

H.R. 1540 – FY12 NATIONAL DEFENSE AUTHORIZATION BILL

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SUMMARY OF BILL LANGUAGE

**Titles 3, 10, 11, 14, 20, 21, 22, 23, 24, 25,
26, 27, 28, 34**

TITLE III—OPERATION AND MAINTENANCE

LEGISLATIVE PROVISIONS

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Section 301—Operation and Maintenance Funding

This section would authorize appropriations for operation and maintenance activities at the levels identified in section 4301 of division D of this Act.

SUBTITLE B—ENERGY AND ENVIRONMENTAL PROVISIONS

Section 311—Designation of Senior Official of Joint Chiefs of Staff for Operational Energy Plans and Programs and Operational Energy Budget Certification

This section would modify section 138(c) of title 10, United States Code, to require the Joint Chiefs of Staff to identify a senior operational energy official. This section would also change the date of the required operational energy budget certification.

Section 312—Military Installation Implementation of Land Management Plans and Sustainability Studies

This section would modify section 2694 of title 10, United States Code, by expanding on the Department of Defense's conservation activities.

Section 313—Improved Sikes Act Coverage of State-Owned Facilities Used for the National Defense

This section would amend The Sikes Act (16 U.S.C. 670) to include State-owned National Guard facilities and add provision for funding integrated national resource management plans.

Section 314—Discharge of Wastes Generated by Vessels of the Armed Forces at Sea

This section would amend section 1902(b)(2) of title 33, United States Code, to codify discharge practices in the sea for ships owned or operated by a branch of the Armed Forces. The committee recognizes the success the Navy has had with minimizing its trash and discharge at sea, both in open oceans and in special areas in accordance with existing regulatory frameworks. This section would codify the current Navy discharge practices in the open ocean.

Section 315—Designation of Department of Defense Executive Agent for Alternative Fuel Development

This section would require the Assistant Secretary of Defense, Operational Energy Plans and Programs (OEPP) to recommend and the Secretary of Defense to designate a service secretary as the executive agent for alternative fuel development. The Assistant Secretary of Defense OEPP would direct the policy, and the executive agent would collaborate with the Assistant Secretary of Defense, Research and Engineering as well as the Department of Energy.

The committee is encouraged that the service secretaries have tested and certified their fleets to accept alternative fuels or blends. The committee notes that the Department of Defense has multiple investments and activities for the development of alternative fuels. This section would require the Department of Defense to streamline those investments and eliminate redundancies.

Section 316—Favorable Consideration of Energy-Efficient Technologies in Contracts for Logistics Support of Contingency Operations

This section would require the Secretary of Defense to give favorable consideration to defense logistics support contract proposals in support of contingency operations that include energy efficient or energy reduction technologies or processes. The committee continues to be concerned about the high demand for fossil fuel in contingency operations and the security challenges it creates for logistics convoys.

SUBTITLE C—LOGISTICS AND SUSTAINMENT

Section 321—Definition of Depot-Level Maintenance and Repair

This section would amend section 2460 of title 10, United States Code, to revise the definition of depot-level maintenance and repair. The study on the future capability of the Department of Defense (DOD) maintenance depots directed by section 322 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that the existing statutory definition was ambiguous and subject to interpretation by the individual military services. The committee is concerned that these ambiguities are directly impacting the development of core logistics capabilities and allocation of sustaining workloads. To resolve those ambiguities, this section would adopt the definition in DOD instruction 4151.2, which is the generally recognized and accepted definition currently used by the Department.

Section 322—Core Logistics Capabilities

This section would eliminate the exclusion for special access programs from the core logistics capability requirements determination and would align the exemption for the nuclear refueling of aircraft carriers with the exemption in section 2460 of title 10, United States Code. The study on the future capability of the Department of Defense maintenance depots directed by section 322 of the

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that the existing core determination process should be revised to ensure that it is visible and readily understood.

This section also would amend section 2464 of title 10, United States Code, to require an annual report on the core logistics capability requirements; the depot maintenance workload requirements to cost-effectively support core logistics capabilities; and the depot maintenance workload beyond the core requirement needed to ensure that not more than 50 percent of the non-exempt depot maintenance funding is expended for performance by non-federal government personnel in accordance with section 2466 of title 10, United States Code. The report also would include: the allocation of workload for the Centers of Industrial and Technical Excellence as designated in accordance with section 2474 of title 10, United States Code; and the depot maintenance capital investments requirement to ensure that core logistics capabilities are established not later than four years after a non-exempted weapons system achieves initial operational capability as required by section 2464(a)(3) of title 10, United States Code. The committee believes that an annual report on the core determination process and the results will enhance oversight, align capital investment to support current and emerging core capabilities, and better align sustainment planning with acquisition and development.

Section 323—Designation of Military Industrial Facilities as Centers of Industrial and Technical Excellence

This section would amend section 2474, title 10, United States Code, to include military industrial facilities in the designation of Centers of Industrial and Technical Excellence (CITE). Designation as a CITE would facilitate the ability of each of the military industrial facilities to enter into public-private partnerships while also improving their core competencies. The committee believes that this change could help further strengthen the Department of Defense's organic manufacturing and repair industrial base.

Section 324—Redesignation of Core Competencies as Core Logistics Capabilities for Centers of Industrial and Technical Excellence

This section would amend section 2474 of title 10, United States Code, to change the designation of core competencies as core logistics capability in order to better align the depot maintenance workload allocation for each Center of Industrial and Technical Excellence, as designated by section 2474 of title 10, United States Code, with the recognized core logistics capabilities of the designee.

The study on the future capability of the Department of Defense maintenance depots directed by section 322 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that Department's organic depot maintenance system may face substantial workload

reductions in the near term as a result of reduced operations, anticipated changes to inventory and expected funding pressures. The committee is concerned that depot maintenance workload allocations for the Centers of Industrial and Technical Excellence are not aligned with the core logistics determination process required by section 2464 of title 10, United States Code, resulting in inefficiencies, a lack of organizational integration, and an inability for public and private-sector depot maintenance providers to respond to workload uncertainties.

Section 363—Permanent and Expanded Authority for Army Industrial Facilities to Enter into Certain Cooperative Arrangements with Non-Army Entities

This section would amend section 4544 of title 10, United States Code, to repeal the cap on the number of cooperative arrangements that may be entered into and would make the authority permanent.

In addition, this section would amend the reporting requirement mandated in section 328 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to assess the effective use of the authorities provided under section 4544, title 10, United States Code, and to make recommendations for improvement to each category of Army industrial facility to compete for contracts.

Section 325—Amendment to Requirement Relating To Consideration of Competition Throughout Operation and Sustainment of Major Weapon Systems

This section would amend section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23) to include a subsystem or component of a major weapons system in the requirement for consideration of competition throughout operation and sustainment of major weapon systems.

Section 326—Implementation of Corrective Actions Resulting from Corrosion Study of the F-22 and F-35 Aircraft

This section would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to take corrective actions resulting from the corrosion study of the F-22 Raptor and F-35 Joint Strike Fighter aircraft and implement the recommendations of the Government Accountability Office regarding the study.

The committee notes that despite a projected 38-to-1 return on investment from corrosion mitigation and control projects planned for implementation in fiscal year 2012 through the Office of the Director of Corrosion Policy and Oversight, the Department of Defense consistently underfunds corrosion efforts. With an estimated annual cost of corrosion of \$22.0 billion, the committee urges the Department to give more serious consideration to the \$37 avoided for every \$1 invested for corrosion mitigation and control actions such as those recommended for the F-22 and F-35 aircraft.

SUBTITLE D—READINESS

Section 331—Modification of Department of Defense Authority to Accept Voluntary Contributions of Funds

This section would modify section 358(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to permit the Secretary of Defense to accept voluntary contributions in amounts that shall remain available until expended for the purpose of offsetting the cost of mitigation measures. This section also would permit the Secretary of Defense to accept voluntary contributions to conduct studies of potential mitigation measures.

Section 332—Review of Proposed Structures Affecting Navigable Airspace

This section would modify section 44718 of title 49, United States Code, to permit the Federal Aviation Administration to develop procedures for the Department of Defense and the Department of Homeland Security to review and comment on aeronautical studies.

SUBTITLE E—REPORTS

Section 341—Annual Certification and Modifications of Annual Report on Prepositioned Materiel and Equipment

This section would amend sections 2229 of title 10, United States Code, to require the Secretary of Defense to annually certify that U.S. military prepositioned stocks meet current operations plans. This section also requires the Secretary of Defense to provide additional information on the health, status, and composition of prepositioned stocks in the Secretary's annual report to the congressional defense committees.

The committee remains concerned that the Department's approach to establishing requirements, managing, and resourcing prepositioned stocks may be unnecessarily increasing strategic risk and contingency response times. The committee is also concerned that the Department has not sufficiently coordinated prepositioned stocks requirements, management, and planning with its strategic airlift and sealift planning and requirements.

Section 342—Modification of Report on Maintenance and Repair of Vessels in Foreign Shipyards

This section would modify section 7310(c) of title 10, United States Code, to include vessels that are operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the U.S. Transportation Command.

Section 343—Additional Requirements for the Annual Report on Military Working Dogs

This section would amend section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to require the Secretary of Defense to provide additional information on the use of military working dogs on a contracted basis, the status of the Department's breeding programs, and the future military working dog force structure.

The committee remains concerned that the Department may rely too heavily on contracted military working dogs and may not be fully utilizing the Department's domestic breeding programs leading to increased costs to the taxpayer. The committee remains concerned that the Department may rely too heavily on contracted military working dogs and may not be fully utilizing Departmental domestic breeding programs leading to increased costs to the taxpayer.

Section 344—Assessment and Reporting Requirements Regarding the Status of Compliance with Joint Military Training and Force Allocations

This section would require the Secretary of Defense to conduct a biennial assessment of the military department's compliance with the joint training, doctrine, and resource allocation recommendations that are promulgated by the Joint Staff. The assessment also would include the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by U.S. Joint Forces Command. The results of the first assessment would be provided to the congressional defense committees by March 31 of 2012, and every even-numbered year thereafter.

SUBTITLE F—LIMITATIONS AND EXTENSIONS OF AUTHORITY

Section 351—Adoption of Military Working Dog by Family of Deceased or Seriously Wounded Member of the Armed Forces Who Was the Dog's Handler

This section would amend section 2583(c) of title 10, United States Code, to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog.

Section 352—Prohibition on Expansion of the Air Force Food Transformation Initiative

This section would prohibit the Air Force from expanding its Food Transformation Initiative beyond the initial six bases in the pilot program until 270 days after the Secretary of the Air Force provides a report to the Senate Committee on Armed Services and the House Committee on Armed Services. This report would include a description on the impact of the initiative on non-appropriated funded employees; a detailed information technology plan, including funding for

implementation; and a description of performance metrics for measuring the initiative. In addition, the report would include an estimate of cost savings; an explanation of the tracking of appropriated and non-appropriated funds; an explanation of any barriers encountered and recommended remedies; and a plan for addressing recommendations expected to be made by the Government Accountability Office following its review of the initiative.

In the committee report (H. Rept. 111-491) accompanying the National Defense Authorization Act for Fiscal Year 2011, the committee expressed its initial concern regarding the Air Force's Food Transformation Initiative. As a result, the committee required a review of the initiative by the Comptroller General of the United States, which is due in July 2011. While the Air Force was prohibited from moving forward with expansion of the initiative until 90 days after that review, the committee is concerned that the Air Force intends to continue expanding this initiative without fully assessing the full impact at the six initial bases, and addressing any problems encountered at these bases.

SUBTITLE G—OTHER MATTERS

Section 361—Consideration of Foreclosure Circumstances in Adjudication of Security Clearances

This section would allow special consideration during security clearance adjudications to be given to members of the Armed Forces who may have a housing foreclosure on his or her credit report. The committee notes that the recent housing crisis and resulting foreclosures are a potential problem for members of the Armed Forces since a foreclosure could jeopardize their ability to apply for or renew a security clearance.

Section 362—Authority to Provide Information for Maritime Safety of Forces and Hydrographic Support

This section would amend part IV of subtitle C of title 10, United States Code, by inserting after chapter 667 a new chapter authorizing the Secretary of the Navy to maximize the safety and effectiveness of Navy, Joint, the North Atlantic Treaty Organization, and coalition forces by collecting marine weather and ocean data, modeling of that data, and forecasting potentially hazardous meteorological and oceanographic conditions.

Section 363—Deposit of Reimbursed Funds under Reciprocal Fire Protection Agreements

This section would amend section 1856d(b) of title 42, United States Code, which allows the Department of Defense to allocate reimbursements for fire protection services to the appropriation fund or account from which the expenses were paid subject to the same provisions and restrictions as the original funding.

This section would add flexibility to the reimbursement process beginning in fiscal year 2012 by permitting the Department to allocate reimbursements to the fund or account currently available for fire protection activities should the period of availability for obligation under which services were originally provided have expired.

Section 364—Reduction in Amounts Otherwise Authorized to Be Appropriated to the Department of Defense for Printing and Reproduction

This section would reduce by 10 percent the printing and reproduction budgets for each of the military departments and the defense agencies.

The committee notes that the budget request contained \$357.0 million for printing and reproduction services, Department-wide. While the committee recognizes that paper copies often are necessary to facilitate mission accomplishment, the committee believes that the Department should reduce spending on high-quality, glossy color prints (such as the ones accompanying the fiscal year 2012 budget rollout, and other reports and briefings to Congress). Utilizing double-sided, plain, black-and-white copies still accomplishes the goal, while achieving considerable savings. In addition, the committee urges the Department to consider technologies, such as electronic documentation, to process information without the use of paper printing and reproduction. This section would generate \$35.7 million in savings in fiscal year 2012.

Section 365—Reduction in Amounts Otherwise Authorized to Be Appropriated to the Department of Defense for Studies, Analysis and Evaluations

This section would reduce by 10 percent the budget request for studies, analyses, and evaluations performed by each military department and the defense agencies. The committee notes that the Secretary of Defense has emphasized the need to fund the core mission of the Department of Defense, realigning funds from non-essential cost areas to areas of direct mission support. The Secretary of Defense has implemented an initiative to eliminate unnecessary Department of Defense boards and study groups, and this section would support the Secretary's efforts to reduce unnecessary costs. This section would generate a savings of \$24.0 million in fiscal year 2012.

Section 366—Clarification of the Airlift Service Definitions Relative to the Civil Reserve Air Fleet

This section would amend section 41106 of title 49, United States Code, to clarify that the application of current law is limited to contracts for airlift services using aircraft of a type the Department of Defense has determined are eligible for participation in the Civil Reserve Air Fleet program.

Section 367—Ratemaking Procedures for Civil Reserve Air Fleet Contracts

This section would amend section 9511a of title 10, United States Code, to codify the authority of the Department of Defense to offer scheduled and expansion contract airlift business to Civil Reserve Air Fleet (CRAF) carriers according to the amount of airlift capability they commit for CRAF activation. Commercial air carriers in the CRAF program commit airlift capability to be activated for the Department's use during wartime. In exchange for such a commitment, the Department contracts with the participating carriers for its peacetime or routine airlift requirements. The committee is aware that competitive contracts for this activity are generally not feasible because oftentimes none of the air carriers have commercial operations in the needed locations and therefore have no basis for providing a reasonable offer. The committee notes that this type of entitlement-based contract is done in conjunction with statutorily mandated ratemaking procedures that have served as an effective means of determining fair and reasonable rates while furthering the objectives of the CRAF program.

Section 368—Sense of Congress of Proposed Federal Aviation Administration Changes to Flight Crew Member Duty and Rest Requirements

This section would express a sense of Congress that the Administrator of the Federal Aviation Administration (FAA) should make every effort to ensure that any changes to guidelines, regulations, and rules of the FAA, including changes to flightcrew member duty and rest requirements, fully consider the impact of such changes on the Civil Reserve Air Fleet carriers, U.S. Transportation Command and the Department of Defense.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE G—STUDIES AND REPORTS

Section 1075—Change of Deadline for Annual Report to Congress on National Guard and Reserve Component Equipment

This section would amend section 10541(a) of title 10, United States Code, to change the date for the annual report from the Secretary of Defense concerning the equipment of National Guard Bureau and the Reserve Components of the Armed Forces from February 15 of each year to March 15 of each year.

SUBTITLE H—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Section 1085—Prohibition on the Use of Funds for Manufacturing Beyond Low Rate Initial Production at Certain Prototype Integration Facilities

This section would prohibit the use of funds authorized to be appropriated for production activities at prototyping integrations facilities beyond initial low rate production in order to ensure that full-rate production activities are accomplished in the most efficient manner possible.

TITLE XI—CIVILIAN PERSONNEL MATTERS

LEGISLATIVE PROVISIONS

Section 1101—Amendments to Department of Defense Personnel Authorities

This section would make technical amendments to the Department of Defense performance management, hiring and training authorities in section 9902 of title 5, United States Code. This section also would change the heading of chapter 9, title 5, United States Code, to reflect the fact that the Department of Defense National Security Personnel System was repealed by the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Section 1102—Provisions Related to the Department of Defense Performance Management System

This section would make technical amendments to the reporting requirements in section 9902 of title 5, United States Code. Section 9902 authorizes the Secretary of Defense to implement a performance management system to replace the National Security Personnel System, which was repealed in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). Within 1 year after date of enactment (October 28, 2009), the Secretary of Defense was required to report to the Senate and House Committees on Armed Services, the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform on the Department's plan for the new personnel management system. However, while significant progress has been made, no new performance management system has been implemented.

This section would extend the reporting requirements to ensure that the relevant congressional committees are kept apprised of the progress toward a new Department of Defense performance management system. In addition, the Comptroller General of the United States was required to review the Department's plan and to assess employee satisfaction with the new system. Since there currently is no plan to review, this provision would extend the existing reporting mandate and clarify the elements on which the Comptroller General Office should report to the relevant congressional committees.

Section 1103—Repeal of Sunset Provision Relating to Direct Hire Authority at Demonstration Laboratories

This section would make permanent the direct hire authorities that were provided to the Department of Defense (DOD) demonstration laboratories by section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The committee notes that the direct hire authority has been an effective tool to the DOD demonstration laboratories in recruiting qualified individuals with advanced scientific and engineering degrees.

Section 1104—Denial of Certain Pay Adjustments for Unacceptable Performance

This section would prohibit payment of the annual nationwide adjustment to any Federal civilian employee who is rated as “below satisfactory”, which is estimated to be about 1 percent of the Department of Defense’s more than 700,000 civilian employees. Currently, all Federal employees, no matter how they are rated on their performance, receive the annual nationwide adjustment in January of each year. Federal civilian employees who are rated as “below satisfactory” still receive an increase in salary despite the fact that they are underperforming. An incentive is necessary to entice these employees to improve their job performance.

Section 1105—Revisions to Beneficiary Designation Provisions for Death Gratuity Payable Upon Death of a Government Employee

This section would amend section 8102 of title 5, United States Code, to allow a Federal employee to designate anyone they choose to receive the entirety of a death gratuity if the Federal employee dies of injuries incurred in connection with service with an Armed Force in a contingency operation. Currently, section 8102 restricts Federal employees from designating more than 50 percent of a death gratuity to an unrelated person. This section would provide parity with the beneficiaries of military service members who may receive 100 percent of a death regardless of the relationship to the deceased.

Section 1106—Extension of Authority to Waive Annual Limitation on Premium Pay and Aggregate Limitation on Pay for Federal Civilian Employees Working Overseas

This section would extend, for 2 additional years, the authority of the head of a Federal agency to waive the limitations on the amount of premium pay that may be paid to a Federal civilian employee who performs certain work in an overseas location that falls under the responsibility of U.S. Central Command, an overseas location that falls under the responsibility of U.S. Africa Command, in support of a military operation, or responding to an emergency declared by the President. The payment may not exceed the annual rate of salary payable to the Vice President under section 104 of title 3, United States Code.

Section 1107—Waiver of Certain Pay Limitations

This section would amend section 9903 of title 5, United States Code, which provides authority to the Secretary of Defense to hire highly qualified experts and prescribes appropriate pay rates. This section would clarify the intent of that statute to allow such individuals who are serving in a contingency operation area, as defined in section 101 of title 10, United States Code, to receive similar benefits and compensation as other Federal employees serving in those areas currently receive. This includes premium pay or danger pay allowances, compensatory time off, and other appropriate compensation or allowances authorized under chapter 59 of title 5, United States Code.

The committee is aware that highly qualified experts currently serving in areas of contingency operations have been denied any type of hazardous duty compensation because the Department of Defense and the Office of Personnel Management have interpreted such compensation as an incentive, which is explicitly prohibited under section 9903 of title 5, United States Code. While the committee does not agree with the interpretation that such hazardous duty compensation is an incentive, this section would remove any possible ambiguity. Furthermore, the committee encourages the Department to take immediate action to remedy the compensation inequities experienced by the highly qualified experts currently working in the Republic of Iraq and the Islamic Republic of Afghanistan.

Section 1108—Services of Post-Combat Case Coordinators

This section would require that each Federal agency that sends civilian employees on hazardous duty assignments in support of U.S. military operations in a contingency operation assign post-combat case coordinators to employees who sustain a traumatic injury, or experience a serious disease or illness during performance of their duty in the contingency operation. The committee notes that Federal civilian employees increasingly are providing important support in contingency operations, and many are experiencing serious medical problems upon returning to their regular assignment.

The committee is aware that the Department of Defense already assigns caseworkers to its civilian expeditionary workforce. The responsibility of these caseworkers is to guide and direct all deployed civilians to available resources, provide intervention in problem claims, and work with the service component's Injury Compensation Program Administrators to help injured employees navigate the Office of Worker's Compensation Program claims process. However, the committee is concerned that no similar support yet exists for civilians deployed from other Federal agencies who need assistance coordinating benefits between the Federal Employees Health Benefits Program and the Federal Employees Compensation Act (Public Law 89-554).

Section 1109—Authority to Waive Recovery of Certain Payments Made under Civilian Employees Voluntary Separation Incentive Program

This section would authorize the Secretary of Defense to waive repayment of the voluntary separation incentive pay (VSIP) for employees who accepted a reassignment with the Department of Defense during the period of April 1, 2004, to May 1, 2008, and had received written assurance that repayment would not be required or would be waived. The committee notes that the individuals who were rehired were assured that they would not be required to repay their separation pay based on an Office of Personnel Management (OPM) national emergency guidance issued following September 1, 2001. However, due to an oversight, the committee understands that it was subsequently determined the guidance did not apply to employees covered under section 9902, title 5, United States Code, which effectively superseded the OPM guidance. The committee understands that approximately 40 individuals were affected by this determination and that the Defense Finance and Accounting Service now is seeking VSIP repayment from these individuals. While the Department no longer waives VSIP repayment for individuals who have been rehired since May 1, 2008, the committee believes those individuals who returned to the Department immediately following the declaration of a national emergency, and who received written assurances that repayment would not be required, deserve to retain, or be repaid, their voluntary separation incentive pay.

Section 1110—Extension of Continued Health Benefits

This section would extend for 5 years the ability of the Department of Defense (DOD) to pay the Federal Government's share and administrative fees for Temporary Continuation of Coverage (TCC) of health insurance premiums for DOD employees who have been separated due to a reduction in force action, as described in section 8905a(d)(4) of title 5, United States Code. Originally authorized by section 346 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), the current authority expires on December 31, 2011, or February 1, 2012, if a specific notice of the separation is given to the individual before December 31, 2011. TCC enables Federal employees who are separated from Federal service to continue their Federal Employees Health Benefits Program (FEHB) coverage for up to 18 months. Payment of the Federal Government portion of the TCC FEHB premium and the 2 percent administrative fee has eased a tremendous financial hardship on former DOD employees who lost their jobs due to Base Closures and Realignment activities. This payment also has enabled families to continue health coverage that they otherwise may not have been able to afford.

Section 1111—Authority to Waive Maximum Age Limit for Certain Appointments

This section would amend section 3307 of title 5, United States Code, to allow the Department of Defense (DOD) to waive the hiring and retirement age limits for Federal law enforcement and fire fighter positions in certain circumstances. While the committee supports the Department's plan to scale back significantly the use of contractors in support services, it is concerned that there may be unintended

consequences when converting law enforcement and fire fighting functions to Federal Government positions. Even if the contractor employees currently performing these functions would like to transition into positions with the Federal Government, many may not be able to compete for such positions because of the existing statutory age limits. This section would help rectify that situation by explicitly allowing the waiver of the hiring age limits for Federal law enforcement and firefighter personnel in these circumstances, thus ensuring that the Federal Government is able to hire these experienced individuals. The committee expects that any DOD-established physical or medical standards for these positions still would apply.

Section 1112—Sense of Congress Relating Pay Parity for Federal Employees Serving at Certain Military Installations

This section would express the sense of Congress that the Office of Personnel Management and the Department of Defense (DOD) shall develop procedures for determining locality pay to address circumstances unique to DOD civilian personnel. These circumstances would address pay parity issues for Department of Defense (DOD) civilian personnel employed at military installations located in remote locations where such employees may have to live in a higher cost municipality in the vicinity. An example of this would be the Marine Corps Mountain Warfare Training Center which has had difficulty recruiting and retaining qualified civilians to work at this remote training center.

Section 1113—Reports by Office of Special Counsel

This section would make a technical amendment to section 1213 of title 5, United States Code, regarding the content of whistleblower reports transmitted to Congress. While the committee recommends this as an efficiency initiative, it notes that this section still would ensure that Congress receives sufficient information necessary to determine if any follow-up action is needed on a whistleblower case.

TITLE XIV—OTHER AUTHORIZATIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—MILITARY PROGRAMS

Section 1401—Working Capital Funds

This section would authorize appropriations for Defense Working Capital Funds at the levels identified in section 4501 of division D of this Act.

Section 1405—Defense Inspector General

This section would authorize appropriations for the Office of the Inspector General at the level identified in section 4501 of division D of this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Section 2001—Short Title

This section would cite division B of this Act as the “Military Construction Authorization Act for Fiscal Year 2012.”

Section 2002—Expiration of Authorizations and Amounts Required to Be Specified by Law

This section would ensure that the authorizations provided in titles XXI through XXVI shall expire on October 1, 2014, or the date of enactment of an act authorizing funds for military construction for fiscal year 2015, whichever is later.

Section 2003—Limitation on Implementation of Projects Designated as Various Locations

This section would prohibit the Secretary of Defense or the Secretary of a military department from entering into an award for a project authorized for various locations in Division B until the Secretary concerned provides the congressional defense committee a report that includes a project listing, a certification that the projects are included in the future years defense program, and that the project can be awarded in the year of appropriation.

Section 2004—Effective Date

This section would provide that titles XXI, XXII, XXIII, XXIV, XXV, XXVI and XXVII of this Act take effect on October 1, 2011, or the date of enactment of this Act, whichever is later.

TITLE XXI—ARMY MILITARY CONSTRUCTION

LEGISLATIVE PROVISIONS

Section 2101—Authorized Army Construction and Land Acquisition Projects

This section would contain the list of authorized Army construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2102—Family Housing

This section would authorize new construction and planning and design of family housing units for the Army for fiscal year 2012.

Section 2103—Improvements to Military Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 2012.

Section 2104—Authorization of Appropriations, Army

This section would authorize appropriations for Army military construction at the levels identified in section 4601 of division D of this Act.

Section 2105—Modification of Authority to Carry Out Certain Fiscal Year 2009 Project

This section would modify the authority provided in section 2101 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417) and authorize the Secretary of the Army to construct a loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges. This provision was included in the President's request.

Section 2106—Modification of Authority to Carry Out Certain Fiscal Year 2011 Projects

This section would modify the authority provided in section 2101 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383) and authorize the Secretary of the Army to make certain modifications. This provision was included in the President's request.

Section 2107—Additional Authority to Carry Out Certain Fiscal Year 2012 Project Using Prior-Year Unobligated Army Military Construction Funds

This section would authorize the Secretary of the Army to construct a water treatment facility for Fort Irwin, California, in the amount of \$115,000,000 using unobligated prior-year Army military construction funds. This provision was included in the President's request.

Section 2108—Extension of Authorizations of Certain Fiscal Year 2008 Projects

This section would extend the authorization listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This provision was included in the President's request.

Section 2109—Extension of Authorizations of Certain Fiscal Year 2009 Projects

This section would extend the authorization listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This provision was included in the President's request.

Section 2110—Technical Amendments to Correct Certain Project Specifications

This section would make certain technical corrections to project descriptions included in table 3002 of the Military Construction Act for Fiscal Year 2011 (division B of Public Law 111-383). This provision was included in the President's request.

TITLE XXII—NAVY MILITARY CONSTRUCTION

LEGISLATIVE PROVISIONS

Section 2201—Authorized Navy Construction and Land Acquisition Projects

This section would contain the list of authorized Navy construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2202—Family Housing

This section would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2012.

Section 2203—Improvements to Military Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 2012.

Section 2204—Authorization of Appropriations, Navy

This section would authorize appropriations for Navy military construction at the levels identified in section 4601 of division D of this Act. Finally, this section would restrict the expenditures of planning and design appropriations to support the establishment of a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

Section 2205—Extension of Authorization of Certain Fiscal Year 2008 Project

This section would extend the authorization listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for

fiscal year 2013, whichever is later. This provision was included in the President's request.

Section 2206—Extension of Authorizations of Certain Fiscal Year 2009 Projects

This section would extend the authorizations listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This provision was included in the President's request.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

LEGISLATIVE PROVISIONS

Section 2301—Authorized Air Force Construction and Land Acquisition Projects

This section would contain the list of authorized Air Force construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2302—Family Housing

This section would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2012.

Section 2303—Improvements to Military Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 2012.

Section 2304—Authorization of Appropriations, Air Force

This section would authorize appropriations for Air Force military construction at the levels identified in section 4601 of division D of this Act.

Section 2305—Modification of Authorization to Carry Out Certain Fiscal Year 2010 Project

This section would modify the authority provided in section 2101 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84) and authorize the Secretary of the Air Force to make certain modifications. This provision was included in the President's request.

Section 2306—Extension of Authorization of Certain Fiscal Year 2009 Project

This section would extend the authorization listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This provision was included in the President's request.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

LEGISLATIVE PROVISIONS

SUBTITLE A—DEFENSE AGENCY AUTHORIZATIONS

Section 2401—Authorized Defense Agencies Construction and Land Acquisition Projects

This section would contain the list of authorized defense agencies construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2402—Authorized Energy Conservation Projects

This section would authorize the Secretary of Defense to carry out energy conservation projects and require that the Secretary of Defense reserve a portion of the amount for energy conservation projects for Reserve Components.

Section 2403—Authorization of Appropriations, Defense Agencies

This section would authorize appropriations for Defense Agencies military construction at the levels identified in section 4601 of division D of this Act.

SUBTITLE B—CHEMICAL DEMILITARIZATION AUTHORIZATIONS

Section 2411—Authorization of Appropriations, Chemical Demilitarization Construction, Defense-Wide

This section would authorize appropriations for chemical demilitarization construction at the levels identified in section 4601 of division D of this Act.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

LEGISLATIVE PROVISIONS

Section 2501—Authorized NATO Construction and Land Acquisition Projects

This section would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this Act and the amount of recoupment due to the United States for construction previously financed by the United States.

Section 2502—Authorization of Appropriations, NATO

This section would authorize appropriations for the North Atlantic Treaty Organization Security Investment Program at the levels identified in section 4601 of division D of this Act.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

LEGISLATIVE PROVISIONS

Section 2601—Authorized Army National Guard Construction and Land Acquisition Projects

This section would contain the list of authorized Army National Guard construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2602—Authorized Army Reserve Construction and Land Acquisition Projects

This section would contain the list of authorized Army Reserve construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2603—Authorized Navy Reserve and Marine Corps Reserve Construction and Land Acquisition Projects

This section would contain the list of authorized Navy Reserve and Marine Corps Reserve construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2604—Authorized Air National Guard Construction and Land Acquisition Projects

This section would contain the list of authorized Air National Guard construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2605—Authorized Air Force Reserve Construction and Land Acquisition Projects

This section would contain the list of authorized Air Force Reserve construction projects for fiscal year 2012. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2606—Authorization of Appropriations, National Guard and Reserve

This section would authorize appropriations for the National Guard and Reserve military construction at the levels identified in section 4601 of division D of this Act.

Section 2607—Extension of Authorization of Certain Fiscal Year 2008 Project

This section would extend the authorization listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This provision was included in the President's request.

Section 2608—Extension of Authorizations of Certain Fiscal Year 2009 Projects

This section would extend the authorizations listed until October 1, 2012, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This provision was included in the President's request.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

LEGISLATIVE PROVISIONS

Section 2701—Authorization of Appropriations for Base Realignment and Closure Activities Funded through Department of Defense Base Closure Account 1990

This section would authorize appropriations for ongoing activities that are required to implement the decision of prior Base Realignment and Closure activities at the levels identified in section 4601 of division D of this Act.

Section 2702—Authorized Base Realignment and Closure Activities Funded through Department of Defense Base Closure Account 2005

This section would authorize military construction projects for fiscal year 2012 for ongoing activities that are required to implement the decisions to support Base Realignment and Closure 2005 activities.

Section 2703—Authorization of Appropriations for Base Realignment and Closure Activities Funded through Department of Defense Base Closure Account 2005

This section would authorize appropriations for military construction projects for fiscal year 2012 that are required to implement the decisions of the Base Closure and Realignment 2005 activities at the levels identified in section 4601 of division D of this Act.

Section 2704—Authority to Extend Deadline for Completion of Limited Number of Base Closure and Realignment Recommendations

This section would amend section 2904 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) and provide the Secretary of Defense the authority to extend the completion of not more than seven recommendations provided by the Base Closure and Realignment Commission of 2005 for up to 1 year.

Section 2705—Increased Emphasis on Evaluation of Costs and Benefits in Consideration and Selection of Military Installations for Closure or Realignment

This section would amend section 2687 of title 10, United States Code, and require the secretary concerned to include a cost-benefit analysis of all proposed closures and realignments that exceed such thresholds. Finally, this section would restrict the secretary concerned's ability to bypass overall thresholds of this section by reducing the workforce to a lower threshold and then realigning the remaining function.

Section 2706—Special Considerations Related to Transportation Infrastructure in Consideration and Selection of Military Installations for Closure or Realignment

This section would amend section 2687 of title 10, United States Code, and require the secretary concerned to include a transportation assessment of a proposed closure or realignment of civilian personnel that exceed certain thresholds.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

Section 2801—Prohibition on Use of Any Cost-Plus System of Contracting for Military Construction and Military Family Housing Projects

This section would amend section 2306 of title 10, United States Code, and prohibit the use of cost-type contracting for military construction projects and military family housing projects. Such prohibition will not apply in case of a declaration of war or the declaration by the President of a national emergency pursuant to section 1621 of title 50, United States Code.

Section 2802—Modification of Authority to Carry Out Unspecified Minor Military Construction Projects

This section would increase the authority provided by section 2805 of title 10, United States Code, and establish a \$3,000,000 threshold requiring specific military construction authorization. This provision would also amend section 2805 by extending certain temporary authorities associated with defense laboratories.

Section 2803—Condition on Rental of Family Housing in Foreign Countries for General and Flag Officers

This section would amend section 2828 of title 10, United States Code, and limit general and flag officer housing leases in foreign countries to the design criteria for similar housing in the United States.

Section 2804—Protections for Suppliers of Labor and Materials under Contracts for Military Construction Projects and Military Family Housing Projects

This section would amend section 2852 of title 10, United States Code, and increase the performance and payment threshold requirements for construction contracts from \$100,000 to \$150,000. This change would align performance and payment bonding requirements with the recently revised simplified acquisition threshold.

Section 2805—One-Year Extension of Authority to Use Operation and Maintenance Funds for Construction Projects inside United States Central Command Area of Responsibility and Combined Joint Task Force-Horn of Africa Areas of Responsibility and Interest

This section would amend section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136) and extend the Department's ability to use operation and maintenance appropriations for military construction purposes for the U.S. Central Command and Horn of Africa area until September 30, 2012.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

Section 2811—Clarification of Authority to Use Pentagon Reservation Maintenance Revolving Fund for Minor Construction and Alteration Activities at Pentagon Reservation

This section would provide unspecified minor construction authority, at the limits prescribed by section 2805 of title 10, United States Code, for the Pentagon Reservation Maintenance Revolving Fund.

Section 2812—Removal of Discretion of Secretaries of the Military Departments Regarding Purposes for which Easements for Rights-Of-Way May Be Granted

This section would amend section 2668 of title 10, United States Code, and prohibit the use of a real estate easement as a method to bypass other real estate authorities. The committee is aware that certain leasing proposals for energy projects have used authority provided by section 2668 of title 10, United States Code, as an expedited method to obtain a real estate lease. The committee believes that the authorities provided by section 2667 of title 10, United States Code, provide the appropriate framework that allows the secretary concerned to manage Government properties and to evaluate leasing proposals.

Section 2813—Limitations on Use or Development of Property in Clear Zone Areas

This section would modify section 2684(a) of title 10, United States Code, to permit the use of the readiness and environmental protection initiative authority to protect clear zone areas from use of encroachment that is incompatible with the mission of the installation.

Section 2814—Defense Access Road Program Enhancements to Address Transportation Infrastructure in Vicinity of Military Installations

This section would amend section 210 of title 23, United States Code, and expand the authority of the Department of Defense to use military construction appropriations to mitigate significant transportation impacts caused as a result of an expanded defense mission. This section would also require the Secretary of Defense to convene the Economic Adjustment Committee to consider sources of funding associated with the defense access roads program. Finally, this section would require a separate budget exhibit for the defense access roads program.

SUBTITLE C—ENERGY SECURITY

Section 2821—Consolidation of Definitions Used in Energy Security Chapter

This section would modify subchapter 3 of chapter 173 of title 10, United States Code, and create a new chapter 2924 to consolidate energy security definitions.

Section 2822—Consideration of Energy Security in Developing Energy Projects on Military Installations using Renewable Energy Sources

This section would amend sections 2911, 2917 and 2922a, of title 10, United States Code, to account for energy security when entering into facility energy projects financed by third parties using renewable energy sources on military installations.

The committee is concerned when the Department of Defense contracts for renewable energy projects through third parties on military installations that have no capability to provide power directly to the installation in case of emergency.

Section 2823—Establishment of Interim Objective for Department of Defense 2025 Renewable Energy Goal

This section would modify section 2911(e) of title 10, United States Code, to require the Secretary of Defense to establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable sources.

Section 2824—Use of Centralized Purchasing Agents for Renewable Energy Certificates to Reduce Cost of Facility Energy Projects Using Renewable Energy Sources and Improve Efficiencies

This section would amend section 2911(e) of title 10, United States Code, to direct the Secretary of Defense to establish a policy requiring centralized, bulk purchase of replacement renewable energy certificates when entering into agreements for facility energy projects involving renewable technologies to maximize savings for the Department of Defense. This will help the Department of Defense achieve the goal regarding the consumption of electricity from renewable energy sources established by section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852).

Section 2825—Identification of Energy-Efficient Products for Use in Construction, Repair, or Renovation of Department of Defense Facilities

This section would require the Secretary of Defense, in coordination with the Secretary of Energy, to prescribe a list of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities. The list

would be updated annually and submitted with the annual Energy Performance Master Plan. This section would require the Secretary of Defense to consider at a minimum the following technologies in developing the list:

- (1) Roof-top solar thermal, photovoltaic, direct solar technology, and energy reducing coating technologies;
- (2) On demand solar and tankless hot water systems;
- (3) Energy management control and supervisory control and data acquisition systems;
- (4) Energy-efficient heating, ventilation, and air conditioning systems;
- (5) Thermal windows and insulation systems;
- (6) Electric meters;
- (7) Lighting, equipment, and appliances that are designed to use less electricity;
- (8) Hybrid vehicle plug-in charging and hydrogen-generating fuel stations;
- (9) Solar-power collecting structures to shade vehicle parking areas;
- (10) Wall and roof insulation systems and air infiltration mitigation systems, such as weather-proofing;
- (11) Fuel cells;
- (12) Hydrogen; and
- (13) Ground source and natural gas heat pumps and combined heat and power systems.

Section 2826—Core Curriculum and Certification Standards for Department of Defense Energy Managers

This section would amend section 2915 of title 10, United States Code, by requiring the Secretary of Defense to establish a training program for Department of Defense installation energy managers. The requirement for federal energy managers is defined by section 8253 of title 42, United States Code. The committee encourages the Department to consider industry accreditations in the development of its training and certification of energy managers. The committee recommends that at a minimum, the Secretary of Defense create annual opportunities for energy managers to exchange ideas and lessons learned.

Section 2827—Submission of Annual Department of Defense Energy Management Reports

This section would amend section 2925 of title 10, United States Code, and require the Department of Defense to submit its installation energy management report within 120 days after the end of each fiscal year.

Section 2828—Continuous Commissioning of Department of Defense Facilities to Resolve Operating Problems, Improve Comfort, Optimize Energy Use, and Identify Retrofits.

This section would require the Secretary of Defense to include continuous commissioning in its requirements to execute section 8253 of title 42, United States Code. The committee encourages the Secretary of Defense to modify the plan prepared pursuant to section 8253(e)(3) of title 42, United States Code, to reflect the requirement to include continuous commissioning under subsection (a). The committee expects the Department of Defense to protect its facility energy investments by conducting continuous commissioning to ensure its facilities operate at optimum energy efficiency.

Section 2829—Requirement for Department of Defense to Capture and Track Data Generated in Metering Department Facilities

This section would require the Secretary of Defense to capture and track the data that is being metered in accordance with section 8253 of title 42, United States Code. The committee encourages the Secretary of Defense to modify his plan prepared pursuant to section 8253(e)(3) of title 42, United States Code for the Department of Defense to reflect the requirement to capture and benchmark data that has been metered. The committee is concerned that the Department of Defense has made significant investments to meter its facilities but is not pursuing technologies to capture the data from the meters across its facilities.

Section 2830—Metering of Navy Piers to Accurately Measure Energy Consumption

This section would require the Secretary of the Navy to modify the Navy's plan for implementing section 8253(e)(3) of title 42, United States Code to include a metering requirement for Navy piers, in addition to its buildings to ensure energy consumption can be tracked, captured, and reduced while naval vessels are in port. The committee encourages the Secretary of the Navy to modify his plan prepared pursuant to section 8253(e)(3) of title 42, United States Code, as necessary to reflect the inclusion of Navy piers under subsection (a).

Section 2831—Report on Energy Efficiency Standards and Prohibition on Use of Funds for Leadership in Energy and Environmental Design Gold (LEED) or Platinum Certification

This section would require the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services regarding a cost benefit analysis of Department of Defense investments in American Society of Heating, Refrigerating and Air-Conditioning Engineers standards and Leadership in Energy and Environmental Design (LEED) certifications. This section would also prohibit the use of funds for LEED gold or platinum certifications in fiscal year 2012. The committee is concerned that the Department of Defense is investing significant amounts of funds for more

aggressive certifications without demonstrating the appropriate return on investment.

SUBTITLE D—PROVISIONS RELATED TO GUAM REALIGNMENT

Section 2841—Use of Operation and Maintenance Funding to Support Community Adjustments Related to Realignment of Military Installations and Relocation of Military Personnel on Guam

This section would authorize the Secretary of Defense to assist the Government of Guam in meeting the costs of providing increased municipal services and facilities associated with the realignment of military forces to Guam. This authorization would be provided if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Secretary's assistance. This authority would expire on September 30, 2018.

Section 2842—Medical Care Coverage for H-2B Temporary Workforce on Military Construction Projects on Guam

This section would prohibit the Secretary of the Navy from awarding any additional construction projects associated with the realignment of military forces to Guam until the Secretary establishes a lead system integrator for health care for the H-2B workers.

Section 2843—Certification of Military Readiness Need for Firing Range on Guam as Condition on Establishment of Range

This section would prohibit the establishment of a firing range on Guam until the Secretary of Defense certifies that the firing range is required to meet a national security need.

SUBTITLE E—LAND CONVEYANCES

Section 2851—Land Exchange, Fort Bliss, Texas

This section would authorize the Secretary of the Army to exchange approximately 694 acres of real property at Fort Bliss, Texas, for approximately 2,880 acres of real property from the Texas General Land Office.

SUBTITLE F—OTHER MATTERS

Section 2861—Change in Name of the Industrial College of the Armed Forces to the Dwight D. Eisenhower School for National Security and Resource Strategy

This section would change the name of the “Industrial College of the Armed Forces” to the “Dwight D. Eisenhower School for National Security and Resource Strategy”.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS

Section 3401—Authorization of Appropriations

This section would authorize \$14.9 million for fiscal year 2012 for operation and maintenance of the Naval Petroleum and Oil Reserves.

BILL LANGUAGE

**Titles 3, 10, 11, 14, 20, 21, 22, 23, 24, 25,
26, 27, 28, 34**

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**

 Subtitle A—Authorization of Appropriations

Sec. 301.[Log #441] Operation and maintenance funding.

 Subtitle B—Energy and Environmental Provisions

Sec. 311. [Log #424] Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.

Sec. 312. [Log #425] Military installation implementation of land management plans and sustainability studies.

Sec. 313 [Log #45] Improved Sikes Act coverage of State-owned facilities used for the national defense.

Sec. 314 [Log #41]. Discharge of wastes at sea generated by ships of the Armed Forces.

Sec. 315. [Log #43]. Designation of Department of Defense executive agent for alternative fuel development.

Sec. 316. [Log #42]. Favorable consideration of energy-efficient technologies in contracts for logistics support of contingency operations.

 Subtitle C—Logistics and Sustainment

Sec. 321.[Log #48]. Definition of depot-level maintenance and repair.

Sec. 322. [Log #53] Core logistics capabilities.

Sec. 323. [Log # 431] Designation of military industrial facilities as Centers of Industrial and Technical Excellence.

Sec. 324.[Log #47]. Redesignation of core competencies as core logistics capabilities for Centers of Industrial and Technical Excellence.

Sec. 325. [Log #183] Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.

Sec. 326. Amendment to requirement relating to consideration of competition throughout operation and sustainment of major weapon systems.

Sec. 327.[Log #38]. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.

 Subtitle D—Readiness

Sec. 331.[Log #185]. Modification of Department of Defense authority to accept voluntary contributions of funds.

Sec. 332 [Log #445]. Review of proposed structures affecting navigable airspace.

 Subtitle E—Reports

Sec. 341.[Log #56] Annual certification and modifications of annual report on prepositioned materiel and equipment.

- Sec. 342.[Log #430] Modification of report on maintenance and repair of vessels in foreign shipyards.
- Sec. 343.[Log #436] Additional requirements for annual report on military working dogs.
- Sec. 344. [Log # 470] Assessment and reporting requirements regarding the status of compliance with joint military training and force allocations.

Subtitle F—Limitations and Extensions of Authority

- Sec. 351.[Log # 436] Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog’s handler.
- Sec. 352. [Log #438] Prohibition on expansion of the Air Force food transformation initiative.
- Sec. 353. [Log #238] Limitation on obligation and expenditure of funds for the migration of Army enterprise email services.

Subtitle G—Other Matters

- Sec. 361. [Log # 474] Consideration of foreclosure circumstances in adjudication of security clearances.
- Sec. 362.[Log #186] Authority to provide information for maritime safety of forces and hydrographic support.
- Sec. 363. [Log # 184] Deposit of reimbursed funds under reciprocal fire protection agreements.
- Sec. 364. [Log #180] Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction.
- Sec. 365. [Log #181] Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for studies, analysis, and evaluations.
- Sec. 366. [Log # 439] Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
- Sec. 367. Ratemaking procedures for Civil Reserve Air Fleet contracts.
- Sec. 368. Sense of Congress on proposed Federal Aviation Administration changes to flight crew member duty and rest requirements.

**Subtitle A—Authorization of
Appropriations**

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**SEC. 301.[Log #441] OPERATION AND MAINTENANCE FUND-
ING.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and

- 1 maintenance, as specified in the funding table in section
- 2 4301.

1 **Subtitle B—Energy and**
2 **Environmental Provisions**

3 **SEC. 311. [Log #424] DESIGNATION OF SENIOR OFFICIAL OF**
4 **JOINT CHIEFS OF STAFF FOR OPERATIONAL**
5 **ENERGY PLANS AND PROGRAMS AND OPER-**
6 **ATIONAL ENERGY BUDGET CERTIFICATION.**

7 Section 138c of title 10, United States Code, is
8 amended—

9 (1) in subsection (d)—

10 (A) by redesignating paragraphs (3) and
11 (4) as paragraphs (4) and (5), respectively; and

12 (B) by inserting after paragraph (2) the
13 following new paragraph (3):

14 “(3) The Chairman of the Joint Chiefs of Staff shall
15 designate a senior official under the jurisdiction of the
16 Chairman who shall be responsible for operational energy
17 plans and programs for the Joint Chiefs of Staff and the
18 Joint Staff. The official so designated shall be responsible
19 for coordinating with the Assistant Secretary and imple-
20 menting initiatives pursuant to the strategy with regard
21 to the Joint Chiefs of Staff and the Joint Staff.”; and

22 (2) in subsection (e)(4), by striking “10 days”
23 and inserting “30 days”.

1 SEC. 312. [Log #425] MILITARY INSTALLATION IMPLEMENTA-
2 TION OF LAND MANAGEMENT PLANS AND
3 SUSTAINABILITY STUDIES.

4 Section 2694(b)(2) of title 10, United States Code,
5 is amended—

6 (1) in subparagraph (A), by inserting “and,
7 subject to the availability of appropriations, imple-
8 mentation by the military installation” after “devel-
9 opment”; and

10 (2) in subparagraph (B); by inserting “and sus-
11 tainability” after “safety”.

1 SEC. 313 [Log #45] IMPROVED SIKES ACT COVERAGE OF
2 STATE-OWNED FACILITIES USED FOR THE
3 NATIONAL DEFENSE.

4 (a) IMPROVEMENTS TO ACT.—The Sikes Act (16
5 U.S.C. 670 et seq.) is amended as follows:

6 (1) DEFINITIONS.—Section 100 (16 U.S.C.
7 670) is amended—

8 (A) by redesignating paragraphs (2) and
9 (3) as paragraphs (4) and (5), respectively; and

10 (B) by inserting after paragraph (1) the
11 following new paragraphs:

12 “(2) STATE.—The term ‘State’ means any of
13 the several States, the District of Columbia, the
14 Commonwealth of Puerto Rico, Guam, and the Vir-
15 gin Islands.

16 “(3) STATE-OWNED NATIONAL GUARD INSTAL-
17 LATION.—The term ‘State-owned National Guard
18 installation’ means land owned and operated by a
19 State when such land is used for training the Na-
20 tional Guard pursuant to chapter 5 of title 32,
21 United State Code, with funds provided by the Sec-
22 retary of Defense or the Secretary of a military de-
23 partment, even though such land is not under the
24 jurisdiction of the Department of Defense.”.

1 (2) FUNDING OF INTEGRATED NATURAL RE-
2 SOURCES MANAGEMENT PLANS.—Section 101 (16
3 U.S.C. 670a) is amended—

4 (A) in subsection (a)(1)(B)—

5 (i) by inserting “(i)” before “To facili-
6 tate”; and

7 (ii) by adding at the end the following
8 new clause:

9 “(ii) The Secretary of a military de-
10 partment may, subject to the availability of
11 appropriations, develop and implement an
12 integrated natural resources management
13 plan for a State-owned National Guard in-
14 stallation. Such a plan shall be developed
15 and implemented in coordination with the
16 chief executive officer of the State in which
17 the State-owned National Guard installa-
18 tion is located. Such a plan is deemed, for
19 purposes of any other provision of law, to
20 be for lands or other geographical areas
21 owned or controlled by the Department of
22 Defense, or designated for its use.”;

23 (B) in subsection (a)(2), by inserting “or
24 State-owned National Guard installation” after
25 “military installation” both places it appears;

- 1 (C) in subsection (a)(3)—
- 2 (i) by redesignating subparagraphs
- 3 (A), (B), and (C) as clauses (i), (ii), and
- 4 (iii), respectively;
- 5 (ii) by inserting “(A)” before “Con-
- 6 sistent”;
- 7 (iii) in subparagraph (A), as des-
- 8 igned by clause (ii) of this subparagraph,
- 9 by inserting “and State-owned National
- 10 Guard installations” after “military instal-
- 11 lations” the first place it appears;
- 12 (iv) in clause (i) of subparagraph (A),
- 13 as redesignated by clause (i) of this sub-
- 14 paragraph, by striking “military installa-
- 15 tions” and inserting “ such installations” ;
- 16 (v) in clause (ii) of subparagraph (A),
- 17 as redesignated by clause (i) of this sub-
- 18 paragraph, by inserting “on such installa-
- 19 tions” after “resources”; and
- 20 (vi) by adding at the end the following
- 21 subparagraph:
- 22 “(B) In the case of a State-owned National
- 23 Guard installation, such program shall be car-
- 24 ried out in coordination with the chief executive

1 officer of the State in which the installation is
2 located.”;

3 (D) in subsection (b), by inserting “and
4 State-owned National Guard installations” after
5 “military installations” the first place it ap-
6 pears;

7 (E) in subparagraphs (G) and (I) of sub-
8 section (b)(1), by striking “military installa-
9 tion” each place it appears and inserting “in-
10 stallation”; and

11 (F) in subsection (b)(3), by inserting “, in
12 the case of a military installation,” after “(3)
13 may”.

14 (3) COOPERATIVE AGREEMENTS.—Section
15 103a(a) (16 U.S.C. 670c-1(a)) is amended—

16 (A) in paragraph (1), by striking “Depart-
17 ment of Defense installations” and inserting
18 “military installations and State-owned Na-
19 tional Guard installations”; and

20 (B) in paragraph (2), by striking “Depart-
21 ment of Defense installation” and inserting
22 “military installation or State-owned National
23 Guard installation”.

24 (b) SECTION AND SUBSECTION HEADINGS.—Such
25 Act is further amended as follows:

1 (1) Section 101 (16 U.S.C. 670a) is amended—

2 (A) by inserting at the beginning the fol-
3 lowing:

4 **“SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND**
5 **REHABILITATION.”;**

6 (B) by striking “SEC. 101.”;

7 (C) in subsection (c), by inserting “PROHI-
8 BITIONS ON SALE AND LEASE OF LANDS UN-
9 LESS EFFECTS COMPATIBLE WITH PLAN.—”
10 after (c);

11 (D) in subsection (d), by inserting “IMPLE-
12 MENTATION AND ENFORCEMENT OF INTE-
13 GRATED NATURAL RESOURCES MANAGEMENT
14 PLANS.—” after (d);

15 (E) in subsection (e)—

16 (i) by inserting “APPLICABILITY OF
17 OTHER LAWS” after “(e)”; and

18 (ii) by inserting a comma after
19 “Code”.

20 (2) Section 102 (16 U.S.C. 670b) is amended—

21 (A) by inserting at the beginning the fol-
22 lowing:

1 **“SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.”;**

2 (B) by striking “SEC. 102.” and inserting

3 “(a) INTEGRATED NATURAL RESOURCES MAN-
4 AGEMENT PLAN.—”; and

5 (C) by striking “agency:” and all that fol-
6 lows through “possession” and inserting
7 “agency.

8 “(b) APPLICABILITY OF OTHER LAWS.—Possession”.

9 (3) Section 103a (16 U.S.C. 670c-1) is further
10 amended—

11 (A) by inserting at the beginning the fol-
12 lowing:

13 **“SEC. 103A. COOPERATIVE AND INTERAGENCY AGREE-
14 MENTS FOR LAND MANAGEMENT ON INSTAL-
15 LATIONS.”;**

16 (B) by striking “SEC. 103A.”;

17 (C) in subsection (a), by inserting “AU-
18 THORITY OF SECRETARY OF MILITARY DE-
19 PARTMENT.—” after “(a)”; and

20 (D) in subsection (c), by inserting “AVAIL-
21 ABILITY OF FUNDS; AGREEMENTS UNDER
22 OTHER LAWS.—” after “(c)”.

23 (4) Section 104 (16 U.S.C. 670d) is amended—

24 (A) by inserting at the beginning the fol-
25 lowing:

1 **“SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMP-**
 2 **TROLLER GENERAL.”; and**

3 (B) by striking “SEC. 104.”.

4 (5) Section 105 (16 U.S.C. 670e) is amended—

5 (A) by inserting at the beginning the fol-
 6 lowing:

7 **“SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL**
 8 **FOREST LANDS.”; and**

9 (B) by striking “SEC. 105.”.

10 (6) Section 108 (16 U.S.C. 670f) is amended—

11 (A) by inserting at the beginning the fol-
 12 lowing:

13 **“SEC. 108. APPROPRIATIONS AND EXPENDITURES.”;**

14 (B) by striking “SEC. 108.”;

15 (C) in subsection (a), by inserting “EX-
 16 PENDITURES OF COLLECTED FUNDS UNDER
 17 INTEGRATED NATURAL RESOURCES MANAGE-
 18 MENT PLANS.—” after “(a)”;

19 (D) in subsection (b), by inserting “AU-
 20 THORIZATION OF APPROPRIATIONS TO SEC-
 21 RETARY OF DEFENSE.—” after “(b)”;

22 (E) in subsection (c), by inserting “AU-
 23 THORIZATION OF APPROPRIATIONS TO SEC-
 24 RETARY OF THE INTERIOR.—” after “(c)”;

1 (F) in subsection (D), by inserting “USE
2 OF OTHER CONSERVATION OR REHABILITA-
3 TION AUTHORITIES.—” after “(d)”.

4 (7) Section 201 (16 U.S.C. 670g) is amended—

5 (A) by inserting at the beginning the fol-
6 lowing:

7 **“SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND**
8 **REHABILITATION PROGRAMS.”;**

9 (B) by striking “SEC. 201.”;

10 (C) in subsection (a), by inserting “PRO-
11 GRAMS REQUIRED.—” after “(a)”; and

12 (D) in subsection (b), by inserting “IMPLE-
13 MENTATION OF PROGRAMS.—” after “(b)”.

14 (8) Section 202 (16 U.S.C. 670h) is amended—

15 (A) by inserting at the beginning the fol-
16 lowing:

17 **“SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION**
18 **AND REHABILITATION PROGRAMS.”;**

19 (B) by striking “SEC. 202.”;

20 (C) in subsection (a), by inserting “DE-
21 VELOPMENT OF PLANS.—” after “(a)”; and

22 (D) in subsection (b), by inserting “CON-
23 SISTENCY WITH OVERALL LAND USE AND
24 MANAGEMENT PLANS; HUNTING, TRAPPING,
25 AND FISHING.—” after “(b)”;

1 (E) in subsection (c), by inserting “COOP-
2 ERATIVE AGREEMENTS BY STATE AGENCIES
3 FOR IMPLEMENTATION OF PROGRAMS.—” after
4 “(c)”; and

5 (F) in subsection (d), by inserting “STATE
6 AGENCY AGREEMENTS NOT COOPERATIVE
7 AGREEMENTS UNDER OTHER PROVISIONS.—”
8 after “(d)”.

9 (9) Section 203 (16 U.S.C. 670i) is amended—

10 (A) by inserting at the beginning the fol-
11 lowing:

12 **“SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR**
13 **HUNTING, TRAPPING, AND FISHING ON PUB-**
14 **LIC LANDS SUBJECT TO PROGRAMS.”;**

15 (B) by striking “SEC. 203.”;

16 (C) in subsection (a), by inserting
17 “AGREEMENTS TO REQUIRE STAMPS.—” after
18 “(a)”; and

19 (D) in subsection (b)—

20 (i) by inserting “CONDITIONS FOR
21 AGREEMENTS.—” after “(b)”; and

22 (ii) by moving paragraph (3) 2 ems to
23 the right, so that the left-hand margin
24 aligns with that of paragraph (2).

1 (10) Section 204 (16 U.S.C. 670j) is amend-
2 ed—

3 (A) by inserting at the beginning the fol-
4 lowing:

5 **“SEC. 204. ENFORCEMENT PROVISIONS.”;**

6 (B) by striking “SEC. 204.”;

7 (C) in subsection (a), by inserting “VIOLA-
8 TIONS AND PENALTIES.—” after “(a)”;

9 (D) in subsection (b), by inserting “EN-
10 FORCEMENT POWERS AND PROCEEDINGS.—”
11 after “(b)”;

12 (E) in subsection (c), by inserting “SEI-
13 ZURE AND FORFEITURE.—” after “(c)”;

14 (F) in subsection (d), by inserting “APPLI-
15 CABILITY OF CUSTOMS LAWS.—” after “(d)”.

16 (11) Section 205 (16 U.S.C. 670k) is amend-
17 ed—

18 (A) by inserting at the beginning the fol-
19 lowing:

20 **“SEC. 205. DEFINITIONS.”; and**

21 (B) by striking “SEC. 205.”.

22 (12) Section 206 (16 U.S.C. 670l) is amend-
23 ed—

24 (A) by inserting at the beginning the fol-
25 lowing:

1 "SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO
2 FOREST SERVICE AND BUREAU OF LAND
3 MANAGEMENT LANDS; AUTHORIZED FEES.”;

4 and

5 (B) by striking “SEC. 206.”.

6 (13) Section 207 (16 U.S.C. 670m) is amend-
7 ed—

8 (A) by inserting at the beginning the fol-
9 lowing:

10 “SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDIC-
11 TION REGULATING INDIAN RIGHTS.”; and

12 (B) by striking “SEC. 207.”.

13 (14) Section 209 (16 U.S.C. 670o) is amend-
14 ed—

15 (A) by inserting at the beginning the fol-
16 lowing:

17 “SEC. 209. AUTHORIZATION OF APPROPRIATIONS.”;

18 (B) by striking “SEC. 209.”;

19 (C) in subsection (a), by inserting “FUNC-
20 TIONS AND RESPONSIBILITIES OF SECRETARY
21 OF THE INTERIOR.—” after “(a)”;

22 (D) in subsection (b), by inserting “FUNC-
23 TIONS AND RESPONSIBILITIES OF SECRETARY
24 OF AGRICULTURE.—” after “(b)”;

1 (E) in subsection (c), by inserting “USE
2 OF OTHER CONSERVATION OR REHABILITA-
3 TION AUTHORITIES” after “(c)”; and

4 (F) in subsection (d), by inserting “CON-
5 TRACT AUTHORITY” after “(d)”.

6 (c) CODIFICATION OF CHANGE OF NAME.—Section
7 204(b) of such Act (16 U.S.C. 670j) is amended by strik-
8 ing “magistrate” both places it appears and inserting
9 “magistrate judge”.

10 (d) REPEAL OF OBSOLETE SECTION.—Section 208
11 of such Act is repealed, and section 209 of such Act (16
12 U.S.C. 670o) is redesignated as section 208.

1 SEC. 314 [Log #41]. DISCHARGE OF WASTES AT SEA GEN-
2 ERATED BY SHIPS OF THE ARMED FORCES.

3 (a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE
4 ARMED FORCES.—Subsection (b) of section 3 of the Act
5 to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is
6 amended to read as follows:

7 “(b)(1) Except as provided in paragraph (3), this Act
8 shall not apply to—

9 “(A) a ship of the Armed Forces described in
10 paragraph (2); or

11 “(B) any other ship specifically excluded by the
12 MARPOL Protocol or the Antarctic Protocol.

13 “(2) A ship described in this paragraph is a ship that
14 is owned or operated by the Secretary, with respect to the
15 Coast Guard, or by the Secretary of a military depart-
16 ment, and that, as determined by the Secretary con-
17 cerned—

18 “(A) has unique military design, construction,
19 manning, or operating requirements; and

20 “(B) cannot fully comply with the discharge re-
21 quirements of Annex V to the Convention because
22 compliance is not technologically feasible or would
23 impair the operations or operational capability of the
24 ship.

25 “(3)(A) Notwithstanding any provision of the
26 MARPOL Protocol, the requirements of Annex V to the

1 Convention shall apply to all ships referred to in sub-
2 section (a) other than those described in paragraph (2).

3 “(B) A ship that is described in paragraph (2) shall
4 limit the discharge into the sea of garbage as follows:

5 “(i) The discharge into the sea of plastics, in-
6 cluding synthetic ropes, synthetic fishing nets, plas-
7 tic garbage bags, and incinerator ashes from plastic
8 products that may contain toxic chemicals or heavy
9 metals, or the residues thereof, is prohibited.

10 “(ii) Garbage consisting of the following mate-
11 rial may be discharged into the sea, subject to sub-
12 paragraph (C):

13 “(I) A non-floating slurry of seawater,
14 paper, cardboard, or food waste that is capable
15 of passing through a screen with openings no
16 larger than 12 millimeters in diameter.

17 “(II) Metal and glass that have been
18 shredded and bagged (in compliance with clause
19 (i)) so as to ensure negative buoyancy.

20 “(III) With regard to a submersible, non-
21 plastic garbage that has been compacted and
22 weighted to ensure negative buoyancy.

23 “(IV) Ash from incinerators or other ther-
24 mal destruction systems not containing toxic

1 chemicals, heavy metals, or incompletely burned
2 plastics.

3 “(C)(i) Garbage described in subparagraph (B)(ii)(I)
4 may not be discharged within 3 nautical miles of land.

5 “(ii) Garbage described in subclauses (II), (III), and
6 (IV) of subparagraph (B)(ii) may not be discharged within
7 12 nautical miles of land.

8 “(D) Notwithstanding subparagraph (C), a ship de-
9 scribed in paragraph (2) that is not equipped with gar-
10 bage-processing equipment sufficient to meet the require-
11 ments of subparagraph (B)(ii) may discharge garbage that
12 has not been processed in accordance with subparagraph
13 (B)(ii) if such discharge occurs as far as practicable from
14 the nearest land, but in any case not less than—

15 “(i) 12 nautical miles from the nearest land, in
16 the case of food wastes and non-floating garbage, in-
17 cluding paper products, cloth, glass, metal, bottles,
18 crockery, and similar refuse; and

19 “(ii) 25 nautical miles from the nearest land, in
20 the case of all other garbage.

21 “(E) This paragraph shall not apply when discharge
22 of any garbage is necessary for the purpose of securing
23 the safety of the ship, the health of the ship’s personnel,
24 or saving life at sea.

1 “(F) This paragraph shall not apply during time of
2 war or a national emergency declared by the President or
3 Congress.”.

4 (b) CONFORMING AMENDMENTS.—Section 3(f) of the
5 Act to Prevent Pollution from Ships (33 U.S.C. 1902(f))
6 is amended—

7 (1) in paragraph (1), by striking “Annex V to
8 the Convention on or before the dates referred to in
9 subsections (b)(2)(A) and (c)(1)” and inserting
10 “subsection (b)”; and

11 (2) in paragraph (2), by inserting “and sub-
12 section (b)(3)(B)(i) of this section” after “Annex V
13 to the Convention”.

1 **SEC. 315. [Log #43]. DESIGNATION OF DEPARTMENT OF DE-**
2 **FENSE EXECUTIVE AGENT FOR ALTERNATIVE**
3 **FUEL DEVELOPMENT.**

4 (a) DESIGNATION OF EXECUTIVE AGENT.—The As-
5 sistant Secretary of Defense for Operational Energy,
6 Plans, and Programs shall recommend, and the Secretary
7 of Defense shall designate, the Secretary of one of the
8 military departments to serve as the Executive Agent for
9 Alternative Fuel Development for the Department of De-
10 fense. The Executive Agent shall—

11 (1) lead the military departments in the devel-
12 opment of alternative fuel;

13 (2) streamline the current investments of each
14 of the military departments, and ensure that such
15 investments account for the requirements of the
16 military departments;

17 (3) work jointly with the Assistant Secretary of
18 Defense for Research and Engineering;

19 (4) collaborate with and leverage investments
20 made by the Department of Energy to advance al-
21 ternative fuel development to the benefit of the De-
22 partment of Defense; and

23 (5) coordinate proposed alternative fuel invest-
24 ments in accordance with section 138c(e) of title 10,
25 United States Code.

1 (b) IMPLEMENTATION.—The Assistant Secretary of
2 Defense for Operational Energy, Plans, and Programs
3 shall proscribe policy for the Executive Agent, establish
4 guidelines for streamlining alternative fuel investments
5 across the Department of Defense, and certify the budget
6 associated with such investments.

7 (c) NOTIFICATION.—Not later than 180 days after
8 the date of the enactment of this Act, the Secretary of
9 Defense shall submit to the congressional defense commit-
10 tees notification of the Secretary designated as the Execu-
11 tive Agent for Alternative Fuel Development for the De-
12 partment of Defense under subsection (a) and a copy of
13 the policy prescribed under subsection (b).

1 SEC. 316. [Log #42]. FAVORABLE CONSIDERATION OF EN-
2 ERGY-EFFICIENT TECHNOLOGIES IN CON-
3 TRACTS FOR LOGISTICS SUPPORT OF CON-
4 TINGENCY OPERATIONS.

5 (a) FAVORABLE CONSIDERATION.—In evaluating of-
6 fers for defense logistics support contracts for contingency
7 operations, the Secretary of Defense shall give favorable
8 consideration, consistent with the energy performance
9 goals and energy performance master plan for the Depart-
10 ment of Defense developed under section 2911 of title 10,
11 United States Code, to offers that include energy-efficient
12 or energy reduction technologies or processes meeting the
13 requirements of subsection (b).

14 (b) REQUIREMENTS FOR ENERGY TECHNOLOGIES
15 AND PROCESSES.—Favorable consideration shall be given
16 to an offer for a defense logistics support contract under
17 subsection (a) if any energy technology or process included
18 in the offer meets the following criteria:

19 (1) The technology or process achieves long-
20 term savings for the Government by reducing overall
21 demand for fuel and other sources of energy in con-
22 tingency operations.

23 (2) The technology or process does not disrupt
24 the mission, the logistics, or the core requirements
25 in the contingency operation concerned.

1 (3) The technology or process is able to inte-
2 grate seamlessly into the existing infrastructure in
3 the contingency operation concerned.

4 (c) ADDITIONAL REQUIREMENTS.—

5 (1) LIFECYCLE COST SAVINGS REQUIRED TO BE
6 DEMONSTRATED.—Favorable consideration may not
7 be given under subsection (a) to an offer for a de-
8 fense logistics support contract unless the offer con-
9 tains information demonstrating the total lifecycle
10 cost savings achieved using the energy technology or
11 process in the offer over traditional technologies.

12 (2) RELATIONSHIP TO OTHER FACTORS.—The
13 favorable consideration given under subsection (a)
14 with respect to a defense logistics support contract
15 does not outweigh other factors set forth by the se-
16 lection authority for the evaluation of the contract.

17 (d) REGULATIONS AND GUIDANCE.—

18 (1) REGULATIONS.—The Defense Supplement
19 to the Federal Acquisition Regulation shall be re-
20 vised to implement this section.

21 (2) GUIDANCE.—Not later than 180 days after
22 the date of the enactment of this Act, the Secretary
23 of Defense shall issue comprehensive guidance on
24 the implementation of this section.

1 (e) REPORT.—The annual report required by section
2 2925(b) of title 10, United States Code, shall include in-
3 formation on the progress in the implementation of this
4 section, including savings achieved by the Department re-
5 sulting from such implementation.

6 (f) DEFINITIONS.—In this section:

7 (1) DEFENSE LOGISTICS SUPPORT CON-
8 TRACT.—The term “defense logistics support con-
9 tract” means a contract for services, or a task order
10 under such a contract, awarded by the Department
11 of Defense to provide logistics support during times
12 of military mobilizations, including contingency oper-
13 ations, in any amount greater than the simplified ac-
14 quisition threshold.

15 (2) CONTINGENCY OPERATION.—The term
16 “contingency operation” has the meaning provided
17 in section 101(a)(13) of title 10, United States
18 Code.

1 **Subtitle C—Logistics and**
2 **Sustainment**

3 **SEC. 321.[Log #48]. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.**
4

5 Section 2460 of title 10, United States Code, is
6 amended to read as follows:

7 **“§ 2460. Definition of depot-level maintenance and re-**
8 **pair**

9 “(a) **IN GENERAL.**—In this chapter, the term “depot-
10 level maintenance and repair” means (except as provided
11 in subsection (b)) the processes of material maintenance
12 or repair involving the overhaul, upgrading, rebuilding,
13 testing, inspection, and reclamation (as necessary) of
14 weapons systems, equipment end items, parts, compo-
15 nents, assemblies, and subassemblies. The term includes—

16 “(1) all aspects of software maintenance;

17 “(2) the installation of parts or components for
18 modifications; and

19 “(3) associated technical assistance to inter-
20 mediate maintenance organizations, operational
21 units, and other activities.

22 “(b) **EXCEPTION.**—The term does not include the nu-
23 clear refueling of an aircraft carrier.”.

1 **SEC. 322. [Log #53] CORE LOGISTICS CAPABILITIES.**

2 (a) MODIFICATIONS TO CORE LOGISTICS CAPABILI-
3 TIES REQUIREMENTS.—Section 2464 of title 10, United
4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (3), by striking “systems
7 and equipment under special access programs,
8 nuclear aircraft carriers,” and inserting “the
9 nuclear refueling of an aircraft carrier”; and

10 (B) in paragraph (4), by striking “facili-
11 ties” each place it appears and inserting “in-
12 dustrial facilities”;

13 (2) by redesignating subsections (b) and (c) as
14 subsections (c) and (d), respectively;

15 (3) by inserting after subsection (a) the fol-
16 lowing new subsection (b):

17 “(b) ANNUAL REPORT.—Not later than 90 days after
18 the date on which the budget of the President for a fiscal
19 year is submitted to Congress pursuant to section 1105
20 of title 31, the Secretary of Defense shall submit to Con-
21 gress a report identifying, for each of the armed forces
22 (other than the Coast Guard) each of the following:

23 “(1) The core logistics capability requirements
24 identified in subsection (a)(2).

1 “(2) The depot maintenance workloads required
2 to cost-effectively support core logistics capability re-
3 quirements.

4 “(3) The additional depot maintenance work-
5 loads, beyond the workloads identified under para-
6 graph (2), needed to ensure that not more 50 per-
7 cent of the non-exempt depot maintenance funding
8 is expended for performance by non-federal govern-
9 mental personnel in accordance with section 2466 of
10 this title.

11 “(4) The allocation of workload for each Center
12 of Industrial and Technical Excellence as designated
13 in accordance with section 2474 of this title.

14 “(5) The depot maintenance capital investments
15 required to be made in order to ensure compliance
16 with subsection (a) by not later than four years after
17 achieving initial operational capacity.”; and

18 (4) by adding at the end the following new sub-
19 section:

20 “(e) INDUSTRIAL FACILITY DEFINED.—In this sec-
21 tion, the term ‘industrial facility’ includes government-
22 owned ammunition plants, arsenals, depots, and manufac-
23 turing plants and facilities designated for the purpose of
24 conducting depot-level maintenance and repair.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a)(1) shall apply with respect to contracts en-
3 tered into after the date of the enactment of this Act.

1 **SEC. 323. [Log # 431] DESIGNATION OF MILITARY INDUS-**
2 **TRIAL FACILITIES AS CENTERS OF INDUS-**
3 **TRIAL AND TECHNICAL EXCELLENCE.**

4 Section 2474(a)(1) of title 10, United States Code,
5 is amended by inserting “or military industrial facility”
6 after “depot-level activity”.

1 SEC. 324.[Log #47]. REDESIGNATION OF CORE COM-
2 PETENCIES AS CORE LOGISTICS CAPABILI-
3 TIES FOR CENTERS OF INDUSTRIAL AND
4 TECHNICAL EXCELLENCE.

5 Section 2474 of title 10, United States Code, is
6 amended—

7 (1) by striking “core competencies” each place
8 it appears and inserting “core logistics capabilities”;
9 and

10 (2) in subsection (a)(2), by striking “core com-
11 petency” and inserting “core logistics capability”.

1 SEC. 325. [Log #183] PERMANENT AND EXPANDED AUTHOR-
2 ITY FOR ARMY INDUSTRIAL FACILITIES TO
3 ENTER INTO CERTAIN COOPERATIVE AR-
4 RANGEMENTS WITH NON-ARMY ENTITIES.

5 (a) IN GENERAL.—Section 4544 of title 10, United
6 States Code, is amended—

7 (1) in subsection (a), by striking the second
8 sentence; and

9 (2) by striking subsection (k).

10 (b) REPORT.—Section 328(b)(A) of the National De-
11 fense Authorization Act for Fiscal Year 2008 (Public Law
12 110–181; 122 Stat. 66; 10 U.S.C. 4544 note) is amended
13 by striking “the advisability” and all the follows through
14 the end and inserting “the effect of the use of such author-
15 ity on the rates charged by each Army industrial facility
16 when bidding on contracts for the Army or for a Defense
17 agency and providing recommendations to improve the
18 ability of each category of Army industrial facility (as de-
19 fined in section 4544(j) of title 10, United States Code)
20 to compete for such contracts;”.

1 SEC. 326. AMENDMENT TO REQUIREMENT RELATING TO
2 CONSIDERATION OF COMPETITION
3 THROUGHOUT OPERATION AND
4 SUSTAINMENT OF MAJOR WEAPON SYSTEMS.

5 Section 202(d) of the Weapon Systems Acquisition
6 Reform Act of 2009 (10 U.S.C. 2430 note) is amended
7 by inserting after "major weapon system" the following:
8 "or a subsystem or component of a major weapon sys-
9 tem".

1 **SEC. 327.[Log #38]. IMPLEMENTATION OF CORRECTIVE AC-**
2 **TIONS RESULTING FROM CORROSION STUDY**
3 **OF THE F-22 AND F-35 AIRCRAFT.**

4 (a) IMPLEMENTATION; CONGRESSIONAL BRIEF-
5 ING.—Not later than January 31, 2012, the Under Sec-
6 retary of Defense for Acquisition, Technology, and Logis-
7 ties shall implement the recommended actions described
8 in subsection (b) and provide to the congressional defense
9 committees a briefing on the actions taken by the Under
10 Secretary to implement such recommended actions.

11 (b) RECOMMENDED ACTIONS.—The recommended
12 actions described in this subsection are the following four
13 recommended actions included in the report of the Govern-
14 ment Accountability Office report numbered GAO-11-
15 117R and titled “Defense Management: DOD Needs to
16 Monitor and Assess Corrective Actions Resulting from Its
17 Corrosion Study of the F-35 Joint Strike Fighter”:

18 (1) The documentation of program-specific rec-
19 ommendations made as a result of the corrosion
20 study described in subsection (d) with regard to the
21 F-35 and F-22 aircraft and the establishment of a
22 process for monitoring and assessing the effective-
23 ness of the corrective actions taken with respect to
24 such aircraft in response to such recommendations.

25 (2) The documentation of program-specific rec-
26 ommendations made as a result of such corrosion

1 study with regard to the other weapon systems iden-
2 tified in the study, specifically the CH-53K heli-
3 copter, the Joint High Speed Vessel, the Broad Area
4 Maritime Surveillance Unmanned Aircraft System,
5 and the Joint Light Tactical Vehicle, and the estab-
6 lishment of a process for monitoring and assessing
7 the effectiveness of the corrosion prevention and con-
8 trol programs implemented for such weapons sys-
9 tems in response to such recommendations.

10 (3) The documentation of Air Force-specific
11 and Navy-specific recommendations made as a result
12 of such corrosion study and the establishment of a
13 process for monitoring and assessing the effective-
14 ness of the corrective actions taken by the Air Force
15 and the Navy in response to such recommendations.

16 (4) The documentation of Department of De-
17 fense-wide recommendations made as a result of
18 such corrosion study, the implementation of any
19 needed changes in policies and practices to improve
20 corrosion prevention and control in new systems ac-
21 quired by the Department, and the establishment of
22 a process for monitoring and assessing the effective-
23 ness of the corrective actions taken by the Depart-
24 ment in response to such recommendations.

1 (c) DEADLINE FOR COMPLIANCE.—Not later than
2 December 31, 2012, the Under Secretary of Defense for
3 Acquisition, Technology, and Logistics, in conjunction
4 with the directors of the F-35 and F-22 program offices,
5 the directors of the program offices for the weapons sys-
6 tems referred to in subsection (b)(2), the Secretary of the
7 Army, the Secretary of the Air Force, and the Secretary
8 of the Navy, shall—

9 (1) take whatever steps necessary to comply
10 with the recommendations documented pursuant to
11 the required implementation under subsection (a) of
12 the recommended actions described in subsection
13 (b); or

14 (2) submit to the congressional defense commit-
15 tees written justification of why compliance was not
16 feasible or achieved.

17 (d) CORROSION STUDY.—The corrosion study de-
18 scribed in this subsection is the study required in House
19 Report 111-166 accompanying H.R. 2647 of the 111th
20 Congress conducted by the Office of the Director of Corro-
21 sion Policy and Oversight of the Office of the Secretary
22 of Defense and titled “Corrosion Evaluation of the F-22
23 Raptor and F-35 Lightning II Joint Strike Fighter”.

1 **Subtitle D—Readiness**
2 **SEC. 331.**[Log #185]. **MODIFICATION OF DEPARTMENT OF**
3 **DEFENSE AUTHORITY TO ACCEPT VOL-**
4 **UNTARY CONTRIBUTIONS OF FUNDS.**

5 The second sentence of subsection (g) of section 358
6 of the Ike Skelton National Defense Authorization Act for
7 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201;
8 49 U.S.C. 44718 note) is amended—

9 (1) by striking “shall be available” and insert-
10 ing “shall remain available until expended”; and

11 (2) by inserting before the period at the end the
12 following: “or to conduct studies of potential meas-
13 ures to mitigate such impacts”.

1 **SEC. 332 [Log #445]. REVIEW OF PROPOSED STRUCTURES**
2 **AFFECTING NAVIGABLE AIRSPACE.**

3 Section 44718 of title 49, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(e) REVIEW OF AERONAUTICAL STUDIES.—The Ad-
7 ministrator of the Federal Aviation Administration shall
8 develop procedures to allow the Department of Defense
9 and the Department of Homeland Security to review and
10 comment on an aeronautical study conducted pursuant to
11 subsection (b) prior to the completion of the study.”

Subtitle E—Reports

1
2 **SEC. 341.**[Log #56] **ANNUAL CERTIFICATION AND MODIFICA-**
3 **TIONS OF ANNUAL REPORT ON**
4 **PREPOSITIONED MATERIEL AND EQUIP-**
5 **MENT.**

6 (a) **ANNUAL CERTIFICATION.**—Section 2229 of title
7 10, United States Code, is amended by adding at the end
8 the following new subsection:

9 “(d) **ANNUAL CERTIFICATION.**—(1) Not later than
10 the date of the submission of the President’s budget re-
11 quest for a fiscal year under section 1105 of title 31, the
12 Secretary of Defense shall submit to the congressional de-
13 fense committees certification in writing that the
14 prepositioned stocks of each of the military departments
15 meet all operations plans, in both fill and readiness, that
16 are in effect as of the date of the submission of the certifi-
17 cation.

18 “(2) If, for any year, the Secretary cannot certify
19 that any of the prepositioned stocks meet such operations
20 plans, the Secretary shall include with the certification for
21 that year a list of the operations plans affected, a descrip-
22 tion of any measures that have been taken to mitigate any
23 risk associated with prepositioned stock shortfalls, and an
24 anticipated timeframe for the replenishment of the stocks.

1 “(3) A certification under this subsection shall be in
2 an unclassified form but may have a classified annex.”.

3 (b) ANNUAL REPORT.—Section 2229a(a) of title 10,
4 United States Code, is amended by adding at the end the
5 following new paragraphs:

6 “(7) A list of any non-standard items slated for
7 inclusion in the prepositioned stocks and a plan for
8 funding the inclusion and sustainment of such items.

9 “(8) A list of any equipment used in support of
10 Operation Iraqi Freedom, Operation New Dawn, or
11 Operation Enduring Freedom slated for retrograde
12 and subsequent inclusion in the prepositioned stocks.

13 “(9) An efficiency strategy for limited shelf-life
14 medical stock replacement.

15 “(10) The status of efforts to develop a joint
16 strategy, integrate service requirements, and elimi-
17 nate redundancies.

18 “(11) The operational planning assumptions
19 used in the formulation of prepositioned stock levels
20 and composition.

21 “(12) A list of any strategic plans affected by
22 changes to the levels, composition, or locations of the
23 prepositioned stocks and a description of any action
24 taken to mitigate any risk that such changes may
25 create.”.

1 SEC. 342.[Log #430] MODIFICATION OF REPORT ON MAINTEN-
2 NANCE AND REPAIR OF VESSELS IN FOREIGN
3 SHIPYARDS.

4 Section 7310(e) of title 10, United States Code, is
5 amended—

6 (1) in paragraph (3)(A), by inserting after
7 “justification under law” the following: “and oper-
8 ational justification”; and

9 (2) in paragraph (4), by adding at the end the
10 following new subparagraph:

11 “(C) A vessel not described in subparagraph
12 (A) or (B) that is operated pursuant to a contract
13 entered into by the Military Sealift Command, the
14 Maritime Administration, or the United States
15 Transportation Command.”.

1 **SEC. 343.[Log #436] ADDITIONAL REQUIREMENTS FOR AN-**
2 **NUAL REPORT ON MILITARY WORKING DOGS.**

3 Section 358(c) of the Duncan Hunter National De-
4 fense Authorization Act for Fiscal Year 2009 (Public Law
5 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amend-
6 ed—

7 (1) in the matter preceding paragraph (1), by
8 striking “for the fiscal year covered by the report”;

9 (2) in paragraph (1), by striking “The number”
10 and inserting “For the fiscal year covered by the re-
11 port, the number”;

12 (3) in paragraph (2), by striking “The cost”
13 and inserting “For such fiscal year”;

14 (4) in paragraph (3), by inserting “during such
15 fiscal year” before the period at the end; and

16 (5) by adding at the end the following new
17 paragraphs:

18 “(4) For such fiscal year, he number of military
19 working dogs providing services under a contract for
20 each military department or Defense Agency.

21 “(5) For such fiscal year, the number of mili-
22 tary working dogs bred by each military department
23 or Defense Agency.

24 “(6) An evaluation of military working dog
25 breeding programs that addresses—

1 “(A) the cost of acquiring dogs through
2 such breeding programs compared to the cost of
3 purchasing the dogs;

4 “(B) a plan for how the Department could
5 better leverage existing departmental and non-
6 departmental domestic breeding programs; and

7 “(C) other considerations as determined
8 appropriate by the Secretary.

9 “(7) The future force structure requirements
10 for the military working dog program.”.

1 **SEC. 344. [Log # 470] ASSESSMENT AND REPORTING RE-**
2 **QUIREMENTS REGARDING THE STATUS OF**
3 **COMPLIANCE WITH JOINT MILITARY TRAIN-**
4 **ING AND FORCE ALLOCATIONS.**

5 (a) **ASSESSMENT REQUIRED.**—At the beginning of
6 each even-numbered year thereafter, the Secretary of De-
7 fense shall conduct an assessment of joint military train-
8 ing and force allocations to determine—

9 (1) the compliance of the military departments
10 and the Armed Forces with the joint training, doc-
11 trine, and resource allocation recommendations pro-
12 mulgated by the Joint Chiefs of Staff; and

13 (2) the effectiveness of the Joint Staff in car-
14 rying out the missions of planning and experimen-
15 tation formerly accomplished by Joint Forces Com-
16 mand.

17 (b) **RELATION TO NATIONAL MILITARY STRATEGY**
18 **ASSESSMENTS.**—The assessments required by this section
19 are in addition to the assessments of the National Military
20 Strategy conducted by the Chairman of the Joint Chiefs
21 of Staff under section 153(b) of title 10, United States
22 Code.

23 (c) **REPORTS ON RESULTS OF ASSESSMENT.**—Not
24 later than March 31, 2012, and March 31 of each even-
25 numbered year thereafter, the Secretary of Defense shall
26 submit to the congressional defense committees a report

- 1 containing the results of the most recently concluded as-
- 2 sessment conducted under subsection (a).

1 **Subtitle F—Limitations and**
2 **Extensions of Authority**

3 **SEC. 351.**[Log #_436] **ADOPTION OF MILITARY WORKING**
4 **DOG BY FAMILY OF DECEASED OR SERI-**
5 **OUSLY WOUNDED MEMBER OF THE ARMED**
6 **FORCES WHO WAS THE DOG'S HANDLER.**

7 Section 2583(c) of title 10, United States Code, is
8 amended—

9 (1) by inserting “(1)” before “Military ani-
10 mals”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) For purposes of making a determination under
14 subsection (a)(2), unusual or extraordinary circumstances
15 may include situations in which the handler of a military
16 working dog is killed in action, dies of wounds received
17 in action, or is so seriously wounded in action that the
18 member will (or most likely will) receive a medical dis-
19 charge. If the Secretary of the military department con-
20 cerned determines that an adoption is justified in such a
21 situation, the military working dog shall be made available
22 for adoption only by the immediate family of the mem-
23 ber.”.

1 **SEC. 352. [Log #438] PROHIBITION ON EXPANSION OF THE**
2 **AIR FORCE FOOD TRANSFORMATION INITIA-**
3 **TIVE.**

4 The Secretary of the Air Force may not expand the
5 Air Force food transformation initiative (hereinafter re-
6 ferred to as the "initiative") to include any base other
7 than the six bases initially included in the pilot program
8 until 270 days after the date on which the Secretary of
9 the Air Force submits to the Committees on Armed Serv-
10 ices of the Senate and House of Representatives a report
11 on the initiative. Such report shall include the following:

12 (1) A description of the effects of the initiative
13 on all employees who are paid through non-
14 appropriated funds.

15 (2) A detailed plan for any new information
16 technology systems, along with a funding plan, that
17 may be required to fully implement the initiative.

18 (3) A description of the performance metrics
19 developed to objectively measure the initiative at the
20 six bases participating in the initiative as of the date
21 of the enactment of this Act.

22 (4) An explanation of how appropriated and
23 non-appropriated funds used in the initiative are
24 being tracked to ensure that such funds remain seg-
25 regated.

1 (5) An estimate of the cost savings and effi-
2 ciencies associated with the initiative, and an expla-
3 nation of how such savings are achieved.

4 (6) The rationale for any increases in food
5 prices at both the appropriated facilities on the mili-
6 tary bases participating in the initiative as of the
7 date of the enactment of this Act and the non-appro-
8 priated funded facilities on such bases.

9 (7) An explanation of any challenges or barriers
10 encountered at such six bases and a plan for ad-
11 dressing those challenges or barriers to implementa-
12 tion.

13 (8) A description of training programs being
14 developed to assist the transition for all employees
15 affected by the initiative.

16 (9) A detailed plan for addressing any rec-
17 ommendations made by the Comptroller General of
18 the United States following the Comptroller Gen-
19 eral's review of the initiative.

1 **SEC. 353. [Log #238] LIMITATION ON OBLIGATION AND EX-**
2 **PENDITURE OF FUNDS FOR THE MIGRATION**
3 **OF ARMY ENTERPRISE EMAIL SERVICES.**

4 Of the funds authorized to be appropriated by this
5 Act or otherwise made available to the Department of De-
6 fense for fiscal year 2012 for procurement or operation
7 and maintenance for the migration to enterprise email
8 services by the Department of the Army, not more than
9 2 percent may be obligated or expended until the date that
10 is 30 days after the date on which the Secretary of Army
11 submits to the congressional defense committees a report
12 that includes a comparison of the relative merits of
13 transitioning to Defense Information Systems Agency en-
14 terprise email services and Army Knowledge Online. The
15 report shall address each of the following:

16 (1) The original business case analysis sup-
17 porting the decision to transition to Defense Infor-
18 mation Systems Agency enterprise email services.

19 (2) An analysis of alternatives to the decision
20 that were considered.

21 (3) The proposed formal acquisition oversight
22 body and process with respect to the transition.

23 (4) An economic analysis (including a life-cycle
24 cost analysis) of the proposed transition, including a
25 cost-benefit analysis and assessment of sustainment
26 costs.

1 **Subtitle G—Other Matters**

2 **SEC. 361. [Log #_474] CONSIDERATION OF FORECLOSURE**
3 **CIRCUMSTANCES IN ADJUDICATION OF SE-**
4 **CURITY CLEARANCES.**

5 (a) IN GENERAL.—Chapter 80 of title 10, United
6 States Code, is amended by inserting after section 1564a
7 the following new section:

8 **“§ 1564b. Security clearance adjudications**

9 “In carrying out a security clearance adjudication of
10 a member of the armed forces, the Secretary of Defense
11 shall give special consideration to any such member with
12 a record of a foreclosure on the credit report of such mem-
13 ber.”.

14 (b) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this section, the Secretary
16 shall issue regulations to carry out section 1564b of title
17 10, United States Code, as added by subsection (a).

18 (c) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 1564a the following new
21 item:

“1564b. Security clearance adjudications.”.

1 SEC. 362.[Log #186] AUTHORITY TO PROVIDE INFORMATION
2 FOR MARITIME SAFETY OF FORCES AND HY-
3 DROGRAPHIC SUPPORT.

4 (a) AUTHORITY.—Part IV of subtitle C of title 10,
5 United States Code, is amended by adding at the end the
6 following new chapter:

7 **“CHAPTER 669—MARITIME SAFETY OF**
8 **FORCES**

“Sec.

“7921. Safety and effectiveness information; hydrographic information.

9 **“§ 7921. Safety and effectiveness information; hydro-**
10 **graphic information**

11 **“(a) SAFETY AND EFFECTIVENESS INFORMATION.—**

12 (1) The Secretary of the Navy shall maximize the safety
13 and effectiveness of all maritime vessels, aircraft, and
14 forces of the armed forces by means of—

15 **“(A) marine data collection;**

16 **“(B) numerical weather and ocean prediction;**

17 **and**

18 **“(C) forecasting of hazardous weather and**
19 **ocean conditions.**

20 **“(2) The Secretary may extend similar support to**
21 **forces of the North Atlantic Treaty Organization, and to**
22 **coalition forces, that are operating with the armed forces.**

23 **“(b) HYDROGRAPHIC INFORMATION.—The Secretary**
24 **of the Navy shall collect, process, and provide to the Direc-**

1 tor of the National Geospatial-Intelligence Agency hydro-
2 graphic information to support preparation of maps,
3 charts, books, and geodetic products by that Agency.”.

4 (b) CLERICAL AMENDMENT.—The table of chapters
5 at the beginning of subtitle C of such title, and the table
6 of chapters at the beginning of part IV of such subtitle,
7 are each amended by inserting after the item relating to
8 chapter 667 the following new item:

“669. Maritime Safety of Forces 7921”.

1 SEC. 363. [Log # 184] DEPOSIT OF REIMBURSED FUNDS
2 UNDER RECIPROCAL FIRE PROTECTION
3 AGREEMENTS.

4 (a) IN GENERAL.—Subsection (b) of section 5 of the
5 Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended
6 to read as follows:

7 “(b) Notwithstanding subsection (a), all sums re-
8 ceived as reimbursements for costs incurred by any De-
9 partment of Defense activity for fire protection rendered
10 pursuant to this Act shall be credited to the same appro-
11 priation or fund from which the expenses were paid or,
12 if the period of availability for obligation for that appro-
13 priation has expired, to the appropriation or fund that is
14 currently available to the activity for the same purpose.
15 Amounts so credited shall be subject to the same provi-
16 sions and restrictions as the appropriation or account to
17 which credited.”.

18 (b) APPLICABILITY.—The amendment made by sub-
19 section (a) shall apply with respect to reimbursements for
20 expenditures of funds appropriated after the date of the
21 enactment of this Act.

1 **SEC. 364. [Log #180] REDUCTION IN AMOUNTS OTHERWISE**
2 **AUTHORIZED TO BE APPROPRIATED TO THE**
3 **DEPARTMENT OF DEFENSE FOR PRINTING**
4 **AND REPRODUCTION.**

5 The following amounts otherwise authorized to be ap-
6 propriated for fiscal year 2012 for the Department of De-
7 fense are hereby reduced by 10 percent:

8 (1) The amount for Operation and Maintenance
9 for the Army, for printing and reproduction.

10 (2) The amount for Operation and Maintenance
11 for the Navy, for printing and reproduction.

12 (3) The amount for Operation and Maintenance
13 for the Marine Corps, for printing and reproduction.

14 (4) The amount for Operation and Maintenance
15 for the Air Force, for printing and reproduction.

16 (5) The amount for Operation and Maintenance
17 for Defense-wise activities, for printing and repro-
18 duction.

1 SEC. 365. [Log #181] REDUCTION IN AMOUNTS OTHERWISE
2 AUTHORIZED TO BE APPROPRIATED TO THE
3 DEPARTMENT OF DEFENSE FOR STUDIES,
4 ANALYSIS, AND EVALUATIONS.

5 The following amounts otherwise authorized to be ap-
6 propriated for fiscal year 2012 for the Department of De-
7 fense are hereby reduced by 10 percent:

8 (1) The amount for Operation and Maintenance
9 for the Army, for studies, analysis, and evaluations.

10 (2) The amount for Operation and Maintenance
11 for the Navy, for studies, analysis, and evaluations.

12 (3) The amount for Operation and Maintenance
13 for the Marine Corps, for studies, analysis, and eval-
14 uations.

15 (4) The amount for Operation and Maintenance
16 for the Air Force, for studies, analysis, and evalua-
17 tions.

18 (5) The amount for Operation and Maintenance
19 for Defense-wise activities, for studies, analysis, and
20 evaluations.

1 **SEC. 366. [Log # 439] CLARIFICATION OF THE AIRLIFT SERV-**
2 **ICE DEFINITIONS RELATIVE TO THE CIVIL**
3 **RESERVE AIR FLEET.**

4 (a) CLARIFICATION.—Section 41106 of title 49,
5 United States Code, is amended—

6 (1) in subsections (a)(1), (b), and (c), by strik-
7 ing “transport category aircraft” each place it ap-
8 pears and inserting “CRAF-eligible aircraft”; and

9 (2) in subsection (c), by striking “that has air-
10 craft in the civil reserve air fleet” and inserting “re-
11 ferred to in subsection (a)”.

12 (b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such
13 section is further amended by adding at the end the fol-
14 lowing new subsection:

15 “(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this
16 section, ‘CRAF-eligible aircraft’ means aircraft of a type
17 the Secretary of Defense has determined to be eligible to
18 participate in the civil reserve air fleet.”.

1 **SEC. 367. RATEMAKING PROCEDURES FOR CIVIL RESERVE**
2 **AIR FLEET CONTRACTS.**

3 (a) **IN GENERAL.**—Chapter 931 of title 10, United
4 States Code, is amended by inserting after section 9511
5 the following new section:

6 **“§ 9511a. Civil Reserve Air Fleet contracts: payment**
7 **rate**

8 “(a) **AUTHORITY.**—The Secretary of Defense shall
9 determine a fair and reasonable rate of payment for airlift
10 services provided to the Department of Defense by air car-
11 riers who are participants in the Civil Reserve Air Fleet
12 program.

13 “(b) **REGULATIONS.**—The Secretary of Defense shall
14 prescribe regulations for purposes of subsection (a). The
15 Secretary may exclude from the applicability of those reg-
16 ulations any airlift services contract made through the use
17 of competitive procedures.

18 “(c) **COMMITMENT OF AIRCRAFT AS A BUSINESS**
19 **FACTOR.**—The Secretary may, in determining the quan-
20 tity of business to be received under an airlift services con-
21 tract for which the rate of payment is determined in ac-
22 cordance with subsection (a), use as a factor the relative
23 amount of airlift capability committed by each air carrier
24 to the Civil Reserve Air Fleet.

25 “(d) **INAPPLICABLE PROVISIONS OF LAW.**—An airlift
26 services contract for which the rate of payment is deter-

1 mined in accordance with subsection (a) shall not be sub-
2 ject to the provisions of section 2306a of this title or to
3 the provisions of subsections (a) and (b) of section 1502
4 of title 41.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 9511 the following new
8 item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”.

9 (c) INITIAL REGULATIONS.—Regulations shall be
10 prescribed under section 9511a(b) of title 10, United
11 States Code, as added by subsection (a), not later than
12 180 days after the date of the enactment of this Act.

1 SEC. 368. SENSE OF CONGRESS ON PROPOSED FEDERAL
2 AVIATION ADMINISTRATION CHANGES TO
3 FLIGHT CREW MEMBER DUTY AND REST RE-
4 QUIREMENTS.

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Section 212 of the Airline Safety and Fed-
8 eral Aviation Administration Extension Act of 2010
9 (Public Law 111–216; 49 U.S.C. 44701 note) di-
10 rected the Administrator of the Federal Aviation Ad-
11 ministration to issue regulations, based on the best
12 available scientific information, to specify limitations
13 on the hours of flight and duty time allowed for pi-
14 lots to address problems relating to pilot fatigue.

15 (2) On September 14, 2010, the Federal Avia-
16 tion Administration issued a Notice of Proposed
17 Rulemaking titled “Flightcrew Member Duty and
18 Rest Requirements”.

19 (3) Between March 2010 and March 2011, the
20 Air Mobility Command and its Civil Reserve Air
21 Fleet partners airlifted more than 2 million pas-
22 sengers and 848,000 tons of cargo around the world
23 in support of the missions of the Department of De-
24 fense.

25 (4) An Air Force Institute of Technology study
26 titled “Civil Reserve Airlift Fleet (CRAF) Crew Rest

1 Study” analyzed 2264 missions flown by Civil Reserve
2 Air Fleet carriers under contract with the Department
3 of Defense between May and September 2011,
4 and concluded that over 80 percent of those missions
5 may have been “infeasible” had the proposed rule
6 referred to in paragraph (2) been in effect during
7 such period.

8 (5) On February 15, 2011, General Duncan J.
9 McNabb, Commander of the United States Transportation
10 Command, wrote to the Administrator of
11 the Federal Aviation Administration expressing significant
12 concern about the proposed rule change and
13 stating that the Operational Risk Management approach
14 of the United States Transportation Command mitigated
15 operational hazards and included
16 “reasonable measures to reduce risk to personnel,
17 equipment and the mission”. In the letter, General
18 McNabb noted that he believes there is room for
19 proper exceptions to the proposed rule and went on
20 to write that “through cooperation, we can develop
21 mutually acceptable guidelines that not only mitigate
22 the impact of crew fatigue, but afford all carriers
23 the flexibility to implement safer aircrew processes”.

24 (6) The United States Transportation Command
25 is relying heavily on the Civil Reserve Air

1 Fleet as a critical partner as they effectively and ef-
2 ficiently deploy and sustain the warfighter in simul-
3 taneous operations in Afghanistan, Iraq, and Libya
4 and in relief operations in Japan.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) when faced with immediate and long-term
8 world events, the superb team of the United States
9 Transportation Command successfully overcomes
10 many obstacles to support the national security ob-
11 jectives of the United States with world-class logis-
12 tics and the Civil Reserve Air Fleet program is one
13 of the major reasons they deliver both combat power
14 and humanitarian relief on time, on target, and at
15 best value to the taxpayer;

16 (2) the Administrator of the Federal Aviation
17 Administration should make every effort to ensure
18 that any changes to guidelines, regulations, and
19 rules of the Federal Aviation Administration, includ-
20 ing changes to the Flightcrew Member Duty and
21 Rest Requirements, fully consider the impact of such
22 changes on Civil Reserve Air Fleet carriers, the
23 United States Transportation Command, and the
24 Department of Defense; and

1 (3) the Administrator of the Federal Aviation
2 Administration, in consultation with the Commander
3 of the United States Transportation Command, de-
4 velop guidelines that address not only crew fatigue,
5 but also enhance safety while minimizing the impact
6 on the mission of the United States Transportation
7 Command and the Department of Defense.

1 SEC. 1075 [Log #62]. CHANGE OF DEADLINE FOR ANNUAL
2 REPORT TO CONGRESS ON NATIONAL GUARD
3 AND RESERVE COMPONENT EQUIPMENT.

4 Section 10541(a) of title 10, United States Code, is
5 amended by striking "February 15" and inserting "March
6 15".

1 **SEC. 1084 [Log #58]. PROHIBITION ON THE USE OF FUNDS**
2 **FOR MANUFACTURING BEYOND LOW RATE**
3 **INITIAL PRODUCTION AT CERTAIN PROTO-**
4 **TYPE INTEGRATION FACILITIES.**

5 (a) PROHIBITION.—None of the funds authorized to
6 be appropriated by this Act may be used for manufac-
7 turing beyond low rate initial production at a prototype
8 integration facility of any of the following:

9 (1) The Tank Automotive Research, Develop-
10 ment and Engineering Center.

11 (2) The United States Army Communications-
12 Electronics Command.

13 (3) The United States Army Aviation and Mis-
14 sile Command.

15 (b) LOW-RATE INITIAL PRODUCTION.—For purposes
16 of this section, the term “low-rate initial production” shall
17 be determined in accordance with section 2400 of title 10,
18 United States Code.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

- Sec. 1101 [Log #177]. Amendments to Department of Defense personnel authorities.
- Sec. 1102 [Log #170]. Provisions relating to the Department of Defense Performance Management System.
- Sec. 1103 [Log #473]. Repeal of sunset provision relating to direct hire authority at demonstration laboratories.
- Sec. 1104 [Log #171]. Denial of certain pay adjustments for unacceptable performance.
- Sec. 1105 [Log #172]. Revisions to beneficiary designation provisions for death gratuity payable upon death of a Government employee.
- Sec. 1106 [Log #66]. Extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1107 [Log #70]. Waiver of certain pay limitations.
- Sec. 1108 [Log #69]. Services of post-combat case coordinators.
- Sec. 1109 [Log #65]. Authority to waive recovery of certain payments made under civilian employees voluntary separation incentive program.
- Sec. 1110 [Log #67]. Extension of continued health benefits.
- Sec. 1111 [Log #64]. Authority to waive maximum age limit for certain appointments.
- Sec. 1112 [Log #169]. Sense of Congress relating to pay parity for Federal employees serving at certain remote military installations.
- Sec. 1113 [Log #168]. Reports by Office of Special Counsel.

1 **SEC. 1101 [Log #177]. AMENDMENTS TO DEPARTMENT OF**
2 **DEFENSE PERSONNEL AUTHORITIES.**

3 (a) **CAREER PATHS.**—Section 9902(a)(1) of title 5,
4 United States Code, is amended—

5 (1) by redesignating subparagraph (D) as sub-
6 paragraph (E); and

7 (2) by inserting after subparagraph (C) the fol-
8 lowing:

9 “(D) Development of attractive career paths.”.

10 (b) **APPOINTMENT FLEXIBILITIES.**—Section 9902(b)
11 of title 5, United States Code, is amended by adding at
12 the end the following:

13 “(5) The Secretary shall develop a training program
14 for Department of Defense human resource professionals
15 to implement the requirements in this subsection.

16 “(6) The Secretary shall develop indicators of effec-
17 tiveness to determine whether appointment flexibilities
18 under this subsection have achieved the objectives set
19 forth in paragraph (1).”.

20 (c) **ADDITIONAL REQUIREMENTS.**—Section 9902(c)
21 of title 5, United States Code, is amended—

22 (1) by redesignating paragraphs (6) and (7) as
23 paragraphs (8) and (9), respectively; and

24 (2) by inserting after paragraph (5) the fol-
25 lowing:

1 “(6) provide mentors to advise individuals on
2 their career paths and opportunities to advance and
3 excel within their fields;

4 “(7) develop appropriate procedures for warn-
5 ings during performance evaluations for employees
6 who fail to meet performance standards;”.

7 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) TECHNICAL AMENDMENT.—The heading for
9 chapter 99 of title 5, United States Code, is amend-
10 ed to read as follows:

11 **“CHAPTER 99—DEPARTMENT OF DEFENSE**
12 **PERSONNEL AUTHORITIES”.**

13 (2) CONFORMING AMENDMENT.—The table of
14 chapters for part III of title 5, United States Code,
15 is amended by striking the item relating to chapter
16 99 and inserting the following:

“99. Department of Defense Personnel Authorities 9901”.

1 SEC. 1102 [Log #170]. PROVISIONS RELATING TO THE DE-
2 PARTMENT OF DEFENSE PERFORMANCE
3 MANAGEMENT SYSTEM.

4 (a) IN GENERAL.—Section 9902 of title 5, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(h) REPORTS.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the implementation of any performance management
10 and workforce incentive system under subsection (a)
11 or any procedures relating to personnel appointment
12 flexibilities under subsection (b) (whichever is ear-
13 lier), and whenever any significant action is taken
14 under any of the preceding provisions of this section
15 (but at least biennially) thereafter, the Secretary
16 shall—

17 “(A) conduct appropriately designed and
18 statistically valid internal assessments or em-
19 ployee surveys to assess employee perceptions of
20 any program, system, procedures, or other as-
21 pect of personnel management, as established
22 or modified under authority of this section; and

23 “(B) submit to the appropriate committees
24 of Congress and the Comptroller General, a re-
25 port describing the results of the assessments
26 or surveys conducted under subparagraph (A)

1 (including the methodology used), together with
2 any other information which the Secretary con-
3 siders appropriate.

4 “(2) REVIEW.—After receiving any report
5 under paragraph (1), the Comptroller General—

6 “(A) shall review the assessments or sur-
7 veys described in such report to determine if
8 they were appropriately designed and statis-
9 tically valid;

10 “(B) shall conduct a review of the extent
11 to which the program, system, procedures, or
12 other aspect of program management concerned
13 (as described in paragraph (1)(A)) is fair, cred-
14 ible, transparent, and otherwise in conformance
15 with the requirements of this section; and

16 “(C) within 6 months after receiving such
17 report, shall submit to the appropriate commit-
18 tees of Congress—

19 “(i) an independent evaluation of the
20 results of the assessments or surveys re-
21 viewed under subparagraph (A), and

22 “(ii) the findings of the Comptroller
23 General based on the review under sub-
24 paragraph (B),

1 together with any recommendations the Comp-
2 troller General considers appropriate.

3 “(3) DEFINITION.—For purposes of this sub-
4 section, the term ‘appropriate committees of Con-
5 gress’ means—

6 “(A) the Committees on Armed Services of
7 the Senate and the House of Representatives;

8 “(B) the Committee on Homeland Security
9 and Governmental Affairs of the Senate; and

10 “(C) the Committee on Oversight and Gov-
11 ernment Reform of the House of Representa-
12 tives.”.

13 (b) AMENDMENT RELATING TO CERTAIN RE-
14 PORTS.—Section 1113(e) of the National Defense Author-
15 ization Act for Fiscal Year 2010 (Public Law 111-84; 123
16 Stat. 2502) is amended to read as follows:

17 “(e) REPORTS.—The Secretary of Defense shall sub-
18 mit to the covered committees (as defined by subsection
19 (g)(6))—

20 “(1) no later than 6 months after the date of
21 enactment of this Act, a report on the initial steps
22 being taken to reclassify positions from the NSPS
23 and the initial conversion plan to begin converting
24 employees from the NSPS, which information shall
25 be supplemented by reports describing the progress

1 of the conversion process which shall be submitted to
2 the same committees on a semiannual basis until the
3 conversion is fully completed;

4 “(2) no later than 12 months after the date of
5 enactment of this Act and semiannually thereafter
6 until fully implemented—

7 “(A) a plan for the personnel management
8 system, as authorized by section 9902(a) of title
9 5, United States Code (as amended by this sec-
10 tion); and

11 “(B) progress reports on the design and
12 implementation of the personnel management
13 system (as described in subparagraph (A)); and

14 “(3) no later than 12 months after the date of
15 enactment of this Act and semiannually thereafter
16 until fully implemented—

17 “(A) a plan for the appointment proce-
18 dures, as authorized by section 9902(b) of such
19 title 5 (as so amended); and

20 “(B) progress reports on the design and
21 implementation of the appointment procedures
22 (as described in subparagraph (A)).

23 Implementation of a plan described in paragraph (2)(A)
24 may not commence before the 90th day after the date on

1 which such plan is submitted under this subsection to the
2 covered committees.”.

3 (c) REPEAL OF SUPERSEDED PROVISION.—Section
4 1106(b) of the National Defense Authorization Act for
5 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 357),
6 as amended by section 1113(h) of the National Defense
7 Authorization Act for Fiscal Year 2010 (Public Law 111-
8 84; 123 Stat. 2503), is repealed.

1 **SEC. 1103 [Log #473]. REPEAL OF SUNSET PROVISION RE-**
2 **LATING TO DIRECT HIRE AUTHORITY AT**
3 **DEMONSTRATION LABORATORIES.**

4 Section 1108 of the Duncan Hunter National De-
5 fense Authorization Act for Fiscal Year 2009 (Public Law
6 110-417; 10 U.S.C. 1580 note) is amended by striking
7 subsection (e).

1 **SEC. 1104 [Log #171]. DENIAL OF CERTAIN PAY ADJUST-**
2 **MENTS FOR UNACCEPTABLE PERFORMANCE.**

3 (a) **ANNUAL PAY ADJUSTMENTS.**—Section 5303 of
4 title 5, United States Code, is amended by adding at the
5 end the following:

6 “(h)(1) Notwithstanding any other provision of this
7 section, an adjustment under this section shall not be
8 made in the case of any employee having an unacceptable
9 performance rating.

10 “(2) For purposes of administering any provision of
11 law, rule, or regulation which—

12 “(A) provides premium pay, retirement, life in-
13 surance, or other employee benefit, which requires
14 any deduction or contribution,

15 “(B) imposes any requirement or limitation, or

16 “(C) requires any other computation (such as
17 under section 5304(c)(1)(B)),

18 on the basis of a rate of basic pay, the rate of basic pay
19 payable after the application of paragraph (1) shall be
20 treated as the rate of basic pay for the employee in-
21 volved.”.

22 (b) **REGULATIONS.**—The Director of the Office of
23 Personnel Management may prescribe any regulations
24 necessary to carry out the purposes of this section.

1 SEC. 1105 [Log #172]. REVISIONS TO BENEFICIARY DESIGNA-
2 TION PROVISIONS FOR DEATH GRATUITY
3 PAYABLE UPON DEATH OF A GOVERNMENT
4 EMPLOYEE.

5 (a) AUTHORITY TO DESIGNATE MORE THAN 50 PER-
6 CENT OF DEATH GRATUITY TO UNRELATED PERSONS.—

7 Section 8102a(d)(4) of title 5, United States Code, is
8 amended—

9 (1) in the first sentence—

10 (A) by striking “covered by this section”
11 and inserting “covered by subsection (a)”; and

12 (B) by striking “not more than 50 percent
13 of the amount payable under this section” and
14 inserting “all or a portion of the amount pay-
15 able under this section”;

16 (2) in the second sentence, by striking “50 per-
17 cent,” and inserting “100 percent,”; and

18 (3) in the third sentence, by inserting “(if
19 any)” after “gratuity”.

20 (b) NOTICE TO SPOUSE OF DESIGNATION OF AN-
21 OTHER PERSON TO RECEIVE PORTION OF DEATH GRA-
22 TUITY.—Section 8102a(d) of title 5, United States Code,
23 is further amended by adding at the end the following:

24 “(6) If a person covered by subsection (a) has
25 a spouse , but makes a designation under paragraph
26 (4) for a person other than the spouse to receive all

1 or a portion of the amount payable under this sec-
2 tion, the head of the agency, or other entity, in
3 which that person is employed shall provide notice of
4 the designation to the spouse.”

1 SEC. 1106 [Log #66]. EXTENSION OF AUTHORITY TO WAIVE
2 ANNUAL LIMITATION ON PREMIUM PAY AND
3 AGGREGATE LIMITATION ON PAY FOR FED-
4 ERAL CIVILIAN EMPLOYEES WORKING OVER-
5 SEAS.

6 Effective as of January 1, 2011, section 1101(a) of
7 the Duncan Hunter National Defense Authorization Act
8 for Fiscal Year 2009 (Public Law 110-417; 122 Stat.
9 4615), as amended by section 1106(a) of the National De-
10 fense Authorization Act for Fiscal Year 2010 (Public Law
11 111-84; 123 Stat. 2487), is amended by striking “cal-
12 endar years 2009 and 2010” and inserting “calendar
13 years 2011 and 2012”.

1 **SEC. 1107 [Log #70]. WAIVER OF CERTAIN PAY LIMITATIONS.**

2 Section 9903(d) of title 5, United States Code, is
3 amended—

4 (1) by amending paragraph (2) to read as fol-
5 lows:

6 “(2) An employee appointed under this section is not
7 eligible for any bonus, monetary award, or other monetary
8 incentive for service, except for—

9 “(A) payments authorized under this section;
10 and

11 “(B) in the case of an employee who is assigned
12 in support of a contingency operation (as defined in
13 section 101(a)(13) of title 10), allowances and any
14 other payments authorized under chapter 59.”; and

15 (2) in paragraph (3), by adding at the end the
16 following: “In computing an employee’s total annual
17 compensation for purposes of the preceding sen-
18 tence, any payment referred to in paragraph (2)(B)
19 shall be excluded.”.

1 **SEC. 1108 [Log #69]. SERVICES OF POST-COMBAT CASE CO-**
2 **ORDINATORS.**

3 (a) **IN GENERAL.**—Chapter 79 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 7906. Services of post-combat case coordinators**

7 “(a) **DEFINITIONS.**—For purposes of this section—

8 “(1) the terms ‘employee’, ‘agency’, ‘injury’,
9 ‘war-risk hazard’, and ‘hostile force or individual’
10 have the meanings given those terms in section
11 8101; and

12 “(2) the term ‘qualified employee’ means an
13 employee as described in subsection (b).

14 “(b) **REQUIREMENT.**—The head of each agency shall,
15 in a manner consistent with the guidelines prescribed
16 under subsection (c), provide for the assignment of a post-
17 combat case coordinator in the case of any employee of
18 such agency who suffers an injury or disability incurred,
19 or an illness contracted, while in the performance of such
20 employee’s duties, as a result of a war-risk hazard or dur-
21 ing or as a result of capture, detention, or other restraint
22 by a hostile force or individual.

23 “(c) **GUIDELINES.**—The Office of Personnel Manage-
24 ment shall, after such consultation as the Office considers
25 appropriate, prescribe guidelines for the operation of this

1 section. Under the guidelines, the responsibilities of a
2 post-combat case coordinator shall include—

3 “(1) acting as the main point of contact for
4 qualified employees seeking administrative guidance
5 or assistance relating to benefits under chapter 81
6 or 89;

7 “(2) assisting qualified employees in the collec-
8 tion of documentation or other supporting evidence
9 for the expeditious processing of claims under chap-
10 ter 81 or 89;

11 “(3) assisting qualified employees in connection
12 with the receipt of prescribed medical care and the
13 coordination of benefits under chapter 81 or 89;

14 “(4) resolving problems relating to the receipt
15 of benefits under chapter 81 or 89; and

16 “(5) ensuring that qualified employees are
17 properly screened and receive appropriate treat-
18 ment—

19 “(A) for post-traumatic stress disorder or
20 other similar disorder stemming from combat
21 trauma; or

22 “(B) for suicidal or homicidal thoughts or
23 behaviors.

1 “(d) DURATION.—The services of a post-combat case
2 coordinator shall remain available to a qualified employee
3 until—

4 “(1) such employee accepts or declines a rea-
5 sonable offer of employment in a position in the em-
6 ployee’s agency for which the employee is qualified,
7 which is not lower than 2 grades (or pay levels)
8 below the employee’s grade (or pay level) before the
9 occurrence or onset of the injury, disability, or ill-
10 ness (as referred to in subsection (a)), and which is
11 within the employee’s commuting area; or

12 “(2) such employee gives written notice, in such
13 manner as the employing agency prescribes, that
14 those services are no longer desired or necessary.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 79 of title 5, United States Code, is amended
17 by adding after the item relating to section 7905 the fol-
18 lowing:

“7906. Services of post-combat case coordinators.”.

1 **SEC. 1109 [Log #65]. AUTHORITY TO WAIVE RECOVERY OF**
2 **CERTAIN PAYMENTS MADE UNDER CIVILIAN**
3 **EMPLOYEES VOLUNTARY SEPARATION IN-**
4 **CENTIVE PROGRAM.**

5 (a) **WAIVER AUTHORITY.**—Subject to subsection (c),
6 the Secretary of Defense may waive the requirement under
7 subsection (f)(6)(B) of section 9902 of title 5, United
8 States Code, for repayment to the Department of Defense
9 of a voluntary separation incentive payment made under
10 subsection (f)(1) of such section 9902 in the case of an
11 employee or former employee of the Department of De-
12 fense described in subsection (b).

13 (b) **PERSONS COVERED.**—Subsection (a) applies to
14 any employee or former employee of the Department of
15 Defense who—

16 (1) during the period beginning on April 1,
17 2004, and ending on March 1, 2008, received a vol-
18 untary separation incentive payment under section
19 9902(f)(1) of title 5, United States Code;

20 (2) during the period beginning on June 1,
21 2004, and ending on May 1, 2008, was reappointed
22 to a position in the Department of Defense to sup-
23 port a declared national emergency related to ter-
24 rorism or a natural disaster; and

25 (3) as determined by the Secretary of De-
26 fense—

1 (A) before accepting the reappointment re-
2 ferred to in paragraph (2), received a written
3 representation from an officer or employee of
4 the Department of Defense that recovery of the
5 amount of the payment referred to in para-
6 graph (1) would not be required or would be
7 waived; and

8 (B) reasonably relied on that representa-
9 tion in accepting the reappointment.

10 (c) REQUIRED DETERMINATION.—The Secretary of
11 Defense may grant a waiver under subsection (a) only if
12 the Secretary determines that recovery of the payment in-
13 volved would be against equity and good conscience or
14 would be contrary to the best interests of the United
15 States.

16 (d) DISCRETIONARY AUTHORITY.—In the case of an
17 employee or former employee who is described in sub-
18 section (b), and who, before the date of enactment of this
19 Act, repaid any amount of a voluntary separation incentive
20 payment made under section 9902(f)(1) of title 5, United
21 States Code, the Secretary of Defense may grant a waiver
22 in accordance with the subsections (a) through (c) and
23 make a refund, out of any appropriation or fund available
24 for that purpose, of any portion of such amount which
25 the Secretary in his sole discretion considers appropriate.

1 SEC. 1110 [Log #67]. EXTENSION OF CONTINUED HEALTH
2 BENEFITS.

3 Section 8905a(d)(4)(B) of title 5, United States
4 Code, is amended—

5 (1) by striking “December 31, 2011” each
6 place it appears and inserting “December 31,
7 2016”; and

8 (2) in clause (ii), by striking “February 1,
9 2012” and inserting “February 1, 2017”.

1 SEC. 1111 [Log #64]. AUTHORITY TO WAIVE MAXIMUM AGE
2 LIMIT FOR CERTAIN APPOINTMENTS.

3 Section 3307(e) of title 5, United States Code, is
4 amended—

5 (1) by striking “(e) The” and inserting “(e)(1)
6 Except as provided in paragraph (2), the”; and

7 (2) by adding at the end the following:

8 “(2)(A) In the case of the conversion of an agency
9 function from performance by a contractor to performance
10 by an employee of the agency, the head of the agency may
11 waive any maximum limit of age, determined or fixed for
12 positions within such agency under paragraph (1), if nec-
13 essary in order to promote the recruitment or appointment
14 of experienced personnel.

15 “(B) For purposes of this paragraph—

16 “(i) the term ‘agency’ means the Department of
17 Defense or a military department; and

18 “(ii) the term ‘head of the agency’ means the
19 Secretary of Defense or the Secretary of a military
20 department.”.

1 **SEC. 1112 [Log #169]. SENSE OF CONGRESS RELATING TO**
2 **PAY PARITY FOR FEDERAL EMPLOYEES**
3 **SERVING AT CERTAIN REMOTE MILITARY IN-**
4 **STALLATIONS.**

5 It is the sense of Congress that the Secretary of De-
6 fense and the Director of the Office of Personnel Manage-
7 ment should develop procedures for determining locality
8 pay for employees of the Department of Defense in cir-
9 cumstances that may be unique to such employees, such
10 as the assignment of employees to a military installation
11 so remote from the nearest established communities or
12 suitable places of residence as to handicap significantly the
13 recruitment or retention of well qualified individuals, due
14 to the difference between the cost of living at the post of
15 assignment and the cost of living in the locality or local-
16 ities where such employees generally reside.

1 **SEC. 1113 [Log #168]. REPORTS BY OFFICE OF SPECIAL**
2 **COUNSEL.**

3 (a) **IN GENERAL.**—Section 1213(e) of title 5, United
4 States Code, is amended by striking paragraphs (3) and
5 (4) and inserting the following:

6 “(3) The Special Counsel shall transmit to the Presi-
7 dent and the congressional committees with jurisdiction
8 over the agency which the disclosure (referred to in sub-
9 section (a)) involves—

10 “(A) a concise summary of any report received
11 from such agency under subsection (c) in connection
12 with such disclosure; or

13 “(B) if a report is not received within the time
14 prescribed in subsection (c)(2), written notice to that
15 effect.

16 The Special Counsel may include, as part of any trans-
17 mission under subparagraph (A) or (B), any additional in-
18 formation or documentation which the Special Counsel
19 considers appropriate.”.

20 (b) **EFFECTIVE DATE.**—The amendment made by
21 subsection (a) shall apply in the case of any agency report
22 which is due or received by the Office of Special Counsel
23 after the end of the 30-day period beginning on the date
24 of the enactment of this Act.

1 **SEC. 1401. WORKING CAPITAL FUNDS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2012 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 providing capital for working capital and revolving funds,
6 as specified in the funding table in section 4501.

1 **SEC. 1405 DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2012 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, as speci-
6 fied in the funding table in section 4501.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. [LOG #71]SHORT TITLE.**

5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2012”.

7 **SEC. 2002. [LOG #72]EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE**
11 **YEARS.**—Except as provided in subsection (b), all author-
12 izations contained in titles XXI through XXVII for mili-
13 tary construction projects, land acquisition, family housing
14 projects and facilities, and contributions to the North At-
15 lantic Treaty Organization Security Investment Program
16 (and authorizations of appropriations therefor) shall ex-
17 pire on the later of—

18 (1) October 1, 2014; or

19 (2) the date of the enactment of an Act author-
20 izing funds for military construction for fiscal year
21 2015.

22 (b) **EXCEPTION.**—Subsection (a) shall not apply to
23 authorizations for military construction projects, land ac-

1 quisation, family housing projects and facilities, and con-
2 tributions to the North Atlantic Treaty Organization Se-
3 curity Investment Program (and authorizations of appro-
4 priations therefor), for which appropriated funds have
5 been obligated before the later of—

6 (1) October 1, 2014; or

7 (2) the date of the enactment of an Act author-
8 izing funds for fiscal year 2015 for military con-
9 struction projects, land acquisition, family housing
10 projects and facilities, and contributions to the
11 North Atlantic Treaty Organization Security Invest-
12 ment Program.

13 **SEC. 2003. [LOG #369]LIMITATION ON IMPLEMENTATION OF**
14 **PROJECTS DESIGNATED AS VARIOUS LOCA-**
15 **TIONS.**

16 The Secretary of Defense or the Secretary of a mili-
17 tary department may not enter into an award of a project
18 authorized for various locations in titles XXI through
19 XXVII, as specified in the funding table in section 4601,
20 until the Secretary concerned submits to the congressional
21 defense committees a report that includes the following:

22 (1) Within the amounts authorized to be appro-
23 priated in titles XXI through XXVII, a list of the
24 proposed projects.

1 (2) A Military Construction Data Sheet for
2 each project.

3 (3) A certification that the projects can be
4 awarded in the year for which the appropriation of
5 funds is made.

6 (4) A certification that the projects are listed in
7 the current Future Years Defense Program.

8 **SEC. 2004. [LOG #73]EFFECTIVE DATE.**

9 Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and
10 XXVII shall take effect on the later of—

11 (1) October 1, 2011; or

12 (2) the date of the enactment of this Act.

13 **TITLE XXI—ARMY MILITARY**
14 **CONSTRUCTION**

Sec. 2101. [log #74]Authorized Army construction and land acquisition projects.

Sec. 2102. [log #74]Family housing.

Sec. 2103. [log #370]Improvements to military family housing units.

Sec. 2104. [log #371]Authorization of appropriations, Army.

Sec. 2105. [log #372]Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. [log #373]Modification of authority to carry out certain fiscal year 2011 projects.

Sec. 2107. [log #374]Additional authority to carry out certain fiscal year 2012 project using prior-year unobligated Army military construction funds.

Sec. 2108. [log #375]Extension of authorizations of certain fiscal year 2008 projects.

Sec. 2109. [log #376]Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2110. [log #377]Technical amendments to correct certain project specifications.

1 SEC. 2101. [LOG #74]AUTHORIZED ARMY CONSTRUCTION
2 AND LAND ACQUISITION PROJECTS.

3 (a) INSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2104 and available for military construc-
6 tion projects inside the United States as specified in the
7 funding table in section 4601, the Secretary of the Army
8 may acquire real property and carry out military construc-
9 tion projects for the installations or locations inside the
10 United States, and in the amounts, set forth in the fol-
11 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$114,000,000
	JB Elmendorf-Richardson	\$103,600,000
Alabama	Fort Rucker	\$11,600,000
California	Fort Irwin	\$23,000,000
	Presidio Monterey	\$3,000,000
Colorado	Fort Carson, Colorado	\$238,600,000
Georgia	Fort Benning	\$66,700,000
	Fort Gordon	\$1,450,000
	Fort Stewart, Georgia	\$2,600,000
Hawaii	Fort Shafter	\$17,500,000
	Schofield Barracks	\$105,000,000
Kansas	Forbes Air Field	\$5,300,000
	Fort Riley, Kansas	\$83,400,000
Kentucky	Fort Campbell, Kentucky	\$247,500,000
	Fort Knox	\$55,000,000
Louisiana	Fort Polk, Louisiana	\$70,100,000
Maryland	Aberdeen Proving Ground	\$78,500,000
	Fort Meade	\$79,000,000
Missouri	Fort Leonard Wood	\$49,000,000
North Carolina	Fort Bragg	\$186,000,000
New York	Fort Drum, New York	\$13,300,000
Oklahoma	Fort Sill	\$184,600,000
	Mealester	\$8,000,000
South Carolina	Fort Jackson	\$63,900,000
Texas	Fort Bliss	\$149,500,000
	Fort Hood, Texas	\$132,000
	JB San Antonio	\$10,400,000
	Red River Army Depot	\$44,000,000
Utah	Dugway Proving Ground	\$32,000,000
Virginia	Fort Belvoir	\$83,000,000
	JB Langley Eustis	\$26,000,000
Washington	JB Lewis McChord	\$296,300,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2104 and available for military construc-
 4 tion projects outside the United States as specified in the
 5 funding table in section 4601, the Secretary of the Army
 6 may acquire real property and carry out military construc-
 7 tion projects for the installations or locations outside the
 8 United States, and in the amounts, set forth in the fol-
 9 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base, Afghanistan	\$80,000,000
Germany	Germersheim	\$37,500,000
	Grafenwoehr	\$38,000,000
	Landstuhl	\$63,000,000
	Oberdachstetten	\$12,200,000
	Stuttgart	\$12,200,000
	Vilseck	\$20,000,000
Honduras Various	Honduras various	\$25,000,000
Korea, Republic of	Camp Carroll	\$41,000,000
	Camp Henry	\$48,000,000

10 **SEC. 2102. [LOG #74] FAMILY HOUSING.**

11 (a) CONSTRUCTION AND ACQUISITION.—Using
 12 amounts appropriated pursuant to the authorization of ap-
 13 propriations in section 2104 and available for military
 14 family housing functions as specified in the funding table
 15 in section 4601, the Secretary of the Army may construct
 16 or acquire family housing units (including land acquisition
 17 and supporting facilities) at the installations or locations,
 18 in the number of units, and in the amounts set forth in
 19 the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Belgium	Brussels	Land Purchase for GFOQ (10 units).	\$10,000,000
Germany	Grafenwoehr	Family Housing New Construction (26 units).	\$13,000,000
	Illesheim	Family Housing Replacement Construc(80 units).	\$41,000,000
	Vilseck	Family Housing New Construction (22 units).	\$12,000,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104 and available for military family housing
4 functions as specified in the funding table in section 4601,
5 the Secretary of the Army may carry out architectural and
6 engineering services and construction design activities
7 with respect to the construction or improvement of family
8 housing units in an amount not to exceed \$7,897,000.

9 **SEC. 2103. [LOG #370]IMPROVEMENTS TO MILITARY FAMILY**
10 **HOUSING UNITS.**

11 Subject to section 2825 of title 10, United States
12 Code, and using amounts appropriated pursuant to the
13 authorization of appropriations in section 2104 and avail-
14 able for military family housing functions as specified in
15 the funding table in section 4601, the Secretary of the
16 Army may improve existing military family housing units
17 in an amount not to exceed \$103,000,000.

1 **SEC. 2104. [LOG #371]AUTHORIZATION OF APPROPRIA-**
2 **TIONS, ARMY.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2011, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of the Army, as spec-
7 ified in the funding table in section 4601.

8 **SEC. 2105. [LOG #372]MODIFICATION OF AUTHORITY TO**
9 **CARRY OUT CERTAIN FISCAL YEAR 2009**
10 **PROJECT.**

11 In the case of the authorization contained in the table
12 in section 2101(a) of the Military Construction Authoriza-
13 tion Act for Fiscal Year 2009 (division B of Public Law
14 110-417; 122 Stat. 4658) for Fort Benning, Georgia, for
15 construction of a Multipurpose Training Range at the in-
16 stallation, the Secretary of the Army may construct up
17 to 1,802 square feet of loading dock consistent with the
18 Army's construction guidelines for Multipurpose Training
19 Ranges.

20 **SEC. 2106. [LOG #373]MODIFICATION OF AUTHORITY TO**
21 **CARRY OUT CERTAIN FISCAL YEAR 2011**
22 **PROJECTS.**

23 (a) HAWAII.—In the case of the authorization con-
24 tained in the table in section 2101(a) of the Military Con-
25 struction Authorization Act for Fiscal Year 2011 (division
26 B of Public Law 111-383; 124 Stat. 4437) for Schofield

1 Barracks, Hawaii, for renovations of buildings 450 and
2 452, the Secretary of the Army may renovate building 451
3 in lieu of building 452.

4 (b) HAWAII.—In the case of the authorization con-
5 tained in the table in section 2101(a) of the Military Con-
6 struction Authorization Act for Fiscal Year 2011 (division
7 B of Public Law 111–383; 124 Stat. 4437) for Fort
8 Drum, New York, for construction of an Aircraft Mainte-
9 nance Hangar at the installation, the Secretary of the
10 Army may construct up to 39,049 square yards of parking
11 apron consistent with the Army’s construction guidelines
12 for Aircraft Maintenance Hangars and associated parking
13 aprons.

14 (c) GERMANY.—In the case of the authorization con-
15 tained in the table in section 2101(b) of the Military Con-
16 struction Authorization Act for Fiscal Year 2011 (division
17 B of Public Law 111–383; 124 Stat. 4438) for Wiesbaden,
18 Germany, for construction of an Information Processing
19 Center at the installation, the Secretary of the Army may
20 construct up to 9,400 square yards of vehicle parking ga-
21 rage consistent with the Army’s construction guidelines
22 for parking garages, in lieu of renovating 9,400 square
23 yards of parking area.

1 **SEC. 2107. [LOG #374]ADDITIONAL AUTHORITY TO CARRY**
2 **OUT CERTAIN FISCAL YEAR 2012 PROJECT**
3 **USING PRIOR-YEAR UNOBLIGATED ARMY**
4 **MILITARY CONSTRUCTION FUNDS.**

5 (a) **PROJECT AUTHORIZATION.**—The Secretary of
6 the Army may carry out a military construction project
7 to construct a water treatment facility for Fort Irwin,
8 California, in the amount of \$115,000,000.

9 (b) **USE OF UNOBLIGATED PRIOR-YEAR ARMY MILI-**
10 **TARY CONSTRUCTION FUNDS.**—To carry out the project
11 described in subsection (a), the Secretary of the Army may
12 use available, unobligated Army military construction
13 funds appropriated for a fiscal year before fiscal year
14 2012.

15 (c) **CONGRESSIONAL NOTIFICATION.**—The Secretary
16 of the Army shall provide information in accordance with
17 section 2851(c) of title 10, United States Code, regarding
18 the project described in subsection (a). If it becomes nec-
19 essary to exceed the estimated project cost, the Secretary
20 shall utilize the authority provided by section 2853 of such
21 title regarding authorized cost and scope of work vari-
22 ations.

23 **SEC. 2108. [LOG #375]EXTENSION OF AUTHORIZATIONS OF**
24 **CERTAIN FISCAL YEAR 2008 PROJECTS.**

25 (a) **EXTENSION.**—Notwithstanding section 2002 of
26 the Military Construction Authorization Act for Fiscal

1 Year 2008 (division B of Public Law 110–181; 122 Stat.
 2 503), authorizations set forth in the table in subsection
 3 (b), as provided in section 2101 of that Act (122 Stat.
 4 504) and extended by section 2108 of the Military Con-
 5 struction Authorization Act for Fiscal Year 2011 (division
 6 B of Public Law 111–383; 124 Stat. 4440), shall remain
 7 in effect until October 1, 2012, or the date of the enact-
 8 ment of an Act authorizing funds for military construction
 9 for fiscal year 2013, whichever is later.

10 (b) TABLE.—The table referred to in subsection (a)
 11 is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Child Care Facility	\$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range.	\$4,150,000

12 **SEC. 2109. [LOG #376]EXTENSION OF AUTHORIZATIONS OF**
 13 **CERTAIN FISCAL YEAR 2009 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2002 of
 15 the Military Construction Authorization Act for Fiscal
 16 Year 2009 (division B of Public Law 110–417; 122 Stat.
 17 4658), authorizations set forth in the table in subsection
 18 (b), as provided in section 2101 of that Act (122 Stat.
 19 4658), shall remain in effect until October 1, 2012, or the
 20 date of the enactment of an Act authorizing funds for mili-
 21 tary construction for fiscal year 2013, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot.	Lake Yard Interchange	\$1,400,000
Hawaii	Schofield Barracks	Brigade Complex	\$65,000,000
		Battalion Complex	\$69,000,000
		Battalion Complex	\$27,000,000
		Infrastructure Expansion	\$76,000,000
New Jersey	Picatinny Arsenal ..	Ballistic Evaluation Facility Phase I.	\$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	\$3,900,000

3 **SEC. 2110. [LOG #377] TECHNICAL AMENDMENTS TO COR-**
 4 **RECT CERTAIN PROJECT SPECIFICATIONS.**

5 The table in section 3002 of the Military Construc-
 6 tion Authorization Act for Fiscal Year 2011 (division B
 7 of Public Law 111-383; 124 Stat. 4503) is amended—

8 (1) in the project specification for the Army for
 9 “Entry Control Point and Access Roads” that ap-
 10 pears immediately below the project specifications
 11 for Bagram Air Force Base, Afghanistan, by strik-
 12 ing “Delaram I” and inserting “Delaram II”; and

13 (2) in the project specifications for the Army
 14 for the Shank installation, Afghanistan, by striking
 15 “Expand Extended Cooperation Programme 1 and
 16 Extended Cooperation Programme 2” in the Project
 17 title column and inserting “Expand Entry Control
 18 Point 1 and Entry Control Point 2”.

1 **TITLE XXII—NAVY MILITARY**
 2 **CONSTRUCTION**

- Sec. 2201. [log #76]Authorized Navy construction and land acquisition projects.
- Sec. 2202. [log #77]Family housing.
- Sec. 2203. [log #378]Improvements to military family housing units.
- Sec. 2204. [log #379]Authorization of appropriations, Navy.
- Sec. 2205. [log #380]Extension of authorization of certain fiscal year 2008 project.
- Sec. 2206. [log #381]Extension of authorizations of certain fiscal year 2009 projects.

3 **SEC. 2201. [LOG #76]AUTHORIZED NAVY CONSTRUCTION**
 4 **AND LAND ACQUISITION PROJECTS.**

5 (a) **INSIDE THE UNITED STATES.**—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2204 and available for military construc-
 8 tion projects inside the United States as specified in the
 9 funding table in section 4601, the Secretary of the Navy
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations or locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$162,785,000
California	Barstow	\$8,590,000
	Bridgeport	\$19,238
	Camp Pendleton	\$335,080,000
	Coronado	\$108,435,000
	Point Mugu	\$15,377,000
	Twentynine Palms	\$67,109,000
Florida	Jacksonville	\$36,552,000
	Whiting Field	\$20,620,000
Georgia	Kings Bay	\$86,063,000
Hawaii	Barking Sands	\$9,679,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Joint Base Pearl Harbor-Hickam	\$7,492,000
	Kaneohe Bay	\$57,704,000
Illinois	Great Lakes	\$91,042,000
Maryland	Indian Head	\$67,779,000
	Patuxent River	\$45,844,000
North Carolina	Camp Lejeune	\$200,482,000
	Cherry Point Marine Corps Air Station	\$17,760,000
	New River	\$78,930,000
South Carolina	Beaufort	\$21,096,000
Virginia	Norfolk	\$108,228,000
	Portsmouth	\$74,864,000
	Quantico	\$183,690,000
Washington	Bremerton	\$13,341,000
	Kitsap	\$758,842,000
Various Locations	Unspecified	\$29,998,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204 and available for military construc-
 4 tion projects outside the United States as specified in the
 5 funding table in section 4601, the Secretary of the Navy
 6 may acquire real property and carry out military construc-
 7 tion projects for the installation or location outside the
 8 United States, and in the amounts, set forth in the fol-
 9 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	SW Asia	\$100,204,000
Diego Garcia	Diego Garcia	\$35,444,000
Djibouti	Camp Lemonier	\$89,499,000
Guam	Joint Region Marianas	\$77,267,000

10 **SEC. 2202. [LOG #77]FAMILY HOUSING.**

11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2204 and available for
 13 military family housing functions as specified in the fund-
 14 ing table in section 4601, the Secretary of the Navy may

1 carry out architectural and engineering services and con-
2 struction design activities with respect to the construction
3 or improvement of family housing units in an amount not
4 to exceed \$3,199,000.

5 **SEC. 2203. [LOG #378]IMPROVEMENTS TO MILITARY FAMILY**
6 **HOUSING UNITS.**

7 Subject to section 2825 of title 10, United States
8 Code, and using amounts appropriated pursuant to the
9 authorization of appropriations in section 2204 and avail-
10 able for military family housing functions as specified in
11 the funding table in section 4601, the Secretary of the
12 Navy may improve existing military family housing units
13 in an amount not to exceed \$97,773,000.

14 **SEC. 2204. [LOG #379]AUTHORIZATION OF APPROPRIA-**
15 **TIONS, NAVY.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**— Funds
17 are hereby authorized to be appropriated for fiscal years
18 beginning after September 30, 2011, for military con-
19 struction, land acquisition, and military family housing
20 functions of the Department of the Navy, as specified in
21 the funding table in section 4601.

22 (b) **LIMITATION.**—None of the funds appropriated
23 pursuant to the authorization of appropriations in sub-
24 section (a) may be used for architectural and engineering
25 services and construction design of any military construc-

1 tion project necessary to establish a homeport for a nu-
 2 clear-powered aircraft carrier at Naval Station Mayport,
 3 Florida.

4 **SEC. 2205. [LOG #380]EXTENSION OF AUTHORIZATION OF**
 5 **CERTAIN FISCAL YEAR 2008 PROJECT.**

6 (a) EXTENSION.—Notwithstanding section 2002 of
 7 the Military Construction Authorization Act for Fiscal
 8 Year 2008 (division B of Public Law 110–181; 122 Stat.
 9 503), the authorization set forth in the table in subsection
 10 (b), as provided in section 2201(c) of that Act (122 Stat.
 11 511) and extended by section 2206 of the Military Con-
 12 struction Authorization Act for Fiscal Year 2011 (division
 13 B of Public Law 111–383; 124 Stat. 4443), shall remain
 14 in effect until October 1, 2012, or the date of an Act au-
 15 thORIZING funds for military construction for fiscal year
 16 2013, whichever is later.

17 (b) TABLE.—The table referred to in subsection (a)
 18 is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastruc- ture.	\$2,700,000

19 (c) TECHNICAL AMENDMENT FOR CONSISTENCY IN
 20 PROJECT AUTHORIZATION DISPLAY.—The table in sec-
 21 tion 2201(c) of the Military Construction Authorization
 22 Act for Fiscal Year 2008 (division B of Public Law 110–

1 181; 122 Stat. 511) is amended by inserting at the end
 2 the following new row:

"Worldwide Unspecified	Host Nation Infrastructure	\$2,700,000".
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3 **SEC. 2206. [LOG #381]EXTENSION OF AUTHORIZATIONS OF**
 4 **CERTAIN FISCAL YEAR 2009 PROJECTS.**

5 (a) **EXTENSION.**—Notwithstanding section 2002 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2009 (division B of Public Law 110-417; 122 Stat.
 8 4658), authorizations set forth in the table in subsection
 9 (b), as provided in section 2201 of that Act (122 Stat.
 10 4670), shall remain in effect until October 1, 2012, or the
 11 date of an Act authorizing funds for military construction
 12 for fiscal year 2013, whichever is later.

13 (b) **TABLE.**—The table referred to in subsection (a)
 14 is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton.	Operations Assess Points, Red Beach.	\$11,970,000
	Marine Corps Air Station, Miramar.	Emergency Response Station.	\$6,530,000
District of Columbia.	Navy Yard	Child Development Center	\$9,340,000

1 **TITLE XXIII—AIR FORCE**
 2 **MILITARY CONSTRUCTION**

- Sec. 2301. [log #78]Authorized Air Force construction and land acquisition projects.
- Sec. 2302. [log #79]Family housing.
- Sec. 2303. [log #382]Improvements to military family housing units.
- Sec. 2304. [log #383]Authorization of appropriations, Air Force.
- Sec. 2305. [log #384]Modification of authorization to carry out certain fiscal year 2010 project.
- Sec. 2306. [log #385]Extension of authorization of certain fiscal year 2009 project.

3 **SEC. 2301. [LOG #78]AUTHORIZED AIR FORCE CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 (a) **INSIDE THE UNITED STATES.**—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2304 and available for military construc-
 8 tion projects inside the United States as specified in the
 9 funding table in section 4601, the Secretary of the Air
 10 Force may acquire real property and carry out military
 11 construction projects for the installations or locations in-
 12 side the United States, and in the amounts, set forth in
 13 the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson AFB	\$45,000,000
	JB Elmendorf-Richardson	\$97,000,000
Arizona	Davis-Monthan AFB	\$33,000,000
	Luke AFB	\$24,000,000
California	Travis AFB	\$22,000,000
	Vandenberg AFB	\$14,200,000
Colorado	U.S. Air Force Academy	\$13,400,000
Delaware	Dover AFB	\$2,800,000
Florida	Patrick AFB	\$-
Kansas	Fort Riley	\$7,600,000
Louisiana	Barksdale AFB	\$23,500,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Missouri	Whiteman AFB	\$4,800,000
North Carolina	Pope AFB	\$6,000,000
North Dakota	Minot AFB	\$67,800,000
Nebraska	Offutt AFB	\$564,000,000
New Mexico	Cannon AFB	\$22,598,000
	Holloman AFB	\$29,200,000
	Kirtland AFB	\$25,000,000
Nevada	Nellis AFB	\$35,850,000
Texas	JB San Antonio	\$64,000,000
	Joint Base San Antonio	\$46,000,000
Utah	Hill AFB	\$23,800,000
Virginia	JB Langley Eustis	\$50,000,000
Washington	Fairchild AFB	\$27,600,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2304 and available for military construc-
 4 tion projects outside the United States as specified in the
 5 funding table in section 4601, the Secretary of the Air
 6 Force may acquire real property and carry out military
 7 construction projects for the installations or locations out-
 8 side the United States, and in the amounts, set forth in
 9 the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule AB	\$28,000,000
Guam	Joint Region Marianas	\$211,600,000
Germany	Ramstein AB	\$34,697,000
Italy	Sigonella	\$15,000,000
Korea, Republic Of	Osan AB	\$23,000,000
Qatar	Al Udeid	\$37,000,000

10 **SEC. 2302. [LOG #79] FAMILY HOUSING.**

11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2304 and available for
 13 military family housing functions as specified in the fund-
 14 ing table in section 4601, the Secretary of the Air Force

1 may carry out architectural and engineering services and
2 construction design activities with respect to the construc-
3 tion or improvement of family housing units in an amount
4 not to exceed \$4,208,000.

5 **SEC. 2303. [LOG #382]IMPROVEMENTS TO MILITARY FAMILY**
6 **HOUSING UNITS.**

7 Subject to section 2825 of title 10, United States
8 Code, and using amounts appropriated pursuant to the
9 authorization of appropriations in section 2304 and avail-
10 able for military family housing functions as specified in
11 the funding table in section 4601, the Secretary of the
12 Air Force may improve existing military family housing
13 units in an amount not to exceed \$80,596,000.

14 **SEC. 2304. [LOG #383]AUTHORIZATION OF APPROPRIA-**
15 **TIONS, AIR FORCE.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2011, for mili-
18 tary construction, land acquisition, and military family
19 housing functions of the Department of the Air Force, as
20 specified in the funding table in section 4601.

21 **SEC. 2305. [LOG #384]MODIFICATION OF AUTHORIZATION**
22 **TO CARRY OUT CERTAIN FISCAL YEAR 2010**
23 **PROJECT.**

24 In the case of the authorization contained in the table
25 in section 2301(a) of the Military Construction Authoriza-

tion Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

SEC. 2306. [LOG #385] EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2301(b) of that Act (122 Stat. 4679), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later:

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2009 Project Authorization

Location	Installation or Location	Project	Amount
Germany	Spangdahlem Air Base.	Child Development Center	\$11,400,000

1 **TITLE XXIV—DEFENSE AGEN-**
2 **CIES MILITARY CONSTRUC-**
3 **TION**

Subtitle A—Defense Agency Authorizations

Sec. 2401. [log #80]Authorized defense agencies construction and land acquisition projects.

Sec. 2402. [log #82]Authorized energy conservation projects.

Sec. 2403. [log #386]Authorization of appropriations, defense agencies.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. [log #83]Authorization of appropriations, chemical demilitarization construction, defense-wide.

4 **Subtitle A—Defense Agency**
5 **Authorizations**

6 **SEC. 2401. [LOG #80]AUTHORIZED DEFENSE AGENCIES CON-**
7 **STRUCTION AND LAND ACQUISITION**
8 **PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts
10 appropriated pursuant to the authorization of appropria-
11 tions in section 2403 and available for military construc-
12 tion projects inside the United States as specified in the
13 funding table in section 4601, the Secretary of Defense
14 may acquire real property and carry out military construc-
15 tion projects for the installations or locations inside the
16 United States, and in the amounts, set forth in the fol-
17 lowing table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Anchorage	\$18,400,000
	Eielson AFB	\$14,800,000
Alabama	Redstone Arsenal	\$58,800,000
Arizona	Davis-Monthan AFB	\$23,000,000
California	Camp Pendleton	\$12,141,000
	Coronado	\$42,000,000
	Defense Distribution Depot-Tracy	\$15,500,000
	Point Loma Annex	\$-
	San Clemente	\$21,800,000
Colorado	Buckley AFB	\$140,932,000
District Of Columbia	Bolling AFB	\$16,736,000
Florida	Eglin AFB	\$51,600,000
	Eglin AUX 9	\$9,500,000
	MacDill AFB	\$15,200,000
	Whiting Field	\$3,800,000
Georgia	Fort Benning	\$37,205,000
	Fort Gordon	\$11,340,000
	Fort Stewart	\$72,300,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$14,400,000
Illinois	Great Lakes	\$16,900,000
Kentucky	Fort Campbell	\$138,500,000
	Fort Knox	\$38,845,000
Louisiana	Barksdale AFB	\$6,200,000
Massachusetts	Hanscom AFB	\$34,040,000
	Westover ARB	\$23,300,000
Maryland	Aberdeen Proving Ground	\$-
	Bethesda Naval Hospital	\$18,000,000
	Fort Detrick	\$-
	Fort Meade	\$860,579,000
	Joint Base Andrews	\$265,700,000
Missouri	Arnold	\$9,253,000
Mississippi	Columbus AFB	\$2,600,000
	Gulfport	\$34,700,000
North Carolina	Camp Lejeune	\$6,670,000
	Fort Bragg	\$206,274,000
	New River	\$22,687,000
	Pope AFB	\$5,400,000
New Mexico	Cannon AFB	\$132,997,000
New York	Fort Drum	\$20,400,000
Ohio	Columbus	\$10,000,000
Oklahoma	Altus AFB	\$8,200,000
Pennsylvania	DEF Distribution Depot New Cumberland	\$46,000,000
	Philadelphia	\$8,000,000
	Joint Base Charleston	\$24,868,000
	Fort Bliss	\$-
	Joint Base San Antonio	\$194,300,000
Utah	Camp Williams	\$-
Virginia	Charlottesville	\$10,805,000
	Dahlgren	\$1,988,000
	Dam Neck	\$23,116,000
	Fort Belvoir	\$54,625,000
	Joint Expeditionary Base Little Creek - Story	\$37,000,000
	Pentagon	\$8,742,000
Washington	Quantico	\$46,727,000
	JB Lewis MeChord	\$35,000,000
West Virginia	Whidbey Island	\$25,000,000
	Camp Dawson	\$2,200,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403 and available for military construc-
 4 tion projects outside the United States as specified in the
 5 funding table in section 4601, the Secretary of Defense
 6 may acquire real property and carry out military construc-
 7 tion projects for the installations or locations outside the
 8 United States, and in the amounts, set forth in the fol-
 9 lowing table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	\$24,118,000
Germany	Ansbach	\$11,672,000
	Baumholder	\$59,419,000
	Grafenwoehr	\$6,529,000
	Rhine Ordnance Barracks	\$1,196,650,000
	Spangdalem Air Base	\$129,043,000
	Stuttgart-Patch Barracks	\$2,434,000
Italy	Vicenza	\$41,864,000
Japan	Yokota Air Base	\$61,842,000
United Kingdom	Menwith Hill Station	\$68,601,000
	Royal Air Force Alconbury	\$35,030,000

10 **SEC. 2402. [LOG #82]AUTHORIZED ENERGY CONSERVATION**
 11 **PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2403 and available for energy conservation
 15 projects inside the United States as specified in the fund-
 16 ing table in section 4601, the Secretary of Defense may
 17 carry out energy conservation projects under chapter 173
 18 of title 10, United States Code, for the installations or

1 locations inside the United States, and in the amounts,
 2 set forth in the following table:

Energy Conservation Projects: Inside the United States

Country	Installation or Location	Amount
Arizona	Davis-Monthan AFB	\$4,650,000
California	Presidio of Monterey	\$5,000,000
Colorado	Fort Carson	\$4,277,000
Florida	Tyndall AFB	\$3,255,000
Georgia	MCLB Albany	\$3,504,000
Massachusetts	Hanscom AFB	\$3,609,000
New York	Fort Drum	\$3,500,000
North Carolina	Fort Bragg	\$13,400,000
North Carolina	Camp Lejeune	\$6,925,000
Oklahoma	Altus AFB	\$5,700,000
Tennessee	Arnold AFB	\$3,300,000
Utah	Tooele Army Depot	\$8,200,000
Wyoming	FE Warren AFB	\$12,600,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2403 and available for energy conservation
 6 projects outside the United States as specified in the fund-
 7 ing table in section 4601, the Secretary of Defense may
 8 carry out energy conservation projects under chapter 173
 9 of title 10, United States Code, for the installations or
 10 locations outside the United States, and in the amounts,
 11 set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Guam	NB Guam	\$17,377,000
Marshall Islands	Kwajalein Atoll	\$6,300,000

12 **SEC. 2403. [LOG #386] AUTHORIZATION OF APPROPRIA-**
 13 **TIONS, DEFENSE AGENCIES.**

14 Funds are hereby authorized to be appropriated for
 15 fiscal years beginning after September 30, 2011, for mili-

1 tary construction, land acquisition, and military family
2 housing functions of the Department of Defense (other
3 than the military departments), as specified in the funding
4 table in section 4601.

5 **Subtitle B—Chemical**
6 **Demilitarization Authorizations**

7 SEC. 2411. [LOG #83]AUTHORIZATION OF APPROPRIATIONS,
8 **CHEMICAL DEMILITARIZATION CONSTRUC-**
9 **TION, DEFENSE-WIDE.**

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2011, for mili-
12 tary construction and land acquisition for chemical demili-
13 tarization, as specified in the funding table in section
14 4601.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

Sec. 2501. [log #84]Authorized NATO construction and land acquisition projects.

Sec. 2502. [log #85]Authorization of appropriations, NATO.

5 **SEC. 2501. [LOG #84]AUTHORIZED NATO CONSTRUCTION**
6 **AND LAND ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of—

12 (1) the amount authorized to be appropriated
13 pursuant to section 2502 and available for this pur-
14 pose as specified in the funding table in section
15 4601; and

16 (2) the amount collected from the North Atlan-
17 tic Treaty Organization as a result of construction
18 previously financed by the United States.

19 **SEC. 2502. [LOG #85]AUTHORIZATION OF APPROPRIATIONS,**
20 **NATO.**

21 Funds are hereby authorized to be appropriated for
22 fiscal years beginning after September 30, 2011, for con-

1 tributions by the Secretary of Defense under section 2806
2 of title 10, United States Code, for the share of the United
3 States of the cost of projects for the North Atlantic Treaty
4 Organization Security Investment Program authorized by
5 section 2501, as specified in the funding table in section
6 4601.

1 **TITLE XXVI—GUARD RESERVE**
 2 **FORCES FACILITIES**

- Sec. 2601. [log #86]Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. [log #87]Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. [log #88]Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. [log #89]Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. [log #90]Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. [log #387]Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. [log #388]Extension of authorization of certain fiscal year 2008 project.
- Sec. 2608. [log #389]Extension of authorizations of certain fiscal year 2009 projects.

3 **SEC. 2601. [LOG #86]AUTHORIZED ARMY NATIONAL GUARD**
 4 **CONSTRUCTION AND LAND ACQUISITION**
 5 **PROJECTS.**

6 (a) **INSIDE THE UNITED STATES.**—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2606 and available for the National Guard
 9 and Reserve as specified in the funding table in section
 10 4601, the Secretary of the Army may acquire real prop-
 11 erty and carry out military construction projects for the
 12 Army National Guard locations inside the United States,
 13 and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$16,500,000
Arkansas	Fort Chaffee	\$3,500,000
Arizona	Papago Military Reservation	\$17,800,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
California	Camp Roberts	\$38,160,000
	Camp San Luis Obispo	\$8,000,000
Colorado	Alamosa	\$6,400,000
	Aurora	\$3,600,000
	Fort Carson	\$43,000,000
District Of Colum- bia.	Anacostia	\$5,300,000
Florida	Camp Blanding	\$5,500,000
Georgia	Atlanta	\$11,000,000
	Hinesville	\$17,500,000
	Macon	\$14,500,000
Hawaiï	Kalaeloa	\$33,000,000
Illinois	Normal	\$10,000,000
Indiana	Camp Atterbury	\$81,900,000
	Indianapolis	\$25,700,000
Massachusetts	Natick	\$9,000,000
Maryland	Dundalk	\$16,000,000
	La Plata	\$9,000,000
	Westminster	\$10,400,000
Maine	Bangor	\$15,600,000
	Brunswick	\$23,000,000
Minnesota	Camp Ripley	\$8,400,000
Mississippi	Camp Shelby	\$64,600,000
North Carolina	Greensboro	\$3,700,000
Nebraska	Grand Island	\$22,000,000
	Mead	\$9,100,000
New Jersey	Lakelhurst	\$49,000,000
New Mexico	Santa Fe	\$5,200,000
Nevada	Las Vegas	\$23,000,000
Oklahoma	Camp Gruber	\$13,361,000
Oregon	The Dalles	\$13,800,000
South Carolina	Allendale	\$4,300,000
Utah	Camp Williams	\$6,500,000
Virginia	Fort Pickett	\$11,000,000
Wisconsin	Camp Williams	\$7,000,000
West Virginia	Buckhannon	\$10,000,000
Wyoming	Cheyenne	\$8,900,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2606 and available for the National Guard
 4 and Reserve as specified in the funding table in section
 5 4601, the Secretary of the Army may acquire real prop-
 6 erty and carry out military construction projects for the
 7 Army National Guard locations outside the United States,
 8 and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	\$57,000,000

1 SEC. 2602. [LOG #87]AUTHORIZED ARMY RESERVE CON-
 2 STRUCTION AND LAND ACQUISITION
 3 PROJECTS.

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2606 and available for
 6 the National Guard and Reserve as specified in the fund-
 7 ing table in section 4601, the Secretary of the Army may
 8 acquire real property and carry out military construction
 9 projects for the Army Reserve locations inside the United
 10 States, and in the amounts, set forth in the following
 11 table:

Army Reserve

Country	Location	Amount
California	Fort Hunter Liggett	\$5,200,000
Colorado	Fort Collins	\$13,600,000
Illinois	Homewood	\$16,000,000
	Rockford	\$12,800,000
Indiana	Lawrence	\$57,000,000
Kansas	Kansas City	\$13,000,000
Massachusetts	Attleboro	\$22,000,000
Minnesota	Saint Joseph	\$11,800,000
Missouri	Weldon Springs	\$19,000,000
North Carolina	Greensboro	\$19,000,000
New York	Schenectady	\$20,000,000
South Carolina	Orangeburg	\$12,000,000
Wisconsin	Fort McCoy	\$27,300,000

12 SEC. 2603. [LOG #88]AUTHORIZED NAVY RESERVE AND MA-
 13 RINE CORPS RESERVE CONSTRUCTION AND
 14 LAND ACQUISITION PROJECTS.

15 Using amounts appropriated pursuant to the author-
 16 ization of appropriations in section 2606 and available for

1 the National Guard and Reserve as specified in the fund-
 2 ing table in section 4601, the Secretary of the Navy may
 3 acquire real property and carry out military construction
 4 projects for the Navy Reserve and Marine Corps Reserve
 5 locations inside the United States, and in the amounts,
 6 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Pennsylvania	Pittsburgh	\$13,759,000
Tennessee	Memphis	\$7,949,000

7 **SEC. 2604. [LOG #89]AUTHORIZED AIR NATIONAL GUARD**
 8 **CONSTRUCTION AND LAND ACQUISITION**
 9 **PROJECTS.**

10 Using amounts appropriated pursuant to the author-
 11 ization of appropriations in section 2606 and available for
 12 the National Guard and Reserve as specified in the fund-
 13 ing table in section 4601, the Secretary of the Air Force
 14 may acquire real property and carry out military construc-
 15 tion projects for the Air National Guard locations inside
 16 the United States, and in the amounts, set forth in the
 17 following table:

Air National Guard

State	Location	Amount
California	Beale AFB	\$6,100,000
	Moffett Field	\$26,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$39,521,000
Indiana	Fort Wayne IAP	\$4,000,000
Massachusetts	Otis ANGB	\$7,800,000
Maryland	Martin State Airport	\$4,900,000
Ohio	Springfield Beekley-MAP	\$6,700,000

1 SEC. 2605. [LOG #90]AUTHORIZED AIR FORCE RESERVE
2 CONSTRUCTION AND LAND ACQUISITION
3 PROJECTS.

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2606 and available for
6 the National Guard and Reserve as specified in the fund-
7 ing table in section 4601, the Secretary of the Air Force
8 may acquire real property and carry out military construc-
9 tion projects for the Air Force Reserve locations inside
10 the United States, and in the amounts, set forth in the
11 following table:

Air Force Reserve

State	Location	Amount
California	March AFB	\$16,393,000
South Carolina	Charleston AFB	\$9,593,000

12 SEC. 2606. [LOG #387]AUTHORIZATION OF APPROPRIA-
13 TIONS, NATIONAL GUARD AND RESERVE.

14 Funds are hereby authorized to be appropriated for
15 fiscal years beginning after September 30, 2011, for the
16 costs of acquisition, architectural and engineering services,
17 and construction of facilities for the Guard and Reserve
18 Forces, and for contributions therefor, under chapter
19 1803 of title 10, United States Code (including the cost
20 of acquisition of land for those facilities), as specified in
21 the funding table in section 4601.

1 **SEC. 2607. [LOG #388]EXTENSION OF AUTHORIZATION OF**
 2 **CERTAIN FISCAL YEAR 2008 PROJECT.**

3 (a) **EXTENSION.**—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2008 (division B of Public Law 110–181; 122 Stat.
 6 503), the authorization set forth in the table in subsection
 7 (b), as provided in section 2601 of that Act (122 Stat.
 8 527) and extended by section 2607 of the Military Con-
 9 struction Authorization Act for Fiscal Year 2011 (division
 10 B of Public Law 111–383; 124 Stat. 4454), shall remain
 11 in effect until October 1, 2012, or the date of the enact-
 12 ment of an Act authorizing funds for military construction
 13 for fiscal year 2013, whichever is later.

14 (b) **TABLE.**—The table referred to in subsection (a)
 15 is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township.	Readiness Center (SBCT)	\$ 8,300,000

16 **SEC. 2608. [LOG #389]EXTENSION OF AUTHORIZATIONS OF**
 17 **CERTAIN FISCAL YEAR 2009 PROJECTS.**

18 (a) **EXTENSION.**—Notwithstanding section 2002 of
 19 the Military Construction Authorization Act for Fiscal
 20 Year 2009 (division B of Public Law 110–417; 122 Stat.
 21 4658), the authorizations set forth in the tables in sub-
 22 section (b), as provided in sections 2601, 2602, and 2603

1 of that Act (122 Stat. 4699), shall remain in effect until
 2 October 1, 2012, or the date of the enactment of an Act
 3 authorizing funds for military construction for fiscal year
 4 2013, whichever is later.

5 (b) TABLE.—The tables referred to in subsection (a)
 6 are as follows:

Army National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Indiana	Camp Atterbury	Machine Gun Range	\$ 5,800,000
Nevada	Elko	Readiness Center	\$11,375,000

Army Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
New York	Staten Island ...	Reserve Center	\$18,550,000

Navy and Marine Corps Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Delaware	Wilmington	Reserve Center	\$11,530,000

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

- Sec. 2701. [log #91]Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. [log #92]Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. [log #93]Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2704. [log #94]Authority to extend deadline for completion of limited number of base closure and realignment recommendations.
- Sec. 2705. [log #96]Increased emphasis on evaluation of costs and benefits in consideration and selection of military installations for closure or realignment.
- Sec. 2706. [log #402]Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment.

4 **SEC. 2701. [LOG #91]AUTHORIZATION OF APPROPRIATIONS**
5 **FOR BASE REALIGNMENT AND CLOSURE AC-**
6 **TIVITIES FUNDED THROUGH DEPARTMENT**
7 **OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2011, for base
10 closure and realignment activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101-510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account 1990 established by sec-

1 tion 2906 of such Act, as specified in the funding table
2 in section 4601.

3 **SEC. 2702. [LOG #92]AUTHORIZED BASE REALIGNMENT AND**
4 **CLOSURE ACTIVITIES FUNDED THROUGH DE-**
5 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
6 **COUNT 2005.**

7 Using amounts appropriated pursuant to the author-
8 ization of appropriations in section 2703 and available for
9 base realignment and closure activities as specified in the
10 funding table in section 4601, the Secretary of Defense
11 may carry out base closure and realignment activities, in-
12 cluding real property acquisition and military construction
13 projects, as authorized by the Defense Base Closure and
14 Realignment Act of 1990 (part A of title XXIX of Public
15 Law 101-510; 10 U.S.C. 2687 note) and funded through
16 the Department of Defense Base Closure Account 2005
17 established by section 2906A of such Act, as specified in
18 the funding table in section 4601.

19 **SEC. 2703. [LOG #93]AUTHORIZATION OF APPROPRIATIONS**
20 **FOR BASE REALIGNMENT AND CLOSURE AC-**
21 **TIVITIES FUNDED THROUGH DEPARTMENT**
22 **OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

23 Funds are hereby authorized to be appropriated for
24 fiscal years beginning after September 30, 2011, for base
25 closure and realignment activities, including real property

1 acquisition and military construction projects, as author-
2 ized by the Defense Base Closure and Realignment Act
3 of 1990 (part A of title XXIX of Public Law 101-510;
4 10 U.S.C. 2687 note) and funded through the Department
5 of Defense Base Closure Account 2005 established by sec-
6 tion 2906A of such Act, as specified in the funding table
7 in section 4601.

8 **SEC. 2704. [LOG #94]AUTHORITY TO EXTEND DEADLINE FOR**
9 **COMPLETION OF LIMITED NUMBER OF BASE**
10 **CLOSURE AND REALIGNMENT RECOMMENDA-**
11 **TIONS.**

12 Section 2904 of the Defense Base Closure and Re-
13 alignment Act of 1990 (part A of title XXIX of Public
14 Law 101-510; 10 U.S.C. 2687 note) is amended—

15 (1) in subsection (a)(5), by striking “complete”
16 and inserting “complete, except in the case of a clo-
17 sure or realignment recommendation extended pur-
18 suant to subsection (c),”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(c) LIMITED AUTHORITY TO EXTEND IMPLEMENTA-
22 TION PERIOD.—(1) Subject to paragraphs (2) and (3), in
23 the case of the recommendations of the Commission con-
24 tained in the report of the Commission transmitted by the
25 President to Congress in accordance with section 2914(e)

1 on September 15, 2005, the Secretary may extend the pe-
2 riod for completing not more than seven of the closure
3 or realignment recommendations until the later of the fol-
4 lowing:

5 “(A) September 15, 2012.

6 “(B) The date of the enactment of an Act au-
7 thorizing funds for military construction for fiscal
8 year 2013.

9 “(2) To extend a closure or realignment recommenda-
10 tion under this subsection, the Secretary shall submit to
11 the congressional defense committees a report con-
12 taining—

13 “(A) a justification of the need for the exten-
14 sion of the closure or realignment recommendation;

15 “(B) a certification that the extension is nec-
16 essary to ensure the operational readiness of units or
17 functions being relocated as part of the implementa-
18 tion of the recommendation;

19 “(C) an explanation of the impact of the exten-
20 sion on communities in the vicinity of the affected
21 installations;

22 “(D) an explanation of the impacts of not pro-
23 viding the extension on operational readiness;

24 “(E) an estimation of the costs associated with
25 the extension; and

1 “(F) a schedule for completing the closure or
2 realignment recommendation in light of the exten-
3 sion.

4 “(3) The extension of a closure or realignment rec-
5 ommendation under this subsection shall take effect only
6 after—

7 “(A) the end of the 21-day period beginning on
8 the date on which the report required by paragraph
9 (2) with respect to that recommendation is received
10 by the congressional defense committees; or

11 “(B) if earlier, the end of the 14-day period be-
12 ginning on the date on which a copy of the report
13 is provided in an electronic medium pursuant to sec-
14 tion 480 of title 10, United States Code.

15 “(4) The Secretary may not delegate the authority
16 provided by this subsection.”.

17 **SEC. 2705. [LOG #96]INCREASED EMPHASIS ON EVALUATION**
18 **OF COSTS AND BENEFITS IN CONSIDERATION**
19 **AND SELECTION OF MILITARY INSTALLA-**
20 **TIONS FOR CLOSURE OR REALIGNMENT.**

21 (a) **EVALUATION OF COSTS AND BENEFITS.**—Sub-
22 section (b)(1) of section 2687 of title 10, United States
23 Code, is amended by striking “fiscal, local economic, budg-
24 etary,” and inserting “costs and benefits of such closure
25 or realignment and of the local economic,”.

1 (b) REVISED DEFINITION OF REALIGNMENT.—Sub-
2 section (e)(3) of such section is amended by striking “,
3 but does not include a reduction in force resulting
4 from workload adjustments, reduced personnel or funding
5 levels, skill imbalances, or other similar causes”.

6 (c) RELATION TO COMMISSION BASE CLOSURE
7 PROCESS.—If the development of recommendations for
8 the closure and realignment of military installations uti-
9 lizes a Defense Base Closure and Realignment Commis-
10 sion (as was the case under the Defense Base Closure and
11 Realignment Act of 1990 (part A of title XXIX of Public
12 Law 101–510; 10 U.S.C. 2687 note), rather than the au-
13 thority of section 2687 of title 10, United States Code,
14 the amendments made by this section shall apply to the
15 resulting development of recommendations for the closure
16 and realignment of military installations by the Secretary
17 of Defense and the Commission.

18 **SEC. 2706. [LOG #402]SPECIAL CONSIDERATIONS RELATED**
19 **TO TRANSPORTATION INFRASTRUCTURE IN**
20 **CONSIDERATION AND SELECTION OF MILI-**
21 **TARY INSTALLATIONS FOR CLOSURE OR RE-**
22 **ALIGNMENT.**

23 (a) MODIFICATION OF SELECTION CRITERIA.—Sub-
24 section (b)(1) of section 2687 of title 10, United States
25 Code, is amended—

1 (1) by striking “notification an evaluation” and
2 inserting “notification—

3 “(A) an evaluation”; and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(B) the criteria used to consider and rec-
7 ommend military installations for such closure
8 or realignment, which shall include at a min-
9 imum consideration of—

10 “(i) the ability of the infrastructure
11 (including transportation infrastructure) of
12 both the existing and receiving commu-
13 nities to support forces, missions, and per-
14 sonnel as a result of such closure or re-
15 alignment; and

16 “(ii) the costs associated with commu-
17 nity transportation infrastructure improve-
18 ments as part of the evaluation of cost sav-
19 ings or return on investment of such clo-
20 sure or realignment; and”.

21 (b) EFFECT OF SIGNIFICANT IMPACTS.—Such sec-
22 tion is further amended by adding at the end the following
23 new subsection:

24 “(f) If the Secretary of Defense or the Secretary of
25 the military department concerned determines, pursuant

1 to the National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.), that a significant transportation im-
3 pact will occur at a result of an action described in sub-
4 section (a), the action may not be taken unless and until
5 the Secretary of Defense or the Secretary of the military
6 department concerned—

7 “(1) analyzes the adequacy of transportation in-
8 frastructure at and in the vicinity of each military
9 installation that would be impacted by the action;

10 “(2) concludes consultation with the Federal
11 Highway Administration with regard to such impact;
12 and

13 “(3) includes in the notification required by
14 subsection (b)(1) a description of how the Secretary
15 intends to remediate the significant transportation
16 impact.”.

17 (c) TRANSPORTATION INFRASTRUCTURE DE-
18 FINED.—Such subsection is further amended by adding
19 at the end the following new paragraph:

20 “(5) The term ‘transportation infrastructure’
21 includes transit, pedestrian, and bicycle infrastruc-
22 ture.”.

23 (d) RELATION TO COMMISSION BASE CLOSURE
24 PROCESS.—If the development of recommendations for
25 the closure and realignment of military installations uti-

1 lizes a Defense Base Closure and Realignment Commis-
2 sion (as was the case under the Defense Base Closure and
3 Realignment Act of 1990 (part A of title XXIX of Public
4 Law 101-510; 10 U.S.C. 2687 note), rather than the au-
5 thority of section 2687 of title 10, United States Code,
6 the amendments made by this section shall apply to the
7 resulting development of recommendations for the closure
8 and realignment of military installations by the Secretary
9 of Defense and the Commission.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing
Changes

- Sec. 2801. [log #99-costplus]Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects.
- Sec. 2802. [log #100-sec2805]Modification of authority to carry out unspecified minor military construction projects.
- Sec. 2803. [log #103-sec2828]Condition on rental of family housing in foreign countries for general and flag officers.
- Sec. 2804. [log #390-milleract]Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects.
- Sec. 2805. [log #391-centcomsec2808]One-year extension of authority to use operation and maintenance funds for construction projects inside United States Central Command area of responsibility and Combined Joint Task Force-Horn of Africa areas of responsibility and interest.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. [log #392-sec2674]Clarification of authority to use Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at Pentagon Reservation.
- Sec. 2812. [log #101-sec2668]Removal of discretion of Secretaries of the military departments regarding purposes for which easements for rights-of-way may be granted.
- Sec. 2813. [enroachment]Limitations on use or development of property in Clear Zone Areas.
- Sec. 2814. [log #393-dar]Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.

Subtitle C—Energy Security

- Sec. 2821. [log #403-energydefs]Consolidation of definitions used in energy security chapter.
- Sec. 2822. [log #105-energysec]Consideration of energy security in developing energy projects on military installations using renewable energy sources.
- Sec. 2823. [log #394-sec29119e]Establishment of interim objective for Department of Defense 2025 renewable energy goal.
- Sec. 2824. [log #109-rees]Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies.

- Sec. 2825. [log #174-sec2915]Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.
- Sec. 2826. [log #107-energyman]Core curriculum and certification standards for Department of Defense energy managers.
- Sec. 2827. [log #106-sec2925]Submission of annual Department of Defense energy management reports.
- Sec. 2828. [log #173-ccr]Continuous commissioning of Department of Defense facilities to resolve operating problems, improve comfort, optimize energy use, and identify retrofits.
- Sec. 2829. [log #104-metering]Requirement for Department of Defense to capture and track data generated in metering Department facilities.
- Sec. 2830. [log #108-navypiers]Metering of Navy piers to accurately measure energy consumption.
- Sec. 2831. [log #395-energyeff]Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.

Subtitle D—Provisions Related to Guam Realignment

- Sec. 2841. [log #397]Use of operation and maintenance funding to support community adjustments related to realignment of military installations and relocation of military personnel on Guam.
- Sec. 2842. [log #398-guamhealth]Medical care coverage for H-2B temporary workforce on military construction projects on Guam.
- Sec. 2843. [log #399]Certification of military readiness need for firing range on Guam as condition on establishment of range.

Subtitle E—Land Conveyances

- Sec. 2851. [log #400]Land exchange, Fort Bliss Texas.

Subtitle F—Other Matters

- Sec. 2861. [log #401]Change in name of the Industrial College of the Armed Forces to the Dwight D. Eisenhower School for National Security and Resource Strategy.

1 **Subtitle A—Military Construction**
2 **Program and Military Family**
3 **Housing Changes**

4 SEC. 2801. [LOG #99-COSTPLUS]PROHIBITION ON USE OF
5 ANY COST-PLUS SYSTEM OF CONTRACTING
6 FOR MILITARY CONSTRUCTION AND MILI-
7 TARY FAMILY HOUSING PROJECTS.

8 (a) PROHIBITION.—Section 2306 of title 10, United
9 States Code, is amended by inserting after subsection (b)
10 the following new subsection:

11 “(c) A contract entered into by the United States in
12 connection with a military construction project or a mili-
13 tary family housing project may not use any form of cost-
14 plus contracting. This prohibition is in addition to the pro-
15 hibition specified in subsection (a) on the use of the cost-
16 plus-a-percentage-of-cost system of contracting and ap-
17 plies notwithstanding a declaration of war or the declara-
18 tion by the President of a national emergency under sec-
19 tion 201 of the National Emergencies Act (50 U.S.C.
20 1621) that includes the use of the armed forces.”.

21 (b) APPLICATION OF AMENDMENT.—Subsection (c)
22 of section 2306 of title 10, United States Code, as added
23 by subsection (a), shall apply with respect to any contract
24 entered into by the United States in connection with a
25 military construction project or a military family housing

1 project after [the date of the enactment of this Act/Sep-
2 tember 30, 2011.]

3 **SEC. 2802. [LOG #100-SEC2805]MODIFICATION OF AUTHOR-**
4 **ITY TO CARRY OUT UNSPECIFIED MINOR**
5 **MILITARY CONSTRUCTION PROJECTS.**

6 (a) SINGLE THRESHOLD FOR UNSPECIFIED MINOR
7 MILITARY CONSTRUCTION PROJECTS.—Subsection (a)(2)
8 of section 2805 of title 10, United States Code, is amend-
9 ed by striking “\$2,000,000.” in the first sentence and all
10 that follows through the end of the second sentence and
11 inserting “\$3,000,000.”

12 (b) SINGLE THRESHOLD FOR USE OF OPERATION
13 AND MAINTENANCE FUNDS.—Subsection (c) of such sec-
14 tion is amended—

15 (1) by striking “(1) Except as provided in para-
16 graph (2), the” and inserting “The”; and

17 (2) by striking “not more than” and all that
18 follows through the end of the subsection and insert-
19 ing “not more than \$750,000”.

20 (c) EXTENSION OF SPECIAL LABORATORY REVITAL-
21 IZATION AUTHORITY.—Subsection (d) of such section is
22 amended—

23 (1) in paragraph (3), by striking “February 1,
24 2010” and inserting “February 1, 2014”; and

1 (2) in paragraph (5) “September 30, 2012”
2 and inserting “September 30, 2016”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) CROSS REFERENCES REGARDING WORKING-
5 CAPITAL FUNDS.—Section 2208 of such title is
6 amended—

7 (A) in subsection (k)(2)(A), by striking
8 “section 2805(c)(1)” and inserting “section
9 2805(c)”; and

10 (B) in subsection (o)(2)(A), by striking
11 “section 2805(c)(1)” and inserting “section
12 2805(c)”.

13 (2) CROSS REFERENCE REGARDING COST AND
14 SCOPE OF WORK VARIATIONS.—Section 2853(a) of
15 such title is amended by striking “section
16 2805(a)(1)” and inserting “section 2805(a)”.

17 (3) CROSS REFERENCE REGARDING NOTICE
18 AND WAIT REQUIREMENTS FOR RESERVE
19 PROJECTS.—Section 18233a(b)(2)(B)(ii) of such
20 title is amended by striking “section 2805(a)(2)”
21 and inserting “section 2805(a)”.

22 (4) CROSS REFERENCE REGARDING USING OP-
23 ERATION AND MAINTENANCE FUNDS FOR SMALL RE-
24 SERVE PROJECTS.—Section 18233b of such title is
25 amended by striking “not more than” and all that

1 follows through the end of the section and inserting
2 “not more than the amount specified in section
3 2805(c) of this title.”.

4 **SEC. 2803. [LOG #103-SEC2828]CONDITION ON RENTAL OF**
5 **FAMILY HOUSING IN FOREIGN COUNTRIES**
6 **FOR GENERAL AND FLAG OFFICERS.**

7 (a) **CONDITION.**—Section 2828(e) of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(7) Housing units in foreign countries leased under
11 subsection (c) for assignment as family housing for gen-
12 eral officers or flag officers may not exceed the floor area
13 and design criteria for similar housing in the United
14 States.”.

15 (b) **APPLICATION OF AMENDMENT.**—Subsection
16 (e)(7) of section 2828 of title 10, United States Code, as
17 added by subsection (a), shall apply with respect to leases
18 of family housing in foreign countries entered into under
19 subsection (c) of such section after the date of the enact-
20 ment of this Act.

1 SEC. 2804. [LOG #390-MILLERACT]PROTECTIONS FOR SUP-
2 PLIERS OF LABOR AND MATERIALS UNDER
3 CONTRACTS FOR MILITARY CONSTRUCTION
4 PROJECTS AND MILITARY FAMILY HOUSING
5 PROJECTS.

6 Section 2852 of title 10, United States Code, [as
7 amended by section _____,] is further amended by add-
8 ing at the end the following new subsection:

9 “(d) In the case of a military construction project or
10 a military family housing project, the contract amount
11 thresholds specified in subchapter III of chapter 31 of title
12 40 (commonly referred to as the Miller Act) shall be ap-
13 plied by substituting ‘\$150,000’ for ‘\$100,000’ for pur-
14 poses of determining when a performance bond and pay-
15 ment bond are required under section 3131 of such title
16 and when alternatives to payment bonds as payment pro-
17 tections for suppliers of labor and materials are required
18 under section 3132 of such title.”

1 SEC. 2805. [LOG #391-CENTCOMSEC2808]ONE-YEAR EXTEN-
2 SION OF AUTHORITY TO USE OPERATION
3 AND MAINTENANCE FUNDS FOR CONSTRUC-
4 TION PROJECTS INSIDE UNITED STATES CEN-
5 TRAL COMMAND AREA OF RESPONSIBILITY
6 AND COMBINED JOINT TASK FORCE-HORN OF
7 AFRICA AREAS OF RESPONSIBILITY AND IN-
8 TEREST.

9 (a) ONE-YEAR EXTENSION OF AUTHORITY; LIMITA-
10 TION.—Section 2808 of the Military Construction Author-
11 ization Act for Fiscal Year 2004 (division B of Public Law
12 108–136; 117 Stat. 1723), as most recently amended by
13 section 2804 of the Military Construction Authorization
14 Act for Fiscal Year 2011 (division B of Public Law 111–
15 383; 124 Stat. 4459), is amended—

16 (1) in subsection (c)(2), by striking “fiscal year
17 2011” and inserting “fiscal year 2012”; and

18 (2) in subsection (h)—

19 (A) in paragraph (1), by striking “Sep-
20 tember 30, 2011” and inserting “September 30,
21 2012”; and

22 (B) in paragraph (2), by striking “fiscal
23 year 2012” and inserting “fiscal year 2013”.

24 (b) TECHNICAL AMENDMENT.—Subsections (a) and
25 (i) of such section are amended by striking “Combined

1 Task Force-Horn of Africa” each place it appears and in-
2 serting “Combined Joint Task Force-Horn of Africa”.

3 **Subtitle B—Real Property and**
4 **Facilities Administration**

5 **SEC. 2811. [LOG #392-SEC2674]CLARIFICATION OF AUTHOR-**
6 **ITY TO USE PENTAGON RESERVATION MAIN-**
7 **TENANCE REVOLVING FUND FOR MINOR**
8 **CONSTRUCTION AND ALTERATION ACTIVI-**
9 **TIES AT PENTAGON RESERVATION.**

10 Section 2674(e)(4) of title 10, United States Code,
11 is amended—

12 (1) by striking “The authority” and inserting
13 “(A) Except as provided in subparagraph (B), the
14 authority”; and

15 (2) by adding at the end the following new sub-
16 paragraph:

17 “(B) Notwithstanding the date specified in subpara-
18 graph (A), the Secretary may use monies from the Fund
19 after that date to support construction or alteration activi-
20 ties at the Pentagon Reservation within the limits speci-
21 fied in section 2805 of this title.”.

1 **SEC. 2812. [LOG #101-SEC2668]REMOVAL OF DISCRETION OF**
2 **SECRETARIES OF THE MILITARY DEPART-**
3 **MENTS REGARDING PURPOSES FOR WHICH**
4 **EASEMENTS FOR RIGHTS-OF-WAY MAY BE**
5 **GRANTED.**

6 Section 2668(a) of title 10, United States Code, is
7 amended—

8 (1) in paragraph (11), by inserting “and” at
9 the end of the paragraph;

10 (2) in paragraph (12), by striking “; and” and
11 inserting a period; and

12 (3) by striking paragraph (13).

13 **SEC. 2813. [ENCROACHMENT]LIMITATIONS ON USE OR DE-**
14 **VELOPMENT OF PROPERTY IN CLEAR ZONE**
15 **AREAS.**

16 Section 2684a of title 10, United States Code, is
17 amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “or” at
20 the end;

21 (B) in paragraph (2), by striking the pe-
22 riod and inserting “; or”; and

23 (C) by inserting after paragraph (2) the
24 following new paragraph:

1 “(3) protecting Clear Zone Areas from use or
2 encroachment that is incompatible with the mission
3 of the installation.”; and

4 (2) in subsection (i), by inserting after para-
5 graph (2) the following new paragraph:

6 “(3) The term ‘Clear Zone Area’ means an area
7 immediately beyond the end of the runway of an air-
8 field that is needed to ensure the safe and unre-
9 stricted passage of aircraft in and over the area.”.

10 **SEC. 2814. [LOG #393-DAR]DEFENSE ACCESS ROAD PRO-**
11 **GRAM ENHANCEMENTS TO ADDRESS TRANS-**
12 **PORTATION INFRASTRUCTURE IN VICINITY**
13 **OF MILITARY INSTALLATIONS.**

14 (a) **AVAILABILITY OF DEFENSE ACCESS ROADS**
15 **FUNDS FOR BRAC-RELATED TRANSPORTATION IM-**
16 **PROVEMENTS.—**

17 (1) **AVAILABILITY OF DEFENSE ACCESS ROADS**
18 **FUNDS.—**Section 210(a)(2) of title 23, United
19 States Code, is amended by adding at the end the
20 following new sentence: “The Secretary of Defense
21 shall determine the magnitude of the required im-
22 provements without regard to the extent to which
23 traffic generated by the reservation is greater than
24 other traffic in the vicinity of the reservation.”.

1 (2) RETROACTIVE APPLICATION.—The amend-
2 ment made by paragraph (1) shall apply with re-
3 spect to the implementation of the recommendations
4 of the Defense Base Closure and Realignment Com-
5 mission contained in the report of the Commission
6 received by Congress on September 19, 2005, under
7 section 2903(e) of the Defense Base Closure and
8 Realignment Act of 1990 (part A of title XXIX of
9 Public Law 101–510; 10 U.S.C. 2687 note).

10 (b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDER-
11 ATION OF ADDITIONAL DEFENSE ACCESS ROADS FUND-
12 ING SOURCES.—

13 (1) CONVENING OF COMMITTEE.—Not later
14 than 90 days after the date of the enactment of this
15 Act, the Secretary of Defense, as the chairperson of
16 the Economic Adjustment Committee established in
17 Executive Order 127887 (10 U.S.C. 2391 note),
18 shall convene the Economic Adjustment Committee
19 to consider additional sources of funding for the de-
20 fense access roads program under section 210 of
21 title 23, United States Code.

22 (2) REPORT.—Not later than one year after the
23 date of the enactment of this Act, the Secretary of
24 Defense shall submit to Congress a report describing
25 the results of the Economic Adjustment Committee

1 deliberations and containing an implementation plan
2 to expand funding sources for the mitigation of sig-
3 nificant transportation impacts to access to military
4 reservations pursuant to subsection (b) of section
5 210 of title 23, United States Code, as amended by
6 subsection (a).

7 (c) SEPARATE BUDGET REQUEST FOR PROGRAM.—
8 Amounts requested for a fiscal year for the defense access
9 roads program under section 210 of title 23, United States
10 Code, shall be set forth as a separate budget request in
11 the budget transmitted by the President to Congress for
12 that fiscal year under section 1105 of title 31, United
13 States.

14 **Subtitle C—Energy Security**

15 **SEC. 2821. [LOG #403-ENERGYDEFS]CONSOLIDATION OF** 16 **DEFINITIONS USED IN ENERGY SECURITY** 17 **CHAPTER.**

18 (a) CONSOLIDATION OF DEFINITIONS.—

19 (1) IN GENERAL.—Subchapter III of chapter
20 173 of title 10, United States Code, is amended by
21 inserting before section 2925 the following new sec-
22 tion:

23 **“§ 2924. Definitions**

24 **“In this chapter:**

1 “(1) The term ‘defined fuel source’ means any
2 of the following:

3 “(A) Petroleum.

4 “(B) Natural gas.

5 “(C) Coal.

6 “(D) Coke.

7 “(2) The term ‘energy-efficient maintenance’
8 includes—

9 “(A) the repair of military vehicles, equip-
10 ment, or facility and infrastructure systems,
11 such as lighting, heating, or cooling equipment
12 or systems, or industrial processes, by replace-
13 ment with technology that—

14 “(i) will achieve energy savings over
15 the life-cycle of the equipment or system
16 being repaired; and

17 “(ii) will meet the same end needs as
18 the equipment or system being repaired;
19 and

20 “(B) improvements in an operation or
21 maintenance process, such as improved training
22 or improved controls, that result in energy sav-
23 ings.

24 “(3)(A) The term ‘energy security’ means hav-
25 ing assured access to reliable supplies of energy and

1 the ability to protect and deliver sufficient energy to
2 meet operational needs.

3 “(B) In selecting facility energy projects on a
4 military installation that will use renewable energy
5 sources, pursuit of energy security means the instal-
6 lation will give favorable consideration to projects
7 that provide power directly into the installation elec-
8 trical distribution network. In such cases, this power
9 should be prioritized to provide the power necessary
10 for critical assets on the installation in the event of
11 a disruption in the commercial grid.

12 “(4) The term ‘hybrid’, with respect to a motor
13 vehicle, means a motor vehicle that draws propulsion
14 energy from onboard sources of stored energy that
15 are both—

16 “(A) an internal combustion or heat engine
17 using combustible fuel; and

18 “(B) a rechargeable energy storage system.

19 “(5) The term ‘operational energy’ means the
20 energy required for training, moving, and sustaining
21 military forces and weapons platforms for military
22 operations. The term includes energy used by tac-
23 tical power systems and generators and weapons
24 platforms.

1 “(6) The term ‘petroleum’ means natural or
2 synthetic crude, blends of natural or synthetic crude,
3 and products refined or derived from natural or syn-
4 thetic crude or from such blends.

5 “(7) The term ‘renewable energy source’ means
6 energy generated from renewable sources, including
7 the following:

8 “(A) Solar.

9 “(B) Wind.

10 “(C) Biomass.

11 “(D) Landfill gas.

12 “(E) Ocean, including tidal, wave, current,
13 and thermal.

14 “(F) Geothermal, including electricity and
15 heat pumps.

16 “(G) Municipal solid waste.

17 “(H) New hydroelectric generation capac-
18 ity achieved from increased efficiency or addi-
19 tions of new capacity at an existing hydro-
20 electric project. For purposes of this subpara-
21 graph, hydroelectric generation capacity is ‘new’
22 if it was placed in service on or after January
23 1, 1999.

24 “(I) Thermal energy generated by any of
25 the preceding sources.”.

1 (2) CLERICAL AMENDMENTS.—Such chapter is
2 further amended—

3 (A) in the table of subchapters at the be-
4 ginning of such chapter, by striking “2925”
5 and inserting “2924”; and

6 (B) in the table of sections at the begin-
7 ning of subchapter III of such chapter, by in-
8 serting before the item relating to section 2925
9 the following new section:

“2924. Definitions.”.

10 (b) CONFORMING AMENDMENTS STRIKING SEPA-
11 RATE DEFINITIONS.—Such chapter is further amended—

12 (1) in section 2911—

13 (A) in subsection (d)—

14 (i) by striking “(1)” before “For the
15 purpose”;

16 (ii) by striking paragraph (2); and

17 (iii) by redesignating subparagraphs
18 (A), (B), (C), and (D) as paragraphs (1),
19 (2), (3), and (4), respectively; and

20 (B) in subsection (e), by striking para-
21 graph (2);

22 (2) in section 2922e, by striking subsections (e)
23 and (f);

24 (3) in section 2922g, by striking subsection (d);

25 and

1 (4) in section 2925(b), by striking paragraph
2 (4).

3 **SEC. 2822. [LOG #105-ENERGYSEC] CONSIDERATION OF EN-**
4 **ERGY SECURITY IN DEVELOPING ENERGY**
5 **PROJECTS ON MILITARY INSTALLATIONS**
6 **USING RENEWABLE ENERGY SOURCES.**

7 (a) **POLICY OF PURSUING ENERGY SECURITY.—**

8 (1) **POLICY REQUIRED.—**The Secretary of De-
9 fense shall establish a policy under which a military
10 installation shall give favorable consideration for en-
11 ergy security in the design and development of en-
12 ergy projects on the military installation that will
13 use renewable energy sources.

14 (2) **NOTIFICATION.—**The Secretary of Defense
15 shall provide notification to Congress within 30 days
16 after entering into any agreement for a facility en-
17 ergy project described in paragraph (1) that ex-
18 cludes pursuit of energy security on the grounds
19 that inclusion of energy security is cost prohibitive.
20 The Secretary shall also provide a cost-benefit-anal-
21 ysis of the decision.

22 (3) **ENERGY SECURITY DEFINED.—**In this sub-
23 section, the term “energy security” has the meaning
24 given that term in paragraph (3) of section 2924 of

1 title 10, United States Code, as added by section
2 **[energydefs]2821(a).**

3 (b) **ADDITIONAL CONSIDERATION FOR DEVELOPING**
4 **AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND**
5 **ENERGY PERFORMANCE MASTER PLAN.**—Section
6 2911(e) of title 10, United States Code, is amended by
7 adding at the end the following new paragraph:

8 “(12) Opportunities for improving energy secu-
9 rity for facility energy projects that will use renew-
10 able energy sources.”.

11 (c) **DEVELOPMENT OF GEOTHERMAL ENERGY ON**
12 **MILITARY LANDS.**—Section 2917 of such title is amend-
13 ed—

14 (1) by striking “The Secretary” and inserting
15 “(a) **DEVELOPMENT AUTHORIZED.**—The Sec-
16 retary”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(b) **CONSIDERATION OF ENERGY SECURITY.**—The
20 development of a geothermal energy project under sub-
21 section (a) should include consideration of energy security
22 in the design and development of the project.”.

23 (d) **REPORTING REQUIREMENT.**—Section 2925(a)(3)
24 of such title is amended by inserting “whether the project

1 incorporates energy security into its design,” after
2 “through the duration of each such mechanism,”.

3 **SEC. 2823. [LOG #394-SEC29119E]ESTABLISHMENT OF IN-**
4 **TERIM OBJECTIVE FOR DEPARTMENT OF DE-**
5 **FENSE 2025 RENEWABLE ENERGY GOAL.**

6 (a) INTERIM OBJECTIVE.—Section 2911(e) of title
7 10, United States Code, as amended by section
8 [energydefs]2821(b)(1)(B), is further amended by insert-
9 ing after paragraph (1) the following new paragraph:

10 “(2) To help ensure that the goal specified in para-
11 graph (1)(A) regarding the use of renewable energy by the
12 Department of Defense is achieved, the Secretary of De-
13 fense shall establish an interim goal for fiscal year 2018
14 for the production or procurement of facility energy from
15 renewable energy sources.”.

16 (b) DEADLINE; CONGRESSIONAL NOTIFICATION.—
17 Not later than 180 days after the date of the enactment
18 of this Act, the Secretary of Defense shall notify the con-
19 gressional defense committees of the interim renewable en-
20 ergy goal established pursuant to the amendment made
21 by subsection (a).

1 SEC. 2824. [LOG #109-RECS]USE OF CENTRALIZED PUR-
2 CHASING AGENTS FOR RENEWABLE ENERGY
3 CERTIFICATES TO REDUCE COST OF FACIL-
4 ITY ENERGY PROJECTS USING RENEWABLE
5 ENERGY SOURCES AND IMPROVE EFFI-
6 CIENCIES.

7 (a) PURCHASE AND USE OF RENEWABLE ENERGY
8 CERTIFICATES.—Section 2911(e) of title 10, United
9 States Code, as amended by sections
10 [energydefs]2821(b)(1)(B) and [sec2911(e)](a), is fur-
11 ther amended by adding at the end the following new para-
12 graph:

13 “(3)(A) The Secretary of Defense shall establish a
14 policy to maximize savings for the bulk purchase of re-
15 placement renewable energy certificates in connection with
16 the development of facility energy projects using renewable
17 energy sources.

18 “(B) Under the policy required by subparagraph (A),
19 the Secretary of a military department shall submit re-
20 quests for the purchase of replacement renewable energy
21 certificates to a centralized purchasing authority main-
22 tained by the department or the Defense Logistics Agency
23 with expertise regarding—

24 “(i) the market for renewable energy certifi-
25 cates;

1 “(ii) the procurement of renewable energy cer-
2 tificates; and

3 “(iii) obtaining the best value for the military
4 department by maximizing the purchase of renew-
5 able energy certificates from projects placed into
6 service before January 1, 1999.

7 “(C) The centralized purchasing authority shall so-
8 licit industry for the most competitive offer for replace-
9 ment renewable energy certificates, to include a combina-
10 tion of renewable energy certificates from new projects
11 and projects placed into service before January 1, 1999.

12 “(D) Subparagraph (B) does not prohibit the Sec-
13 retary of a military department from entering into an
14 agreement outside of the centralized purchasing authority
15 if the Secretary will obtain the best value by bundling the
16 renewable energy certificates with the facility energy
17 project through a power purchase agreement or other con-
18 tractual mechanism at the installation.

19 “(E) Nothing in this paragraph shall be construed
20 to authorize the purchase of renewable energy certificates
21 to meet Federal goals or mandates in the absence of the
22 development of a facility energy project using renewable
23 energy sources.

24 “(F) This policy does not make the purchase of re-
25 newable energy certificates mandatory, but the policy shall

1 apply whenever original renewable energy certificates are
2 proposed to be swapped for replacement renewable energy
3 certificates.”.

4 (b) REPORTING REQUIREMENTS.—Section 2925(a)
5 of title 10, United States Code, is amended—

6 (1) by redesignating paragraphs (4) through
7 (10) as paragraphs (5) through (11), respectively;
8 and

9 (2) by inserting after paragraph (3) the fol-
10 lowing new paragraph:

11 “(4) In addition to the information contained in
12 the table listing energy projects financed through
13 third party financing mechanisms, as required by
14 paragraph (3), the table also shall list any renewable
15 energy certificates associated with each project, in-
16 cluding information regarding whether the renewable
17 energy certificates were bundled or unbundled, the
18 purchasing authority for the renewable energy cer-
19 tificates, and the price of the associated renewable
20 energy certificates.”.

1 SEC. 2825. [LOG #174-SEC2915]IDENTIFICATION OF ENERGY-
2 EFFICIENT PRODUCTS FOR USE IN CON-
3 STRUCTION, REPAIR, OR RENOVATION OF DE-
4 PARTMENT OF DEFENSE FACILITIES.

5 (a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—
6 Section 2915(e) of title 10, United States Code, is amend-
7 ed by striking paragraph (2) and inserting the following
8 new paragraph:

9 “(2)(A) The Secretary of Defense shall prescribe a
10 definition of the term ‘energy-efficient product’ for pur-
11 poses of this subsection and establish and maintain a list
12 of products satisfying the definition. The definition and
13 list shall be developed in consultation with the Secretary
14 of Energy to ensure, to the maximum extent practicable,
15 consistency with definitions of the term used by other Fed-
16 eral agencies.

17 “(B) The Secretary shall modify the definition and
18 list of energy-efficient products as necessary to account
19 for emerging or changing technologies.

20 “(C) The list of energy-efficient products shall be in-
21 cluded as part of the energy performance master plan de-
22 veloped pursuant to section 2911(b)(2) of this title.”.

23 (b) CONFORMING AMENDMENT TO ENERGY PER-
24 FORMANCE MASTER PLAN.—Section 2911(b)(2) of such
25 title is amended by adding at the end the following new
26 subparagraph:

1 “(F) The up-to date list of energy-efficient
2 products maintained under section 2915(e)(2) of
3 this title.”.

4 **SEC. 2826. [LOG #107-ENERGYMAN]CORE CURRICULUM AND**
5 **CERTIFICATION STANDARDS FOR DEPART-**
6 **MENT OF DEFENSE ENERGY MANAGERS.**

7 (a) TRAINING PROGRAM AND ISSUANCE OF GUID-
8 ANCE.—

9 (1) IN GENERAL.—Subchapter I of chapter 173
10 of title 10, United States Code, is amended by in-
11 serting after section 2915 the following new section:
12 “**§ 2915a. Facilities: Department of Defense energy**
13 **managers**

14 “(a) TRAINING PROGRAM REQUIRED.—The Sec-
15 retary of Defense shall establish a training program for
16 Department of Defense energy managers designated for
17 military installations—

18 “(1) to improve the knowledge, skills, and abili-
19 ties of energy managers; and

20 “(2) to improve consistency among energy man-
21 agers throughout the Department in the perform-
22 ance of their responsibilities.

23 “(b) CURRICULUM AND CERTIFICATION.—(1) The
24 Secretary of Defense shall identify core curriculum and

1 certification standards required for energy managers. At
2 a minimum, the curriculum shall include the following:

3 “(A) Details of the energy laws that the De-
4 partment of Defense is obligated to comply with and
5 the mandates that the Department of Defense is ob-
6 ligated to implement.

7 “(B) Details of energy contracting options for
8 third-party financing of facility energy projects.

9 “(C) Details of the interaction of Federal laws
10 with State and local renewable portfolio standards.

11 “(D) Details of current renewable energy tech-
12 nology options, and lessons learned from exemplary
13 installations.

14 “(E) Details of strategies to improve individual
15 installation acceptance of its responsibility for reduc-
16 ing energy consumption.

17 “(F) Details of how to conduct an energy audit
18 and the responsibilities for commissioning, re-
19 commissioning, and continuous commissioning of fa-
20 cilities.

21 “(2) The curriculum and certification standards shall
22 leverage the best practices of each of the military depart-
23 ments.

1 “(3) The certification standards shall identify profes-
2 sional qualifications required to be designated as an en-
3 ergy manager.

4 “(c) INFORMATION SHARING.—The Secretary of De-
5 fense shall ensure that there are opportunities and forums
6 for energy managers to exchange ideas and lessons-learned
7 within each military department, as well as across the De-
8 partment of Defense.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such subchapter is amend-
11 ed by inserting after the item relating to section
12 2915 the following new item:

“2915a. Facilities: Department of Defense energy managers.”.

13 (b) ISSUANCE OF GUIDANCE.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall issuance guidance for the imple-
16 mentation of the core curriculum and certification stand-
17 ards for energy managers required by section 2915a of
18 title 10, United States Code, as added by subsection (a).

19 (c) BRIEFING REQUIREMENT.—Not later than 180
20 days after the date of the enactment of this Act, the Sec-
21 retary of Defense, or designated representatives of the
22 Secretary, shall brief the Committees on Armed Services
23 of the Senate and House of Representatives regarding the
24 details of the energy manager core curriculum and certifi-
25 cation requirements.

1 **SEC. 2827. [LOG #106-SEC2925]SUBMISSION OF ANNUAL DE-**
2 **PARTMENT OF DEFENSE ENERGY MANAGE-**
3 **MENT REPORTS.**

4 Section 2925 of title 10, United States Code, is
5 amended by striking “As part of the annual submission
6 of the energy performance goals for the Department of
7 Defense under section 2911 of this title, the Secretary of
8 Defense shall submit a report containing the following:”
9 and inserting “Not later than 120 days after the end of
10 each fiscal year, the Secretary of Defense shall submit to
11 the congressional defense committees an installation en-
12 ergy report detailing the fulfillment during that fiscal year
13 of the energy performance goals for the Department of
14 Defense under section 2911. Each report shall contain the
15 following:”.

16 **SEC. 2828. [LOG #173-CCR]CONTINUOUS COMMISSIONING**
17 **OF DEPARTMENT OF DEFENSE FACILITIES**
18 **TO RESOLVE OPERATING PROBLEMS, IM-**
19 **PROVE COMFORT, OPTIMIZE ENERGY USE,**
20 **AND IDENTIFY RETROFITS.**

21 (a) **CONTINUOUS COMMISSIONING.**—The Secretary of
22 Defense may require the continuous commissioning of De-
23 partment of Defense facilities.

24 (b) **CONTINUOUS COMMISSIONING DEFINED.**—In
25 this section, the term “continuous commissioning” refers
26 to an ongoing process to resolve operating problems, im-

1 prove comfort, optimize energy use, and identify retrofits
2 for existing commercial and institutional buildings and
3 central plant facilities.

4 **SEC. 2829. [LOG #104-METERING]REQUIREMENT FOR DE-**
5 **PARTMENT OF DEFENSE TO CAPTURE AND**
6 **TRACK DATA GENERATED IN METERING DE-**
7 **PARTMENT FACILITIES.**

8 The Secretary of Defense shall require that the infor-
9 mation generated by the installation energymeters be cap-
10 tured and tracked to determine baseline energy consump-
11 tion and facilitate efforts to reduce energy consumption.

12 **SEC. 2830. [LOG #108-NAVYPIERS]METERING OF NAVY PIERS**
13 **TO ACCURATELY MEASURE ENERGY CON-**
14 **SUMPTION.**

15 (a) **METERING REQUIRED.**—The Secretary of the
16 Navy shall meter Navy piers so that the energy consump-
17 tion of naval vessels while in port can be accurately meas-
18 ured and captured and steps taken to improve the efficient
19 use of energy by naval vessels while in port.

20 (b) **PROGRESS REPORTS.**—In each of the Depart-
21 ment of Defense energy management reports submitted to
22 Congress during fiscal years 2012 through 2017 under
23 section 2925(a) of title 10, United States Code, the Sec-
24 retary of the Navy shall include information on the
25 progress being made to implement the metering of Navy

1 piers, including information on any reductions in energy
2 consumption achieved through the use of such metering.

3 **SEC. 2831. [LOG #395-ENERGYEFF]REPORT ON ENERGY-EF-**
4 **FICIENCY STANDARDS AND PROHIBITION ON**
5 **USE OF FUNDS FOR LEADERSHIP IN ENERGY**
6 **AND ENVIRONMENTAL DESIGN (LEED) GOLD**
7 **OR PLATINUM CERTIFICATION.**

8 (a) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than January 30,
10 2012, the Secretary of Defense shall submit to the
11 congressional defense committees a report on the en-
12 ergy-efficiency standards utilized by the Department
13 of Defense for military construction.

14 (2) CONTENTS OF REPORT.—The report shall
15 include the following:

16 (A) A cost benefit analysis of adopting
17 American Society of Heating, Refrigerating and
18 Air-Conditioning Engineers (ASHRAE) build-
19 ing standard 189.1 versus 90.1 for sustainable
20 design and development for the construction
21 and renovation of buildings and structures.

22 (B) Details of the energy-efficiency im-
23 provements achieved and long term payback re-
24 sulting from the adoption of ASHRAE building
25 standard 189.1.

1 (C) A cost benefit analysis and return on
2 investment for energy-efficiency attributes and
3 sustainable design achieved through Depart-
4 ment of Defense funds being expended in the
5 pursuit of Leadership in Energy and Environ-
6 mental Design (LEED) gold or platinum cer-
7 tification.

8 (D) A copy of Department of Defense pol-
9 icy prescribing a comprehensive strategy for the
10 pursuit of design and building standards across
11 the Department that include specific energy-ef-
12 ficient standards and sustainable design at-
13 tributes for military construction based on the
14 cost benefit analysis and demonstrated payback
15 required by subparagraphs (A), (B), and (C).

16 (b) PROHIBITION ON USE OF FUNDS FOR LEED
17 GOLD OR PLATINUM CERTIFICATION.—

18 (1) PROHIBITION.—No funds authorized to be
19 appropriated by this Act or otherwise made available
20 for the Department of Defense for fiscal year 2012
21 may be obligated or expended for achieving any
22 Leadership in Energy and Environmental Design
23 (LEED) gold or platinum certification.

24 (2) WAIVER AND NOTIFICATION.—The Sec-
25 retary of Defense may waive the limitation in para-

1 graph (1) if the Secretary submits a notification to
2 the congressional defense committees at least 30
3 days before the obligation of funds toward achieving
4 the LEED gold or platinum certification.

5 (3) CONTENTS OF NOTIFICATION.—A notifica-
6 tion shall include the following:

7 (A) A cost-benefit analysis of the decision
8 to obligate funds toward achieving the LEED
9 gold or platinum certification.

10 (B) Demonstrated payback for the energy
11 improvements or sustainable design features.

12 (4) EXCEPTION.—LEED gold and platinum
13 certifications shall be permitted, and not require a
14 waiver and notification under this subsection, if
15 achieving such certification imposes no additional
16 cost to the Department of Defense.

17 **Subtitle D—Provisions Related to**
18 **Guam Realignment**

19 **SEC. 2841. [LOG #397]USE OF OPERATION AND MAINTENANCE FUNDING TO SUPPORT COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.**

24 (a) TEMPORARY ASSISTANCE AUTHORIZED.—

1 (1) ASSISTANCE TO GOVERNMENT OF GUAM.—

2 Using funds made available under subsection (c), the
3 Secretary of Defense may assist the Government of
4 Guam in meeting the costs of providing increased
5 municipal services and facilities required as a result
6 of the realignment of military installations and the
7 relocation of military personnel on Guam (in this
8 section referred to as the “Guam realignment”) if
9 the Secretary determines that an unfair and exces-
10 sive financial burden will be incurred by the Govern-
11 ment of Guam to provide the services and facilities
12 in the absence of the Department of Defense assist-
13 ance.

14 (2) MITIGATION OF IDENTIFIED IMPACTS.—The
15 Secretary of Defense may take such actions as the
16 Secretary considers to be appropriate to mitigate the
17 significant impacts identified in the Record of Deci-
18 sion of the “Guam and CNMI Military Relocation
19 Environmental Impact Statement” by providing in-
20 creased municipal services and facilities to activities
21 that directly support the Guam realignment.

22 (b) METHODS OF PROVIDING ASSISTANCE.—

23 (1) USE OF EXISTING PROGRAMS.—The Sec-
24 retary of Defense shall carry out subsection (a)
25 through existing Federal programs supporting the

1 Government of Guam and the Guam realignment,
2 whether or not the programs are administered by
3 the Department of Defense or another Federal agen-
4 cy.

5 (2) COST SHARE ASSISTANCE.—The Secretary
6 may assist the Government of Guam to any cost-
7 sharing obligation imposed on the Government of
8 Guam under any Federal program utilized by the
9 Secretary under paragraph (1).

10 (c) SOURCE OF FUNDS.—

11 (1) TRANSFER AUTHORITY.—To the extent nec-
12 essary to carry out subsection (a), the Secretary
13 may transfer appropriated funds available to the De-
14 partment of Defense or a military department for
15 operation and maintenance to a different account of
16 the Department of Defense or another Federal agen-
17 cy in order to make funds available to the Govern-
18 ment of Guam under a Federal program utilized by
19 the Secretary under subsection (b)(1). Amounts so
20 transferred shall be available only for the purpose of
21 assisting the Government of Guam as described in
22 subsection (a).

23 (2) ADDITIONAL AUTHORITY.—The transfer au-
24 thority provided by paragraph (1) is in addition to
25 the transfer authority provided by section 1001.

1 (d) PROGRESS REPORTS REQUIRED.—The Secretary
2 of Defense shall submit to the Committees on Armed Serv-
3 ices of the Senate and the House of Representatives semi-
4 annual reports indicating the total amount expended
5 under the authority of this section during the preceding
6 6-month period, the specific projects for which assistance
7 was provided during such period, and the total amount
8 provided for each project during such period.

9 (e) TERMINATION.—The authority to provide assist-
10 ance under this section expires September 30, 2018.
11 Amounts obligated before that date may be expended after
12 that date.

13 **SEC. 2842. [LOG #398-GUAMHEALTH]MEDICAL CARE COV-**
14 **ERAGE FOR H-2B TEMPORARY WORKFORCE**
15 **ON MILITARY CONSTRUCTION PROJECTS ON**
16 **GUAM.**

17 (a) LEAD SYSTEM INTEGRATOR FOR WORKFORCE
18 HEALTH CARE.—Subject to subsection (b), the Secretary
19 of the Navy may not award any additional Navy or Marine
20 Corps construction project or associated task order on
21 Guam associated with the Record of Decision for the
22 Guam and CNMI Military Relocation dated September
23 2010 if the project includes the use of employees holding
24 a visa described in section 101(a)(15)(H)(ii)(b) of the Im-
25 migration and Nationality Act (8 U.S.C.

1 1101(a)(15)(H)(ii)(b); known as “H-2B workers”) until
2 the Secretary of the Navy provides for a lead system inte-
3 grator for health care for the H-2B workers.

4 (b) DUTIES.—The lead system integrator for health
5 care shall—

6 (1) provide a comprehensive medical plan for
7 the H-2B workers to staff, manage, and execute re-
8 quirements with maximum clinical, fiscal, and ad-
9 ministrative efficiencies;

10 (2) provide comprehensive planning and coordi-
11 nation with contractor-provided healthcare services
12 and with Guam’s civilian and military healthcare
13 community; and

14 (3) access local healthcare assets to help meet
15 the health care needs of the H-2B workers.

16 (c) ELEMENTS OF MEDICAL PLAN.—The comprehen-
17 sive medical plan referred to in subsection (b)(1) shall—

18 (1) address significant health issues, injury, or
19 series of injuries in addition to basic first responder
20 medical services for H-2B workers.

21 (2) provide pre-deployment health screening at
22 the country of origin of H-2B workers, ensuring—

23 (A) all major or chronic disease conditions
24 of concern are identified;

1 (B) proper immunizations are adminis-
2 tered;

3 (C) screening for tuberculosis and commu-
4 nicable diseases are conducted; and

5 (D) all H-2B workers are fit and healthy
6 for work prior to deployment;

7 (3) provide arrival health screening process is
8 developed to ensure the H-2B workers are is fit to
9 work and that the risk of spreading communicable
10 diseases to the resident population is minimized; and

11 (4) provide comprehensive on-site medical serv-
12 ices, including emergency medical care for the H-2B
13 workers, primary health care to include care for
14 chronic diseases, preventive services and acute care
15 delivery, and accessible prescription services main-
16 taining oversight, authorization access and delivery
17 of prescription medications to the workforce.

18 (d) NOTIFICATION.—Upon assignment of the lead
19 system integrator for health care under subsection (a), the
20 Secretary of the Navy shall submit to the congressional
21 defense committees a notification of the assignment and
22 qualifications of the lead system integrator.

1 **SEC. 2843. [LOG #399]CERTIFICATION OF MILITARY READI-**
2 **NESS NEED FOR FIRING RANGE ON GUAM AS**
3 **CONDITION ON ESTABLISHMENT OF RANGE.**

4 A firing range on Guam may not be established (in-
5 cluding any construction or lease of lands related to such
6 establishment) until the Secretary of Defense certifies to
7 the congressional defense committees that there is a na-
8 tional security need for the firing range related to readi-
9 ness of the Armed Forces assigned to the United States
10 Pacific Command.

11 **Subtitle E—Land Conveyances**

12 **SEC. 2851. [LOG #400]LAND EXCHANGE, FORT BLISS TEXAS.**

13 (a) CONVEYANCE AUTHORIZED.—In exchange for the
14 receipt of the real property described in subsection (b),
15 the Secretary of the Army may convey to the Texas Gen-
16 eral Land Office (in this section referred to as the
17 “TGLO”) all right, title, and interest of the United States
18 in and to a parcel of undeveloped real property consisting
19 of approximately 694 acres at Fort Bliss, Texas, for the
20 purpose of facilitating commercial development of the par-
21 cel.

22 (b) CONSIDERATION.—As consideration for the con-
23 veyance under subsection (a), TGLO shall convey to the
24 Secretary of the Army all right, title, and interest of
25 TGLO in and to a parcel of real property, including any
26 improvements thereon, consisting of approximately 2,880

1 acres adjacent to Fort Bliss training areas to facilitate
2 tactical vehicle ingress and egress between the installation
3 and the training areas and mitigate encroachment issues.
4 If the fair market value of the real property to be acquired
5 by the Secretary is less than the fair market value of the
6 real property to be conveyed under subsection (a), the Sec-
7 retary may require a cash equalization payment in an
8 amount equal to the difference in value.

9 (c) PAYMENT OF COSTS OF CONVEYANCES.—

10 (1) PAYMENT REQUIRED.—The Secretary of
11 the Army shall require TGLO to cover costs to be
12 incurred by the Secretary, or to reimburse the Sec-
13 retary for costs incurred by the Secretary, to carry
14 out the land exchange under this section, including
15 survey costs, costs related to environmental docu-
16 mentation, and other administrative costs related to
17 the conveyance. If amounts are collected from
18 TGLO in advance of the Secretary incurring the ac-
19 tual costs, and the amount collected exceeds the
20 costs actually incurred by the Secretary to carry out
21 the land exchange, the Secretary shall refund the ex-
22 cess amount to TGLO.

23 (2) TREATMENT OF AMOUNTS RECEIVED.—
24 Amounts received as reimbursements under para-
25 graph (1) shall be credited to the fund or account

1 that was used to cover the costs incurred by the Sec-
2 retary in carrying out the land exchange. Amounts
3 so credited shall be merged with amounts in such
4 fund or account and shall be available for the same
5 purposes, and subject to the same conditions and
6 limitations, as amounts in such fund or account.

7 (d) DESCRIPTION OF PROPERTY.—The exact acreage
8 and legal description of the real property to be exchanged
9 under this section shall be determined by a survey satis-
10 factory to the Secretary of the Army.

11 (e) ADDITIONAL TERMS AND CONDITIONS.—The
12 Secretary of the Army may require such additional terms
13 and conditions in connection with the land exchange under
14 this section as the Secretary considers appropriate to pro-
15 tect the interests of the United States.

16 **Subtitle F—Other Matters**

17 **SEC. 2861. [LOG #401]CHANGE IN NAME OF THE IN-**
18 **DUSTRIAL COLLEGE OF THE ARMED FORCES**
19 **TO THE DWIGHT D. EISENHOWER SCHOOL**
20 **FOR NATIONAL SECURITY AND RESOURCE**
21 **STRATEGY.**

22 (a) CHANGE IN NAME.—The Industrial College of the
23 Armed Forces is hereby renamed the “Dwight D. Eisen-
24 hower School for National Security and Resource Strat-
25 egy”.

1 (b) COMPONENT OF NATIONAL DEFENSE UNIVER-
2 SITY.—Section 2165(b)(2) of title 10, United States Code,
3 is amended by striking “Industrial College of the Armed
4 Forces” and inserting “Dwight D. Eisenhower School for
5 National Security and Resource Strategy”.

6 (c) CONFORMING AMENDMENT.—Section 663(e)(2)
7 of such title is amended by striking “Industrial College
8 of the Armed Forces” and inserting “Dwight D. Eisen-
9 hower School for National Security and Resource Strat-
10 egy”.

11 (d) REFERENCES.—Any reference to the Industrial
12 College of the Armed Forces in any law, regulation, map,
13 document, record, or other paper of the United States
14 shall be considered to be a reference to the Dwight D.
15 Eisenhower School for National Security and Resource
16 Strategy.

SUMMARY OF DIRECTIVE REPORT LANGUAGE

Titles 2, 3, 10, 11, 28

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TITLE III—OPERATION AND MAINTENANCE

Navy Green Fleet Initiative Including Harbor Tugs

Department-Wide Depot Workforce Development

Long-Term Corrosion Strategies of the Military Departments

Study on Reducing Navy Small Boat Maintenance Costs

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Africa Command Basing Alternatives

Assessment of Improvements in Construction Techniques to Achieve Life-Cycle Cost-Effective Facilities

Collateral Support for Infrastructure and Real Property Programs

Comptroller General Report regarding Third Party Financing for Renewable Energy Projects on Military Installations

Comptroller General Review of Department of Defense's Report on the Arctic and Northwest Passage

Construction Unit Costs

Corrosion Evaluation for Facilities and Infrastructure

Department of Defense Microgrid Activities

Energy and Water Utilities Privatization

Fort Bragg Parking Assessment

Homeowners Assistance Program

DIRECTIVE REPORT LANGUAGE

Titles 2, 3, 10, 11, 28

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

Study on possible establishment of a power and energy University Affiliated Research Center

The committee recognizes the national security imperative for diversifying fuel supply and reducing energy consumption. The Department of Defense has many Department goals and laws for reducing energy consumption including increasing the use of renewable technologies.

Establishing a University Affiliated Research Center (UARC) is one potential method for providing the Department of Defense with long-term continuity for essential research, development, and engineering capability enhancements in specific mission areas. Therefore, the committee directs the Secretary of Defense to conduct a study to assess the cost and feasibility of establishing a UARC that researches and develops power and energy technologies to reduce energy demand, improve energy efficiency, and help achieve the overall mission requirements of the Department of Defense and military services. The committee further directs the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by February 29, 2012. The report should include recommendations regarding the potential establishment of this UARC, the proposed funding required to establish the UARC, and an analysis of potential locations.

TITLE III—OPERATION AND MAINTENANCE

ENERGY ISSUES

Navy Green Fleet Initiative Including Harbor Tugs

The committee recognizes the advancements the Navy is making to reduce energy consumption. The Secretary of the Navy set a goal to deploy a “Great Green Fleet” of vessels powered entirely by alternative fuels by 2016. The committee directs the Secretary of the Navy to submit a report to the House Committee on Armed Services on the Navy’s plan to include the Service Craft fleet as part of the Navy’s “Great Green Fleet” and include plans to test and certify alternative fuels on this fleet, specifically on the Yard Tug class vessels, by December 31, 2011.

LOGISTICS AND SUSTAINMENT ISSUES

Department-Wide Depot Workforce Development

The committee has been made aware that the maintenance depots supporting the military services are no longer able to sustain certain cooperative training

programs designed to develop the future depot workforce. The committee is concerned that maintenance depots are not being properly funded for these cooperative training programs which are intended to enable the maintenance depots to meet future workforce requirements.

Therefore, the committee directs the Secretaries of the military departments to develop and begin executing integrated workforce development plans for their respective maintenance depots, and to submit to the congressional defense committees copies of their respective plans within one year after the date of enactment of this Act. Specifically, the plans should emphasize apprenticeship opportunities, encourage flexibility in hiring to allow the new trainees to shift across the maintenance depots to better structure the workforce to meet future reset and depot maintenance workloads, and provide adequate resources to sustain essential training activities.

Long-Term Corrosion Strategies of the Military Departments

The committee is concerned that the military departments, by not aligning their corrosion control and prevention efforts with the Department of Defense Corrosion Prevention and Mitigation Strategic Plan, are incurring higher-than-necessary life-cycle costs for military equipment sustainment. Therefore, the committee directs the corrosion control and prevention executive (CCPE) of each military department to develop a long-term strategy for addressing corrosion prevention and control within the department by April 1, 2012. The military department's strategy should support the existing Department of Defense-level strategy published by the Director of Corrosion Policy and Oversight.

The military department's strategy should include all areas of responsibility for the CCPE as described in section 2228 of title 10, United States Code. The military department's CCPE should coordinate the long-term strategy with the Department of Defense Office of Corrosion Policy and Oversight to assure consistency with overarching Department of Defense strategies and conformity to Department of Defense Instruction 5000.67. The committee further directs the Comptroller General of the United States evaluate the long-term strategies developed by the military departments' CCPEs for adherence to section 2228 of title 10, United States Code, for consistency with overarching Department of Defense strategies, and for conformity to Department of Defense Instruction 5000.67, and report on the findings to the Senate Committee on Armed Services and House Committee on Armed Services by July 1, 2012.

Study on Reducing Navy Small Boat Maintenance Costs

The committee is concerned that the Department of the Navy is not taking advantage of the prospective return on investment and reduced life-cycle sustainment costs that could be achieved through greater investment in corrosion control and prevention measures for the Navy's small boats. Therefore, the

committee directs the Secretary of the Navy to conduct a study on strategies to reduce maintenance and repair costs associated with small boat storage and harboring and submit a report on the results to the Senate Committee on Armed Services and House Committee on Armed Services by later than October 31, 2011. At a minimum, the study shall investigate the potential for reduced maintenance and repair costs of the Navy's small boat fleet through the use of advanced boat lift as well as storage and harboring equipment, including an evaluation and business case analysis of the impact of these strategies for potential improvements to small boat acquisition costs and life-cycle sustainment. In the report to the committee, the Secretary should include recommendations regarding the potential establishment of improved boat corrosion control and prevention as:

- (1) A key performance parameter for the selection of boat maintenance and storage equipment;
- (2) A key performance parameter for sustainment;
- (3) A requirement for the Naval Sea Systems Command to incorporate into its acquisition strategies prior to issuing a solicitation for procurement contracts.

The committee directs the Comptroller General of the United States to assess the report submitted by the Secretary of the Navy for completeness, including the methodology used in the Navy's analysis. The Comptroller General should submit a report of the assessment to the Senate Committee on Armed Services and House Committee on Armed Services within 60 days after the date the Secretary of the Navy delivers the study report to the Senate Committee on Armed Services and House Committee on Armed Services.

Sustainment Planning

The committee is aware of the Department of the Navy's successful use of modeling and cost-benefit analysis to support efficient logistics and sustainment and manage total life-cycle product support costs of the Navy's T-6, T-34, and T-45 training aircraft. The committee notes that these efforts are in keeping with the goals of section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) regarding life-cycle management and product support strategies for major weapon systems. Such tools apply a strategic decision analysis approach to the evaluation of multiple alternatives and quantitatively assess the impact of uncertainty to provide relevant insight into decision-making. The committee is particularly interested in the application of these predictive analytical tools to assist the F-35 Joint Strike Fighter program office in sustainment planning.

In light of this proven modeling and analytical capability, the committee directs the assistant secretary of each military department with the responsibility for weapon system sustainment planning to review, using predictive analytical tools, current contractor logistics support (CLS) contracts to ensure that the appropriate source of repair is being used and is providing a cost savings to the

taxpayer. The committee also directs the assistant secretaries concerned to require that future CLS contracts be assessed with the same tools prior to contract award.

READINESS ISSUES

Army Unit Manning Effects on Readiness

The committee recognizes the Army has struggled to maintain the readiness of its forces over the past decade and that personnel issues have continuously been one of the most important drivers of readiness.

The committee is concerned about the Army's current shortage of warrant officers, certain enlisted specialties, and the growing burden of filling units as combat-related medical issues have increased the numbers of non-deployable personnel. Therefore, the committee directs the Comptroller General of the United States to conduct an assessment of Army personnel readiness and submit a report on the findings to the congressional defense committees by February 28, 2012. At a minimum, the report should include:

- (1) A list of Army units that are reporting degraded readiness;
- (2) An analysis of the extent to which the personnel component of readiness is affecting overall readiness;
- (3) Army personnel strengths and how they are matched to requirements;
- (4) Army policies and established business rules for calculating personnel readiness;
- (5) The Army's processes for meeting manning goals throughout the Army's force generation cycle; and
- (6) The extent to which the Army has developed plans to address actual or projected unit manning shortages for specific occupational specialties or pay grades.

Distribution and Use of Bottled Water in Contingency Operations

The committee is concerned that logistics convoys continue to be vulnerable to attack in contingency operations. Logistics convoys in the Islamic Republic of Afghanistan provide delivery of fuel, bottled water, and other supplies to forward operating bases. According to the Marine Corps Energy Assessment Team in 2009, hauling bottled water made up 51 percent of the logistical burden in Afghanistan. The committee directs the Secretary of Defense to assess the impact of the distribution of and alternatives to bottled water in contingency operations and submit a report to the congressional defense committees by February 29, 2012, that includes the following:

- (1) The total quantity of bottled water that is distributed by convoys in the Islamic Republic of Afghanistan, and the associated cost with the purchase and distribution of bottled water;

- (2) An assessment of the current water filtration technologies including reverse osmosis systems available, as well as those systems being developed to support clean, filtered water with the necessary minerals for forward operating bases;
- (3) An assessment of how the Department of Defense will reduce its demand for bottled water while ensuring access to clean, safe water for service members in the Islamic Republic of Afghanistan;
- (4) An assessment of how plastic waste is being minimized and discarded, and what precautions are being taken to prevent exposure to toxic fumes on forward operating bases in the Islamic Republic of Afghanistan as a result of the destruction of plastic waste;
- (5) A cost assessment of the Fully Burdened Cost of Water in the Islamic Republic of Afghanistan; and
- (6) An assessment of water purification plants available for use by the United States military in the Islamic Republic of Afghanistan.

Material Readiness of the Navy's Amphibious and Surface Combatant Ships

In the 1990s, the Navy began implementing a number of initiatives that were designed to reduce costs associated with operating and manning its surface fleet. These initiatives included a shift from engineering maintenance cycles to condition-based maintenance cycles, reducing crew sizes, and moving to more computer-based training. However, over the past decade the Navy has increased its operational tempo as it has called upon its surface fleet to support overseas contingency operations while still retaining its traditional forward presence mission. The net effect of the increased pace of operations and decreased depot, intermediate, and organizational maintenance has been a decline in the material condition of some ships. This decline has been documented through periodic readiness reporting and other reports, such as the Board of Inspection and Survey (INSURV). INSURV inspection results are a key indicator that the Navy uses to judge ship material readiness and offer an independent assessment.

Based on the results of all these reports, the Navy launched a number of initiatives designed to better maintain the material conditions of its surface ships. Given the cost of new ships, and size of the current fleet relative to current and projected requirements, it is critical that the Navy's efforts to maintain its ships succeed and help its ships to meet or exceed their expected lifespan. The committee directs the Comptroller General of the United States to review the Navy's initiatives to improve the material condition of its surface ship fleet and report the results to the Senate Committee on Armed Services and the House Committee on Armed Services. This review should focus on the Navy's amphibious ships, cruisers, destroyers, and frigates. For each of these types/classes of ships, the Comptroller General should compare data on actual material condition compared to projected condition, considering information such as following:

- (1) The projected service life when the first ship of the class was designed or delivered;
- (2) The current age of the class;
- (3) The age at which any ships of the class were decommissioned;
- (4) Any changes in maintenance policy for the class; and
- (5) Any deferments of major availabilities.

In addition, for a 2-year period starting March 2009, the Government Accountability Office (GAO) should assess the reported readiness of ships prior to and after undergoing INSURV inspections, as well as the INSURV results to identify any factors affecting the ships' ability to meet inspection requirements and to sustain the material condition of the ship following the INSURV. Finally, GAO should evaluate the extent to which the Navy's initiatives, including those stemming from the Department of Defense's efficiency initiative, address any of these underlying factors, and determine whether the Navy has established metrics to gauge improvements in the material condition of the ship types identified for this report.

Modified Tables of Equipment

The committee is concerned that current modified tables of equipment (MTOE) may not fully encompass the equipment required for future missions and may not entirely account for equipment used in recent and current contingencies. In order to help the committee more completely assess future needs, the committee directs the Comptroller General of the United States to examine the Army and Marine Corps' modified tables of equipment, and to submit a report to the congressional defense committees by February 28, 2012.

At a minimum, the review should examine:

- (1) What equipment was used in operations in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn should be added to MTOEs;
- (2) The process by which equipment is nominated for inclusion in MTOEs;
- (3) Items that should be removed from MTOEs; and
- (4) The military services respective strategy for future sustainment of MTOEs outside of Overseas Contingency Operations funds.

Review of Department of Defense's Mix of Live and Simulated Training

The Department of Defense prepares U.S. forces to conduct military operations by providing personnel with live training and through the use of technology, such as simulators and other virtual training devices. These virtual training devices allow military personnel to replicate many of the interactions and procedures they may encounter on the battlefield with fewer constraints, such as the high costs of live training and timely access to training ranges. In an effort to achieve greater efficiency, maximize training opportunities, and potentially reduce

training costs, each military service is in various stages of developing concepts and training programs that integrate live and simulated training. In announcing the results of the Department's recent efficiency initiative, the Secretary of Defense identified various efficiencies and potential savings related to modifying training programs or concepts in support of flying hour requirements, including the use of simulators.

In order to better understand the potential benefits of the services' efforts, the committee directs the Comptroller General of the United States to review the status of services' programs, including factors that were considered in determining the appropriate mix of live and simulated training, actual or planned adjustments to existing training approaches, and the impact on their ability to achieve training objectives, related funding plans as well as the basis for any projected cost savings, and metrics they intend to use to evaluate the impact of any increased use of simulators and other virtual training devices on their ability to train the force. The review also should include training for the Reserve Components and whether the Reserve Components have the necessary access to simulated training to supplement any reductions in live training. In reporting on each of the services, the Comptroller General may take a phased approach to undertaking its review and reporting results to the Senate Committee on Armed Services and the House Committee on Armed Services.

Security Force Assistance

The committee understands that while the U.S. Special Operations Command (USSOCOM) has traditionally been the proponent for security force assistance, the 2010 Quadrennial Defense Review identified the need to strengthen and institutionalize general-purpose force capabilities for security force assistance. Moreover, the committee understands that the Secretary of Defense has proposed USSOCOM divestiture of the security force assistance mission as part of the Department's efficiency initiative.

The committee is concerned about USSOCOM's divestiture of the security force assistance mission and the growing use of general-purpose forces to carry out the security force assistance mission in support of Operation New Dawn and Operation Enduring Freedom without any formal institutionalization of the mission within the conventional force.

In order to better understand the current and future security force assistance mission, the committee directs the Comptroller General of the United States to evaluate the Department's plans to institutionalize security force assistance in the general-purpose force and to report the results of this review to the congressional defense committees by March 31, 2012. At a minimum, this review should evaluate:

- (1) The extent to which the Department has defined and differentiated intended roles, missions, and required capabilities for security force assistance for both general purpose forces and special operations forces;

- (2) The extent to which the Department has incorporated lessons learned from current operations; and
- (3) The extent to which the Army has developed its concept for regionally aligned brigades and has identified costs associated with implementing the concept.

U.S. Army Full Spectrum Training Mile

The committee is aware that the Army has transitioned its methodology for identifying training requirements and resource allocations and is using the term "Full Spectrum Training Mile" (FSTM) as a metric. The committee is concerned that this metric may not be the best tool for gauging operations tempo and content of training.

Therefore, the committee directs the Comptroller General of the United States to review the Army's transition to FSTM as a readiness metric and to submit a report on the findings to the congressional defense committees by February 28, 2012. At a minimum, the review should examine:

- (1) The methodology behind the new metric, to include vehicles covered;
- (2) Cost estimates and assumptions; and
- (3) The model suitability for budgeting, forecasting, and training.

OTHER MATTERS

Department of Defense Unexploded Ordnance Cleanup Report

The committee supports the Department of Defense's environmental cleanup activities. The committee recognizes that the Military Munitions Response Program includes more than 256 sites requiring investigations and cleanup activities. The committee is concerned that remedy in place and remedy complete timelines in some locations, such as Hawaii, are long. The committee is aware that the Department of Defense is exploring new technologies for unexploded ordnance identification and cleanup that may result in significant savings and expedite cleanup efforts. Therefore, 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 January 31, 2012. At a minimum, the report should include:

- (1) What new technologies the Department of Defense is developing for unexploded ordnance identification and cleanup;
- (2) How those technologies may accelerate cleanup timelines for all installations, and specifically those in Hawaii;
- (3) Estimated timeline for adopting new technologies; and
- (4) Estimated savings anticipated as a result of these new technologies.

Disposal of Surplus Property

The committee is aware that the U.S. military has long-standing processes for disposing of property that has been declared excess to the needs of the Federal Government. With the redeployment of U.S. military forces from Iraq, excess property that is not needed by the Government of the Republic of Iraq is then made available to State and local governments.

The committee commends the Department of the Army and the Office of the Secretary of Defense for developing procedures to assist State and local governments and their appointed representatives to have visibility on the excess property being made available in order to determine if the property is something they may be able to use and in sound enough condition to warrant the costs associated with transporting the property from the theater of operation to its final destination. The committee is aware that some of the excess items from Iraq and the Islamic Republic of Afghanistan are being sent to the Sierra Army Depot where representatives of the State and local governments have access to screen the equipment. The committee encourages the Army to continue to improve these processes and to take such steps as necessary and reasonable to allow the State and local governments' representatives to screen property in a forward location such as the State of Kuwait, thereby improving visibility and access to available surplus property and reducing overseas transportation charges for undesirable equipment,

Additionally, while the Army has been proactive in this regard, the committee is unaware of similar procedures being established by the other military departments. Therefore, the committee directs the Assistant Secretary of Defense for Logistics and Materiel Readiness to review the disposal processes of the other services and, if necessary, work with the services to establish procedures to provide access to surplus property of those services to State and local governments. Such review shall be completed by February 1, 2012.

Expedited Security Clearance Processing for Wounded Warriors

The committee notes that there is a strong demand by Federal Government agencies for individuals with high level security clearances which few military personnel possess. Expediting security clearance processing would facilitate the hiring of individuals who have had their military careers cut short due to a disability. Therefore, the committee included section 351 in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) that amended section 1564, title 10, United States Code, which provides for the use of expedited procedures for completing background investigations for the granting of security clearances in certain circumstances. Section 351 authorizes the Secretary of Defense to use this authority to assist the transition to a civilian career for military personnel who have been retired or separated for a physical disability pursuant to chapter 61 of title 10, United States Code; this authorization also includes the spouse of such military personnel. The Department is authorized to expend funds to conduct an expedited security clearance once the individual has

applied for a Federal Government position for which he or she is qualified and for which a security clearance is required.

The committee is concerned that the Federal Government's internal human resources processes may not allow for timely consideration of the qualifications of an individual who has submitted an application but is awaiting processing of a security clearance in order to be considered for a Federal Government position. Therefore, the committee directs the Secretary of Defense to establish a policy for Department of Defense hiring actions that ensures employment applications for these individuals are not disqualified in the initial human resources screening process on the basis of a lack of a clearance. Such policy should ensure that appropriate human resources offices proactively contact the eligible candidates to ensure that the expedited security clearance processing moves forward, even if there is no guarantee of ultimate employment. In addition, the policy should ensure that if the eligible candidate is not offered employment under that particular hiring action, that the expedited clearance review is completed, which would facilitate the ability of the individual to apply for future Federal Government positions. The Secretary of Defense shall provide a copy of the policy to the Senate Committee on Armed Services and the House Committee on Armed Services not later than December 15, 2011.

Federal Facility Agreement for Environmental Cleanup at Tyndall Air Force Base

The committee is concerned that the Air Force has not signed a Federal Facility Agreement (FFA) with the Environmental Protection Agency to guide its environmental cleanup activities at Tyndall Air Force Base, Florida. FFAs provide the procedural framework for cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act (Public Law 96-510). The Air Force and the Environmental Protection Agency have been negotiating this FFA for more than 2 years, and the committee is concerned that lack of consensus between the two agencies has had a detrimental effect on mitigating the potential exposure for individuals to environmental hazards. The committee directs the Secretary of Defense to engage a third party arbiter, such as the Council for Environmental Quality, by July 31, 2011 to expedite conclusion of this agreement in order that environmental cleanup of the site can be achieved.

Key Enabler Explosive Ordnance Disposal Requirements

The committee recognizes that the services have taken extraordinary efforts to revitalize capability and increase capacity of the Explosive Ordnance Disposal (EOD) force. The committee recognizes that the EOD force is a key enabler for combatant commanders and will continue to be vital for the foreseeable future. However, the committee remains concerned that the services have not adequately rebalanced EOD force structure and maintained full-spectrum capabilities to ensure

success in a wide range of contingencies, as directed by the 2010 Quadrennial Defense Review.

Therefore, the committee directs the Secretary of Defense to establish a new consolidated budget justification display that fully identifies the services' baseline EOD budgets and encompass all programs and activities of the EOD force for each of the following functions:

- (1) Procurement;
- (2) Operation and Maintenance; and
- (3) Research, development, testing and evaluation.

In order to help the committee more fully assess future requirements, the committee further directs the Secretary of Defense to submit a report on Explosive Ordnance Disposal force structure planning to the congressional defense committees by March 1, 2012.

The committee also directs the Comptroller General of the United States to review the Department's force structure plan and report the findings to the congressional defense committees within 120 days of completion of the secretary's report.

TITLE X—GENERAL PROVISIONS

OTHER MATTERS

Management and Security of Nuclear Weapons

The committee is aware that the Department of Defense has made notable progress in increasing weapons accountability and improving security for the nuclear weapons in its possession. However, the committee is concerned that the Department may not be fully in compliance with the recommendations of the various task forces chartered to address nuclear weapons management and security. The committee is concerned about the Department's progress in addressing those findings and recommendations and, therefore, directs the Comptroller General of the United States to examine the Department of Defense's nuclear security programs and provide a report to the congressional defense committees within 180 days after the date of enactment of this Act. At a minimum, the report should examine the progress the Department has made in responding to the recommendations of the various task forces, such as the Secretary of Defense Task Force on DOD Nuclear Weapons Management, chartered to address nuclear weapons management and security and the extent to which resource implications of planned security modernization efforts have been considered. The report should also examine the extent to which the military services' requirements are coordinated and synchronized to prevent duplication and overlap and the Department's efforts to secure nuclear weapons stored outside of the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Department of Defense Hiring Processes

The committee is concerned that Federal hiring process has become too lengthy and complicated to attract quality candidates and to enable the timely and responsive execution of hiring actions. This is of particular concern for the Department of Defense (DOD) which currently is seeking to expand its acquisition workforce as well as bring back “in-house” functions that are inherently governmental and currently performed by contractors. To address many of the current inefficiencies, Congress has provided the Department with direct and expedited hiring authorities for certain health care professions and acquisition workforce positions, and science and technology positions for the DOD laboratories. However, these are temporary solutions for a fundamental problem with the Department’s internal hiring processes.

To promote improvements in the Department’s hiring process, the committee included section 1113 in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) which gave the Department general flexibilities to reform its hiring processes. However, little progress has yet been realized.

The committee notes that the U.S. Merit Systems Protection Board (MSPB) has conducted several studies over the years on the Federal hiring process, and has made several recommendations for reforming the Federal hiring process – many of which do not need legislative or regulatory changes. Among the MSPB recommendations are:

- (1) Manage hiring as a business function, not an administrative function;
- (2) Evaluate internal agency hiring processes and policies to identify barriers to quality, timely and cost-effective hires;
- (3) Employ rigorous assessment strategies that emphasize quality; and
- (4) Properly prepare human resources staff and managers for their hiring responsibilities.

Within the Department, human resources management is the responsibility of the Civilian Personnel Management System (CPMS), which reports to the Under Secretary of Defense for Personnel and Readiness. However, the committee is concerned that the reliance on outdated staffing systems is hindering the Department’s ability to recruit and hire qualified individuals to fulfill its mission requirements. Since 1997, the Department has used the Resumix human resources staffing tool, with each component maintaining customized versions. The committee notes that a 2009 report by the Inspector General (IG) of the Department of Defense found that Resumix has “experienced a number of escalating system issues such as the inability to keep pace with continuous technological advancements” and other problems that have made it difficult to maintain and operate. As a result, the Under Secretary of Defense for Personnel and Readiness tasked the CPMS office with replacing Resumix; although, as the committee notes, that has not yet occurred.

Therefore, the committee directs the Under Secretary of Defense for Personnel and Readiness to take immediate steps to improve the Department's hiring processes, including more involvement of DOD managers in the process as well as modernizing staffing tools. Furthermore, the Under Secretary should provide a briefing by December 1, 2011, to the Senate Committee on Armed Services and the House Committee on Armed Services on the steps taken to address the findings in the 2009 IG report, the steps taken to incorporate the MSPB recommendations, a description of the initiatives being taken towards hiring reform, a summary of any statutory or regulatory barriers to hiring process improvements, and the actions taken to modernize staffing tools. The briefing also should identify the resources required to implement the changes.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Africa Command Basing Alternatives

The committee notes that a viable model exists to locate a geographic combatant command headquarters outside the respective area of responsibility and in the United States, as demonstrated by U.S. Central Command, U.S. Southern Command, and U.S. Pacific Command. The committee believes that this type of basing model is particularly relevant for U.S. Africa Command because of the sensitivities that many African nations may have with regard to a permanent U.S. combatant command on the African continent. The committee further notes that the Commander, U.S. Africa Command has reviewed alternative basing options in the United States to support mission requirements. Therefore, the committee directs the Secretary of Defense to report to the congressional defense committees by April 1, 2012, the conclusions of an alternative basing review. This report should include the following:

- (1) An assessment of the cost-benefit associated with moving the U.S. Africa Command headquarters from its current location to the United States;
and
- (2) An assessment of the strategic risk associated with each basing alternative.

The committee urges the Secretary to conduct this basing review in an open and transparent manner consistent with the processes established for such a major review. The committee believes the headquarters of U.S. Africa Command should be located at an installation that provides the maximum military value to the realigned command and at the minimum cost required to implement the relocation.

Assessment of Improvements in Construction Techniques to Achieve Life-Cycle Cost-Effective Facilities

The committee notes that the Secretary of Defense failed to submit the report "Assessment of Improvements in Construction Techniques to Achieve Life-Cycle

Cost Effective Facilities” directed by the committee report (H. Rept. 111-491) accompanying the National Defense Authorization Act for Fiscal Year 2011 by March 1, 2011. The committee believes that the Secretary has allowed disparate construction methods to be incorporated into the military construction program that reduce the committee’s ability to determine whether life-cycle, cost-effective facilities are being proposed by the Secretary. Therefore, the committee directs that the Secretary expedite the completion of this critical report to maximize efficiencies in the military construction portfolio by identifying the appropriate, qualified entity to conduct the assessment directed by committee report (H. Rept. 111-491) accompanying the National Defense Authorization Act for Fiscal Year 2011 and submit the report to the congressional defense committees by November 1, 2011.

Collateral Support for Infrastructure and Real Property Programs

The committee is aware that Department of Defense relies extensively on consultants and contractors to support various Department infrastructure initiatives and real estate transactions involving programs such as housing, lodging, and utility privatization programs; real property exchanges; enhanced use leasing; and various other public-private partnerships involving real property. In particular, as the complexity of such initiatives and transactions has increased over the past several years, so too has the Department’s use of consultants, contractors, and other experts to help ensure that prudent real property decisions are made to provide the best capabilities and economic outcomes to the Department.

The committee recognizes and supports the Department’s efforts to obtain certain economies and achieve other objectives through the various infrastructure and real property initiatives and programs. However, regardless of whether Government employees or consultants and contractors are used to negotiate and implement deals to support the various public-private partnerships and alternatively financed projects, the Government’s interests must be well represented from start to finish. As such, the committee is concerned about the preparedness of the Department’s employees for negotiating and implementing such deals, the use and cost of consultant and contractor support participation in these arrangements, and the Department’s monitoring and oversight of such consultant and contractor involvement. Moreover, the acquisition, management, and disposal of real property and related programs may involve inherently governmental functions, raising questions about whether they should be performed by qualified government employees.

Therefore, the committee directs the Comptroller General of the United States to review the Department’s use of consultants and contractors to support infrastructure and real property programs, including negotiations for alternatively financed projects, and submit a report to the congressional defense committees by March 30, 2012. At a minimum, the review should assess the following:

- (1) To what extent and at what cost has the Department used consultants and contractors to assist in negotiating and implementing the various infrastructure and real property programs?
- (2) How does the Department determine the level of involvement of consultants and contractors in support of negotiations for various real estate deals and alternatively financed projects, or in the management of the Department's real property programs?
- (3) To what extent does the Department's oversight and monitoring of consultant and contractor support in these areas ensure that the level of support is appropriate, expected results are realized, and costs are minimized?
- (4) How has the Department ensured that Government employees are sufficiently trained to successfully negotiate and implement the various infrastructure and real property programs as well as oversee related support provided by consultants and contractors?

The Comptroller General may add such additional questions as he deems relevant.

Comptroller General Report regarding Third-Party Financing for Renewable Energy Projects on Military Installations

In order for the Department of Defense to achieve energy security and reduce energy consumption in accordance with federal laws and executive orders, it has identified mechanisms to partner with industry for third-party financing for the development of renewable energy projects. These include agreements with private-sector entities through Enhanced Use Leases, Energy Savings Performance Contracts, Power Purchase Agreements, and Utility Energy Service Contracts that leverage private investment in developing renewable energy projects and purchasing energy.

These agreements can be of great benefit to the Department of Defense. However, the committee is concerned that Department of Defense project-level officials may not have the necessary information to develop the best possible contracts that most effectively leverage a variety of factors including resource potential, federal and state incentives, payback periods, state regulations, and other regulatory considerations. For the Department of Defense to be successful in its renewable energy partnerships with the private sector, it is critical that Department officials have adequate energy-related technical and contracting expertise. Therefore, the committee directs the Comptroller General of the United States to provide a report to the congressional defense committees by February 29, 2012. At a minimum, the review should assess the following:

- (1) What kinds of funding approaches, such as full up-front appropriated funds and alternative financing approaches, are used by the Department of Defense to enable the construction of renewable energy projects and purchase of such energy?

- (2) What are some of the benefits and risks, including cost implications, of the funding approaches used by the Department of Defense in renewable energy projects and purchases?
- (3) To what extent has the Department of Defense used each of the funding approaches identified in the first question?
- (4) To what extent have oversight mechanisms been developed by the Department of Defense or the military services to monitor the use of these funding approaches and ensure the best value and terms?

The Comptroller General may add such additional questions as he deems appropriate in furtherance of this directive to ensure adequate coverage of the issues related to renewable energy contracting actions.

Comptroller General Review of Department of Defense's Report on the Arctic and Northwest Passage

The committee continues to be concerned about the Department of Defense's resources and preparedness for accessing, operating and protecting national interests in the Arctic. With approximately 20 percent of the world's untapped natural resources located in that region, there are significant national security equities. The Navy estimates that by 2030, shipping lanes will be open for several months during the summer thereby increasing shipping traffic.

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 submit a report on Arctic operations and the Northwest Passage to the congressional defense committees by May 30, 2011. The committee further directs the Secretary to submit a copy of the report to the Comptroller General of the United States concurrent with submission to the congressional defense committees. The committee directs the Comptroller General of the United States to provide an assessment of the report to the congressional defense committees including the Secretary's response to the requirements in H. Rept. 111-491, any shortfalls noted, recommendations for legislative action, and any information the Comptroller General deems appropriate in the context of that review, within 180 days after the Secretary's submission.

Construction Unit Costs

The committee notes that the Department recently completed an assessment of construction unit costs and determined that there is a multitude of construction variables that challenge the Department to provide competitive construction costs with comparable type facilities in the commercial sector. These challenges include requirements that drive the overall costs to include Federal contracting requirements (including Davis-Bacon wages, Federal subcontracting and small-business goals, bonding requirements per the Miller Act), Federal design requirements (including Anti-Terrorism/Force Protection measures), energy

efficiency objectives, and a robust quality-assurance capacity to manage construction contracts. The committee is alarmed to note that these costs generally add 25-40 percent in construction costs above private-sector construction requirements. The committee believes that these substantive markups are excessive and limit the purchasing ability of the Department to procure vital military construction projects. The committee also believes that it is incumbent on the Department to minimize barriers to competition and ensure the widest participation of construction contractors to military construction programs. Therefore, the committee directs the Secretary of Defense to complete a report by March 1, 2012 to the congressional defense committees and should include the following:

- (1) An assessment of the programs or policies and the associated costs that contribute to the overall military construction program beyond those costs associated with typical construction projects in the private sector. This review should also include an assessment of specific facility categories to include, at a minimum, child care centers, chapels, dependent schools, and dormitories;
- (2) An assessment of the programs and policies and their associated costs that contribute to variances between the Secretaries of the military department's unit costs. This assessment should specifically include variances in the development of military construction justification documents and overall approaches to construction methods to include concrete and wood type construction practices; and
- (3) The Secretary's plan of action and milestones to reduce these costs, consistent with the life-cycle, cost-effective assessment as defined by section 2802 of title 10, United States Code.

Corrosion Evaluation for Facilities and Infrastructure

Because the costs associated with facilities and infrastructure account for a significant portion of the Department of Defense's \$22.5 billion annual cost to address the impact of corrosion, the committee believes that there may be more cost-efficient opportunities for developing strategies for enhancing the sustainability of existing facilities as well as for ensuring the integration of corrosion prevention and mitigation technologies into the buildup of future facilities. Therefore, the committee directs the Director of the Office of Corrosion Policy and Oversight (as designated by section 2228 of title 10, United States Code) to conduct a study of these costs and to submit the findings to the House Committee on Armed Services a report within 300 days after the date of enactment of this Act. The study should include the following:

- (1) Identify the key drivers of these costs and recommend strategies for reducing their impact.
- (2) Review a sampling of facilities that are representative of facility type, military department, and facility age.

- (3) An assessment of at least one planned facility construction program.
- (4) Include, but not limited to, information obtained from site visits and the examination of program documentation including maintenance and facility engineering processes.

The Director of Corrosion Policy and Oversight is further directed to consult with the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics to determine the appropriate level of access necessary to conduct an effective and comprehensive evaluation. Lastly, the committee directs the Comptroller General of the United States to provide an assessment to the congressional defense committees of the completeness of the evaluation within 60 days of the delivery of the Director's report to the congressional defense committees.

Department of Defense Microgrid Activities

The committee is concerned about the implications and potential consequences of a failure in the public grid and the impact on military installations. However, the committee recognizes that the Department of Defense is taking steps to invest in microgrid and smart grid technologies for installation and operational energy. The committee is concerned that there may be redundancy among these investments. Therefore, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by February 29, 2012, that includes the following:

- (1) An assessment of the total investment being made into Department of Defense microgrid and smart grid activities, including total value, location, duration of project, and transition plan;
- (2) An assessment of activities being pursued collaboratively with the Department of Energy to advance microgrids; and
- (3) An assessment of policy initiatives and oversight of microgrid and smart grid activities by the Deputy Under Secretary of Defense for Installations and Environment and the Assistant Secretary of Defense, Operational Energy Plans, and Programs to streamline investments for the purposes of installation energy and operational energy.

Energy and Water Utilities Privatization

The committee believes that the Department of Defense should more aggressively and effectively implement utilities privatization as part of their asset management strategy to allow each military service to focus on core defense missions and functions. The committee further believes that the use of utilities privatization can improve energy and water efficiencies and improve installation infrastructure in a cost effective manner for the long-term benefit of our military members and their families. Therefore, the committee directs the Secretary of Defense to submit a report by February 1, 2012, to the congressional defense committees that includes the following:

- (1) An update of the report elements included in section 2823(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163); and
- (2) An assessment of whether it would be beneficial to leverage utilities privatization as part of agency initiatives to increase use of renewable energy and conserve water.

Fort Bragg Parking Assessment

The committee notes that Fort Bragg has significantly increased the overall base population and this population increase has had a cascading impact on the overall transportation infrastructure on the installation. Therefore, the committee directs the Secretary of the Army to submit a report to the congressional defense committees by March 1, 2012, that assesses the parking requirements to support the entirety of Fort Bragg's personnel to include all civilian employees and family members. The report should address the significant increase in daily vehicular traffic through Fort Bragg, North Carolina, and surrounding communities not only due to Base Realignment and Closure (BRAC) activities but to the entirety of Fort Bragg's force structure increases as well. At a minimum, this report should include:

- (1) The projected number of military and civilian personnel that require parking to support activities on Fort Bragg;
- (2) The current parking available;
- (3) The parking plan to accommodate the increased number of personnel caused by the BRAC realignment, and the distances that service members have to travel via their personal transportation or military vehicles to conduct day-to-day activities such as vehicular maintenance; and
- (4) Options to address the entirety of Fort Bragg's parking deficiencies that could include parking garages or other public transportation mitigation measures.

Homeowners Assistance Program

The Department of Defense's Homeowners Assistance Program (HAP) has provided financial assistance to military personnel and Department of Defense civilians who suffer financial loss on the sale of their home when a base realignment or closure action causes a decline in the local real estate market. The American Recovery and Reinvestment Act of 2009 (Public Law 111-16) expanded the program to assist additional categories of people, including those who are wounded, injured, or become ill while deployed, the surviving spouses of military personnel and civilians who are killed in the line of duty, and service members who purchased property before July 1, 2006, and were required to permanently relocate between February 1, 2006, and September 30, 2010.

The committee is aware that the Department of Defense is assessing the magnitude of a potential shortfall in existing resources and is currently projecting a \$400.0 million deficit in the expanded Homeowners Assistance Program. This deficit could begin to impact eligible beneficiaries by the end of the current fiscal year and has the potential to impact more than 3,000 beneficiaries. The Department of Defense briefed the committee on its intent to address this deficit issue in its fiscal year 2013 budget submission. Furthermore, even if the program were fully funded, the committee is concerned that while the average time to process a complete application is 60 days, the committee understands that a number of applicants have seen delays of up to 1 year.

The committee is concerned that the compilation of these issues will have a cascading impact on thousands of beneficiaries who linger in potential foreclosure and bankruptcy because of the inability of the Department of Defense to adequately forecast required investments or to promptly process a completed application. Therefore, the committee directs the Secretary of Defense to provide a brief to the congressional defense committees by September 30, 2011, that includes the following:

- (1) An assessment of the overall military construction program with a goal to eliminate unnecessary programmatic investments, such as energy investments that do not have a sufficient cost benefit analysis, and apply savings toward the potential deficit in the Homeowners Assistance Program; and
- (2) An assessment on methods to improve the efficiency of processing applications as well to include hiring, on a temporary basis, additional staff to assist with the current backlog of claims that has resulted due to the increased volume of applications made under the expanded criteria provided by the Homeowners Assistance Program as expanded by the American Recovery and Reinvestment Act of 2009.

