or entities supporting an insurgency or actively opposing U.S. or coalition forces in a contingency operation. Requires a report from the Secretary to the defense committees in each of 2013-2015 on the use of such authority. Terminates such authority three years after the enactment of this Act.

(Sec. 863) Establishes in the Treasury the Joint Urgent Operational Needs Fund to fund capabilities determined to be suitable for rapid fielding in response to urgent operational needs. Allows the transfer of funds to such Fund from DOD O&M, procurement, and RDT&E accounts. Terminates Fund use authority on the last day of the third fiscal year following the enactment of this Act. Prohibits any Fund expenditures until the Secretary certifies to the defense and appropriations committees that DOD has developed and implemented an expedited review process in compliance with provisions of the Skelton Act.

(Sec. 864) Amends the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Stump Act) to include associated support services within DOD use of rapid acquisition and deployment procedures for urgently needed supplies.

(Sec. 865) Authorizes the Under Secretary to designate a single contracting activity inside the United States to act as the lead contracting activity for the use of domestic capabilities in support of overseas contracting for Operations Enduring Freedom and New Dawn. Authorizes the head of the designated contracting activity, when awarding such a contract inside the United States, to use the larger overseas micro-purchase and simplified acquisition thresholds in the same manner and to the same extent as if the contract were to be awarded outside the United States.

(Sec. 866) Requires that the Quadrennial Defense Review, National Military Strategy, and other major military planning documents address the expected roles and responsibilities of contractors in military operations and risks associated with

the assignment of functions to contractors.

Subtitle E: Other Matters - (Sec. 881) Extends, to include by way of direct appropriation or deposit, the availability of funds in the Defense Acquisition Workforce Development Fund.

(Sec. 882) Revises the delegation of authority for determinations on the DOD making of cooperative research and development agreements with NATO and other U.S.-friendly countries and organizations.

(Sec. 883) Directs the Secretary to determine a fair and reasonable rate of payment for airlift services provided to DOD by air carriers participating in the Civil Reserve Air Fleet program.

(Sec. 884) Authorizes DOD to acquire right-hand drive passenger vehicles, at a cost of up to \$40,000 each. Requires such cost limit to be adjusted annually for inflation.

(Sec. 885) Amends the Small Business Act to extend through FY2018: (1) the Small Business Innovation Research (SBIR) program, (2) the Small Business Technology Transfer (STTR) program, and (3) the small business commercialization pilot program. (This section is subsequently repealed by sec. 5003.)

(Sec. 886) Amends the NDAA for Fiscal Years 1990 and 1991 to extend through FY2014 a test program for the negotiation of comprehensive small business subcontracting plans. Extends an associated report requirement.

(Sec. 887) Amends the NDAA for Fiscal Year 1991 to extend through FY2015 the DOD mentor-protege pilot program.

(Sec. 888) Directs the Secretary to report to the defense committees on fire-resistant and fire-retardant fibers and materials used in military products.

(Sec. 889) Requires the Secretary to either redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program (MDAP) not in the sustainment phase, or require such program to provide to the: (1) defense and appropriations committees specified cost, schedule, and performance information as if it were a MDAP; and (2) Under Secretary a quarterly cost and status report and earned value management data.

(Sec. 890) Directs the Under Secretary to: (1) assess the current and long-term availability within the United States and international industrial base of critical equipment, components, and materials needed to support current and future U.S. military requirements for night vision image intensification sensors; and (2) submit assessment results to Congress.

(Sec. 891) Requires the Secretary, concurrent with the FY2013 defense budget, to submit specified information concerning implementation of the DOD acquisition strategy for the Evolved Expendable Launch Vehicle. Directs the CG to submit to the defense and appropriations committees an assessment of the Secretary's information and recommendations.

(Sec. 892) Directs DOD to submit to the defense, appropriations, and foreign relations committees an assessment of the impact of foreign boycotts on the defense industrial base.

Title IX: Department of Defense Organization and Management - Subtitle A: Department of Defense Management

- (Sec. 901) Requires the Deputy Secretary of Defense to be appointed from among those most highly qualified by background and experience, including management experience.

(Sec. 902) Directs the Secretary to designate a senior DOD official with principal responsibility for DOD airship programs, and to set forth appropriate responsibilities of the position.

(Sec. 903) Requires each department Secretary to enter into a memorandum of agreement with the Commander of the Special Operations Command establishing procedures for the synchronization of general purposes forces with the training and deployment cycle of special operations forces.

(Sec. 904) Establishes the positions of Commandant and Provost and Academic Dean at the Air Force Institute of Technology, with appropriate qualifications and responsibilities. Provides a five-year term for each, but authorizes an additional five-year term for the Commandant.

(Sec. 905) Makes permanent DOD authority: (1) for the direct hiring of scientists and engineers for defense laboratory positions, (2) to fund defense laboratories for research and development of technologies for military missions, and (3) for unspecified minor military construction projects related to defense laboratory revitalization. Requires the Secretary to: (1) assess current requirements of defense laboratories for the revitalization and recapitalization of infrastructure, and (2) submit an interim and final report to the defense and appropriations committees on such assessment.

(Sec. 906) Directs the Secretary to: (1) assess current and potential mechanisms to permit DOD to employ non-U.S. citizens with critical scientific and technical skills vital to U.S. national security interests, and (2) submit an interim and final report to the defense and appropriations committees on such assessment.

(Sec. 907) Expresses the sense of Congress encouraging DOD to continue the use and enhancement of modeling and simulation across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

(Sec. 908) Expresses the sense of Congress that the successor organization to the United States Joint Forces Command, the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation command of NATO.

(Sec. 909) Directs the Secretary to submit to the defense and appropriations committees a description and assessment of the effects of planned personnel reductions at the Joint Warfare Analysis Center.

Subtitle B: Space Activities - (Sec. 911) Authorizes the Secretary, in order to assist the Secretary of Transportation with respect to private-sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure (STI), to: (1) maximize the use of DOD STI by the private sector, (2) maximize the effectiveness and efficiency of the DOD STI, (3) reduce the cost of STI services provided by DOD, (4) encourage commercial space activities by enabling investment in the DOD STI by non-federal entities engaged in commercial space activities, and (5) foster cooperation between DOD and such entities. Establishes the Defense Cooperation Space Launch Account for such purposes. Requires an annual report from the Secretary to the defense and appropriations committees on funds, services, and equipment accepted and used for such purposes.

(Sec. 912) Provides that if the Secretary determines that a MDAP to purchase space vehicles requires delivery in two or more increments, the Secretary may designate each increment as a major subprogram for purposes of acquisition reporting requirements.

(Sec. 913) Expresses the sense of Congress on the importance of the reliable, uninterrupted provision of precision navigation and timing signals by Global Positioning System (GPS) satellites owned and operated by DOD. Directs the Secretary to: (1) assess the ability of national security GPS receivers to receive signals without interruption or interference, and determine if commercial communications services are or will cause interference with such signals; and (2) notify the defense and appropriations committees upon a positive determination of interruption or interference.

Actions Timeline

- **Dec 1, 2011:** Considered by Senate. (consideration: CR S8094-8138)
- **Dec 1, 2011:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay. 93 - 7. Record Vote Number: 218.
- **Dec 1, 2011:** Passed Senate with amendments by Yea-Nay. 93 - 7. Record Vote Number: 218.
- **Dec 1, 2011:** Senate incorporated this measure in H.R. 1540 as an amendment.
- **Dec 1, 2011:** See also H.R. 1540.
- **Nov 30, 2011:** Considered by Senate. (consideration: CR S8012-8054, S8060-8062)
- **Nov 30, 2011:** Cloture on the measure invoked in Senate by Yea-Nay Vote. 88 - 12. Record Vote Number: 212. (consideration: CR S8021-8022; text: CR S8021)
- **Nov 29, 2011:** Considered by Senate. (consideration: CR S7943-7956, S7956-7987)
- **Nov 28, 2011:** Considered by Senate. (consideration: CR S7884-7898, S7902-7904)
- **Nov 28, 2011:** Cloture motion on the bill presented in Senate. (consideration: CR S7886; text: CR S7886)
- **Nov 18, 2011:** Considered by Senate. (consideration: CR S7785-7824)
- **Nov 17, 2011:** Measure laid before Senate by unanimous consent. (consideration: CR S7638-7677, S7684-7694)
- **Nov 15, 2011:** Introduced in Senate
- **Nov 15, 2011:** Committee on Armed Services. Original measure reported to Senate by Senator Levin. Without written report.
- **Nov 15, 2011:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 230.