

## S 3254

### National Defense Authorization Act for Fiscal Year 2013

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** Jun 4, 2012

**Current Status:** Pursuant to the provisions of H. Res. 829, papers are returned to the Senate.

**Latest Action:** Pursuant to the provisions of H. Res. 829, papers are returned to the Senate. (Dec 12, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/3254>

### 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 | Jun 4, 2012 |

### Subjects & Policy Tags

#### Policy Area:

Armed Forces and National Security

## Related Bills

| Bill         | Relationship     | Last Action   |
|--------------|------------------|---|
| 112 HR 4053  | Related bill     | <b>Jan 10, 2013:</b> Became Public Law No: 112-248.   |
| 112 HR 4310  | Related document | <b>Jan 2, 2013:</b> Became Public Law No: 112-239.  |
| 112 S 3315   | Related bill     | <b>Dec 28, 2012:</b> Became Public Law No: 112-234.   |
| 112 HRES 829 | Related bill     | <b>Dec 12, 2012:</b> Motion to reconsider laid on the table Agreed to without objection.                                |
| 112 S 3668   | Related bill     | <b>Dec 10, 2012:</b> Read twice and referred to the Committee on Armed Services.  |
| 112 HR 6622  | Related bill     | <b>Dec 7, 2012:</b> Referred to the Subcommittee on Courts, Commercial and Administrative Law.                          |
| 112 HR 6635  | Related bill     | <b>Dec 5, 2012:</b> Referred to the House Committee on Armed Services.  |
| 112 S 3646   | Related bill     | <b>Nov 28, 2012:</b> Read twice and referred to the Committee on Foreign Relations.                                     |
| 112 HR 6381  | Related bill     | <b>Oct 1, 2012:</b> Referred to the Subcommittee on Insurance, Housing and Community Opportunity.                       |
| 112 S 3614   | Related bill     | <b>Sep 21, 2012:</b> Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.                   |
| 112 HR 733   | Related bill     | <b>Sep 20, 2012:</b> Received in the Senate.  |
| 112 S 3554   | Related bill     | <b>Sep 19, 2012:</b> Read twice and referred to the Committee on Armed Services.  |
| 112 S 3560   | Related bill     | <b>Sep 19, 2012:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.                |
| 112 S 1409   | Related bill     | <b>Aug 2, 2012:</b> Referred to the House Committee on Oversight and Government Reform.                                 |
| 112 HR 6229  | Related bill     | <b>Jul 30, 2012:</b> Referred to the House Committee on Science, Space, and Technology.                                 |
| 112 S 3372   | Related bill     | <b>Jul 11, 2012:</b> Read twice and referred to the Committee on the Judiciary.   |
| 112 HR 4401  | Related bill     | <b>Jul 10, 2012:</b> Referred to the Subcommittee on Strategic Forces.  |
| 112 HR 4018  | Related bill     | <b>Jul 9, 2012:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 441. |
| 112 S 3354   | Related bill     | <b>Jun 28, 2012:</b> Read twice and referred to the Committee on Armed Services.  |
| 112 S 3235   | Related bill     | <b>Jun 13, 2012:</b> Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 112-567.                   |
| 112 S 2276   | Related bill     | <b>May 23, 2012:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 413.                      |
| 112 S 3207   | Related bill     | <b>May 21, 2012:</b> Read twice and referred to the Committee on Armed Services.  |
| 112 S 2224   | Related bill     | <b>May 10, 2012:</b> Referred to the House Committee on Foreign Affairs.  |
| 112 HR 5321  | Related bill     | <b>Apr 27, 2012:</b> Referred to the House Committee on Oversight and Government Reform.                                |
| 112 S 2470   | Related bill     | <b>Apr 26, 2012:</b> Read twice and referred to the Committee on Homeland Security and Governmental Affairs.            |
| 112 HR 4309  | Related bill     | <b>Mar 29, 2012:</b> Referred to the House Committee on the Judiciary.  |
| 112 S 2003   | Related bill     | <b>Feb 29, 2012:</b> Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 112-383.                       |
| 112 HR 3863  | Related bill     | <b>Feb 23, 2012:</b> Referred to the Subcommittee on Military Personnel.  |
| 112 S 2060   | Related bill     | <b>Feb 1, 2012:</b> Read twice and referred to the Committee on Armed Services.   |
| 112 HR 3702  | Related bill     | <b>Jan 6, 2012:</b> Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.                            |
| 112 S 99     | Related bill     | <b>Dec 2, 2011:</b> Referred to the Subcommittee on Energy and Environment.   |

National Defense Authorization Act for Fiscal Year 2013 - **Division A: Department of Defense Authorizations - Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY2013 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: Army Programs** - (Sec. 111) Authorizes the Secretary of the Army, beginning with the FY2013 program year, to enter into a multiyear contract for the procurement of airframes for CH-47 helicopters.

**Subtitle C: Navy Programs** - (Sec. 121) Earmarks specified funds for commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln during FY2013.

(Sec. 122) Authorizes the Secretary of the Navy to enter into a contract for construction of a Ford-class aircraft carrier, to be funded over several fiscal years.

(Sec. 123) Prohibits the obligation or expenditure of more than 50% of the funds authorized for a second Ford-class aircraft carrier until the Secretary of the Navy submits to the congressional defense and appropriations committees a description of the program management and cost control measures to be employed in constructing such carrier.

(Sec. 124) Authorizes the Secretary of the Navy, beginning with the FY2014 program year, to enter into a multiyear contract for the procurement of Virginia-class submarines and government-furnished associated equipment. Authorizes such Secretary to employ incremental funding for such procurement upon a determination that such approach will permit the Navy to procure an additional submarine in FY2014.

(Sec. 125) Authorizes the Secretary of the Navy, beginning with the FY2013 program year, to enter into multiyear contracts for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers and specified systems associated with such vessels.

(Sec. 126) Authorizes the Secretary of the Navy to transfer AEGIS weapon system equipment with Ballistic Missile Defense (BMD) capability to the Missile Defense Agency (MDA) for installation in the country designated as Host Nation #1. Requires the MDA Director to make a transfer of related equipment to the Navy for the DDG-51 class destroyer program.

(Sec. 127) Directs the Secretary of Defense (Secretary) to: (1) designate the effort to develop and produce all variants of the mission modules in support of the littoral combat ship program as a major defense acquisition program (MDAP), (2) report to the defense and appropriations committees with respect to the development and production of each variant, and (3) report quarterly to such committees on each variant in support of such ship.

(Sec. 128) Authorizes the Secretary of the Navy to transfer specified FY2012 Navy and Marine Corps ammunition and weapons and combat vehicles funds to other, high priority Navy and Marine Corps programs.

(Sec. 130) Expresses the sense of Congress that: (1) DOD should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands; (2) the Navy should evaluate amphibious lift capabilities to meet current and projected requirements, and should consider prioritization of investment in and procurement of the next generation of amphibious assault ships; (3) such assault ships should maintain survivability protection; (4) operation and maintenance requirements analysis should be considered to reduce total ownership and

acquisition cost; and (5) maintaining a robust amphibious shipbuilding industrial base is vital for the future of U.S. national security.

(Sec. 131) Expresses the sense of the Senate that, if the Navy budget for FY2014 includes a request for more than 13 new F-18 aircraft, the FY2014 budget request for F-35 aircraft should include a request for no fewer than 6 F-35B aircraft and 4 F-35C aircraft.

(Sec. 132) Increases by \$2 million the amounts authorized under this title. Allows such funds to be used to procure SPIDERNet/Spectral Warrior hardware and installation.

**Subtitle D: Air Force Programs** - (Sec. 141) Reduces from 301 to 275 the required number of strategic airlift aircraft. Requires the Secretary of the Air Force to preserve each C-5 aircraft retired after FY2012 so that such aircraft is stored in a flyable condition, can be returned to service, and is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense.

(Sec. 142) Directs the Secretary to treat as MDAPs certain programs for the F-22A Raptor aircraft.

(Sec. 143) Prohibits the Secretary of the Air Force from cancelling or modifying the avionics modernization program for C-130 aircraft until 30 days after submitting to the defense and appropriations committees the results of a study on costs and schedules for, and savings to be derived from, such program.

(Sec. 144) Authorizes the Secretary of the Air Force to: (1) procure two space-based infrared system satellites through a fixed-price contract, and (2) use incremental funding under such contract for up to six years. Provides procurement cost limits, allowing certain increases due to inflation, compliance with federal, state, and local laws, and new technologies. Requires a contract report from such Secretary to the defense and appropriations committees, as well as a plan for using cost savings to improve the capability of military infrared and early warning satellites. Authorizes such Secretary to use specified Air Force procurement funds for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system space vehicle #6. Expresses the sense of Congress that such Secretary should not enter into a fixed-price contract for two space-based infrared system satellites unless such contract would save the Air Force at least 20% over the cost of procuring such satellites separately.

(Sec. 145) Authorizes the Secretary to transfer specified FY2011-FY2012 aircraft procurement funds to other, high priority Air Force programs.

**Subtitle E: Joint and Multiservice Matters** - (Sec. 151) Authorizes the Secretary of the Navy, beginning with the FY2013 program year, to enter into a multiyear contract for the procurement of V-22 aircraft for the Navy, Air Force, and U.S. Special Operations Command.

(Sec. 152) Prohibits the obligation or expenditure of Joint Tactical Radio System funds for the production of handheld, manpack, and small form/fit radios until the Under Secretary of Defense for Acquisition, Technology, and Logistics (Under Secretary) certifies to the defense and appropriations committees that the acquisition strategy provides for full and open competition.

(Sec. 153) Requires the Commander of the U.S. Special Operations Command to report to the defense and appropriations committees on costs, schedule, and operational capabilities of the shallow water combat submersible program.

(Sec. 154) Increases by \$6 million the amounts authorized under this title. Allows such amount to be used to procure

color electro-optical and infrared imaging sensors for AC-130 aircraft used by the Special Operations Command in ongoing contingency operations.

**Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations - (Sec. 201)**

Authorizes appropriations for FY2013 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 the obligation or expenditure of amounts under the Next Generation Foundry for the Defense Microelectronics Activity until 60 days after the Assistant Secretary of Defense for Research and Engineering develops and submits to the defense and appropriations committees a microelectronics strategy and an estimate of the full life-cycle costs for the upgrade of such Foundry.

(Sec. 212) Directs the Under Secretary to submit to the defense and appropriations committees a strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

(Sec. 213) Authorizes the Secretary of the Navy to transfer specified FY2012 RDT&E funds to other, high priority Navy programs.

(Sec. 214) Includes educational institutions in Puerto Rico, the Northern Mariana Islands, and U.S. possessions within authorized defense laboratories education partnerships.

(Sec. 215) Authorizes the Secretary of the Air Force to transfer specified FY2012 RDT&E funds to other, high priority Air Force programs.

(Sec. 216) Earmarks specified RDT&E funds for radar relocation and research and development activities to enhance space situational awareness capabilities.

(Sec. 217) Increases by \$38 million authorized RDT&E funds. Allows such funds to be used to conduct detailed digital radio frequency modulation countermeasures studies and simulations.

**Subtitle C: Missile Defense Matters - (Sec. 231)** Expresses the sense of Congress: (1) for a national priority of defending the United States against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran; (2) in favor of the currently deployed ground-based midcourse defense (GBMD) system to provide such defense, assuming appropriate levels of sustainability and performance; (3) that the MDA should correct problems discovered in GBMD flight tests; (4) in favor of continued development of the standard missile-3 block II interceptor as an essential first layer of defense against ballistic missile threats; and (5) that DOD should continue to evaluate the evolution of the long-range missile threat from North Korea and Iran and consider all possibilities for affordable and effective steps to improve the posture of the United States to defend itself against possible future growth in such threat. Requires a report from the Secretary to the defense and appropriations committees on the status of efforts to improve U.S. homeland missile defense capability.

(Sec. 232) Expresses the sense of Congress that : (1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious and growing, and puts at risk forward-deployed U.S. forces and allies and partners in Europe, the Middle East and the Asia-Pacific region; (2) DOD has an obligation to protect all such forces; (3) the European Phased Adaptive Approach is an appropriate and necessary response to such threat; (4) DOD should continue to test and plan to deploy all four phases of such Approach, as well as other phased and adaptive regional missile defense efforts; (5)

European members of the North Atlantic Treaty Organization (NATO) are making valuable contributions toward European missile defense; and (6) DOD should continue with the development of the key enablers of enhanced regional missile defense, including the Precision Tracking Space System. Requires a report from the Secretary to the defense and appropriations committees on the status and progress of regional missile defense programs and efforts.

(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, (2) the United States should pursue such cooperation on both a bilateral and multilateral basis with its NATO allies, (3) such cooperation should not in any way limit U.S. or NATO missile defense capabilities, (4) the United States should not provide Russia with sensitive missile defense information that would in any way compromise national security, and (5) all such cooperation should ensure the appropriate safeguarding of classified information.

(Sec. 234) Requires the MDA Director to: (1) develop a long-term plan for the Exo-atmospheric kill vehicle for the ground-based interceptor and any other interceptor that might be developed against long-range ballistic missiles, and (2) report to the defense and appropriations committees on such plan.

(Sec. 235) Directs the Secretary of the Army to submit to such committees a modernization plan of the Patriot air and missile defense system.

(Sec. 236) Prohibits the obligation or expenditure of any FY2013 DOD funds for the Medium Extended Air Defense System.

(Sec. 237) Earmarks specified DOD RDT&E funds to Israel for the Iron Dome short-range rocket defense program.

(Sec. 238) Authorizes the Secretary to: (1) retain intercontinental ballistic missile (ICBM) launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers, (2) maintain such missiles on alert or operationally deployed status, and (3) preserve ICBM silos in operational or warm status.

(Sec. 239) Expresses the sense of Congress that the Secretary should comply with requirements of the previous National Defense Authorization Act and submit to Congress a homeland defense hedging policy and strategy report.

**Subtitle D: Reports** - (Sec. 251) Directs the Secretary of the Navy to report to the defense and appropriations committees on the mine countermeasures, antisubmarine, and surface warfare mission packages for the littoral combat ship.

(Sec. 252) Directs the Comptroller General (CG) to annually: (1) conduct a review of the acquisition program for the amphibious combat vehicle, and (2) report review results to the defense and appropriations committees. Outlines specified information required in the initial and subsequent reports. Terminates report requirements after the award of a contract for full-rate production of such vehicle.

(Sec. 253) Provides that if the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a separate Marine personnel carrier, then the Secretary of the Navy and the Commandant of the Marine Corps shall jointly report to the defense and appropriations committees with respect to such carrier.

**Subtitle E: Other Matters** - (Sec. 271) Transfers administration of the Ocean Research and Resources Advisory Panel (formerly the Ocean Research Advisory Panel) from the Navy to the Administrator of the National Oceanic and Atmospheric Administration (NOAA).

(Sec. 272) Expresses the sense of the Senate that the Secretary should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces (members).

**Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations** - (Sec. 301) Authorizes appropriations for FY2013 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) Directs the Secretary to: (1) issue to the appropriate military departments and defense agencies written guidance on environmental exposures at military installations, and (2) submit such guidance to the defense and appropriations committees.

(Sec. 312) Amends the Sikes Act to allow funds paid by the Secretary of the military department concerned (Secretary concerned) under a cooperative agreement for land management on a military installation to be paid in a lump-sum and placed in an interest-bearing account. Allows interest proceeds to be used for the same purpose.

(Sec. 313) Directs the Secretary to report to the defense and appropriations committees on the disposition of any uncompleted closure of an active-duty U.S. military installation since 1988 that was not subject to the property disposal provisions of the Defense Base Closure and Realignment Act of 1990.

**Subtitle C: Logistics and Sustainment** - (Sec. 321) Repeals certain amendments made under the National Defense Authorization Act (NDAA) for Fiscal Year 2012 relating to DOD depot-level maintenance, and revives the former provisions.

(Sec. 322) Amends the NDAA for Fiscal Year 2004 to: (1) authorize the Secretary concerned to carry out a demonstration project under which workers who are certified at the journey level to perform multiple trades are promoted by one grade level, and (2) extend such multi-trades demonstration project through FY2019.

(Sec. 323) Requires the Secretary of the Air Force, in managing system program responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, to comply with DOD instructions regarding the assignment of program responsibility.

**Subtitle D: Reports** - (Sec. 331) Requires as additional information in an annual DOD report on long-term corrosion strategy: (1) data on return of investment for completed corrosion projects and activities; and (2) how such funds are used for military corrosion projects, the technical corrosion collaboration pilot program, and other corrosion-related activities.

(Sec. 332) Revises the deadline for a CG review of an annual report on prepositioned materiel and equipment.

**Subtitle E: Other Matters** - (Sec. 341) Directs the Secretary, within 90 days after the enactment of this Act, to begin implementation of an efficiencies plan for the DOD civilian and service contractor workforce which shall achieve savings in funding for each such workforce from FY2012-FY2017 that are not less than the percentage savings achieved by the planned reduction in military personnel end strengths over the same period. Provides funding reduction exclusions. Requires an initial and annual plan reports over such period from the Secretary to the defense and appropriations committees. Prohibits any such savings from being achieved through unjustified transfers of functions between or among the military, civilian, and service contractor workforces of DOD. Expresses the sense of Congress that 30% of the savings achieved should be made available for costs of assisting separated military personnel in their transition from service.

(Sec. 342) Earmarks specified O&M funds for support of the NATO Special Operations Headquarters. Requires an annual report from the Secretary to the defense and appropriations committees regarding DOD support of such Headquarters.

(Sec. 343) Repeals a redundant provision authorizing the Secretary to provide certain items or facilities to a federal, state, or local law enforcement or emergency response agency to respond to emergencies involving chemical or biological agents if the Secretary determines that the item or facility is not reasonably available from another source.

(Sec. 344) Expresses the sense of Congress that: (1) the Secretary of the Navy should maintain in operational capability and perform necessary maintenance on each Navy cruiser and dock landing ship; (2) for retirements of Navy ships prior to their projected end of service life, the Chief of Naval Operations must explain to the defense and appropriations committees how the retention of such ship would degrade overall readiness; and (3) revitalizing the Navy's 30-year shipbuilding plan should be a national priority, and increased funding should be provided to help close the gap between requirements and the current fleet size.

**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 FY2013.

(Sec. 402) Directs the Secretary to develop and implement a plan to increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, as well as Marine Security Group regional commands and detachments at U.S. missions worldwide, by up to 1,000 Marines during FY2014-FY2017, for purposes of increased security in light of threats to U.S. personnel and property by terrorists. Requires separate budget line items for the Marine Corps and the Marine Corps Security Guard Program. Directs: (1) the Secretary, during each of 2014 through 2017, to report to Congress on the Marine Corps Security Guard Program; and (2) the President to notify Congress of any required modification in the scope of such Program.

**Subtitle B: Reserve Forces** - (Sec. 411) Sets forth authorized end strengths as of the end of FY2013 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 FY2013 for Army and Air Force dual status military technicians.

(Sec. 414) Provides a FY2013 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 FY2013.

**Subtitle C: Authorization of Appropriations** - (Sec. 421) Authorizes appropriations for FY2013 for military personnel.

**Title V: Military Personnel Policy - Subtitle A: Officer Policy** - (Sec. 501) Extends through 2018 DOD authority to convene selection boards to consider early discharges for regular officers below lieutenant colonel or commander who have served on active duty for at least one year in their current grade, are not on a promotion list, and are ineligible for retirement.

(Sec. 502) Allows a Navy chief warrant officer, grade W-5, to serve for up to 33 (under current law, 30) years before mandatory retirement for years of service.

(Sec. 503) Revises the definition of joint duty assignment as it pertains to instructors to include all instructor assignments for joint training and education.

(Sec. 504) Expresses the sense of the Senate that the Secretary should include as joint duty assignments officers assigned as instructors at the military service academies.

**Subtitle B: Reserve Component Management** - (Sec. 511) Makes lawful permanent residents eligible for appointment as officers in the National Guard (under current law, only as reserve officers).

(Sec. 512) Directs the Secretary to carry out a program to provide members of the National Guard and reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide. Outlines program requirements. Terminates the program at the beginning of FY2015.

(Sec. 513) Directs the Secretary to conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and reserves following a deployment on active duty, including whether permitting such members to remain on active duty for a limited period after deployment (known as a "soft landing") is feasible and advisable for facilitating and easing such reintegration. Requires a study results report from the Secretary to the defense and appropriations committees.

**Subtitle C: General Service Authorities** - (Sec. 521) Directs the Secretary to develop and implement a plan to measure DOD efforts to achieve the goal of having a 20-30 year pipeline that yields a diverse officer and enlisted corps for the Armed Forces that reflects the population eligible to serve. Requires each military department Secretary, under such plan, to develop a definition of diversity that is reflective of the culture, mission, and core values of that armed force. Directs the Secretary to report biennially through 2017 to the defense and appropriations committees on the plan's development and implementation.

(Sec. 522) Amends the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Hunter Act) to make full-time active-duty Guard and reserve personnel eligible for the career intermission pilot program (allowing personnel to temporarily suspend military service in order to achieve educational degree goals). Allows accrued leave to be carried through any period of inactive service under such program, and allows individuals who become ill or injured during such inactive service to be processed under regular (active) retirement or separation authority.

(Sec. 523) Allows licensed clinical social workers or psychiatric nurse practitioners to conduct pre-separation medical examinations for the detection of post-traumatic stress disorder (PTSD).

(Sec. 524) Requires each department Secretary to report quarterly in 2013-2014 to the defense committees on the number of members of regular components of that armed force who were involuntarily separated from active duty during such period.

(Sec. 525) Directs the Secretary to report to such committees on the advisability of modifying the criteria for the award of the Purple Heart and the Defense Medal of Freedom to include members or civilian U.S. employees killed or wounded in a terrorist act inspired by ideological, political, or religious beliefs. Requires the consideration, in the possible new eligibility for such awards, of any death or wounding of a member or civilian employee since September 11, 2001.

(Sec. 526) Extends through FY2015 the authority of members to accumulate and carry over up to 75 days of leave.

(Sec. 527) Prohibits providing a waiver for commissioning or enlistment in the Armed Forces for any individual convicted under federal or state law of the felony offense of rape, sexual abuse, sexual assault, incest, or any other sexual offense.

(Sec. 528) Directs the Secretary of the Army, through FY2014, to carry out a study on resilience in members of the Army in order to reduce trends in high-risk or self-destructive behavior and to prepare such members to manage stressful or

traumatic situations. Requires two annual reports from such Secretary to the defense committees on such study.

**Subtitle D: Military Justice and Legal Matters Generally** - (Sec. 531) Requires the Staff Judge Advocate to the Commandant of the Marine Corps to be: (1) appointed by the President, by and with the consent of the Senate, and (2) serve in the grade of major general (unless holding a higher grade at the time of appointment). Outlines additional duties, including supervision over all Marine Corps judge advocates.

(Sec. 532) Requires, in annual reports of the Committee of the Uniform Code of Military Justice, legal information from the judge advocates general and the staff judge advocate of the Marine Corps, including appellate review results of general or special court martial determinations.

**Subtitle E: Sexual Assault, Hazing, and Related Matters** - (Sec. 541) Allows sexual assault victim-members of the reserves to remain on active duty, or to be recalled to active duty, to complete a line-of-duty determination with respect to the assault.

(Sec. 542) Directs the Secretary to include additional requirements within the revised comprehensive policy for the DOD sexual assault prevention and response program outlined under the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Skelton Act), including: (1) an enhanced capability within each department for the investigation, prosecution, and defense of designated special victim offenses; (2) a record of the disposition of allegations of sexual assault; and (3) additional sexual assault prevention and response training for members, commanding officers, and commanders.

(Sec. 543) Requires each department Secretary to report to the defense committees on hazing policies and incidences within their jurisdiction.

(Sec. 544) Requires certain DOD sexual assault forms and records to be retained for at least 50 years.

(Sec. 545) Directs the Secretary to: (1) develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces, (2) report to the defense committees on such policy, and (3) require each department Secretary to establish a record on the disposition of any sexual harassment report (requiring such records to be retained for at least 50 years). Requires each department Secretary to report annually to the Secretary from 2015 through 2018 on sexual harassment cases involving members under their jurisdiction.

(Sec. 546) Amends the Skelton Act to add additional required information within annual reports on sexual assaults involving members.

**Subtitle F: Education and Training** - (Sec. 551) Includes the School of Advanced Military Studies Senior Level Course as a senior level service school (thus allowing it to offer joint professional military education instruction and credit).

(Sec. 552) Allows enlisted personnel other than the Air Force who are in joint-service medical training and education or serving as instructors in such training and education to participate in associate degree programs of the Community College of the Air Force.

(Sec. 553) Authorizes the Secretary of the Navy to: (1) enter into contracts and agreements with the Naval Academy Athletic Association to support Naval Academy athletic and physical fitness programs; and (2) receive funds, supplies, and services for the support of such programs. Allows such Association to enter into agreements for licensing, marketing, and sponsorship relating to Naval Academy trademarks and service marks.

(Sec. 554) 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. 555) Allows members of the Selected Reserve who accept fellowships, scholarships, or grants to fulfill the attendant service requirements by serving: (1) on active duty for at least three times the length of the educational assistance, or (2) in the Selected Reserve for at least five times such length.

(Sec. 556) Repeals the requirement that at least 50% of service academy midshipmen and cadets qualify for and receive in-state tuition rates.

(Sec. 557) Requires the Secretary to develop a plan to establish and support at least 3,000 and no more than 3,700 (under current law, not less than 3,700) Junior Reserve Officers' Training Corps (JROTC) units by September 20, 2020. Authorizes the Secretaries concerned to determine that support provided to youth development programs is consistent with JROTC funding limitations and program objectives. Requires additional periodic program reports until 2020.

(Sec. 558) Authorizes the Secretary concerned to issue arms, tentage, and equipment to an educational institution at which no JROTC unit is maintained if such institution offers a course in military instruction and has at least 50 students above the eighth grade.

(Sec. 559) Removes the requirement that the Secretary publish semiannually in the Federal Register a list of institutions of higher education that are ineligible for DOD contracts and grants by reason of preventing ROTC access or military recruiting on its campus.

(Sec. 560) Directs the CG to report to the defense and appropriations committees on the effectiveness and oversight of the ROTC program.

(Sec. 561) Requires the Secretary to report to the defense committees on DOD efforts to standardize educational transcripts issued to members upon their separation.

(Sec. 562) Directs the CG to: (1) review the methodology used by the Military Education Coordination Council in compiling a required report concerning joint professional military education, (2) report review results to the defense committees, and (3) submit to such committees an assessment of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of DOD and the military departments and defense agencies.

(Sec. 563) Requires the Secretaries of Defense and Education to enter into a memorandum of agreement with respect to the dissemination of information on the troops-to-teachers program (a program to aid former members in obtaining teacher certification and teaching positions in public schools, including high-need schools). Reduces from six to four years the required period of continuous active duty prior to eligibility for such program. Outlines participation agreement requirements, as well as requirements for stipend or bonus reimbursement upon failure to obtain appropriate qualification, termination of employment, or failure to complete the required teaching period.

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

(Sec. 573) Impact Aid Improvement Act of 2012 - Amends title VIII of the Elementary and Secondary Education Act of 1965 to revise the calculation of: (1) impact aid payments owed to federal property districts, and (2) eligible children displaced from housing located on federal property. Revises the deadline for final payments to educational districts.

(Sec. 574) Authorizes the head of a federal agency to appoint, on a noncompetitive basis, a relocating spouse of a member ordered to active duty for more than 180 days, or a spouse of a fully disabled or deceased member.

(Sec. 575) Authorizes the enrollment in a defense dependents' educational institution of dependents who have left a DOD overseas school due to an authorized member departure or evacuation order, and whose safe haven location is within commuting distance of the defense dependents' educational institution. Allows such enrollment for the dependents of active-duty personnel transitioning from a DOD overseas school in order to take courses under the DOD virtual elementary and secondary education program.

(Sec. 576) Expresses the sense of Congress in support of the goals and ideals of Yellow Ribbon Day in honor of members who are serving overseas apart from their families and loved ones.

(Sec. 577) Directs the Secretary to report to the defense and appropriations committees on the anticipated future of DOD family support programs during the five-year period after such report as military end strengths are reduced and forces are drawn down from combat operations in Afghanistan.

**Subtitle H: Other Matters** - (Sec. 581) Requires the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to coordinate periodic briefings of families concerning DOD activities to account for missing persons.

(Sec. 582) Authorizes DOD acceptance of voluntary services to facilitate the accounting for missing persons. Authorizes the Secretary concerned to enter into cooperative agreements with nonprofit entities for the support of a military educational institution or military museum.

(Sec. 583) Codifies the designation of the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House for all purposes under laws relating to Fisher Houses and Fisher Suites. Authorizes as residents of such facility the primary next of kin and other family members of a member who dies while serving overseas, as well as escorts of such family members.

(Sec. 584) Directs the Secretary to submit to the defense committees a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System.

(Sec. 585) Authorizes the President to issue a posthumous honorary promotion to second lieutenant for Sergeant (retired) Paschal Conley, a distinguished Buffalo soldier who was recommended for such promotion by General John J. Pershing.

**Title VI: Compensation and Other Personnel Benefits - Subtitle A: Pay and Allowances** - (Sec. 601) Requires the rate of basic allowance for housing for a member of the Army or Air National Guard on full-time duty to be based on the member's location. Prohibits such rate from being modified when the member transitions from active to full-time duty, or vice versa, when the transition occurs without a break in active service, unless such transition results in a permanent change of station and the shipment of household goods.

(Sec. 602) Directs the Secretary concerned to make a payment to each member who was eligible to participate in the Post-Deployment/Mobilization Respite Absence program, but did not participate for one or more days due to government error. Makes such payment: (1) \$200 for each day of non-participation, and (2) in lieu of any authorized administrative

absence for such day(s).

(Sec. 603) Extends through 2013 DOD authority to provide a temporary increase in the rate of the basic allowance for housing for housing located in a major disaster area or an area which contains one or more military installations experiencing a sudden increase in assigned personnel.

**Subtitle B: Bonuses and Special and Incentive Pays** - (Sec. 611) Extends through 2013 specified authorities currently scheduled to expire at the end of 2012 with respect to certain special pay and bonus programs within the regular and reserve Armed Forces.

(Sec. 616) Increases from \$10,000 to \$20,000 the maximum Selected Reserve officer affiliation bonus.

(Sec. 617) Increases from \$2,000 to \$4,000 the maximum incentive bonus for reserve personnel who convert their military occupational specialty to one in which there is a shortage of trained and qualified personnel.

**Subtitle C: Travel and Transportation Allowances** - (Sec. 631) Authorizes the payment of a travel and transportation allowance for a member of the Selected Reserve who is involuntarily separated due to force structure reductions between October 1, 2012, and December 31, 2018, and subsequently fills a critical vacancy in another Selected Reserve unit that is at more than 150 miles from the member's residence. Allows such payment to include an allowance for dependents and household effects.

(Sec. 632) Authorizes the Secretary to establish a program to provide transportation on DOD aircraft on a space-available basis for: (1) active duty personnel; (2) reserve members holding a valid Uniformed Services Identification and Privilege Card; (3) retired members who, but for not attaining age 60, would be eligible for military retired pay; and (4) certain dependents of members described above. Allows the Secretary to establish an order of priority based on considerations of military needs and readiness.

**Subtitle D: Disability, Retired Pay, and Survivor Benefits** - (Sec. 641) Waives payment of premiums under the Survivor Benefit Plan (SBP) for members retiring under the Federal Employees Retirement System (FERS) when such member waives military retired pay in order to elect civil service retirement and provide a survivor annuity.

(Sec. 642) 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.

**Subtitle E: Military Lending Matters** - (Sec. 651) Includes as consumer credit, for purposes of consumer credit protection for members and their dependents during a member's military service, vehicle title and payday loans, as well as tax refund anticipation loans. Directs the Secretary to prescribe a policy on the predatory extension of credit via installment loans which target members and their dependents.

(Sec. 652) Applies the prohibition against charging out-of-state members higher interest rates on loans than what is permitted for residents of such state to other forms of consumer credit regulated by the Secretary for the credit protection of members.

(Sec. 653) Provides civil relief for violations of the protections on consumer credit extended to members and their dependents, including actual and punitive damages as well as equitable and declaratory relief.

(Sec. 654) Conforms the definition of "dependent" for purposes of consumer credit extended to members and their dependents with such definition as used to establish certain military pay and allowances.

(Sec. 655) Requires the enforcement of protections on consumer credit for members and their dependents through appropriate banks, credit unions, banking associations, and related agencies.

**Subtitle F: Other Matters** - (Sec. 661) Revises a DOD program which provides transitional compensation and other benefits for the dependents of members who were separated from service due to dependent abuse to include under such coverage a child who was carried during pregnancy at the time of the abuse and born thereafter.

(Sec. 662) Directs the Secretary to report to the defense and appropriations committees on the issuance by the Armed Forces Medical Examiner of death certificates for members who die on active duty abroad, including mechanisms for reducing or ameliorating issuance delays.

**Title VII: Health Care Provisions - Subtitle A: TRICARE Program** - (Sec. 701) Authorizes TRICARE Standard and dental program coverage for members involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned. Continues such coverage for 180 days after such separation.

(Sec. 702) Authorizes the Secretary to implement procedures to place selected over-the-counter drugs on the DOD pharmacy benefits program's uniform formulary and make such drugs available to eligible beneficiaries. Allows such a drug to be selected and included only if DOD's Pharmacy and Therapeutics Committee finds that it is cost- and clinically-effective.

(Sec. 703) Amends the NDAA for Fiscal Year 1996 to require an ongoing evaluation of the effectiveness of the TRICARE program to include its impact on members and their dependents, military retirees (current law) and their dependents, dependent children under age 21, and dependents of members on active duty with severe disabilities and chronic health care needs.

(Sec. 704) Requires a report from the Secretary to the defense committees setting forth DOD policy on the future availability of TRICARE Prime for eligible beneficiaries in all TRICARE regions.

(Sec. 705) Requires the treatment of developmental disabilities under the TRICARE program to include behavioral health treatment, including applied behavioral analysis, when prescribed by a physician. Outlines requirements, including appropriate licensing or certification, with respect to the provision of such services. Provides behavioral health treatment exclusions.

(Sec. 706) Expresses the sense of Congress that: (1) members and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service, as do those who have been medically retired; and (2) access to quality health care services during retirement is an earned benefit in acknowledgment of such service and sacrifices.

**Subtitle B: Other Health Care Benefits** - (Sec. 711) Allows the use of DOD funds for abortions in cases of rape or incest.

(Sec. 712) Provides that members covered under military medical and dental care who have been diagnosed with a condition for which the recommended course of treatment is recognized as a cause for infertility shall also be entitled to fertility preservation treatment as part of such care.

(Sec. 713) Revises provisions concerning mental health assessments of members deployed in support of a contingency operation to: (1) extend one of the periods during which such assessments are required, and (2) limit the pre-deployment and post-deployment assessments to those members who will be, or were, subjected or exposed to operational risk

factors during such deployment.

**Subtitle C: Health Care Administration** - (Sec. 721) Includes within medical malpractice provisions of the Federal Tort Claims Act DOD subcontractors providing health care services under personal services contracts.

(Sec. 722) Authorizes the Secretary to carry out a program to assess the feasibility and advisability of enhancing DOD efforts in research, treatment, education, and outreach on mental health and substance abuse disorders and traumatic brain injury (TBI) in members of the National Guard and reserves, their family members, and their caregivers. Requires a program report from the Secretary to the defense committees.

**Subtitle D: Reports and Other Matters** - (Sec. 731) Requires each department Secretary to submit semiannually to Congress data on their department's performance in addressing the care, management, and transition needs of members who participate in a Warriors in Transition program. Terminates the report requirement at the end of FY2017.

(Sec. 732) Directs the Secretary to submit to the defense committees the results of a comprehensive review of the adequacy and effectiveness of DOD policies, procedures, and systems in providing support to members who experience traumatic injury as the result of a DOD-required vaccination.

(Sec. 733) Directs the Secretary to submit to such committees a plan to streamline DOD programs that address psychological health and TBI among members. Requires an additional report on the status of plan implementation.

(Sec. 734) Requires the Secretary to report to such committees on the implementation of CG recommendations that address the prevention and abatement of hearing loss, data collection on hearing loss, and the need for a new interagency data sharing system to address and track hearing injuries and loss.

(Sec. 735) Expresses the sense of the Senate that: (1) the Secretaries of DOD and the Department of Veterans Affairs (VA) should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members, veterans, and their families; and (2) such plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate DOD and VA resources.

(Sec. 736) Directs the Secretary and the Attorney General to jointly carry out a program under which members and their dependents may deliver controlled substances to designated facilities for disposal under provisions of the Controlled Substances Act.

**Subtitle E: Mental Health Care Matters** - (Sec. 751) Directs the Secretary to: (1) establish a position for the oversight and management of all DOD suicide prevention and resilience and preventative behavioral health programs; (2) develop and implement a program on the prevention of suicide among members; (3) standardize, assess, and monitor DOD medical evaluation boards, physical evaluation boards, and physical evaluation board liaison officers; (4) contract for an independent assessment of whether the mental health care benefits available to members and their beneficiaries under the TRICARE program are adequate to meet their needs; (5) enter into a joint memorandum of understanding (MOU) with the VA Secretary providing for the DOD-VA sharing of the results of examinations and records under the medical tracking system for members deployed overseas; (6) enter into a DOD-VA MOU providing for certain combat-experienced former members to be considered for employment as VA peer counselors; and (7) establish an organization to discharge certain responsibilities relating to DOD research and medical practices on mental health conditions. Requires reports with respect to some of the above requirements.

(Sec. 758) Requires the Administrator of the Drug Enforcement Administration (DEA) to enter into a MOU with the Secretary to establish procedures under which a member may deliver a controlled substance to another member or a DOD employee for disposal under provisions of the Controlled Substances Act.

(Sec. 759) Directs the VA Secretary to: (1) develop and implement measures to assess VA mental health care services, as well as guidelines for the staffing of such services; and (2) report semiannually to the veterans committees on progress in developing and implementing such measures and guidelines.

(Sec. 760) Expands the Vet Center program of counseling to former members who served on active combat duty to include the furnishing of counseling to their family members.

(Sec. 761) Authorizes the VA Secretary to furnish mental health care to immediate family members of members currently deployed in connection with a contingency operation. Terminates such authority three years after the enactment of this Act.

(Sec. 762) Establishes in the Veterans Health Administration the Readjustment Counseling Service, to provide veterans' readjustment counseling and associated services. Requires an annual Service activities report from the VA Secretary to the veterans committees.

(Sec. 763) Directs the VA Secretary to carry out a national outreach program to recruit mental health providers to provide such services for the VA on a part-time, no-compensation basis.

(Sec. 764) Requires (under current law, authorizes) the VA Secretary to carry out a counseling program for veteran peer counselors. Requires such program, as well as peer outreach and peer support services, to be carried out at each VA medical center.

**Title VIII: Acquisition Policy, Acquisition Management, and Related Matters - Subtitle A: Provisions Relating to Major Defense Acquisition Programs** - (Sec. 801) Directs the Secretary to modify acquisition regulations to prohibit DOD from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs). Provides an exception when the Under Secretary certifies that such a contract is needed to provide a required capability in a timely and cost-effective manner. Applies such requirements to MDAP production contracts entered into on or after October 1, 2014.

(Sec. 802) Directs the Secretary to ensure that the acquisition strategy for each MDAP: (1) provides for breaking out a major subsystem or subassembly, conducting a separate competition or negotiating a separate price for the subsystem or subassembly, and providing the subsystem or subassembly to the prime contractor as government-furnished equipment; and (2) in any case where it is not practical or appropriate to break out a major subsystem or subassembly and provide it to the prime contractor as government-furnished equipment, includes measures to prevent excessive pass-through charges by the prime contractor.

(Sec. 803) Revises generally oversight and supervisory responsibilities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation with respect to MDAP chief developmental testers and lead developmental test evaluation organizations.

(Sec. 804) Requires the Under Secretary, at least 30 days before entering into a contract for the development or production of a MDAP with a potential termination liability in excess of \$100 million, to report to the defense and appropriations committees on such potential liability.

(Sec. 806) Amends the Weapon Systems Acquisition Reform Act of 2009 to repeal the requirement to review ongoing MDAPs initiated before the enactment of DOD milestone B certification and approval process requirements.

**Subtitle B: Acquisition Policy and Management** - (Sec. 821) Amends the NDAA for Fiscal Year 2012 to extend through FY2014 the temporary limit on the aggregate annual expenditures for DOD contract services.

(Sec. 822) Directs the Secretary to revise the Department of Defense Supplement to the Federal Acquisition Regulation (DOD-FAR) in order to prohibit DOD from awarding a contract for services unless the contractor agrees that at least 50% of the direct labor costs under the contract will be performed by such contractor's employees or by a subcontractor specifically identified in the contract.

(Sec. 823) Allows amounts from the Defense Acquisition Workforce Development Fund to be used for temporary acquisition personnel only for training such personnel in the performance of acquisition-related functions and duties. Extends through FY2017 DOD authority for the expedited hiring of acquisition workforce personnel. Requires the Under Secretary to develop an implementation plan for the limited funding authority for the temporary personnel.

(Sec. 824) Directs the Secretary to review, and report to the defense and appropriations committees on, the profit guidelines in DOD-FAR to identify any modifications necessary to ensure an appropriate link between contractor profit and contractor performance.

(Sec. 825) Amends the NDAA for Fiscal Year 2008 to: (1) repeal the requirement of DOD Inspector General follow-up reports on internal controls for procurements made by DOD through certain non-defense federal agencies; and (2) authorize (under current law, direct) the inspectors general of DOD and the non-defense agencies to enter into a memorandum of understanding concerning their review and determinations with respect to such internal controls.

(Sec. 826) Amends the Skelton Act to extend until January 1, 2016, a pilot program on the management of DOD supply chain risk.

(Sec. 827) Expresses the sense of the Senate in support of: (1) DOD efforts to implement the Item Unique Identification Initiative (Initiative) (the marking and tracking of assets deployed throughout the Armed Forces or in the possession of DOD contractors), (2) measures to verify contractor compliance with DOD-FAR regulations on unique identification, (3) DOD adoption and implementation of Initiative actions and milestones, and (4) DOD capture and use of Initiative meaningful data and benefits.

**Subtitle C: Amendments Relating to General Contracting Authorities, Procedures, and Limitations** - (Sec. 841) Authorizes the head of a defense agency to require submission of cost or pricing data for a major system or subsystem or component thereof that is not a commercially available off-the-shelf item and was not developed exclusively at private expense. Authorizes such agency head, when price information is not adequate to evaluate reasonableness, to require the submission of uncertified cost data adequate for such evaluation.

(Sec. 842) Sets the maximum annual defense contractor employee compensation at the maximum annual aggregate pay limit for federal employees (currently \$230,700) established by the Office of Management and Budget (OMB). Directs the DOD Inspector General, 120 days after the enactment of this Act, to report to Congress on the effect of such modification.

(Sec. 843) Authorizes Defense Contract Audit Agency access to defense contractor internal audit reports related to the efficacy of contractor or subcontractor internal controls and the reliability of contractor or subcontractor business systems.

Requires the Director of such Agency to issue revised guidance on Agency auditor access to contractor internal audit reports and supporting materials.

(Sec. 844) Provides additional whistleblower protections for defense contractor employees, including: (1) extending such protection to subcontractor employees; (2) adding as a valid disclosure an abuse of authority relating to a DOD contract or grant; (3) specifying the individuals and officials to whom such disclosures may be made, including management officials of the contractor; (4) extending coverage to reprisal actions taken in concert with the contracting agency; (5) conforming standard-of-proof requirements to those applicable for federal employees; (6) prohibiting whistleblower protections from being waived by an arbitration agreement; (7) prohibiting the payment of contractor legal fees if the contractor is determined to have engaged in a reprisal; and (8) establishing statutes of limitations for complaints and appeals.

(Sec. 844A) Prohibits an employee of a federal (non-defense) contractor, subcontractor, or grantee from being discharged, demoted, or otherwise discriminated against for disclosing to specified persons or bodies information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract. Includes as appropriate persons or bodies for such disclosure a Member of Congress, an inspector general, the Government Accountability Office (GAO), a federal employee responsible for contract or grant oversight or management, an authorized official of the Department of Justice (DOJ) or other law enforcement agency, a court or grand jury, or a management official or other employee of the contractor, subcontractor, or grantee responsible for investigating, discovering, or addressing misconduct. Outlines procedures for the investigation of such complaints (with a three-year statute of limitations), remedy and enforcement authority through the appropriate inspector general, and judicial review through the appropriate appellate court.

(Sec. 845) Directs the Secretary to review the guidance on personal conflicts of interest for contractor employees to determine whether it would be in the best interest of DOD and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing: (1) functions other than acquisition functions that are closely associated with inherently governmental functions, (2) personal services contracts, and (3) contracts for staff augmentation services. Requires a report from the Secretary to the defense committees on such review and any required revision of regulations.

(Sec. 846) Repeals the September 30, 2016, sunset for DOD authority to file bid protests for task and delivery orders in excess of \$5 million.

(Sec. 847) Requires annual reports, after each of FY2013-FY2016, from the Secretary to the defense, budget, and appropriations committees on the use of indemnification agreements within defense contracts.

(Sec. 848) Amends the Small Business Act with respect to federal procurement contracting with small businesses owned and controlled by women to: (1) remove the requirement that a federal contracting officer may restrict a contract competition to small businesses owned and controlled by women only if such women are economically disadvantaged, (2) remove contract anticipated award price limits, and (3) direct the Administrator of the Small Business Administration (SBA) to periodically study and report to the small business committees on industries underrepresented by small businesses owned and controlled by women.

**Subtitle D: Provisions Relating to Wartime Contracting - Wartime Contracting Reform Act of 2012 - (Sec. 861)**  
Directs the Secretary to: (1) prescribe in regulations the chain of authority and responsibility within DOD for policy,

planning, and execution of contract support for overseas contingency operations; and (2) report to the defense and appropriations committees on such regulations. Requires the CG to assess such regulations and report assessment results to such committees.

(Sec. 862) Requires the Secretary, within one year after the commencement or designation of a contingency operation that includes combat operations and annually thereafter until the end of such operation, to report to specified congressional committees on contract support for the operation. Requires additional reports, under the same timelines, from the Secretary of State and the Administrator of the United States Agency for International Development (USAID) with respect to contract support for such operations. Provides an exception.

(Sec. 863) Requires the DOD military readiness reporting system to measure, on an annual basis, the capability of operational contract support for current and anticipated wartime missions. Makes the Chairman of the Joint Chiefs of Staff (JCS) responsible for determining the operational contract support requirements of the Armed Forces and recommending appropriate resources therefor. Requires the curriculum for each phase of joint professional military education to include courses relating to contracting for contingency operations.

(Sec. 864) Directs the Secretaries of Defense and State and the USAID Administrator, within six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, to perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions supporting such operation. Provides exceptions. Requires such officials to submit each assessment and plan to specified congressional committees.

(Sec. 865) Amends the NDAA for Fiscal Year 2008 to extend until February 1, 2015, DOD reports on contracting in Iraq and Afghanistan. Repeals CG review of such reports.

(Sec. 866) Amends the NDAA for Fiscal Year 2010 to extend through 2014 DOD temporary authority to acquire products and services in countries located along a major supply route to Afghanistan. Repeals an expired report requirement.

(Sec. 867) Applies, without exceptions or exemptions, Buy American requirements in the case of any textiles or components supplied by DOD to the Afghanistan National Army or the Afghanistan National Police for the production of uniforms.

(Sec. 868) Expresses the sense of the Senate that: (1) Latvia and other NATO member nations along the Northern Distribution Network routes (Network routes) are key economic and security partners of the United States and are to be commended for their contribution to ensuring that U.S. and International Security Assistance Force troops have reliable lines of supply to achieve their mission in Afghanistan; (2) when quality products at competitive prices are available, significant effort should be made to procure goods locally from Latvia and other NATO nations along the Network routes; and (3) Latvia and other NATO nations along the Network routes remain allies of the United States in the region, and a mutually beneficial relationship should continue to be cultivated between the United States and such nations.

(Sec. 869) Amends the Inspector General Act of 1978 to outline responsibilities of the inspectors general of DOD, the Department of State, and USAID upon the commencement or designation of an overseas contingency operation (OCO) that exceeds 90 days. Directs the Council of Inspectors General on Integrity and Efficiency to establish a standing committee on OCOs, which shall undertake specified activities to improve OCO oversight, including an annual joint-strategic plan for ongoing and anticipated OCO oversight. Requires the establishment of a Lead Inspector General for each OCO that exceeds 90 days, with specified responsibilities and required reports.

(Sec. 870) Requires the Secretaries of Defense and State and the USAID Administrator, within 180 days after the designation or commencement of an OCO and semiannually thereafter until its termination, to make available to the inspector general of the department or agency concerned the information required in the reports of the Lead Inspector General designated above. Requires the audit of such information for accuracy and completeness.

(Sec. 871) Expands the responsibilities of chief acquisition officers in federal agencies to include oversight of contracts and contracting activities for OCOs.

(Sec. 872) Directs the Secretary of State and the USAID Administrator to submit to specified congressional committees an assessment of their departments' policies governing contract support for OCOs. Requires a related CG report on the progress of such departments in implementing changes and improvements to such policies.

(Sec. 873) Requires the Secretary of State to develop and administer a course on acquisition for Department of State support and participation in OCOs.

(Sec. 874) Requires the Administrator of Federal Procurement Policy to establish and maintain a database of prices of items and services charged to the federal government under government contracts, in order to assist federal agencies in evaluating offers for contracts which include such items and services.

(Sec. 875) Amends the Hunter Act to include

## Actions Timeline

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- **Dec 12, 2012:** Pursuant to the provisions of H. Res. 829, papers are returned to the Senate.
- **Dec 7, 2012:** Received in the House.
- **Dec 7, 2012:** Held at the desk.
- **Dec 6, 2012:** Message on Senate action sent to the House.
- **Dec 4, 2012:** Considered by Senate. (consideration: CR S7381-7392)
- **Dec 4, 2012:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 98 - 0. Record Vote Number: 221.(text: CR 12/05/2012 S7461-7636)
- **Dec 4, 2012:** Passed Senate with amendments by Yea-Nay Vote. 98 - 0. Record Vote Number: 221. (text: CR 12/05/2012 S7461-7636)
- **Dec 4, 2012:** Senate incorporated this measure in H.R. 4310 as an amendment.
- **Dec 4, 2012:** See also H.R. 4310.
- **Dec 3, 2012:** Considered by Senate. (consideration: CR S7312-7332, S7336-7342)
- **Dec 3, 2012:** Cloture on the bill invoked in Senate by Yea-Nay Vote. 93 - 0. Record Vote Number: 218. (consideration: CR S7336; text: CR S7336)
- **Nov 30, 2012:** Considered by Senate. (consideration: CR S7280-7293, S7293-7300)
- **Nov 30, 2012:** Cloture motion on the bill presented in Senate. (consideration: CR S7293; text: CR S7293)
- **Nov 29, 2012:** Considered by Senate. (consideration: CR S7136-7146, S7148-7206)
- **Nov 28, 2012:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S6985-6995)
- **Nov 28, 2012:** Motion to proceed to consideration of measure agreed to in Senate by Voice Vote. (consideration: CR S6995)
- **Nov 28, 2012:** Measure laid before Senate by motion. (consideration: CR S6995-7031)
- **Nov 27, 2012:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S6909, S6921-6922)
- **Nov 26, 2012:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S6890-6891)
- **Nov 15, 2012:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S6829)
- **Nov 14, 2012:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S6765, S6769)
- **Nov 13, 2012:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S6728)
- **Jun 4, 2012:** Introduced in Senate
- **Jun 4, 2012:** Committee on Armed Services. Original measure reported to Senate by Senator Levin. With written report No. 112-173. Additional views filed.
- **Jun 4, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 419.