

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

OVERVIEW

The Department of Defense has determined that the current force structure and size of the Armed Forces can be reduced to meet the defense strategic guidance, “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense,” published in January 2012. This guidance, coupled with the proposed cuts in the Budget Control Act of 2011 (Public Law 112–25), has led the military services to alter their force structure and reduce end strengths.

The budget request reduces the end strengths of the Active and Reserve Components by 31,300 service members, with an additional reduction of 92,600 service members over an additional 4 years. The committee is concerned with the pace of the proposed reductions and the impact it will have on national security, while the United States is engaged in ongoing contingency operations in the Islamic Republic of Afghanistan and also required to maintain a robust global security posture.

The Army and the Marine Corps will make the largest reductions over the next 5 years of 72,000 and 20,000 respectively from their fiscal year 2012 authorization levels. The end strength reductions proposed in the fiscal year 2012 budget request, which had no reductions in the Army or Marine Corps until 2015, have been discarded to begin reductions in fiscal year 2013 in order to comply with required funding levels in the Budget Control Act. A particular concern is the Administration’s plan to fund additional end strength (above the fiscal year 2017 end state levels) for the Army (49,700) and Marine Corps (15,200) in the overseas contingency operations funding beginning in fiscal year 2013. If the Administration subsequently decides to accelerate troop withdrawals in Afghanistan, the overseas contingency operations funding could be dramatically reduced. This would force the Army and Marine Corps to accelerate manpower reductions or fund the personnel from other accounts.

The committee is also concerned with the reductions in the Reserve Components. The services have relied heavily on their respective Reserve Components over the past 10 years of conflict and have embraced the operational reserve as a practice versus a concept. It is imperative the Active and Reserve Components work together as a total force to maintain the All-Volunteer Force. The committee believes that the Reserve Components must be an operational reserve, mobilized periodically for real-world operational

missions to maintain and sustain the level of skills and competence so that they are capable of responding to crises or combat requirements. To achieve this objective, the committee supports sustaining a robust and viable force structure mix between the Active and Reserves to ensure the dwell time goals of 1 to 3 for Active and 1 to 5 for Reserves are met during peace and war.

Notwithstanding the fiscal pressures on the Department of Defense, the committee strongly encourages the services, in conjunction with their Reserve Components, to conduct a rigorous analysis of the Reserve force structure and end strengths to ensure the appropriate capabilities are nested in both the Active and Reserve force structure. The goal is to ensure the Total Force will be able to execute the requirements of the Combatant Commands, as well as meet the Federal and State homeland security and natural disaster requirements as part of our National Security Strategy. The Reserve Component has become an integral partner in maintaining a robust global security posture. Without the operational reserve, the Nation would have faced extreme challenges maintaining the All-Volunteer Force during 10 years of war. The committee believes it is critical the experienced gained in the Reserve Component is maintained and not lost due to fiscal constraints.

LEGISLATIVE PROVISIONS

SUBTITLE A—ACTIVE FORCES

Section 401—End Strengths for Active Forces

This section would authorize the following end strengths for Active Duty personnel of the Armed Forces as of September 30, 2013:

Service	FY 2012 Authorized	FY 2013		Change from	
		Request	Committee Recom- mendation	FY 2013 Request	FY 2012 Authorized
Army	562,000	552,100	552,100	0	-9,900
Navy	325,700	322,700	322,700	0	-3,000
USMC	202,100	197,300	197,300	0	-4,800
Air Force	332,800	328,900	330,383	1,483	-3,340
DOD	1,422,600	1,401,000	1,401,560	1,483	-21,040

The committee recommends an increase in end strengths to reflect the corresponding manpower requirements to maintain 18 Air Force Block 30 RQ-4 Global Hawks and the committee’s limitation on retiring, divesting or transferring any aircraft assigned to the Air Force. The committee also notes the Navy end strength is approximately 5,000 less than the fiscal year 2012 authorized end strength of 325,700 and is projected to end the year at the current level. This is a drastic change from the fiscal year 2012 budget plan and what was submitted and briefed to Congress for the fiscal year 2013 budget. The committee is concerned about the Navy’s ability to properly manage its manpower requirements. Over the past several years, the Navy has been over its authorized end strength levels, particularly within its officer corps, by several thousand and executed drastic force shaping measures in fiscal year 2012 to ensure that they were in compliance. As a result, the

Navy took more reductions than were necessary for budget saving measures, involuntarily forcing enlisted sailors out of the Navy. Although the committee authorizes the President's request for the Navy's end strength for fiscal year 2013, the committee is doubtful of the Navy's ability to reverse course and meet this increased authorization level. As such, the committee believes an additional 1,008 sailors to maintain 3 Cruisers in fiscal year 2013 is not needed based on current manning levels.

Section 402—Revision in Permanent Active Duty End Strength Minimum Levels

This section would establish new minimum Active Duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2013. The committee recommends 552,100 as the minimum Active Duty end strength for the Army, 322,700 as the minimum Active Duty end strength for the Navy, 197,300 as the minimum Active Duty end strength for the Marine Corps, and 330,383 as the minimum Active Duty end strength for the Air Force.

Section 403—Limitations on End Strength Reductions for Regular Component of the Army and Marine Corps

This section would limit the end strength reductions for the Regular Component of the Army to no more than 15,000 members per year, and for the Regular Component of the Marine Corps to no more than 5,000 members per year between fiscal years 2014–17. In addition, if the President determines a reduction in end strength of the Regular Component of the Army or Marine Corps (or both) is necessary, this section would require the President to submit an annual certification with the budget request that the reduction will not: undermine the ability of the Armed Forces to meet the requirements of the National Security Strategy; increase security risks for the United States; or compel members of the Armed Forces to endure diminished dwell time and repeated deployments. This section also would require that the Department of Defense budget request include amounts for the end strength of the regular component of the Army and the Marine Corps in the base budget and not through emergency, supplemental, or overseas contingency operations funds.

Section 404—Exclusion of Members within the Integrated Disability Evaluation System from End Strength Levels for Active Forces

This section would exclude a member of the Armed Forces who is within the Integrated Disability Evaluation System as of the last day of any fiscal year from 2013 through 2018 from counting toward the end strength levels for Active Duty members of the Armed Forces prescribed for that fiscal year. This section would require that the funding for this population be paid from the overseas contingency operations account.

SUBTITLE B—RESERVE FORCES

Section 411—End Strengths for Selected Reserve

This section would authorize the following end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2013:

Service	FY 2012 Authorized	FY 2013		Change from	
		Request	Committee Recom- mendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	66,200	62,500	62,500	0	-3,700
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	101,600	106,005	4,405	-5,100
Air Force Reserve	71,400	70,500	72,428	1,928	-900
DOD Total	847,100	837,400	843,733	6,333	-9,700
Coast Guard Reserve	10,000	9,000	9,000	0	-1,000

The committee's increase to the President's FY13 budget request reflects the corresponding manpower requirements for the committee's limitation on retiring, divesting or transferring any aircraft assigned to the Air Force.

Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the following end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2013:

Service	FY 2012 Authorized	FY 2013		Change from	
		Request	Committee Recom- mendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,277	16,277	0	16
Naval Reserve	10,337	10,114	10,114	0	-223
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,833	14,305	14,952	647	-528
Air Force Reserve	2,662	2,888	2,888	0	226
DOD Total	78,414	77,905	78,552	647	-509

The committee's increase to the President's FY13 budget request reflects the corresponding manpower requirements for the committee's limitation on retiring, divesting or transferring any aircraft assigned to the Air Force.

Section 413—End Strengths for Military Technicians (Dual Status)

This section would authorize the following end strengths for military technicians (dual status) as of September 30, 2013:

Service	FY 2012 Authorized	FY 2013		Change from	
		Request	Committee Recom- mendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	27,210	28,380	27,210	-1,170	0
Army Reserve	8,395	8,445	8,395	-50	0
Air National Guard	22,509	21,101	22,272	1,171	-1,408
Air Force Reserve	10,777	10,283	10,946	663	-494
DOD Total	68,891	68,209	68,823	614	-1,902

This section would establish limits for fiscal year 2013 on the number of dual status technicians authorized for the Reserve Components of the Army and Air Force. The budget request included an increase in the statutory limit on dual status technicians for the Army Reserve by 50 members and the Army National Guard by 1,170 members. Although the committee is supportive of the operational reserve and believes that there are requirements for increases in full time support, the committee cannot support an increase in the number of technicians at this time. In the committee report (H. Rept. 110-652) accompanying the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the committee directed the Secretary of the Army to review the projected 5-year requirements for the Army National Guard and the Army Reserve full-time manning and implement a plan to increase full time manning in both those components. The committee has yet to receive the review and the implementation plan from this directive. After several field visits and meetings with the Army National Guard and the Army Reserve, the committee believes it is best to take a comprehensive approach to the full-time manning of the operational reserve rather than piecemeal which has been the case over the past 5 years. The committee encourages the Secretary of the Army to conclude the review and provide a comprehensive full time support implementation plan to the committee. The committee's increase to the President's FY13 budget request reflects the corresponding manpower requirements for the committee's limitation on retiring, divesting or transferring any aircraft assigned to the Air Force.

Section 414—Fiscal Year 2013 Limitation on Number of Non-Dual Status Technicians

This section would establish the maximum end strengths for the Reserve Components of the Army and Air Force for non-dual status technicians as of September 30, 2013:

Service	FY 2012 Authorized	FY 2013		Change from	
		Request	Committee Recom- mendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	1,600	1,600	1,600	0	0
Air National Guard	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,635	2,635	0	0

Section 415—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during fiscal year 2013 to provide operational support. The personnel authorized here do not count against the end strengths authorized by section 401 or section 412 of this Act unless the duration on Active Duty exceeds the limitations in section 115(b)(2) of title 10, United States Code.

Service	FY 2012 Authorized	FY 2013		Change from	
		Request	Committee Recom- mendation	FY 2013 Request	FY 2012 Authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Naval Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

Section 421—Military Personnel

This section would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of division D of this Act.

TITLE V—MILITARY PERSONNEL POLICY

OVERVIEW

The committee has taken a number of initiatives in this title that address major issues of concern.

In the area of general service authorities, the committee authorized additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder. To improve the process for accounting for missing persons, the committee authorized the Department of Defense to accept voluntary services from non-Department of Defense entities. With regard to expanding the roles of women in the military services, the committee required the Secretary of Defense to provide a report on the feasibility of developing gender neutral performance standards

In the area of military justice the committee directed the Secretary of Defense to make changes to policy or the Manual for Courts-Martial that would require the special court-martial convening authority to administer the process for handling cases of rape and sexual assault. Under the policy, no commander below colonel or Navy captain could administer justice for those offenses. The committee also directed the Secretaries of the military services to establish special victim teams. These teams comprised of specially trained investigators, prosecutors, and victim witness support

personnel, would be available to deal with the offenses of child abuse, serious domestic violence and sexual offenses. In addition, the committee would require a briefing, recommendations and a plan to improve the way the military services address hazing.

To assist the transition of service members out of the Armed Forces, the committee transferred the Troops to Teachers program from the Department of Education to the Department of Defense, and expanded the eligibility to service members with four years of active service rather than the six years of service required under current law.

To improve family readiness, the committee authorized \$30 million to support local educational activities heavily impacted by dependents of military families, and the committee provided statutory protection for child custody arrangements for parents who are members of the Armed Forces. That provision is to ensure that deployed service members do not lose custody simply on the basis that a parent with custody was deployed.

Finally, the committee acted to preserve the editorial independence of the Stars and Stripes military publications by requiring that the Stars and Stripes staff remain in its current leased location until such time as the Department of Defense can find no-cost government office space that is geographically removed from the Defense Media Activity at Fort Meade, Maryland.

ITEMS OF SPECIAL INTEREST

Assistance for Service Members Transitioning to the Civilian Sector

The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) provided the Secretaries of the military departments the authority to establish apprenticeship programs to prepare service members for employment in the civilian sector. The committee is aware of the high unemployment rate for veterans, particularly younger veterans who have recently left the military service. The committee strongly supports programs that assist service members in gaining apprenticeship training so that they can successfully enter the workforce with a defined skill set. The committee encourages the Secretaries of the military departments to provide information on such transition programs to both service members, the private sector, including contractors that support the Department of Defense and other entities to improve awareness and increase the availability of apprenticeship opportunities for transitioning service members. The committee also urges the Secretaries of the military departments to consider establishing a transitional support program that would fast-track service members into civilian positions, particularly in the fields of science, technology, engineering and mathematics.

Award of Prisoner-of-War Medal to Service Members Held at Wauwilermoos, Switzerland

The committee understands that during World War II, airmen who were forced to make emergency landings in the Swiss Confederation were interned under generous circumstances, some in hotels, and given strict instructions not to attempt to escape in order

for Switzerland to maintain neutrality. Some service members who attempted to escape were transferred to Wauwilermoos. There, as documentation available to the Secretary of the Air Force substantiates, Air Force internees were held under extremely inhumane conditions.

In the committee report (H. Rept. 111–491) accompanying the National Defense Authorization Act for Fiscal Year 2011, the committee directed the Secretary of Defense to review the rationale for awarding the prisoner-of-war medal to some Wauwilermoos internees and not to others, and to provide a written summary of the review and its conclusions to the House Committee on Armed Services. The report concluded that since Switzerland remained neutral during World War II, it was not a foreign armed force that was hostile to the United States, and therefore, service members interned at Wauwilermoos did not meet the qualifying criterion of the medal. The report also concluded that the decision to award the prisoner-of-war medal to some Wauwilermoos internees was a mistake, but it does not appear that the Secretary of Defense or the Secretary of the Air Force took any action to revoke the awards.

The committee believes that all Wauwilermoos internees should have been treated in a similar fashion and awarded the prisoner-of-war medal. Elsewhere in this title, the committee includes a provision that would amend section 1128 of title 10, United States Code, to remove the statutory language on which denials have been based. Further, the committee directs the Secretary of the Air Force to award the prisoner-of-war medal to all Air Force internees held at Wauwilermoos within 180 days after the date of enactment of this Act.

Biometric Identification for Recruiting

The committee commends the Department of the Army for its innovative use of biometric identification equipment to conduct moral background checks during the initial stages in the recruiting process, which saves valuable time and resources before the recruit processes into the Army at the Military Entrance Process Stations (MEPS). Fielding biometric capabilities enables the Department of Defense to rapidly verify the backgrounds of recruits to ensure they are commensurate with the high standard of military service prior to final enlistment. There is often a lengthy time period between when the recruit signs an enlistment contract and processes through the MEPS, creating a delay for background verification and potentially wasted time and resources for the recruiter, if the result is a negative background check. The Army's Early Background Check Program allows recruiters at almost all Army recruiting locations to conduct the verification process early to ensure their efforts are focused on qualified candidates. Although all the military services use electronic fingerprint capture at the MEPS to initiate background checks prior to final acceptance into the military, the committee believes there is value for the Secretary of Defense to consider the feasibility of expanding the Army's program to all the military services.

Comptroller General Review of the Secretary of Defense's Efforts
To Increase the Capability and Capacity of the Department of
Defense to Account for Missing Persons

The committee is concerned that the Secretary of Defense's efforts to increase the effectiveness, integration, capability, and capacity to account for missing persons has not complied with section 541 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). To date, the Department of Defense, the Joint Chiefs of Staff, the Joint Prisoners of War, Missing in Action Accounting Command (JPAC), and the military service organizations have been unable to work together to achieve a unified, synchronized program. Rather, the committee notes that the effort to account for missing persons is being hampered by what appears to be an inter-agency dispute between the major accounting organizations, the Defense Prisoners of War/Missing Personnel Office and JPAC. The committee believes that a lack of oversight by the Office of the Secretary of Defense and the Joint Staff is a contributing factor to the current situation and must be improved upon in the future.

Therefore, the committee directs the Comptroller General of the United States to conduct a review of the Secretary of Defense's efforts to significantly increase the capability and capacity of the Department of Defense to account for missing persons in accordance with section 1509 of title 10, United States Code. The Comptroller General should report the findings and recommendations of the review to the Senate Committee on Armed Services and the House Committee on Armed Services by June 1, 2013. The review should include, but not be limited to, the following:

- (1) An assessment of any guidance provided by the Secretary of Defense to implement the program required by section 1509 of title 10, United States Code.

- (2) An assessment of the process used by the Department of Defense to determine the proper funds, personnel and resources required to implement a program involving all elements of the accounting command; to increase the integration and coordination of the accounting effort; to expand the capability and capacity of the Department of Defense to achieve the requirement to account for 200 missing persons annually by 2015; and whether the current plans within the accounting community are being implemented in a manner to accomplish the goal for annual accounting of missing persons.

- (3) An assessment of the structure of the POW/MIA accounting community, as defined in section 1509(b)(2) of title 10, United States Code, to include the command relationships in-and-between the organizations; whether those command relationships constitute the most efficient organizational structure to effectively and efficiently accomplish the POW/MIA accounting mission; and whether there are duplicate efforts within the organizations in the POW/MIA accounting community which can be consolidated or eliminated in order to create efficiencies and continuity.

- (4) Recommendations to improve the accounting effort, including any recommended legislation required to improve the

effectiveness, integration, and capability to account for missing persons.

Department of Defense Outreach Efforts to Increase the Hiring of Wounded Warriors

The committee commends the Department of Defense for their efforts to assist in the transition of wounded warriors into civilian positions within Federal agencies, Congress, and the private sector. The committee encourages the Department to continue its outreach efforts, and to include State and local governments that may be interested in hiring wounded warriors.

Fair Treatment for Air National Guard and Air Force Reserve Service Members

The committee is concerned that the value of highly experienced Air National Guard and Air Force Reserve service members will not be taken into consideration during the reduction of force structure and change in unit missions announced with the release of the budget request. The committee believes that every effort should be explored to retain service members by instituting robust reassignment and retraining initiatives. In those cases where service members cannot be retained in an Active Duty status, the committee directs the Secretary of the Air Force, before the first of those involuntary separations is executed, to examine the process by which service members are separated and the package of benefits made available to them. The committee believes that service members' length of service should be considered and that the welfare of service members and families are protected, to include special attention to health care and educational benefits. The committee encourages the Secretary of the Air Force to inform the Secretary of Defense and Congress of any legislative proposals that may be required to remedy deficiencies in the separation benefits package being provided to Air National Guard and Air Force Reserve service members.

Increased Flexibility of Military Families to Choose Enrollment of their Dependents in Local Educational Agencies

The committee recognizes that the availability of a quality public education for children is an important quality-of-life factor for service members and their families, and that concerns about the availability and quality of elementary and secondary education options impact readiness, job satisfaction, and retention of military personnel. A majority of the children of military personnel attend a school administered by a local educational agency near the military installation where one or both of their parents are assigned. Military families are typically reassigned every 3 years and have little choice in their assignments. The average military child will move six to nine times during their K-12 school career, which is three times more often than the average non-military child. Family mobility creates a variety of challenges for military families seeking a quality education.

While the committee is encouraged by State and school district adoption of inter-district and intra-district policies that allow greater flexibility to service members in choosing schools for their chil-

dren, research conducted by the American Institutes for Research in 2011 for the Department of Defense demonstrates that a significant percentage of military families still reside in districts that do not allow the family to choose a regular public school through inter- or intra-district transfer programs. Rather, these families are assigned schools by geographic default, even when other school district boundaries are near the base or multiple school boundaries overlap onto the base. This is particularly troubling for military families who reside on military installations and are assigned to schools that have been identified as being in need of improvement. The committee notes that the lack of flexibility available to military families when selecting public school assignments negatively impacts morale, readiness, and retention of military personnel.

The committee, therefore, directs the Secretary of Defense to identify the school districts with substantial on-base military dependent populations, such as those receiving impact aid from the Department of Education or from the Department of Defense or other bases, that have not implemented inter- or intra-district transfer programs. Furthermore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 180 days after the date of the enactment of this Act on an action plan for providing better educational equity, opportunity and flexibility for military families residing on military installations in those districts. The plan should identify the greatest problem areas and provide recommended courses of action.

Junior Reserve Officers' Training Corps

The committee notes that the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) required the Secretary of Defense, in consultation with the Secretaries of the military departments, to develop and implement a plan to increase the number of Junior Reserve Officers' Training Corps (JROTC) units to not less than 3,700 by September 30, 2020. There are approximately 3,459 JROTC units currently being supported by the military services. The committee understands that given the constraints of the current fiscal environment, the services are reassessing their plans to reach the required number of units. However, the committee remains committed to the goal of not less than 3,700 total JROTC units by 2020, and awaits the Secretary of Defense's report on any modifications to the services' plans to reach the required number of units.

In addition, the committee is interested in how the authority requested by the Department of Defense to allow the services to provide arms, tentage, and equipment to schools without a JROTC unit with at least 50 students who are in the grade above the eighth grade may impact the ability of the services to support an end state of 3,700 JROTC units. Therefore, the committee directs the Secretary of Defense to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services within 180 days after the date of the enactment of this Act on how a change in the authority will balance the demands for resources between the JROTC units and other institutions without an official JROTC unit. The briefing should also provide any change to the mandate to achieve 3,700 JROTC units by 2020, if the proposed authority is enacted.

Marketing and Advertising for Recruiting

The committee recognizes the importance of using marketing and advertising, such as motorsports and extreme sports sponsorship, for the purposes of recruiting qualified youth to serve in the military and to maintain a positive presence with influencers. Without this ability, the military services may be faced with challenges recruiting qualified youth when economic conditions are favorable for employment in the civilian workforce. The committee encourages the service secretaries to ensure proper resources are applied to marketing and advertising programs essential to maintaining the All-Volunteer Force.

Military Technician (Dual Status)

The committee continues to have concerns with the management of the military technician (dual status) workforce and encourages the secretaries concerned to ensure that military technicians (dual status) understand the requirements of their employment, and the benefits and entitlements available to them as military technicians (dual status), including their rights before the Qualitative Retention Board and Selective Retention Boards. The committee also encourages the leadership of the Reserve Components to ensure the use and management of military technicians (dual status) is consistent with the laws, policies, and regulations governing military technicians (dual status).

Private John Sipe Medal of Honor Review

The committee is aware that for nearly 10 years the Department of Defense has been reviewing the request to award the Medal of Honor to Private John A. Sipe, Company I of the 205th Regiment Pennsylvania Volunteers, United States Army, for his bravery at the Battle of Fort Stedman during the Civil War. Private Sipe showed inspirational leadership and gallantry by fearlessly charging the rebel lines and subsequently capturing the rebel flag.

The committee is aware that the Army recommended Private Sipe be awarded the Medal of Honor in 2009. The committee is disappointed with the protracted amount of time the Department of Defense has taken to review the Medal of Honor request and urges the Department to complete its review in a timely manner and report its findings back to the committee.

Recognition for Remotely Piloted Aircraft Pilots

The Committee recognizes the important contributions remotely piloted aircraft (RPA) pilots have made in the theaters of operation. RPA pilots are crucial to missions overseas, flying some of the military's important weapons systems such as the MQ-1 and MQ-9. Their efforts have led to the collection of important intelligence by carrying out missions that would otherwise be too dangerous for manned aircraft. Their role in supporting the war fighters with precision fire support and high endurance surveillance is invaluable. Since the deployment of remotely piloted aircrafts into combat zones, they have proven to be a crucial component in the War on Terror. RPA pilots have supported their fellow war fighters in hazardous situations, both in the conduct of day-to-day activities, as

well as special operations. The RPA mission has allowed service members to better execute their military missions, and has aided in the capturing or killing of many high value targets. The committee encourages the Secretaries of the military departments to properly recognize these pilots for their contributions and accomplishments. In particular, the committee is concerned that RPA pilots may not have fair and equal opportunities for promotion as compared to their manned aircraft pilot counterparts and urges the services to continue to review and improve their policies to address this issue.

Recognition for the Surviving Children of Those Who Die While Serving Our Nation

Over 6,400 service members have made the ultimate sacrifice while serving in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn. While each and every loss is painfully heartbreaking, it is particularly hard for the hundreds of children who are now bereft of their father or mother. The committee recognizes their tragic loss, and recommends that the Secretary of Defense consider awarding these children a token of appreciation for their sacrifice, such as a Gold Medal of Remembrance.

Report on Metrics To Track Sexual Assault

The committee recognizes that the Department of Defense has developed a centralized, case-level database for documenting reported cases of sexual assault that became initially operational on March 30, 2012, and is expected to be fully operational by August 2012. Elsewhere in this Act, the committee includes a provision that would require the Secretary of Defense to continue to provide the Senate Committee on Armed Services and the House Committee on Armed Services with reports on the status of the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database until the Secretary certifies that both systems are fully functional and operational. The committee further notes that the Government Accountability Office has made a number of recommendations that address the development and implementation of the Defense Sexual Assault Incident Database. Accordingly, not earlier than 1 year following certification by the Secretary of Defense, the committee directs the Comptroller General of the United States to conduct a review of the Defense Sexual Assault Incident Database to ensure that the appropriate metrics and data are being gathered to allow for greater transparency and assessment of sexual assault within the Department of Defense. The committee further directs the Comptroller General to complete the review and provide a report on the findings to the Senate Committee on Armed Services and the House Committee on Armed Services within 545 days after the date of the certification by the Secretary of Defense.

Robust Diversity Outreach Efforts for Officer Accessions

It is important that recruitment and retention policies and programs ensure that a wide-range of communities across the United States are captured to provide the Services a large pool of well-

qualified, diverse candidates to consider. To address this issue, the committee encourages the Services to provide resources and personnel to ensure robust diversity outreach efforts for officer accessions so that each Service has access to qualified diverse individuals for initial development of officers. This critical investment will allow the Services to identify the best and brightest for our military and for America's future.

Support for Naval Heritage Initiatives

The committee urges the Department of the Navy to support initiatives that honor and recognize U.S. naval heritage.

Yellow Ribbon Reintegration Program

The committee recognizes the Department of Defense continues to improve its efforts to assist military personnel successfully transition from the military to civilian life. The committee applauds the National Guard and Reserve Components for its implementation and enhancement of the Yellow Ribbon Reintegration Program. The Office for Reintegration Programs has made significant strides in working with States to assist in the development of outreach programs for members of the Armed Forces and their families. This has been invaluable for informing and educating members of the National Guard and the Reserve Components on the services and assistance available to them to ensure that the Nation fulfills its promise to the All-Volunteer Force. However, the committee is concerned that there are still gaps in transition from the Department of Defense to the Department of Veterans Affairs that impacts service members and their families, many of whom are simply unaware of the numerous services and assistance programs provided by the Department of Veterans Affairs.

Further, the men and women who are most susceptible to falling victim to the inadequacies of the transition from the Department of Defense to the Department of Veterans Affairs are oftentimes the most "at-risk" veterans. In addition, the committee believes that there are transitioning Active Duty service members who may benefit from the Yellow Ribbon Reintegration Program. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 1 year after the date of the enactment of this Act on the feasibility of expanding access and outreach to transitioning Active Duty service members into the latter phases of the Yellow Ribbon Reintegration Program. The briefing should also address the ability of the Office for Reintegration Programs to work with the Department of Defense, the States, and Department of Veterans Affairs regional offices to contact service members and veterans returning from Active Duty, and discuss any initiatives necessary that may improve information sharing between the agencies, and awareness of transitioning and returning veterans at the outreach execution level within communities.

LEGISLATIVE PROVISIONS

SUBTITLE A—OFFICER PERSONNEL POLICY GENERALLY

Section 501—Limitation on Number of Navy Flag Officers on Active Duty

This section would eliminate the exemption for the Director of the Nurse Corps and the Director of the Medical Service Corps from counting against the statutory limits on Navy flag officers on Active Duty.

Section 502—Exception to Required Retirement After 30 Years of Service for Regular Navy Warrant Officers in the Grade of Chief Warrant Officer, W-5

This section would increase from 30 years to 33 years the total active military service a Navy warrant officer in the grade of chief warrant officer, W-5, may serve prior to being statutorily retired for length of service.

Section 503—Air Force Chief and Deputy Chief of Chaplains

This section would establish the positions of Chief of Chaplains and Deputy Chief of Chaplains in the Air Force in statute. This section would replace the Air Force's current central selection process for the Chief of Chaplains, which is restrictive, with a process similar to that used for the selection of Staff Judge Advocates General of the military services. This section would also allow candidates in the grade of colonel and above to be considered for selection.

Section 504—Extension of Temporary Authority To Reduce Minimum Length of Active Service as a Commissioned Officer Required for Voluntary Retirement as an Officer

This section would continue the authority for the Secretaries of the military departments to reduce from 10 to 8 years, the amount of commissioned service required for a service member to retire as an officer. The expiration of the authority would be extended from September 30, 2013, to September 30, 2018.

Section 505—Temporary Increase in the Time-in-Grade Retirement Waiver Limitation for Lieutenant Colonels and Colonels in the Army, Air Force, and Marine Corps and Commanders and Captains in the Navy

This section would create a temporary discretionary authority for the Secretary of Defense and the Secretaries of the military departments to retire in their current grades up to 4 percent of the total population of officers in the grades of O-5 and O-6 within each service, even though the officers do not possess 3 years service-in-grade. The limit under current law is 2 percent. The authority would expire September 30, 2018.

Section 506—Modification to Limitations on Number of Officers for Whom Service-In-Grade Requirements May Be Reduced for Retirement in Grade Upon Voluntary Retirement

This section would create a temporary discretionary authority for the Secretary of Defense and the Secretaries of the military departments to retire in their current grades up to 5 percent, or 10 percent in the case of the Marine Corps, of their total population of officers in the grades of 0–7 and 0–8, even though the officers do not possess 3 years service-in-grade. The limit under current law is 2 percent. The authority would expire September 30, 2017.

Section 507—Diversity in Military Leadership and Related Reporting Requirements

This section would require the Secretary of Defense to develop and implement a plan to measure the efforts of the Department to achieve a diverse leadership that reflects the population of the United States. The Secretary would also be required to include information on progress in implementing the plan and additional demographic data in the Department of Defense Manpower Requirements report.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

Section 511—Codification of Staff Assistant Positions for Joint Staff Related to National Guard and Reserve Matters

This section would repeal section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) and make the provisions of that section part of title 10, United States Code. This section would also amend the language of the new section in title 10 by requiring the assistants to the Chairman of the Joint Chiefs of Staff have significant joint duty experience, as determined by the Chairman, and that the assistants be included in the limited exclusions for joint duty assignments, under section 526(b) of title 10, United States Code.

Section 512—Automatic Federal Recognition of Promotion of Certain National Guard Warrant Officers

This section would automatically confer Federal recognition on members of the National Guard who are promoted from the grade of warrant officer 1, W–1, to chief warrant officer 2, W–2.

SUBTITLE C—GENERAL SERVICE AUTHORITIES

Section 521—Modifications to Career Intermission Pilot Program

This section would expand the population eligible for the Career Intermission Pilot Program to include Reserve Component members serving on Active Duty. This section would also authorize service members to retain their earned leave balance as well as to go through processing for disability separation while participating in the program.

Section 522—Authority for Additional Behavioral Health Professionals to Conduct Pre-Separation Medical Exams for Post-Traumatic Stress Disorder

This section would authorize licensed clinical social workers and psychiatric nurse practitioners to conduct pre-administrative separation medical examinations to determine if the service member suffers from post-traumatic stress disorder, a factor that should be considered by the service member's commander prior to administrative separation.

Section 523—Authority to Accept Voluntary Services to Assist Department of Defense Efforts To Account for Missing Persons

This section would amend section 1501(a)(6) of title 10, United States Code, to authorize the Secretary of Defense to accept gratuitous or voluntary services in circumstances in which the Secretary deems that such services may assist in accounting for missing personnel.

Section 524—Authorized Leave Available for Members of the Armed Forces Upon Birth or Adoption of a Child

This section would increase the number of days of non-chargeable leave from 21 to 42 that a service member may be granted following adoption of a child, if the service member is the primary caregiver of the child. The section would also provide that the other service member of a dual military couple may also be awarded 10 days of non-chargeable leave that may be taken at the same time as the primary caregiver is on adoption leave. This section would bring the adoption leave authority in line with the non-chargeable leave provided to service members who delivered a newborn child and dual military couples who were able to conceive a child naturally.

Section 525—Command Responsibility and Accountability for Remains of Members of the Army, Navy, Air Force, and Marine Corps Who Die Outside the United States

This section would require the Secretary of Defense to ensure that there is a continuous military command responsibility and accountability for the remains of each deceased member of the military services who died outside of the United States.

Section 526—Report on Feasibility of Developing Gender-Neutral Occupational Standards for Military Occupational Specialties Currently Closed to Women

This section would require the Secretary of Defense to submit to the congressional defense committees within 60 days after the date of the enactment of this Act, a report on the feasibility of incorporating gender-neutral occupational standards for military occupational specialties closed to female members of the Armed Forces.

Section 527—Compliance with Medical Profiles Issued for Members of the Armed Forces

The section would require the Secretary of a military department to ensure commanding officers do not prohibit or restrict the ability of physicians to issue a medical profile and to comply with the terms of the medical profile for the member of the armed forces.

SUBTITLE D—MILITARY JUSTICE AND LEGAL MATTERS

Section 531—Clarification and Enhancement of the Role of Staff Judge Advocate to the Commandant of the Marine Corps

This section would authorize the Staff Judge Advocate to the Commandant of the Marine Corps to supervise the administration of justice and delivery of legal assistance within the Marine Corps; provide professional supervision over all judge advocates of the Marine Corps; and establish a direct relationship with the Secretary of the Navy.

Section 532—Persons Who May Exercise Disposition Authority Regarding Charges Involving Certain Sexual Misconduct Offenses Under the Uniform Code of Military Justice

This section would require the Secretary of Defense to implement a policy to have the Secretaries of the military departments withhold disposition authority under the Uniform Code of Military Justice for certain sexual offenses under sections 920, 925 and 880 of title 10, United States Code. The policy required by this section would establish that the disposition authority in such cases would be no lower than the special court-martial convening authority, who holds the grade of colonel, or in the case of the Navy, the grade of captain, who has a legal advisor and is in the chain of command of the person accused of committing the offense. This section would not preclude the general court-martial convening authority from acting in lieu of the special court-martial convening authority, nor would this section preclude other offenses related to the alleged sexual offenses from being considered by the special court-martial convening authority.

Section 533—Independent Review and Assessment of Uniform Code of Military Justice and Judicial Proceedings of Sexual Assault Cases

This section would require the Secretary of Defense to establish an independent panel to conduct a review and assessment of judicial proceedings under the Uniform Code of Military Justice involving sexual assault and related offenses in order to develop potential improvements in such proceedings. Authority for the panel would expire September 30, 2017.

Section 534—Collection and Retention of Records on Disposition of Reports of Sexual Assault

This section would require the Secretaries of the military departments to establish a record on the disposition of sexual assaults and retain the records for at least 20 years.

Section 535—Briefing, Plan, and Recommendations Regarding Efforts To Prevent and Respond to Hazing Incidents Involving Members of the Armed Forces

This section would require the Secretary of Defense to brief the Senate Committee on Armed Services and the House Committee on Armed Services by May 1, 2013, on the plan to establish the Department of Defense effort to prevent hazing in the Armed Forces, and to respond to and resolve alleged hazing incidents. This section would also require the Secretary to provide recommendations for changes to the Uniform Code of Military Justice and the Manual for Courts-Martial to improve the prosecution of hazing incidents as part of the briefing. In addition, this section would require the Secretary to establish a database to determine the extent to which hazing incidents are occurring and the nature of such incidents, as well as to track, respond to, and resolve hazing incidents involving members of the Armed Forces.

Section 536—Protection of Rights of Conscience of Members of the Armed Forces and Chaplains of Such Members

This section would require the Armed Forces to accommodate the moral principles and religious beliefs of service members concerning appropriate and inappropriate expression of human sexuality and that such beliefs may not be used as a basis for any adverse personnel actions. This section would establish the responsibility of chaplains to provide for the spiritual needs of their faith group and comply with the tenets of their faith while facilitating the religious needs of all service members. This section would also prohibit any member of the Armed Forces from (1) requiring a chaplain to perform any duty or religious ceremony that is contrary to the tenets of the chaplain's conscience, moral principles, religious beliefs or the tenets of the chaplain's religious faith, or (2) discriminating or taking any adverse personnel action against a chaplain because of a refusal to comply with a direction to perform a duty or religious ceremony that is contrary to the tenets of the chaplain's conscience, moral principles, religious beliefs or the tenets of the chaplain's religious faith.

Section 537—Use of Military Installations as Sites for Marriage Ceremonies or Marriage-Like Ceremonies

This section would preclude marriage and marriage-like ceremonies from being conducted on military installations or other property owned or rented by, or otherwise under the control of the Department of Defense, unless the ceremony involves the union of one man with one woman.

SUBTITLE E—MEMBER EDUCATION AND TRAINING OPPORTUNITIES
AND ADMINISTRATION

Section 541—Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and Enhancements to the Program

This section would transfer responsibility and authority for operation and administration of the Troops to Teachers Program from the Department of Education to the Department of Defense.

Section 542—Support of Naval Academy Athletic and Physical Fitness Programs

This section would amend chapter 603 of title 10, United States Code, to grant the Secretary of the Navy authority to enter into a collaborative agreement with the Naval Academy Athletic Association in support of the United States Naval Academy's athletic and physical fitness programs.

Section 543—Department of Defense Inspector General Review of Access to Military Installations by Representatives of For-Profit Educational Institutions

This section would require the Department of Defense Inspector General to conduct a review to determine the extent of access that representatives of for-profit educational institutions have to military installations and whether there are adequate safeguards in place to regulate such access.

SUBTITLE F—DECORATIONS AND AWARDS

Section 551—Issuance of Prisoner-of-War Medal

This section would amend section 1128 of title 10, United States Code, to permit the prisoner-of-war medal to be awarded to any person serving in any capacity with the Armed Forces who was taken prisoner or held captive by a foreign armed force under circumstances that the Secretary concerned finds to have been comparable to those under which persons have generally been held captive by enemy armed forces. Under current law, the foreign armed forces must have been found to be hostile to the United States.

Section 552—Award of Purple Heart to Members of the Armed Forces Who Were Victims of the Attacks at Recruiting Station in Little Rock, Arkansas, and at Fort Hood, Texas

This section would require the Secretary concerned to award the Purple Heart to members of the Armed Forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

SUBTITLE G—DEFENSE DEPENDENTS' EDUCATION AND MILITARY
FAMILY READINESS MATTERS

Section 561—Continuation of Authority to Assist Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section would authorize \$25.0 million for the continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by the enrollment of dependent children of military members and DOD civilian employees. This section would also authorize \$5.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

Section 562—Transitional Compensation for Dependent Children Who Were Carried During Pregnancy at the Time of the Dependent-Abuse Offense Committed by an Individual While a Member of the Armed Forces

This section would extend transitional compensation benefits and payments provided to victims of dependent abuse under section 1059 of title 10, United States Code, to children carried during pregnancy at the time of a dependent-abuse offense.

Section 563—Modification of Authority to Allow Department of Defense Domestic Dependent Elementary and Secondary Schools to Enroll Certain Students

This section would authorize the dependent of a member of the Armed Forces or a dependent of a Federal employee who had been enrolled in the overseas Defense Dependents' Education System and was evacuated, to enroll in a Department of Defense domestic elementary and secondary education school near the safe haven where they were evacuated. This section would also authorize the dependent of an Active Duty member of the Armed Forces who upon return to the United States is enrolled in the elementary or secondary school of a local educational agency, to enroll in the Department of Defense's virtual elementary and secondary education program on a tuition-paying basis.

Section 564—Protection of Child Custody Arrangements for Parents Who Are Members of the Armed Forces

This section would amend title II of the Service Members Civil Relief Act (50 U.S.C. app. 521) to require a court that issued a temporary custody order based solely on the deployment or anticipated deployment of a service member to reinstate the custody order that was in effect immediately preceding the temporary order, unless the court finds reinstatement is not in the best interest of the child. This section would also prohibit a court from using deployment or the possibility of deployment against a service member when determining the best interest of a child.

Section 565—Treatment of Relocation of Members of the Armed Forces for Active Duty for Purposes of Mortgage Refinancing

This section would amend the Servicemembers Civil Relief Act (50 U.S.C. App. 533) to authorize a service member to refinance a principal residence if the service member does not reside in the residence because of a permanent change of duty station.

Section 566—Sense of Congress Regarding Support for Yellow Ribbon Day

This section would express the sense of Congress supporting the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces and U.S. civilians who are serving overseas apart from their families and loved ones.

SUBTITLE H—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Section 571—Establishment of Special Victim Teams to Respond to Allegations of Child Abuse, Serious Domestic Violence, or Sexual Offenses

This section would require the Secretaries of the military departments to establish special victim teams for the investigation, prosecution, and victim support in connection with child abuse, serious domestic violence, or sexual offenses under the Uniform Code of Military Justice. In addition, this section would require the Secretary of each military department to determine the number of special victim teams to be established, and prescribe regulations for the management and employment of the teams in order to provide effective, timely, and responsive world-wide support. This section would also require that at least one special victim team in each military department be available for employment not later than 1 year after the date of the enactment of this Act. Furthermore, this section would require each Secretary to provide to the Senate Committee on Armed Services and the House Committee on Armed Services, not later than 270 days after the date of enactment of this Act, a plan and time line for the establishment of the remainder of the special victim teams that the Secretary has determined are needed.

Section 572—Enhancement to Training and Education for Sexual Assault Prevention and Response

This section would require the Secretary of Defense to provide for sexual assault training during pre-command and command courses.

Section 573—Enhancement to Requirements for Availability of Information on Sexual Assault Prevention and Response Resources

This section would require the Secretary of Defense to prominently post information on sexual assault prevention and response at specific locations throughout the Department of Defense.

Section 574—Modification of Annual Department of Defense Reporting Requirements Regarding Sexual Assaults

This section would require the Secretaries of the military departments to include additional information in the case synopsis portion of the report on sexual assaults required by section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

Section 575—Inclusion of Sexual Harassment Incidents in Annual Department of Defense Reports on Sexual Assaults

This section would require the Secretaries of the military departments to include information on sexual harassment in the annual Department of Defense report on sexual assault.

Section 576—Continued Submission of Progress Reports Regarding Certain Incident Information Management Tools

This section would require the Secretary of Defense to continue to provide to the Senate Committee on Armed Services and the House Committee on Armed Services a report on the establishment of the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database until the Secretary certifies that both systems are fully functional and operational.

Section 577—Briefings on Department of Defense Actions Regarding Sexual Assault Prevention and Response in the Armed Forces

This section requires the Secretary of Defense, or his designee, to brief the Senate Committee Armed Services and the House Committee on Armed Services on the status of implementation of the sexual assault provisions in the National Defense Authorization Act for Fiscal Year 2011 (Public Law 112–81) and the initiative announced by the Secretary of Defense on April 24, 2012.

Section 578—Armed Forces Workplace and Gender Relations Surveys

This section would require the Armed Forces Workplace and Gender Relations Survey be conducted in 2014 and 2015 and every 2 years thereafter and include information in the reports on sexual assault.

Section 579—Requirement for Commanders to Conduct Annual Organizational Climate Assessments

This section would require the Secretary of Defense to provide for matters relating to sexual assault to be included in organizational climate assessments conducted annually and within 120 days of assuming command.

Section 580—Additional Requirements for Organizational Climate Assessment

This section would require the secretary of Defense to direct the secretaries of the military departments verify and track compliance of commander conducting organizational climate assessments.

Section 581—Review of Unrestricted Reports of Sexual Assault and Subsequent Separation of Members Making Such Reports

This section would require the Secretary of Defense to conduct a review of all unrestricted reports of sexual assault made by members of the Armed Forces since October 2000 to determine the number of members who were separated from the service following reporting sexual assault and the reason the member was separated. The amendment would require the Secretary to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services on the results of the review.

Section 582—Limitation on Release From Active Duty or Recall to Active Duty of Reserve Component Members Who Are Victims of Sexual Assault While On Active Duty

This section would authorize members of the reserve components to remain on active duty or be recalled to active duty for up to 180 days to complete a line of duty determination in cases of sexual assault.

Section 583—Inclusion of Information on Substantiated Reports of Sexual Harassment in Member's Official Service Record

This section would require substantiated reports of sexual harassment made against a member of the military services to be included in the service record of the member.

SUBTITLE I—OTHER MATTERS

Section 590—Inclusion of Freely Associated States Within Scope of Junior Reserve Officers' Training Corps Program

This section would amend section 2031(a) of title 10, United States Code, to authorize the Secretary of a military department to establish and maintain a unit of the Junior Reserve Officers' Training Corps at a secondary education institution if the conditions of section 2031(b) of title 10, United States Code, are met.

Section 591—Preservation of Editorial Independence of Stars and Stripes

This section would require the Secretary of Defense to extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial staff and management operations of "Stars and Stripes." This section would extend the lease until the Secretary can provide space and support for the operations of "Stars and Stripes" in a Government-owned facility that is located within the National Capital Region that is geographically remote from the Defense Media Activity's facilities at Fort Meade, Maryland. The committee believes it is critically important to preserving the editorial independence of "Stars and Stripes."

Section 592—Sense of Congress Regarding Designation of Bugle Call Commonly Known as "Taps" as National Song of Remembrance

This section would express the sense of Congress that "Taps" should be designated as the National Song of Remembrance.

Section 593—Recommended Conduct During Sounding of Bugle Call Commonly Known as “Taps”

This section would establish the recommended conduct of persons during the sounding of the bugle call known as “Taps”.

Section 594—Inspection of Military Cemeteries Under the Jurisdiction of Department of Defense

This section would amend section 1(d)1 of Public Law 111–339 to eliminate the requirement for the Secretary of the Army to report on Arlington National Cemetery, Virginia, and the U.S. Soldiers’ and Airmen’s Home National Cemetery, District of Columbia, in fiscal year 2013. Instead, this section would require the Inspector General of the Department of Defense to conduct the inspection, thereby eliminating the current requirement that both the Secretary of the Army and the Inspector General of the Department of Defense conduct inspections in 2013.

This section would also provide both the Inspector General of the Department of Defense and the Secretaries of the military departments an additional 6 months to meet the inspection and reporting requirements in section 592(d)(2) of Public Law 112–81, which requires the Inspector General of the Department of Defense to inspect a statistically valid sample of cemeteries under the jurisdiction of the Secretaries of the military departments and for the Secretaries of the military departments to report their plans for corrective actions to the Senate Committee on Armed Services and the House Committee on Armed Services. The new suspense dates for the Inspector General and the Secretaries of the military departments would be June 29, 2013, and October 1, 2013, respectively.

Section 595—Pilot Program to Provide Transitional Assistance to Members of the Armed Forces With a Focus on Science, Technology, Engineering and Mathematics

This section would authorize the Secretary of Defense to conduct pilot programs to provide transitional assistance to members of the Armed Forces with a focus on science, technology, engineering and mathematics.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

OVERVIEW

The committee continues to believe that robust and flexible compensation programs are central to maintaining a high-quality, combat-ready force. Accordingly, the committee recommends an across-the-board pay raise of 1.7 percent to ensure that military pay rates keep pace with pay increases in the private sector, as measured by the Employment Cost Index. The committee recommends that the authorities for a wide array of bonuses, special and incentive pays, and other compensation benefits set to expire on December 31, 2012, be extended for an additional year.

The committee also recommends two provisions that would extend the availability of housing and shopping benefits to service

members and their families following an involuntary separation during the drawdown of military forces.

ITEMS OF SPECIAL INTEREST

Military Resale Participation in Container Deposit Programs

The committee is aware that military exchange and commissary systems do not directly participate in State and local container deposit programs designed to control litter and advance recycling objectives. The committee understands that as agencies of the Federal Government, military exchange and commissary systems would not historically participate in State and local programs that are viewed as taxation, although container deposit programs are generally viewed as user fees. The committee recognizes that container deposit programs are highly valued initiatives in the States and locales in which they are operated. However, the committee would like to better understand the implications of requiring the military resale community to participate in container deposit programs, as well as the potential for setting a precedent with broad consequences for the Federal Government regarding the participation of a Federal agency in State and local tax or user fee programs. Accordingly, the committee directs the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2013, assessing if it is appropriate for military exchange and commissary systems to participate in State and local container deposit programs. The Secretary should consider the implications of a decision to support the participation of military resale organizations in container deposit programs and, at a minimum, provide an assessment of:

- (1) The impact on the operations and financial management of military resale organizations.
- (2) The cost and other burdens imposed on patrons of military resale organizations.
- (3) The potential for far reaching precedents with implications for all appropriated and nonappropriated fund activities throughout the Federal Government.
- (4) The legal questions associated with such a decision, to include any concerns about the constitutionality of such participation.
- (5) Examples of how the Department of Defense complies with State or local beverage container laws.

The Secretary should also include in the report a recommendation concerning the propriety of military exchanges and commissaries participating in State and local container deposit programs. The committee further directs the Secretary not to assign responsibility for managing the conduct of the study and the writing of the resulting report to any military exchange system or commissary system.

Military Retirement Modernization Commission

The committee has reviewed the President's legislative proposal to establish a military retirement modernization commission to review and make recommendations to modernize the military retire-

ment system to ensure that the system remains fiscally sustainable and supports the need to recruit and retain a quality force. The committee is concerned that the proposal includes provisions that would unnecessarily limit the legislative authority of the House of Representatives by imposing a legislative process that eliminates the ability of the House of Representatives to amend the legislation proposed by the President. The committee believes that the Secretary of Defense should submit to the President, for submission to Congress, the retirement modernization proposal that he and the uniformed leaders of the military departments consider necessary. The committee believes that Congress, with the benefit of a retirement modernization proposal that reflects the best judgment of the civilian and military leaders of the Department of Defense, can debate and, if judged appropriate, improve and finalize a reform proposal. The committee believes that the House of Representatives should have a voice in shaping this important benefit and should not abandon its Constitutional responsibility to consider this specific legislation in accordance with the regular order rules of the House of Representatives.

Morale, Welfare, and Recreation Nonappropriated Fund Contract Options

The committee is concerned that military department managers of Department of Defense morale, welfare, and recreation (MWR) nonappropriated fund activities have concluded that they do not have the authority to engage in service contracts that involve multiple installations and extend over several years. The committee believes this question should be formally settled and, if necessary, resolved with corrective legislation. Accordingly, the committee directs the Secretary of Defense to submit to the congressional defense committees by March 31, 2013, a report verifying whether the perceived contracting restriction identified by MWR managers is in place and, if so, to identify the contracting law that imposes the restriction. The report should also include a legislative proposal that would remove the restriction, as well as the Secretary's assessment of the situation and recommendations for an appropriate course of action.

Physical Evaluation Board Liaison Officers

The committee continues to receive information that suggests there is an inadequate number of Physical Evaluation Board Liaison Officers (PEBLO) at some Department of Defense (DOD) installations, and that some of the PEBLOs are inadequately trained and lack sufficient experience to fulfill their job responsibilities. The committee is aware that wounded warriors and other individuals required to meet Physical Evaluation Boards (PEB) have reported that their assigned PEBLOs are overworked, yet many also lack the experience necessary to assist them successfully resolve their status within the Disability Evaluation System (DES).

The committee is concerned that in light of current budgetary constraints, DOD officials responsible for managing the DES have overlooked the importance of PEBLOs to the successful operation of the system and the appropriate care and fair treatment for service members with disabilities. Accordingly, the committee directs

the Secretary of Defense to submit to the congressional defense committees a report by March 31, 2013, on the ratio of assigned PEBLOs to the number of service members meeting PEBs, the number of vacant PEBLO positions, and the authorized grades of PEBLO positions by installation across the Department of Defense. The report should also provide assessments of the adequacy of the Department's standard for the ratio of PEBLOs to service members meeting PEBs; the sufficiency of experience levels within the PEBLO workforce; and the effectiveness of PEBLO training programs.

Transition of U.S. Territories from Overseas Housing Allowance to Basic Allowance for Housing

The committee recognizes that the administrative process supporting the payment of Overseas Housing Allowance (OHA) is more cumbersome for service members and program managers than is the process supporting payment of the Basic Allowance for Housing (BAH). The committee is interested in examining whether the BAH system would be better than the OHA system at providing housing allowances to service members assigned to duty in U.S. territories. Accordingly, the committee directs the Secretary of Defense to submit to the congressional defense committees by March 31, 2013, a report on the feasibility and appropriateness of changing the process for determining housing allowances in U.S. territories from the OHA system to the BAH system. The report should provide an assessment as to which system better supports the quality of life of service members, and is most suitable to the housing market of each U.S. territory (American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands). The report should also provide the comparable costs of operating the OHA and BAH systems in each of the U.S. territories, as well as the cost of implementing the transition from the OHA system to the BAH system.

LEGISLATIVE PROVISIONS

SUBTITLE A—PAY AND ALLOWANCES

Section 601—Fiscal Year 2013 Increase in Military Basic Pay

This section would increase basic pay for members of the uniform services by 1.7 percent, effective January 1, 2013. This raise would match the pay raise rate in the private sector as measured by the Employment Cost Index.

Section 602—Basic Allowance for Housing for Two-Member Couples When One Member is on Sea Duty

This section would authorize dual military couples without dependents below the grade of E-6 to receive basic allowance for housing while serving on sea duty. This section would also eliminate the requirement that such couples must be simultaneously serving on sea duty before becoming eligible to receive basic allowance for housing.

Section 603—No Reduction in Basic Allowance for Housing for Army National Guard and Air National Guard Members Who Transition Between Active Duty and Full-Time National Guard Duty Without a Break in Active Service

This section would prevent reductions in the rate of basic allowance for housing for National Guard service members who transition from full-time National Guard duty to Active Duty, or from Active Duty to full-time National Guard duty, when the transition occurs without a break in active service.

Section 604—Modification of Program Guidance Relating to the Award of Post-Deployment/Mobilization Respite Absence Administrative Absence Days to Members of the Reserve Components Under DOD Instruction 1327.06

This section would grandfather members of the Reserve Component mobilized under wartime or national emergency circumstances prior to October 1, 2011, from the policy changes implemented on that date by the Secretary of Defense relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days under DOD Instruction 1327.06.

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

Section 611—One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces

This section would extend the authority for the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, income replacement payments for Reserve Component members experiencing extended and frequent mobilization for active duty service, and the authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance until December 31, 2013.

Section 612—One-Year Extension of Certain Bonus and Special Pay Authorities for Health Care Professionals

This section would extend the authority for the nurse officer candidate accession program, repayment of educational loans for certain health professionals who serve in the Selected Reserve, the accession and retention bonuses for psychologists, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health care professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties until December 31, 2013.

Section 613—One-Year Extension of Special Pay and Bonus Authorities for Nuclear Officers

This section would extend the authority for the special pay for nuclear-qualified officers extending a period of active service, nuclear career accession bonus, and the nuclear career annual incentive bonus until December 31, 2013.

Section 614—One-Year Extension of Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities

This section would extend the general bonus authority for enlisted members, the general bonus authority for officers, the special bonus and incentive pay authority for nuclear officers, special aviation incentive pay and bonus authorities, the special health professions incentive pay and bonus authorities, hazardous duty pay, assignment pay or special duty pay, skill incentive pay or proficiency bonus, and the retention bonus for members with critical military skills or assigned to high-priority units until December 31, 2013.

Section 615—One-Year Extension of Authorities Relating to Payment of Other Title 37 Bonuses and Special Pays

This section would extend the authority for the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus for active members, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates until December 31, 2013.

Section 616—Increase in Maximum Amount of Officer Affiliation Bonus for Officers in the Selected Reserve

This section would increase the maximum amount that may be paid to officers who enter into an agreement to serve in the Selected Reserve for a specified contract period from \$10,000 to \$20,000.

Section 617—Increase in Maximum Amount of Incentive Bonus for Reserve Component Members Who Convert Military Occupational Specialty to Ease Personnel Shortages

This section would increase to \$4,000 the amount of the bonus that may be paid to Reserve Component members who convert their military occupational specialty to ease personnel shortages.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES
GENERALLY

Section 621—Travel and Transportation Allowances for Non-Medical Attendants for Members Receiving Care in a Residential Treatment Program

This section would authorize non-medical attendants to receive travel and transportation benefits when assisting a service member receiving care in a residential treatment program if medical au-

thorities determine that the presence and participation of such an attendant is essential to the treatment of the member.

SUBTITLE D—BENEFITS AND SERVICES FOR MEMBERS BEING
SEPARATED OR RECENTLY SEPARATED

Section 631—Extension of Authority To Provide Two Years of
Commissary and Exchange Benefits After Separation

This section would extend the period of eligibility from December 31, 2012, to December 31, 2018, in which service members who are involuntarily separated may continue to use commissary and exchange stores for 2 years following the date of separation.

Section 632—Transitional Use of Military Family Housing

This section would establish October 1, 2012, through December 31, 2018, as the period of eligibility in which service members who are involuntarily separated may remain in Government-provided family housing for up to 180 days after the date of separation.

SUBTITLE E—COMMISSARY AND NONAPPROPRIATED FUND
INSTRUMENTALITY BENEFITS AND OPERATIONS

Section 641—Charitable Organizations Eligible for Donations of
Unusable Commissary Store Food and Other Food Prepared for
the Armed Forces

This section would clarify that the Secretary of Defense may make donations of unusable food to charitable food banks, food pantries, and soup kitchens.

Section 642—Repeal of Certain Recordkeeping and Reporting Re-
quirements Applicable to Commissary and Exchange Stores
Overseas

This section would eliminate the requirement that the Secretary of Defense report to Congress the changes in restrictions on the sale of merchandise by commissary and exchange stores overseas that are required to prevent the resale of such merchandise in violation of treaty obligations of the United States or host-nation laws.

Section 643—Treatment of Fisher House for the Families of the
Fallen and Meditation Pavilion at Dover Air Force Base, Dela-
ware, as a Fisher House

This section would codify in title 10, United States Code, the designation of the Fisher House for Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, and clarify that authorized Fisher House residents of that facility include the primary next of kin, other family members of a member of the Armed Forces who dies while serving overseas, and escorts of those family members.

Section 644—Purchase of Sustainable Products, Local Food Products, and Recyclable Materials for Resale in Commissary and Exchange Store Systems

This section would require the governing body giving oversight and management direction to the military exchange and commissary systems in accordance with section 2481(c) of title 10, United States Code, to establish guidelines for the identification of fresh meat, poultry, seafood, produce, and other products raised or produced through sustainable methods that are not harmful to the ecology. This section would require the guidelines to be established not later than 2 years from the date of the enactment of this Act. The committee believes the guidelines should consider the impact of implementing sustainable product policies on the cost of goods and the pricing of the products offered to patrons. This section would also require that the governing body to establish, not later than September 30, 2017, goals for all exchange and commissary stores to purchase sustainable products, local food products, and recyclable materials.

SUBTITLE F—DISABILITY, RETIRED PAY AND SURVIVOR BENEFITS

Section 651—Repeal of Requirement for Payment of Survivor Benefit Plan Premiums When Participant Waives Retired Pay to Provide a Survivor Annuity Under Federal Employees Retirement System and Terminating Payment of the Survivor Benefit Plan Annuity

This section would authorize retired military service members when retiring under the Federal Employees Retirement System to forgo the payment of premiums under the Survivor Benefit Plan. The option would occur when the retired service member waives military retired pay in order to elect a civil service retirement and provide a survivor annuity.

SUBTITLE G—OTHER MATTERS

Section 661—Consistent Definition of Dependent for Purposes of Applying Limitations on Terms of Consumer Credit Extended to Certain Members of the Armed Forces and Their Dependents

This section would change the definition of “dependent” with regard to the limitations on the terms of consumer credit extended to service members and their dependents to align with the definition of “dependent” as used to establish eligibility for military medical care in section 1072 of title 10, United States Code. The change would simplify the process for determining which family members are covered by the limits on the terms of consumer credit.

Section 662—Limitation on Reduction in Number of Military and Civilian Personnel Assigned to Duty with Service Review Agencies

This section would extend from December 31, 2013, to December 31, 2016, the limitation that the manpower levels within the service review agencies of the military departments shall not be reduced below the manpower levels that existed on January 1, 2002, unless the Secretary of a military department reports the scope and purpose of the reduction and a 90-day period elapses.

Section 663—Equal Treatment for Members of Coast Guard Reserve Called to Active Duty Under Title 14, United States Code

This section would authorize certain benefits for members of the Coast Guard Reserve when mobilized to ensure that they are provided equal benefits as those received by reserve members of the military departments. The benefits would include eligibility for retired pay and educational assistance.

TITLE VII—HEALTH CARE PROVISIONS

OVERVIEW

The committee remains strongly committed to ensuring that members of the Armed Forces, retirees, survivors, and their families have access to quality health care. The committee is aware of the fiscal constraints that the Department of Defense faces and the resultant challenges providing for military medical readiness, combat casualty care for our deployed forces, health care for our physically or emotionally wounded service members as well as health care services to all eligible beneficiaries.

Recognizing these challenges, the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) included authority for the Secretary of Defense to raise TRICARE Prime enrollment fees. In addition, the committee continued to encourage the Department of Defense to address the cost of providing health care by adopting proven practices to improve the health status of the beneficiary population and improve the cost-effectiveness of the care provided to beneficiaries. In this context, the committee notes with concern the Department of Defense Fiscal Year 2013 proposals to reduce the cost of health care by increasing the cost of TRICARE to retirees, including TRICARE for Life beneficiaries. The Department proposal included new fees in addition to significantly increasing existing fees. The committee is disappointed that the Department of Defense continues to rely too narrowly on shifting the cost burden to beneficiaries without aggressively pursuing internal efficiencies. The committee continues to believe that career members of the uniformed services and their families endure unique and extraordinary demands and make sacrifices over the course of a military career and that those decades of sacrifice constitute a significant pre-paid premium for health care after retiring.

The committee continues to support the Department of Defense's efforts to identify and treat traumatic brain injury (TBI) occurring in members of the Armed Forces as a result of combat. The committee commends the Department for the many ongoing efforts to identify TBI and the collateral medical issues that accompany TBI such as visual dysfunction. The committee encourages the Department of Defense to continue to expand access to treatment programs for all service members, including those in the Reserves and National Guard, and to identify community resources and expertise to assist in this effort.

Finally, the committee remains concerned with the Department of Defense plan to restructure the governance of the military health system. The committee remains unconvinced that the Department has conducted sufficient analysis of the plan to develop

a comprehensive cost estimate of implementing the proposed governance structure. The committee continues to support a unified medical command to improve the quality of care being provided by the services at a significant cost savings. However, the committee looks forward to the results of Comptroller General review, required by the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), of the options considered for reorganizing the military health system.

ITEMS OF SPECIAL INTEREST

Assessment of Unmanned Aerial Vehicle Operators Mental Health

The committee commends the U.S. Air Force School of Aerospace Medicine for their efforts to assess the mental health of the Air Force Unmanned Aerial Vehicle (UAV) operators, which included a survey of Reaper, Predator, and Global Hawk operators, along with support personnel. While the remote nature of these Air Force operations shield airmen from traditional combat threats, research being conducted on the psychological impact of those currently serving in this form of warfare is important, particularly in understanding the impact of a sustained operational tempo. While the Air Force has undertaken this initiative, the committee notes that the other services have not performed similar assessments of their UAV operators and support personnel, who are closer to the fight, and whose mental health assessment may be different from those in the Air Force. The committee believes there may be merit in the Army and Navy conducting a similar mental health assessment and urges the other services to conduct similar assessments of their UAV personnel.

Comptroller General Report on Chiropractic Health Care Professionals

The committee understands that for more than a decade, the Department of Defense has provided high-quality chiropractic health care services to Active Duty military personnel at military treatment facilities throughout the world. Today, chiropractic health care continues to be a key benefit for the men and women of the Armed Force as a result of increased incidences of musculoskeletal injuries sustained in combat. However, the committee is concerned by disparities in pay and job classifications that have resulted in chiropractors receiving lower wage rates than health care providers with either comparable or less training, skill sets, and health care responsibilities for patients in military treatment facilities. Therefore, the committee directs the Comptroller General of the United States to conduct a study and submit the findings to the Senate Committee on Armed Services and the House Committee on Armed Services by April 1, 2013, on the wage rates for chiropractors within the Department of Defense as compared to health care providers with either comparable or less training, skill sets, licensure and certification requirements, and health care responsibilities.

Improvements to the Measurement of Vital Signs

The committee commends the military medical system for continuing to improve its operational strategies to accommodate the

reality of modern warfare. In the committee report (H. Rept. 112–78) accompanying the National Defense Authorization Act for Fiscal Year 2012, the committee noted the challenges encountered while providing critical care to war fighters regarding the ability to curtail the progression and minimize complications of shock. The committee encouraged the Department of Defense to develop methods for providing automated resuscitation during medical evacuation. The committee remains concerned that the assessment measures currently employed on the battlefield do not provide definitive early indications of internal bleeding or other non-visible symptoms. The committee is aware that there are potential technologies and systems that may provide for a more precise measurement of vital signs and assessment of an individual's current medical state that would improve the assessment and treatment of injuries with greater accuracy. The committee encourages the Department of Defense to continue efforts to improve care in this area.

Modification to the Report on Department of Defense Autism Pilot and Demonstration Projects

The committee commends the Department of Defense for its continued efforts to ensure that military families have access to autism diagnosis, intervention, and treatment services. The committee encourages the Department to continue to assist military families with autistic children to receive the full and expanding range of evidence-based intervention and treatment approaches. In addition, the committee directs the Secretary of Defense to include in the report required by Section 577 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) any efforts to provide services specifically for autistic children of military families living in rural or underserved communities using mobile diagnostic capabilities.

Optimizing Blood Transfusions for Service Members

The committee is aware of efforts to improve medical care that will minimize medical complications, including life-threatening transfusion reactions, incompatible blood transfusions, and pregnancy complications due to antibody formation, as a result of blood transfusions. These complications are particularly critical in patients from different ethnic backgrounds. The committee supports military medical research that will help to improve outcomes for the military community which has a diverse ethnic population reflective of American society. The committee encourages the Department of Defense to pursue efforts that would optimize blood transfusion to reduce medical complications.

Overseas Medical Research Laboratories

The committee recognizes the historic and critical role that Army and Navy Overseas Medical Research Laboratories have played in military medicine, and just as importantly, in civilian medical applications. Research conducted by these laboratories in indigenous infectious diseases, such as malaria and dengue virus, have led to prevention and treatment efforts that have protected our service members, American citizens abroad, and global public health. The committee urges the Department of the Army and the Department

of the Navy to remain mindful of these accomplishments and the critical role these laboratories have played in military medicine and the protection of our troops.

Post Traumatic Stress Disorder Training for Mental Health Providers

The committee continues to recognize the Department of Defense's efforts to address the issue of Post Traumatic Stress Disorder (PTSD). PTSD has been a continuing and growing issue across the Department, with significant impact on readiness and quality of life for personnel and military families. To address this ongoing and growing need, multifaceted solutions focusing on the skills of behavioral health professionals, training on treatment of the disorder as well as innovative treatment approaches are required. To that end, the committee encourages the Department to develop training programs for psychology and behavioral health professionals, including those that combine education, outreach and biofeedback research for the treatment of PTSD.

Prostate Imaging

The Committee is aware that in spite of the magnitude of the prostate cancer epidemic in the military and civilian populations, men do not have reliable diagnostic tools for guiding early detection and treatment which is critical for saving lives, improving quality of life and reducing health care costs. Therefore, the Committee encourages the Department to intensify research for the advancement of prostate imaging technologies.

Safety of Blood Products

The Committee is aware of efforts by the United States Army Medical Research and Materiel Command (USAMRMC) to enhance blood product safety, particularly with regard to whole blood and platelet transfusions. To complicate the issue, platelets can only be stored at room temperature and for a few days, unlike other blood components such as plasma and red cells which can be refrigerated for weeks. Currently, the quality of platelet concentrates can be determined by either an extremely subjective visual check or by testing random samples directly from the sterile bag, thus compromising the sterility of the remaining platelets. The Committee believes the research being done on the monitoring of platelets and whole blood at USAMRMC could improve the quality of stored platelets by allowing constant, non-invasive testing of multiple therapeutic doses, rather than a random sample. Such testing could result in labor reduction and multiple bag readings, thereby increasing the efficiency of distribution and supply. Therefore, the committee encourages the Secretary of the Army to expedite the blood product safety research and development efforts to ensure that the blood products used on the battlefield and during combat casualty care efforts are of the highest quality.

Substance Abuse

The committee is aware that the number of service members in need of substance abuse treatment continues to rise as a result of

the continued and sustained deployment cycle of the force. Over 10 years of combat have led to an increase in the rate of misuse of alcohol, painkillers, and illicit drugs. The services have made efforts to invest in treatment and prevention programs. For example, the Army hired 125 additional counselors in 2011 to address the increasing demand for these services. The committee commends the Army for its support of substance abuse treatment programs, and encourages the services to ensure that effective programs and credentialed providers are available for service members. In addition, the committee encourages the Department of Defense to pursue translational research focused on the development of new treatments for alcoholism, addiction, and related neuropsychiatric conditions to further improve the tools and therapies available to treat service members dealing with substance abuse.

Traumatic Brain Injury

The committee continues to support the Department of Defense's efforts to identify and treat traumatic brain injury (TBI) occurring in members of the Armed Forces as a result of combat. The committee is aware of ongoing efforts to identify TBI, in particular the short-term medical needs associated with TBI, and expand access to treatment programs for all service members, including members of the Reserve Components and the National Guard. However, the committee is increasingly concerned about the potential long-term implications of TBI for members of the Armed Forces, in particular those who experience multiple traumatic brain injuries, and the support needed for these service members and their families.

The committee encourages the Secretary of Defense to continue to work with the National Guard, and its state organizations, to identify and partner with regional health providers and medical centers with expertise in psychiatric care and traumatic brain injury. The goal of this partnership is to develop, implement, and evaluate programs to improve the psychological and behavioral health and well-being of members of the National Guard and the Reserves. In addition, in order to maximize the use of publicly funded resources and organizations, the committee encourages the Secretary of Defense to collaborate with state government programs to assist service members, their families, and caregivers in accessing community resources and services that enable members with TBI to return to their homes and communities. The committee also encourages the Department to continue the research it has conducted with universities and similar entities, on the long-term risks of TBI and potential interventions, including novel drug therapies to enhance the treatments available for service members with TBI.

The committee is also aware that the Department of Defense-Department of Veterans Affairs Vision Center of Excellence is working together with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to develop clinical practice guidelines for primary medical providers to detect vision dysfunction associated with TBI. The Vision Center of Excellence is also working to develop a more effective ocular, oculomotor, and visual systems diagnostic capabilities and assessment strategies to address research gaps that have been identified. The committee is aware that there are several research projects involving visual dys-

function associated with TBI and directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 180 days after the date of the enactment of this Act, on the results of these studies and the development of the clinical practice guidelines.

Treatment of Musculoskeletal Injuries

The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) provided the Secretary of Defense the authority to enter into partnerships to enable coordinated, rapid clinical evaluation and application of evidence-based treatment strategies for wounded service members, particularly those with musculoskeletal injuries. In addition, the Department was urged by the committee to continue to invest in orthopedic research to provide cutting edge tools and technologies to military providers. The committee understands that the Department has undertaken a number of different initiatives in this area, including a joint effort with the Department of Veterans Affairs in pain management that focuses on musculoskeletal injuries. The committee encourages the Department to continue to invest in orthopedic research and continue their efforts to work with a broad range of partners to accelerate the deployment of effective treatments to improve musculoskeletal care of service members.

LEGISLATIVE PROVISIONS

SUBTITLE A—IMPROVEMENTS TO HEALTH BENEFITS

Section 701—Sense of Congress on Nonmonetary Contributions to Health Care Benefits Made by Career Members of the Armed Forces and Their Families

This section would express the sense of Congress that career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a military career and those decades of sacrifice constitute a significant pre-paid premium for health care during a career member’s retirement that is over and above what the member pays with money.

Section 702—Extension of TRICARE Standard Coverage and TRICARE Dental Program for Members of the Selected Reserve Who Are Involuntarily Separated

This section would authorize the Secretary of Defense to provide TRICARE Reserve Select and TRICARE dental insurance coverage for 180 days to members of the Selected Reserve who are involuntarily separated from the Selected Reserve.

Section 703—Medical and Dental Care Contracts for Certain Members of the National Guard

This section would require the Secretary of Defense to ensure that members of the National Guard and the Reserves who receive medical and dental care under contracts by the National Guard or State meet medical and dental readiness standards upon mobilization.

SUBTITLE B—HEALTH CARE ADMINISTRATION

Section 711—Unified Medical Command

This section would require the Secretary of Defense to establish a unified medical command to provide medical services to the Armed Forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of title 10, United States Code. This section would also require the Secretary to develop a comprehensive plan to establish a unified medical command.

Section 712—Authority for Automatic Enrollment in TRICARE Prime of Dependents of Members in Pay Grades Above Pay Grade E-4

This section would authorize the Secretary of Defense to automatically enroll dependents of a service member in TRICARE Prime. This section also would allow Active Duty service members the option to terminate the enrollment of a dependent at any time.

Section 713—Cooperative Health Care Agreements Between the Military Departments and Non-Military Health Care Entities

This section would permit the Secretaries of the military departments to establish cooperative health care arrangements and agreements between military installations and local and regional non-military health care entities.

Section 714—Requirement To Ensure the Effectiveness and Efficiency of Health Engagements

This section would direct the Secretary of Defense to develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States. This section would provide the Secretary authority to conduct pilot programs to assess the effectiveness of any process developed to ensure the applicability of the process.

Section 715—Clarification of Applicability of Federal Tort Claims Act to Subcontractors Employed to Provide Health Care Services to the Department of Defense

This section would include individuals working under a subcontract of a personal services contract for health care as covered Government employees for medical malpractice purposes under the Federal Tort Claims Act.

Section 716—Pilot Program on Increased Third-Party Collection Reimbursements in Military Medical Treatment Facilities

This section would require the Secretary of Defense to conduct a pilot program for 3 years at not less than two military installations to assess the feasibility of using revenue-cycle improvement processes, including cash flow management and accounts-receivable processes to increase amounts collected by military treatment facilities from third party payers. The Secretary of Defense would be required to submit a report of the results of the pilot program to

the congressional defense committees not later than 180 days after completion.

Section 717—Pilot Program for Refills of Maintenance Medications for TRICARE for Life Beneficiaries Through the TRICARE Mail-Order Pharmacy Program

This section would require the Secretary of Defense to conduct a pilot program for 5 years that would require TRICARE for Life eligible beneficiaries to obtain refill prescriptions for maintenance medication from the TRICARE mail order pharmacy. This section would allow beneficiaries to opt out of the mail order program after 1 year and would authorize the Secretary of Defense to waive the mail order requirement on an individual basis if the Secretary deems it appropriate.

Section 718—Cost-Sharing Rates For Pharmacy Benefits Program of the TRICARE Program

This section would establish the cost-sharing rates under the TRICARE pharmacy benefits program as \$5 for generic medications, \$17 for formulary medications and \$44 for non-formulary medications obtained through retail pharmacies, and \$0 for generic medications, \$13 for formulary medications and \$43 for non-formulary medications obtained through the TRICARE mail order pharmacy. This section would also limit any annual increase in cost-sharing rates under the TRICARE pharmacy program to the amount equal to the percentage increase by which retiree pay is increased beginning October 1, 2013.

Section 719—Review of the Administration of the Military Health System

This section would amend Section 716 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to require the Secretary of Defense to implement and complete any recommendations included in the report on the review of the administration of the military health system submitted by the Comptroller General before restructuring or reorganizing the military health system.

SUBTITLE C—REPORTS AND OTHER MATTERS

Section 721—Extension of Comptroller General Report on Contract Health Care Staffing for Military Medical Treatment Facilities

This section would extend the deadline for the Comptroller General of the United States to submit the report required by section 726 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) on the contracting activities used by the military departments to provide health care professional services by civilian providers.

Section 722—Extension of Comptroller General Report on Women-Specific Health Services and Treatment for Female Members of the Armed Forces

This section would extend the deadline for the Comptroller General of the United States to submit the report required by section 725 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) on health care services for female members of the Armed Forces.

Section 723—Establishment of TRICARE Working Group

This section would require the Secretary of Defense to establish a working group to review the TRICARE program with respect to providing pediatric health care, including special and chronic health care needs, and make recommendations to ensure children receive appropriate care and access remains available for military families with children. This section would require the working group not later than 12 months after convening to submit a report to the congressional defense committees and submit a final report to the congressional defense committees not later than 18 months after the first report. In addition, this section would express the sense of Congress on pediatric health care needs.

Section 724—Report on Strategy to Transition To Use of Human-Based Methods for Certain Medical Training

This section would require the Department of Defense to submit to the congressional defense committees not later than March 1, 2013, a report that outlines a strategy to refine, and when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma. It would also require an annual report on the development and implementation of human-based training methods beginning on March 1, 2014.

The committee is aware that effective combat-trauma training has contributed to the lowest killed-in-action rate and fatality rate in U.S. military history. Over the past few years, the committee encouraged use of simulation technology in medical training by the Department of Defense, but also noted that the use of live animals in combat-trauma training is appropriate for critical, high-risk medical procedures until alternatives are developed that provide combat medics an equal or better training experience. The committee believes that the Department has striven to provide realistic combat-trauma training while also ensuring the humane treatment of animals.

However, as also expressed in the committee report (H. Rept. 112–78) accompanying the National Defense Authorization Act for Fiscal Year 2012, the committee believes that the Department should continue to aggressively pursue alternatives to the use of live animals in combat-trauma training and to implement a strategy for the development of future technology to refine, reduce, and when appropriate, replace the use of live animals in medical education and training. The committee is encouraged that such progression has already taken place in the area of chemical-biological defense training, and encourages the Department to continue this progression in other areas of medical training.

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

ITEMS OF SPECIAL INTEREST

Comptroller General Report of the Air Force Launch Services New Entrant Certification Guide

The committee notes that new commercial launch providers are developing launch vehicles to compete against established launch providers for missions. As a result, the Air Force has developed a Launch Services New Entrant Certification Guide. This guide serves as a risk-based approach that the Air Force Space and Missile Systems Center will use to certify the capability of potential new entrant launch companies to provide launch services for Department of Defense national security space missions on evolved expendable launch vehicle class launch vehicles. The committee directs the Comptroller General of the United States to report to the congressional defense committees by February 1, 2013 with a review and analysis of the implementation of the Air Force Launch Services New Entrant Certification Guide.

Counterfeit Electronic Parts

The committee is encouraged by the efforts of the Department of Defense and elements of the defense industrial base to confront the challenge of preventing counterfeit electronic parts from entering the defense supply chain. The committee believes it imperative that the Department engage industry in a consistent and meaningful dialogue as it continues to craft and implement policies and procedures for meeting this challenge. The committee considers close and continuing communication between industry and policy makers to be instrumental to effecting sound policies and procedures, throughout the defense industrial base, and for avoiding costly or ineffectual missteps in mitigating the threat of counterfeit electronic parts. The committee is also concerned that the presence of, or reliance on, obsolete or obsolescent electronic components within the defense supply chain may increase the risk of counterfeit part usage. Therefore, the committee directs the Secretary of Defense to assess the risks associated with obsolete or obsolescent electronic parts and counterfeits thereof to the defense supply chain and to brief the congressional defense committees, on or before April 1, 2013, on the findings of the assessment and any recommendations for reducing the assessed risks or incentivizing the industrial base to implement effective remedies.

Incentives to Combat Counterfeit Microelectronics

The committee has been concerned for several years about the Department of Defense's ability to assure its supply chain of trusted microelectronics. Section 254 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) directed the Department to assess the vulnerability of the microelectronics supply chain, including updating policies to procure assured, trusted microelectronics. Section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) directed the Depart-

ment to assess its policies to detect and avoid acquisition of counterfeit electronic parts to deal with one aspect of that problem. As it implements new policies and regulations to prevent acquisition of counterfeit microelectronics, the committee encourages the Department to find ways to incentivize microelectronics manufacturers to supply components and provide system assembly within the United States.

Incorporation of a Proposal Adequacy Checklist for Certain Solicitations

The committee is aware that the Secretary of Defense is taking steps to amend the Defense Federal Acquisition Regulation Supplement to incorporate the use of a proposal adequacy checklist for proposals received in response to solicitations that require submission of certified cost and pricing data. The committee believes that the incorporation of such a checklist will aid in the development of high-quality proposals and will assist offerors in being able to self-validate the adequacy of their proposal before submission. The committee also believes that the use of such a checklist will allow the Defense Contract Audit Agency to more quickly close out audits, and will thereby reduce the current backlog of audits.

Inspector General Review of Database of Senior Department of Defense Officials Seeking Employment with Defense Contractors

The committee wishes to be apprised of the Department of Defense's record of compliance with section 847 of Public Law 110-181 (10 U.S.C. 1701 note). Therefore, the committee directs the Inspector General of the Department of Defense to conduct a review of the database established pursuant to section 847 of Public Law 110-181 and to submit to the congressional defense committees, in a manner that ensures the protection of confidential, personal, or proprietary information, a report on the findings of that review on or before July 8, 2013. At a minimum, the report should include the following: the findings of previous Inspector General of the Department of Defense reviews to ensure that written opinions are being provided and retained in accordance with section 847 of Public Law 110-181; the total number of opinions issued and the total number of opinions retained in accordance with section 847 of Public Law 110-181; and any instances in which a request for a written opinion pursuant to section 847 of Public Law 110-181 lacked a corresponding written opinion, or in which the written opinion was not provided to the requesting official or former official of the Department of Defense by the appropriate ethics counselor within 30 days after the request for a written opinion.

Report on Contingency Contracting Lessons Learned

The United States has been engaged in military operations in the Islamic Republic of Afghanistan since late 2001, as well as conducted military operations in the Republic of Iraq from 2003 to 2011. In these conflicts, the Department of Defense utilized a variety of contractors, contract vehicles, authorities, and funds for operational contract support to execute a variety of small- and large-scale services and reconstruction projects. The committee notes that operational contract support and reconstruction activities of

the Department of Defense have faced substantial challenges. These challenges, as noted by many observers, including the Commission on Wartime Contracting, the Special Inspector General for Iraq Reconstruction, the Special Inspector General for Afghanistan Reconstruction, the Government Accountability Office, and the Department of Defense itself, occurred along the full spectrum of operational contract support and, at times, included the failure to properly understand the operating environment and actors in that environment, a lack of transparency in the contracting network, and inchoate or improperly defined requirements. In turn, the committee notes that, at times, these challenges led to results that undermined the desired effects of U.S. military operations, such as the diversion of funds to enemy forces or corrupt actors and the creation of perverse incentives for local actors to maintain instability.

The committee believes that operational contract support capabilities are critical to the success of current and potential future contingency operations, and further notes that the Department of Defense has undertaken a variety of efforts to improve these activities in Iraq and Afghanistan, as well as planning for future operations. The committee supports a vigorous effort to capture lessons learned related to the full breadth of operational contract support. The committee further notes that past efforts to capture lessons learned were slowed by a lack of resources and insufficient institutional support. The committee believes that a joint force, commander-centric, multi-disciplinary, holistic process is needed to capture and ultimately codify effective solutions.

The committee directs the Secretary of Defense to undertake an effort, utilizing the National Defense University or other such educational institution of the Department of Defense, to capture lessons learned related to Department contract activities, such as operational contract support, resource and financial management, Commanders' Emergency Response Program, and reconstruction programs. Such an effort should utilize personnel from the Department of Defense with related subject matter expertise and experience in Iraq and Afghanistan. The committee also encourages the participation of non-Department personnel with similar expertise. The lessons-learned effort should build upon already documented insights and observations, including but not limited to those challenges noted above, as well as successes of operational contract support efforts in Iraq and Afghanistan. The study should recommend changes to the full spectrum of activities within contingency contracting operations, including delivery of supplies, services, and reconstruction, in order to fully integrate business operations with kinetic and non-kinetic lines of operations.

The committee further directs the Secretary to submit a report on the conclusions of the lessons-learned effort to the congressional defense committees by March 31, 2013.

Review of Department of Defense Processes and Procedures Related To Federal Retail Excise Tax

The committee is aware that section 4051 of title 26, United States Code, requires the Department of Defense to pay a 12 percent tax on certain medium and heavy trucks, trailers, and semi-trailers that it procures. The current procedure requires that when

the Department of Defense awards a contract, the contractor receives funds to produce the vehicles as well as to cover the Federal retail excise tax (FRET) liabilities. Thus, the funds to pay the Federal retail excise tax originate from the Department of the Treasury as appropriated funds, are then allocated to the Department of Defense to award to the contractor, which are collected from the contractor by the Internal Revenue Service, and then ultimately end up back at the Department of the Treasury. The committee is concerned that the current process for making FRET payments is inefficient, generates unnecessary overhead and compliance burdens for all parties, and ultimately squanders taxpayer dollars. Therefore, the committee directs the Secretary of Defense, in consultation with the Secretary of the Treasury, to examine the manner by which FRET is calculated and processed by the Department of Defense. The examination should:

- (1) Assess the benefits and drawbacks of the current process of using contractors as pass-through taxpayers; and
- (2) Identify alternatives to the current process to improve efficiency, such as waiving the tax on vehicles acquired by the Department of Defense, or using interagency transfer authorities to aggregate tax payment.

The committee further directs the Secretary of Defense to brief the congressional defense committees by January 15, 2013, on the findings of the examination along with recommendations for eliminating the inefficiencies and unnecessary overhead related to FRET as it applies to Department of Defense procurements.

Service and Support Business Model for Certain Simulation Capabilities

The committee recognizes there could be potential benefits and efficiencies achieved through the acquisition of certain simulation capabilities using a service and support business model. Such a model could enable the Department of Defense to acquire off-the-shelf capabilities through fixed-price contracts that would:

- (1) More efficiently deploy superior simulation technologies;
- (2) Improve technological relevance of simulators and training devices;
- (3) Provide data necessary to develop performance metrics about the quality of training events; and
- (4) Provide incentives for vendors to better maintain and upgrade equipment to reflect both existing and emerging training requirements.

The committee believes that such a business model is not appropriate for the acquisition of complex, military-unique simulators such as flight simulators, but the committee encourages the Secretary of Defense to examine opportunities where this approach could reduce cost and increase training capabilities, especially for commercial-off-the-shelf and non-developmental simulation capability.

Ship Maintenance and Modernization

The committee recognizes that small businesses are critical partners in the ship maintenance and modernization market; however, the committee is concerned that the recent repeal of the sections

701 through 722 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656), commonly referred to as the Competitive Demonstration Program, may upset the critical balance in the ship repair industrial base, resulting in a restricted marketplace and reduced competition. Therefore, the committee directs the Secretary of the Navy to conduct an assessment of the impact of the repeal of the Competitive Demonstration Program on the ship maintenance and modernization market, to include the Military Sealift Command and all other vessels controlled by the Department on Defense. The assessment should also review prime contracts that have been awarded for ship repair or decommissioning since January 31, 2011, to determine if large, technically complex activities were inappropriately awarded to small businesses. The Secretary should provide a briefing to the congressional defense committees on the results of the assessment, along with any recommendations to strengthen the ship repair industrial base, by October 1, 2012. Elsewhere in this title, the committee also includes a provision that would require, among other things, that product support managers ensure that product support strategies are implemented in a manner that maximizes small business participation at the appropriate tiers, while ensuring that small business concerns are not inappropriately selected for performance as a prime contractor.

Simplified Acquisition Procedures for Certain Commercial Items

The committee is aware that the Department of Defense submitted a legislative proposal that requested the authority for use of simplified acquisition procedures for certain commercial items be made permanent. The committee is concerned that there is no data regarding the effectiveness of this authority and that proper oversight may be lacking. While the authority is intended to provide flexibility, streamline acquisition processes for certain commercial items, and allow contracting activities to better utilize limited resources, the committee is concerned that the authority could be abused or otherwise result in procurement irregularities. Therefore, the committee does not believe permanent extension of the authority is prudent at this time, and elsewhere in this title, the committee includes a provision that would extend the authority to January 1, 2015.

Furthermore, the committee directs the Comptroller General of the United States to conduct a review of the use of the authority. The review should examine:

- (1) The extent of use of the authority;
- (2) The cited rationales for use of the authority;
- (3) The acquisition outcomes that have resulted; and
- (4) An identification of waste, fraud, or abuse of the authority.

The Comptroller General should provide the findings and recommendations, to include a recommendation as to whether the authority should be made permanent, to the congressional defense committees and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform by October 1, 2013.

Titanium Procurement Restrictions of Domestic Manufacturers

The committee understands that specialty metals, to include titanium, are essential in the manufacturing processes of military grade aircraft components. The committee notes that Section 842 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) modified statutory requirements for the procurement of specialty metals from domestic sources and codified these requirements in section 2533b of title 10, United States Code. Included in section 2533b is an exception, relating to agreements with foreign governments, that allows foreign manufacturers to procure specialty metals from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms in approved cases, or in furtherance of agreements with foreign governments in which each government agrees to remove barriers to purchases of supplies produced or services performed in the other country.

The committee is concerned that the implementation of exceptions related to agreements with foreign governments may be creating situations in which U.S. manufacturers are losing market share to foreign manufacturers, who are able to obtain specialty metals from foreign sources. Therefore, the committee directs the Comptroller General to perform an assessment of the effects of section 2533b on U.S. aircraft component manufacturers. The assessment should include:

- (1) a review of foreign manufacturers' market share of Department of Defense (DOD) aircraft component contracts since fiscal year 2005;
- (2) the cost of U.S.-produced titanium compared to foreign-produced titanium since fiscal year 2005;
- (3) the number of U.S. manufacturers who stopped producing titanium aircraft components for DOD since section 2533b was enacted;
- (4) an assessment of the overall impact of section 2533b on the defense aircraft component manufacturing base since such section was enacted; and
- (5) an assessment of U.S.-based aircraft component manufacturers' abilities to compete with foreign competitors who are not required to buy U.S.-produced titanium.

The committee directs the Comptroller General to provide a briefing to the congressional defense committees within 180 days after the date of enactment of this Act on the findings of this assessment.

LEGISLATIVE PROVISIONS

SUBTITLE A—ACQUISITION POLICY AND MANAGEMENT

Section 801—Pilot Exemption Regarding Treatment of Procurements on Behalf of the Department of Defense in Accordance with the Department of Energy's Work for Others Program

This section would authorize a 24-month pilot exemption for certain procurements performed by the Department of Energy on behalf of the Department of Defense from duplicative and unnecessary Inspector General of the Department of Defense reviews and

compliance certifications required by section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). This section would also require the Under Secretary of Defense for Acquisition, Technology, and Logistics to certify to the congressional defense committees within 20 months after the date of the enactment of this Act that the procurement policies, procedures, and internal controls of the Department of Energy provide sufficient protection and oversight for Department of Defense funds expended through the Department of Energy’s Work For Others Program, and to provide a recommendation regarding whether the pilot exemption should be extended.

Section 801 of Public Law 110–181 requires the Inspector General of the Department of Defense to annually review the procurement policies, procedures, and internal controls for all non-defense agencies that perform procurements on behalf of the Department of Defense to determine consistency with defense procurement requirements. Section 801 also requires the Inspector General to certify compliance with these requirements for procurement of property or services performed by a non-defense agency on behalf of the Department of Defense if the procurement is above the simplified acquisition threshold. The committee believes that these requirements are inefficient and duplicative, and that the Department of Energy’s methods for overseeing contractor procurement and efficiency are equivalent to those used by the Department of Defense.

Furthermore, the committee understands that the Department of Defense has issued an annual exemption to the requirements of section 801 each year the statute has been in effect. The committee notes that these waivers have been issued because the Department of Defense believes the requirements of section 801 are unnecessary and that the requirements have the potential to impact the Department of Energy nuclear security laboratories’ ability to perform critical national security work for the Department of Defense under the Department of Energy’s Work For Others Program.

SUBTITLE B—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS

Section 811—Modification of Time Period for Congressional Notification of the Lease of Certain Vessels by the Department of Defense

This section would amend section 2401 of title 10, United States Code, by modifying the time period for congressional notification of the lease of certain vessels from 30 days of continuous session to 60 days.

Section 812—Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items

This section would amend section 4202 of the Clinger-Cohen Act of 1996 (division D of Public Law 104–106), as most recently amended by section 816 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) to extend the authority for use of simplified acquisition procedures for certain commercial items to January 1, 2015.

Section 813—Codification and Amendment Relating To Life-Cycle Management and Product Support Requirements

This section would codify section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) as section 2335 of title 10, United States Code, and include a new requirement for a product support manager for a major weapon system to use advanced predictive analysis technologies to improve material availability and reliability, increase operational availability rates, and reduce operation and sustainment costs. This section would also ensure a product support strategy maximizes small business participation at the appropriate tiers in a manner that ensures that small businesses are not inappropriately selected for performance as a prime contractor.

Section 814—Codification of Requirement Relating To Government Performance of Critical Acquisition Functions

This section would codify section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), relating to Government performance of critical acquisition functions, as a new section in subchapter I of chapter 87 of title 10, United States Code.

Section 815—Limitation on Funding Pending Certification of Implementation of Requirements for Competition

This section would prohibit the Secretary of Defense from obligating or expending more than 80 percent of the funds authorized to be appropriated for the Office of the Secretary of Defense for fiscal year 2013 until such time as the Secretary certifies to the congressional defense committees that the Department of Defense is implementing the requirements of section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23), as amended. This section would also require that such certification be accompanied by: (1) a briefing to the congressional defense committees on the processes and procedures that have been implemented across the military departments and defense agencies to maximize competition throughout the life-cycle of major defense acquisition programs; and (2) a representative sample of solicitations issued since May 22, 2009, intended to fulfill the objectives of section 202(d) of Public Law 111–23.

The committee continues to believe that competition in procurement actions can reduce costs, improve contractor performance, and result in a better product being delivered to our warfighters. As such, the committee continues to closely monitor Air Force planning and decision-making related to the sustainment of C–17 engines. While Department of the Air Force officials have worked with the committee to address some concerns regarding the Department’s initial desire to execute a sole-source procurement strategy for F117 engine supply chain management, depot-level repair actions, and provisioning of parts, the committee continues to believe that more can, and should, be done to introduce competition into sustainment actions related to the C–17, the F117 engine, and other programs of the Department of Defense. For example, the committee notes that the F117 engine is derived from a commercial engine and that the content of the engine is 91 percent identical

to the commercial variant. While the committee understands that military flight profiles vary greatly from commercial aviation profiles, the committee continues to believe that the Air Force can greatly benefit from maximizing competition in sustainment of the engine. Furthermore, the committee has been provided little evidence that the Department is introducing more competition in procurement and sustainment activities as required by Public Law 111–23.

Section 816—Contractor Responsibilities in Regulations Relating to Detection and Avoidance of Counterfeit Electronic Parts

This section would amend section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to provide an exception to the prohibition on allowable costs under Department of Defense contracts for the cost of rework or corrective actions that may be required to remedy the use or inclusion of counterfeit parts.

Section 817—Additional Definition Relating to Production of Specialty Metals Within the United States

This section would amend section 2533b of title 10, United States Code, to define the term “produced”, as used in section 2533b, to mean melted or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. This section would also clarify that the term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding or shaving.

Section 818—Requirement for Procurement of Infrared Technologies from National Technology and Industrial Base

This section would amend section 2534 of title 10, United States Code, to include infrared technologies on the list of items subject to miscellaneous limitations on the procurement of goods other than United States goods.

Section 819—Compliance with Berry Amendment Required for Uniform Components Supplied to Afghan Military or Afghan National Police

This section would require that the requirements of section 2533a of title 10, United States Code, to buy certain articles from American sources shall apply without exception or exemption to any textile components supplied by the Department of Defense to the Afghan National Army or the Afghan National Police for the purposes of the production of uniforms.

SUBTITLE C—PROVISIONS RELATING TO CONTRACTS IN SUPPORT OF CONTINGENCY OPERATIONS IN IRAQ OR AFGHANISTAN

Section 821—Extension and Expansion of Authority To Acquire Products and Services Produced in Countries Along a Major Route of Supply to Afghanistan

This section would amend section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) relat-

ing to temporary authority to acquire products and services produced in countries along a major route of supply to the Islamic Republic of Afghanistan. This section would extend the authority through December 31, 2014. This section would also expand the authority under section 801 to acquire products or services to be used by U.S. and coalition forces in Afghanistan, subject to a determination by the Secretary of Defense that such products or services will be acquired from a country that has agreed to allow the retrograde of coalition personnel, equipment, and supplies from Afghanistan. This section would prohibit the preferential procurement of goods or services from the Islamic Republic of Pakistan until such time as the Government of Pakistan re-opens the ground lines of communication through Pakistan in support of coalition operations in Afghanistan. Finally, this section would repeal an expired reporting requirement.

The committee believes these changes are necessitated by the continued reliance on the Northern Distribution Network (NDN) and encourages the Secretary of Defense to use the expanded authority to increase the capacity of the NDN.

Section 822—Limitation on Authority To Acquire Products and Services Produced in Afghanistan

This section would amend section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to require the Secretary of Defense to make a determination that the Government of the Islamic Republic of Afghanistan is not taxing assistance provided by the United States to Afghanistan in violation of any bilateral or other agreement with the United States, before providing preferential treatment for the acquisition of a product or service produced in Afghanistan.

SUBTITLE D—OTHER MATTERS

Section 831—Enhancement of Review of Acquisition Process for Rapid Fielding of Capabilities in Response To Urgent Operational Needs

This section would strike the requirement in section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) that the acquisition process for rapid fielding of capabilities in response to urgent operational needs (UON) may only be applied for capabilities that can appropriately be acquired under fixed price contracts. Section 804(b)(1) of Public Law 111–383 required the Secretary to develop a process to determine whether capabilities proposed as urgent operational needs are appropriate for fielding through the process for the rapid fielding of capabilities or should be fielded through the traditional acquisition process. The committee notes that this review is ongoing, but has had delays and is now scheduled to be complete in August 2012. The committee expects the review to be complete in August 2012.

The committee notes that when a capability is proposed as an urgent operational need, it may not be known if the capability can be fulfilled through fixed price contracting at a reasonable cost and in an acceptable amount of time. The committee understands that

many solutions used to address urgent operational needs have required varying degrees of research and development efforts in order to field an effective solution that addressed the warfighter's need. The committee is aware that fixed price contracts are generally used when there is adequate market data and the requirement is not expected to change. Any change in quantity, performance, or delivery terms requires the contractor to develop a new proposal for modification, resulting in renegotiation, which can often lead to significant cost growth, and performance and schedule delays.

Section 832—Location of Contractor-Operated Call Centers in the United States

This section would require the Secretary of Defense to ensure that any call center operated pursuant to a contract entered into by the Secretary or by the head of any of the military departments is located in the United States.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

ITEMS OF SPECIAL INTEREST

Assessment of Department of Defense Future Years Defense Program Workforce Requirements

The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) directed the Department of Defense (DOD) to take a more holistic approach to its manpower requirements in order to achieve the appropriate balance in its total workforce, rather than simply managing to budgetary targets. The Secretary of Defense was required to develop a total force management plan that would provide the means to establish the appropriate mix of manpower to perform the Department's mission in consideration of the distinct value of each component of the plan, whether by military (Active and Reserve Components), civilian, or contractor personnel.

The committee is concerned, however, that the budget request does not reflect the holistic approach called for in Public Law 112–81. For example, the committee notes that the Department of Defense is reducing its Active Duty and Reserve Component end strength by 31,300 from fiscal year 2012–13, reducing civilian full time equivalents (FTEs) by 10,517 over the same period, and increasing contractor FTEs by 18,399. Further, section 2330a of title 10, United States Code, requires the Department to annually compile and review an inventory of activities performed by contractors to help provide greater insight into the number of contractor FTEs providing services to the Department and the functions that they perform. The committee notes that in its report, "Further Actions Needed to Improve Accountability for DOD's Inventory of Contracted Services" (GAO–12–357), the Government Accountability Office concludes that a number of factors, and in particular the Department of Defense's reliance on the Federal Procurement Data System as the basis for the inventory for most defense components, has limited the utility, accuracy, and completeness of the inventory data. Further, the report noted that the military departments' re-

quired reviews of the inventories were incomplete, despite the fact that “reliance on contractors to support core missions . . . can place the Department at risk of contractors performing inherently governmental functions.” Such issues underscore the need for the Department to embrace a more holistic approach to workforce management.

Therefore, the committee directs the Comptroller General of the United States to assess what measures the Department of Defense is taking to appropriately balance its current and future workforce structure against its requirements, and to provide a report of the findings to the Senate Committee on Armed Services and the House Committee on Armed Services by March 15, 2013. The Comptroller General should consider the following when conducting the assessment:

- (1) Historical trends on the levels of military, civilian and contractor personnel;
- (2) The process by which the Department identified its civilian workforce requirements, especially in light of the withdrawal from the Republic of Iraq and impending withdrawal from the Islamic Republic of Afghanistan;
- (3) What analysis the Department conducted to identify core or critical functions and to determine which of those activities would be most appropriately performed by military, civilian, or contractor personnel;
- (4) The role of the Department comptroller in determining workforce levels; and
- (5) How the defense agencies and military departments used the inventory of contracted services to inform their fiscal year 2013 and 2014 budget submissions.

Assessment of Legal Authorities for Cyberspace Operations

The committee is aware that cyberspace operations are an increasingly important capability for the Department of Defense, but one where many areas are ill-defined. Despite a number of reports on the subject, the committee remains concerned that the legal and policy challenges associated with many aspects of cyber operations have not been adequately addressed. In testimony before the Subcommittee on Emerging Threats and Capabilities on March 20, 2012, the Commander, U.S. Cyber Command indicated that the Department was working on “getting the authorities correct that we need” as a key task.

Therefore, the committee directs the Secretary of Defense to submit to the congressional defense committees a report by March 1, 2013, assessing the legal authorities and policy challenges of the Department of Defense to conduct full spectrum cyber operations. The report should include the following:

- (1) A description of the legal authorities underpinning the ability of the Department of Defense to conduct full spectrum cyberspace operations;
- (2) A description of the risk management process for the Department, including how the Department assesses and mitigates risks related to the international ramifications of proposed cyberspace operations;
- (3) A description of the policy framework affecting the ability of the Department to conduct cyberspace operations, including

who manages specified policy processes and who determines when and how changes may be made to policy authorities;

(4) A description of how procedures governing Defense Support of Civil Authorities are applied to cyberspace operations;

(5) An analysis of any shortcomings in the legal and policy framework governing cyberspace operations by the Department of Defense;

(6) Any recommendations of the Secretary for changes to such legal and policy framework; and

(7) Any other matters the Secretary considers appropriate.

Commercial Satellite Imagery

The committee is aware that commercial imaging satellites and services are key parts of the overhead imagery architecture. Commercial satellite imagery provides releasable electro-optical (EO) imagery and geospatial intelligence product to support military, intelligence, diplomatic, worldwide counterterrorism/counterproliferation operations, disaster response, and humanitarian assistance. These resources provide and maintain access to an unclassified imagery repository for developing geospatial products that support foundation based operations and sharing intelligence with host government and coalition partners.

The committee notes that the Department of Defense's fiscal year 2013 budget request included a significant reduction to the EnhancedView program, which modernizes the constellation of commercial geospatial satellites and supports the purchase of commercial satellite imagery. The committee directs the Secretary of Defense to provide a report to the congressional defense committees, the Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence by December 1, 2012, on the Joint Requirements Oversight Council validated satellite imagery requirements and how the Department plans to address those requirements.

Department of Defense Intelligence Activities

The committee recognizes that the Department of Defense and the Office of the Director of National Intelligence recently began an effort to create new guidelines governing designations for the Military Intelligence Program (MIP) and the National Intelligence Program (NIP). The committee commends this effort and encourages continued coordination regarding such designations. The committee also recognizes that this effort is just one example of the unprecedented level of cooperation throughout the U.S. intelligence community.

The committee notes, however, that consistent with the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458), the Secretary of Defense must retain the authority to manage Department of Defense personnel, as well as develop and manage the annual budget for intelligence activities supporting the war fighter. Further, while the committee recognizes that there are certain instances in which a military service may be able to uniquely address particular national intelligence requirements, the fundamental purpose of service intelligence activities should be to respond to Department of Defense requirements.

Therefore, the committee encourages the Secretary of Defense to designate as part of the MIP intelligence and counterintelligence programs, projects, and activities of the Department of Defense that primarily support Department of Defense requirements, including: programs, projects, and activities that are primarily conducted in support of military operations or are primarily undertaken at the direction of, or pursuant to requirements of the Office of the Secretary of Defense, the Joint Staff, the military departments or the combatant commands. The committee directs the Secretary of Defense, in consultation with the Director of National Intelligence, to submit a report to the congressional defense committees and the House Permanent Select Committee on Intelligence by October 1, 2012, evaluating how these principles compare to the new guidelines governing MIP and NIP designations, identifying current designations that would be inconsistent with these principles, and analyzing the implications of such inconsistent designations as they relate to the Secretary of Defense's ability to develop and manage the intelligence budget for intelligence activities that support the warfighter.

Improving the Strategic Management Plan

The committee notes that the Department of Defense (DOD) has made important strides in improving the management and oversight of its business operations since the establishment of the Deputy Chief Management Officer and the Strategic Management Plan (SMP) in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). In a resource-constrained era, the committee believes that additional rigor and attention to managing DOD operations is vital to ensuring that the Department maintains technological superiority. To support that goal, the committee encourages the Department to adjust the SMP to increase its effectiveness as a management tool. For instance, by incorporating the salient details and measurable performance goals of the Better Buying Power memorandum, the Department could better measure the effectiveness of those acquisition-related guidelines. The committee also believes that aligning the Performance Improvement report more closely to the SMP would make it possible to better measure progress in meeting the Department's overall strategic management goals. Finally, the committee believes that the Department should incorporate data on transition of small business technologies used in major acquisition programs into the SMP, as noted by the recommendations of the Findings of the Panel on Business Challenges in the Defense Industry.

National Centers of Excellence in Information Assurance Education and Research

The committee is aware that the Department of Defense maintains a program, jointly sponsored by the National Security Agency and the Department of Homeland Security, to designate National Centers of Academic Excellence in Information Assurance (IA) Education (CAE/IAE) and Research (CAE-R). The goal of these programs is to reduce vulnerability in our national information infrastructure by promoting higher education and research in IA and producing a growing number of professionals with IA expertise in

various disciplines. The designation as a CAE/IAE or CAE-R is valid for 5 academic years, after which the school must successfully reapply in order to retain its CAE designation. The committee encourages the Department to find opportunities to leverage those centers for the protection of the national energy infrastructure, and as appropriate, to work with international academic and professional partners such as the NATO Cooperative Cyber Defense Center of Excellence in the research and development of technologies, best practices and other means to defend critical infrastructure including the national electric grid.

Policy Matters Related to the Defense Supply Chain

The committee is concerned that the authority for critical materials policy is diffused throughout the Department of Defense into offices that inadequately oversee this policy. For example, section 187 of title 10, United States Code, establishes a Strategic Materials Protection Board and charges the Board with identifying and proposing risk mitigation steps for such materials, but the Board has failed to comply with congressional intent, fails to meet in accordance with statutory requirements and, in its tenure, has only labeled one material as critical, despite the reality of a complex global supply chain for many materials upon which the Department of Defense relies. Likewise, the Defense Logistics Agency has done little to respond to the recommendations from the Department's April 2009 report entitled "Reconfiguration of the National Defense Stockpile Report to Congress". The committee also notes that the focus of the office of Deputy Assistant Secretary of Defense Manufacturing and Industrial Base Policy (MIBP) continues to emphasize the capability and viability of original equipment manufacturers and prime contractors, to the exclusion of the raw materials suppliers and other critical segments of the supply chain that support the defense industrial base. The committee is also concerned that the Department of Defense has paid little attention to the need for assured availability of technical skills, competencies, and data rights necessary to support the defense supply chain.

The committee continues to believe that a secure supply chain is in the national interest and therefore, the office of MIBP should place greater emphasis on the health of the defense industrial base for raw material suppliers. The committee also believes that the office of MIBP should serve as the lead office for all Department of Defense policy matters related to materials critical to national security, including policy matters related to the supply chain for raw materials through, and including, prime contractors. The committee further believes that centralizing and focusing policy for supply of critical materials within the greater industrial base strategy of the Department should aid in mitigating some of the risk of supply chain interruption by creating a balanced approach that considers supply chain issues from a bottom-up view of raw materials availability, as well as a top-down view from the prime contractors that provide end items to the Department. Therefore, the committee includes a provision elsewhere in this title that would expand the role and responsibility of the Deputy Assistant Secretary and would restructure the Strategic Materials Protection Board.

Study on National Air and Space Intelligence Center and Marine Corps Intelligence Activity Management Structure

The committee notes the management structure of the National Air and Space Intelligence Center (NASIC) and the Marine Corps Intelligence Activity (MCIA) does not mirror the management structure of the other military intelligence centers. The demand for intelligence increased exponentially over the past decade and the intelligence centers require a stable, strong command structure to effectively meet the information demand. The lack of a civilian senior executive service (SES) executive director could impede managerial effectiveness and limit interaction with colleagues from other military and civilian organizations.

The committee directs the Secretary of the Air Force, in coordination with the Secretary of the Navy, to examine the command structure of NASIC and MCIA, respectively, with regard to establishing a civilian SES executive director. The committee directs the Secretary of the Air Force and Secretary of the Navy to report the findings of the study along with any recommendations the Secretaries may have relating to modifying the command structure of the NASIC and MCIA to the congressional defense committees by February 15, 2013.

The Role of National Guard Cyber Defense Units

The committee is aware of the important role that certain National Guard units are playing in the computer network defense (CND) of Department of Defense information systems and computer networks. However, the committee is also aware that some CND-related activities may not be limited to dedicated cyber units. Moreover, it is unclear how the role of the CND-related units may differ or be affected when activated in a title 32 or State Active Duty-status.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the congressional defense committees within 180 days after the date of the enactment of this Act identifying the National Guard units that have a CND role for the Department of Defense and a description of that role. The briefing should also include a description of what activities these units may be expected to perform when activated in a title 32 or State Active Duty-status, and the policies and authorities that are in place to govern those activities.

Use of Open Source Information in Intelligence Analysis

The committee believes that open source information is underutilized relative to other sources of information in key areas of intelligence analysis. The committee also believes that an increased emphasis on open source information would improve overall analytical quality and value. In particular, open source information on military or dual-use technology, industrial activity and investment, technology markets and projections of future activities provides a relatively inexpensive information baseline that can be readily used with U.S. allies and partners and to supplement information from classified sources. The committee believes Department of Defense intelligence elements with analytical responsibility should maintain data on their efforts to increase use of open source information.

LEGISLATIVE PROVISIONS

SUBTITLE A—DEPARTMENT OF DEFENSE MANAGEMENT

Section 901—Additional Duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and Amendments to Strategic Materials Protection Board

This section would amend section 139c of title 10, United States Code, by directing additional duties of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy. The duties would include prescribing policies and procedures for ensuring reliable sources of materials that are critical to national security. This section would also amend section 187 of title 10, United States Code, by reconfiguring the Strategic Materials Protection Board to include: the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy; an official within the Defense Logistics Agency with responsibility for strategic materials; and designees from the Army, the Navy, and the Air Force.

Section 902—Requirement for Focus on Urgent Operational Needs and Rapid Acquisition

This section would require the Secretary of Defense to designate a senior official to be the focal point within the Department of Defense to lead the Department's urgent operational needs and rapid acquisition efforts. The senior official's responsibilities would include, but not limited to: (1) acting as an advocate within the Department for issues related to the Department's ability to rapidly respond to urgent needs; (2) improving visibility across all urgent operational needs entities and processes; and (3) ensuring tools and mechanisms are used to track, monitor, and manage the status of urgent operational needs, from validation through the transition, including a formal feedback mechanism or channel for the military services to provide feedback on how well fielded solutions met urgent operational needs.

The committee notes that the Secretary's lack of visibility over all urgent operational needs requests is due in part to having no senior-level focal point who is given the responsibility to manage, oversee, track, and monitor all emerging capability gaps identified by the warfighter in theater. According to the Government Accountability Office (GAO), the Department has not established a senior-level focal point to: (1) lead the Department's efforts to fulfill validated urgent needs requirements; (2) develop and implement Department-wide policy on the processing of urgent needs or rapid acquisition; or (3) maintain full visibility over its urgent needs efforts and the costs of those efforts. In testimony before the Subcommittee on Tactical Air and Land Forces, GAO officials have discussed the benefits of establishing a senior level point of focus to coordinate and integrate various DOD efforts to address concerns, such as with counterterrorism and the transformation of military capabilities.

The committee recognizes that in June 2011, the Department created a Senior Integration Group to serve as the single authority for prioritizing and directing action to fulfill all joint urgent operational needs (JUON) and to be the overarching entity through

which the Office of the Secretary of Defense's previously established urgent needs organizations and task forces (including the Joint Improvised Explosive Device Defeat Organization, the Mine Resistant Ambush Protected Task Force, and the Intelligence, Surveillance, Reconnaissance (ISR) Task Force) would report to the Secretary on the status of JUON related actions. However, the committee notes that it is unclear to what extent, if at all, the Senior Integration Group would: (1) lead all Department-wide efforts to fulfill validated urgent needs requirements; (2) develop and implement Department-wide policy on processing urgent needs or rapid acquisition; or (3) maintain full visibility over urgent needs efforts and the costs of these efforts, as GAO has recommended. The committee is concerned that without establishing a senior-level focal point to address these issues, Department of Defense officials may be unable to identify areas for improvement, including consolidation, to prioritize validated but unfunded requirements, to identify funding challenges and a means to address such challenges, or ensure collaboration to modify capabilities in development to meet several similar urgent operational needs requirements and may be unable to reduce any overlap or duplication that may exist as solutions are developed or modified.

Elsewhere in this report, the committee expresses its concerns with multiple funding streams, lack of coordination, and the need for consolidation as well as improved oversight. Further, the committee notes that section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) required the Secretary of Defense to conduct a comprehensive review of the Department's urgent operational needs and rapid acquisition processes and report the findings to the congressional defense committees by January 2012. The committee is concerned that this review is not scheduled to be complete until August 2012.

Section 903—Designation of Department of Defense Senior Official for Enterprise Resource Planning System Data Conversion

This section would require the Secretary of Defense to designate a senior official to be responsible for coordination and managerial oversight of data conversion for all enterprise resource planning systems within the Department of Defense.

Section 904—Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation

This section would amend section 139b of title 10, United States Code, to have the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics without the interposition of any other supervising official, and clarifies the resources available to that official.

Section 905—Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps

This section would re-designate the Department of the Navy as the Department of the Navy and the Marine Corps and change the title of its secretary to the Secretary of the Navy and Marine

Corps. This section would formally recognize the responsibility of the Office of the Secretary of the Navy over both the Navy and Marine Corps and the Marine Corps' status as an equal partner with the Navy.

SUBTITLE B—SPACE ACTIVITIES

Section 911—Annual Assessment of the Synchronization of Segments in Space Programs That Are Major Defense Acquisition Programs

This section would direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit an annual assessment for 5 years of the synchronization of satellite, ground, and user terminal segments of space major defense acquisition programs. For each such space program for which a primary capability of such program will be operable by one program segment at least 1 year after the date on which such capability is operable by another program segment, the Under Secretary would provide the cause of the delay and identification of the steps the Department is taking to improve the alignment of when the program segments become operable and the related challenges, costs, and risks. The assessment would also include a description of the impact to the mission of the space system from the delay.

Section 912—Report on Overhead Persistent Infrared Technology

This section would require that the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense and the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence within 270 days after the date of the enactment of this Act, a report on Overhead Persistent Infrared (OPIR) that specifically addresses the following: (1) an assessment of whether there are further opportunities for the Department and the intelligence community to capitalize on increased data sharing, fusion, interoperability, and exploitation; and (2) a recommendation as to how to better coordinate efforts between the Department and the intelligence community for exploitation of OPIR sensor data.

This section would also require that not later than 90 days after the Department delivers its report to the congressional defense committees, the Comptroller General of the United States will assess the Department's report to ensure it is comprehensive, fully supported, and sufficiently detailed. Further, the Comptroller General shall identify any shortcomings, limitations, or other matters that affect the quality or findings of the Department's report on OPIR.

The committee is aware of significant investments in Overhead Persistent Infrared (OPIR) that span multiple agencies and support a variety of missions such as missile warning, missile defense, battlespace awareness, and technical intelligence. The committee is also aware that the Department and intelligence community have completed their Joint OPIR Ground study and are in the process of completing an OPIR space architecture study.

The committee commends the Department and the intelligence community for establishing a Joint OPIR Ground Integrated Pro-

gram Office to improve the connectivity and sharing of OPIR sensor data as it relates to theater missile warning and defense, battlespace awareness, and technical intelligence. The committee believes the defense and intelligence communities have taken steps to improve the utilization and exploitation of OPIR sensor data, but further efforts should be made to more fully exploit the OPIR sensors.

Section 913—Prohibition on use of Funds to Implement International Agreement on Space Activities That Has Not Been Ratified by The Senate or Authorized by Statute

The section would prohibit funds authorized to be appropriated by this or any other Act for use by the Secretary of Defense or the Director of National Intelligence to limit the activities of the Department of Defense or the Intelligence Community in outer space to implement or comply with an international agreement concerning outer space activities unless such agreement is ratified by the Senate or authorized by statute.

The section would require a report not later than 90 days after the date of enactment by the Secretary of State and the Secretary of Defense on the negotiations on an international agreement concerning outer space activities. The report would be required to include a description of which foreign countries have agreed to sign such an international agreement and any implications that the agreement may have on both classified and unclassified military and intelligence activities of the United States in outer space. The report would be required until the President certifies the United States is no longer involved in negotiations on an international agreement concerning outer space activities. The report would be submitted to the House and Senate Armed Services Committees, the foreign relations committees, the intelligence committees, and the House Committee on Science, Space and Technology and the Senate Committee on Commerce, Science, and Transportation. The report would be submitted unclassified, with a classified annex as necessary that may be submitted to the House and Senate Armed Services Committees and the intelligence committees.

The section would require the Secretary of Defense to submit to Congress, including all committees with an interest in outer space activities, an unclassified annual report to be submitted not later than January 1 of each year detailing foreign countries with counter-space programs that could be a threat to the national security or commercial space systems of the United States, and the name of such country. The Secretary of Defense would be authorized to submit a classified annex to the House and Senate Armed Services Committees and the intelligence committees containing any classified information required to be submitted for such report. The names of such countries would be required to be released in the report on unclassified basis, with waiver authority for the Secretary of Defense if the Secretary determines it is in the national security interest to waive such identification and submits to Congress an explanation of why the Secretary waived such requirement. The section would also provide that in any year in which the Secretary does not submit the required report on counter-space programs, the Department may not expend any funds for travel ex-

penses related to the negotiation of the international agreement concerning outer space activities.

Section 914—Assessment of Foreign Components and The Space
Launch Capability of The United States

This section would direct the Secretary of the Air Force to enter into an agreement with a federally funded research and development center to conduct an independent assessment of the national security implications of continuing to use foreign component and propulsion systems for the launch vehicles under the evolved expendable launch vehicle program. This report would be due no later than 180 days after the date of enactment of this Act to the congressional defense committees.

Section 915—Report On Counterspace Technology

The section would require a report, to be submitted to the House and Senate Armed Services and foreign relations committees, not later than 1 year after enactment and annually thereafter for 2 years, which details key space technologies that could be used, or are being sought, by a foreign country with a counter space or ballistic missile program, and should be subject to export controls by the United States or an ally of the United States, as appropriate.

SUBTITLE C—INTELLIGENCE-RELATED ACTIVITIES

Section 921—Authority To Provide Geospatial Intelligence Support
To Certain Security Alliances and Regional Organizations

This section would amend Title X, Section 443, United States Code. It would give the Director of the National Geospatial-Intelligence Agency (NGA) the authority to provide regional organizations with defense or security components and security alliances of which the United States is a member with imagery intelligence and geospatial information support. The existing Title X, Section 443 authorities already gave the Director of the NGA the authority to provide imagery intelligence and geospatial information support to foreign countries.

This section would also require, in each case of providing imagery intelligence or geospatial information support to a regional organization or security alliance, the Director of the NGA:

(A) Ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity;

(B) Notify the congressional defense committees, Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate that the Director of the NGA has provided such intelligence or support; and

(C) Coordinate the provision of such intelligence and such support with the commander of the appropriate combatant command.

Section 922—Technical Amendments to Reflect Change in Name of National Defense Intelligence College to National Intelligence University

This section would provide a technical correction by recognizing the Department of Defense’s redesignation of the “National Defense Intelligence College” as the “National Intelligence University”.

SUBTITLE D—TOTAL FORCE MANAGEMENT

Section 931—Limitation on Certain Funding Until Certification that Inventory of Contracts for Services Has Begun

This section would withhold funds authorized to be appropriated for fiscal year 2013 as specified in the funding table in section 4301 of this Act for the Office of the Secretary of Defense, the Department of the Navy, and the Department of the Air Force until the defense agencies, the Department of the Navy, and the Department of the Air Force comply with the Inventory of Contracts for Services, which is mandated by section 2330a(c) of title 10, United States Code. The committee continues to be disappointed that the defense agencies, the Navy, and the Air Force have not fully implemented the Inventory of Contracts for Services, a requirement initially codified by section 807 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). The committee notes that the Department of the Army has successfully undertaken an extensive manpower and costing inventory of all Army service contractors since 2002, and the Army’s inventory has been designated as the model for implementation of section 807. The committee remains convinced that the inventory is an important tool to provide transparency in Government contracting and would be a beneficial tool for decision-makers in their planning, programming, and budgeting.

Section 932—Requirement to Ensure Sufficient Levels of Government Management, Control, and Oversight of Functions Closely Associated with Inherently Governmental Functions

This section would amend section 129a of title 10, United States Code, relating to the policy for total force management, to require the Secretary of a military department or head of a Defense agency with oversight of contractor personnel that are performing functions closely associated with inherently governmental functions to provide sufficient levels of management, control, and oversight.

The committee recognizes that functions closely associated with inherently governmental are, in appropriate circumstances, performed by contractors. The committee believes that in order to ensure full transparency of closely associated work being performed by contractors, this information should be included in the inventory of contract services required by section 2330a of title 10, United States Code.

Section 933—Special Management Attention Required for Certain Functions Identified in Inventory of Contracts for Services

This amendment would amend section 2330a(e) of title 10, United States Code, relating to the inventory on contract services,

to require that special management attention be given to functions identified in the inventory as being closely associated to inherently governmental functions.

SUBTITLE E—CYBERSPACE-RELATED MATTERS

Section 941—Military Activities in Cyberspace

This section would affirm that the Secretary of Defense has the authority to conduct military activities in cyberspace. The committee recognizes that because of the evolving nature of cyber warfare, there is a lack of historical precedent for what constitutes traditional military activities in cyberspace.

In particular, this section would clarify that the Secretary of Defense has the authority to conduct clandestine cyberspace activities in support of military operations pursuant to a congressionally authorized use of force outside of the United States, or to defend against a cyber attack on an asset of the Department of Defense.

The committee notes that Al Qaeda, the Taliban, and associated forces are increasingly using the internet to exercise command and control as well as to spread technical information enabling attacks on U.S. and coalition forces in areas of ongoing hostilities. Terrorists often rely on the global reach of the internet to communicate and plan from distributed sanctuaries throughout the world. As a result, military activities may not be confined to a physical battlefield, and the use of military cyber activities has become a critical part of the effort to protect U.S. and coalition forces and combat terrorism globally. In certain instances, the most effective way to neutralize threats is to undertake military cyber activities in a clandestine manner. While this section is not meant to identify all or in any way limit other possible military activities in cyberspace, the Secretary of Defense's authority includes the authority to conduct clandestine military activities in cyberspace in support of military operations pursuant to an armed conflict for which Congress has authorized the use of all necessary and appropriate force or to defend against a cyber attack on a Department of Defense asset.

Section 942—Quarterly Cyber Operations Briefings

This section would require the Secretary of Defense to provide a quarterly briefing to the Senate Committee on Armed Services and the House Committee on Armed Services on significant military cyberspace operations that were carried out by the Department of Defense in the preceding quarter.

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)

Item	FY 2013 Request	House Change	House Authorized
MILITARY PERSONNEL	135,111,799	615,056	135,726,855
Army medical evacuation paramedic certification training		2,000	
Basic allowance for housing for members of the National Guard (Section 603)		6,000	
Non-medical attendant travel (Section 621)		2,000	
Reserve Components administrative absence (Section 604)		2,000	
Restore accrual payments to the Medicare eligible health care trust fund		672,000	
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		8,300	
Retain Air Force Structure		30,000	
Retain Air Force Reserve Force Structure		20,000	
Retain Air National Guard Force Structure		70,826	
Retain Global Hawk		22,200	
Unobligated balances		[-352,000]	
USMC military personnel in lieu of LAV funding		131,730	

