

A BILL

To authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America*
2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2014”.

5 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

6 (a) DIVISIONS.—This Act is organized into two divisions as follows:

7 (1) Division A—Department of Defense Authorizations.

8 (2) Division B—Military Construction Authorizations.

9 (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Production Act purchases.

Subtitle B—Specific Programs

Sec. 111. Multiyear procurement authority for E-2D aircraft program.

Sec. 112. Modification to cost cap for CVN-78 aircraft carrier.

Sec. 113. Clarification of limitations on retirement of B-52 bomber aircraft.

Sec. 114. Repeal of limitation on retirement of KC-135E aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Program Matters

Sec. 311. Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.

Sec. 312. Five-year reauthorization of Vessel War Risk Insurance program.

Sec. 313. Repeal of provision of law relating to acquisition policy when Department of Defense is obtaining carriage by vessel.

Sec. 314. Revision to requirement for annual submission of information regarding information technology capital assets.

Sec. 315. Authorized expenses in connection with humanitarian and civic assistance activities provided in conjunction with military operations.

Sec. 316. Authority to utilize concession contracts at Army national cemeteries.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

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

Sec. 414. Fiscal year 2014 limitation on number of non-dual status technicians.

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

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy

Sec. 501. Information to be provided to boards considering officers for selective early removal from the reserve active-status list.

Subtitle B—Reserve Component Management

Sec. 511. Removal of restrictions on the transfer of officers to the inactive National Guard.

Sec. 512. Pilot program to allow establishment of active status and inactive status lists of members in the inactive National Guard.

Sec. 513. Forum for processing of complaints of wrongful discrimination by National Guard military technicians (dual status).

Subtitle C—Education and Training

Sec. 521. Extension of educational assistance for members of the Selective Reserve who are involuntarily separated.

Sec. 522. Authority for joint professional military education Phase II instruction and credit to be offered and awarded through the senior level course of the School of Advanced Military Studies of the United States Army Command and General Staff College.

Subtitle D—Administrative Procedure

Sec. 531. Procedures for judicial review of military personnel decisions relating to correction of military records.

Subtitle E—Decorations and Awards

Sec. 541. Repeal of limitation on number of medals of honor that may be awarded to a member of the Armed Forces.

Sec. 542. Standardization of time-limits for recommending and awarding a medal of honor, service cross, or distinguished-service medal across the Armed Forces.

Sec. 543. Recodification and revision of Army, Navy, Air Force, and Coast Guard Medal Of Honor Roll.

Subtitle F—Other Matters

Sec. 551. Authority to provide certain expenses for care and disposition of human remains that were retained by the Department of Defense for forensic pathology investigation.

Sec. 552. Expansion of privileged information provision to debriefing reports of certain recovered persons who were never placed in a missing status.

Sec. 553. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 554. Family support programs for immediate family members of special operations forces members.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in military basic pay for fiscal year 2014.

Sec. 602. Extension of temporary Army authority to provide additional recruitment incentives.

Subtitle B—Bonuses and Special and Incentive Pays

[reserved]

Subtitle C—Disability, Retired Pay, and Survivor Benefits

Sec. 621. Overpayments of division of pay as a result of retroactive change in disposable retired pay.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Revisions to TRICARE cost sharing requirements.

Sec. 702. Requirement for medicare participating physician or supplier to accept TRICARE and Veterans Affairs participating rates.

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

Sec. 801. Clarification of scope of supplies covered by statutory rapid acquisition authority.

Sec. 802. Program fraud civil remedies statute for the Department of Defense and the National Aeronautics and Space Administration.

Sec. 803. Reduction in costs to report critical changes to major automated information system programs.

Sec. 804. Modification of reporting requirement for Department of Defense business system acquisition programs when initial operating capability is not achieved within five years of Milestone A approval.

Sec. 805. Timeliness rules for filing bid protests at the United States Court of Federal Claims.

Sec. 806. Exception to internal controls for procurement of necessary property and services by the Department of Defense and Department of Veterans Affairs Interagency Program Office.

Sec. 807. Enhanced transfer of technology developed at Department of Defense laboratories.

- Sec. 808. Extension of authority for program to award prizes for advanced technology achievements.
Sec. 809. Revisions to eligibility for, and amount of, financial assistance under Department of Defense Science, Mathematics, and Research for Transformation Program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Clarification of the order of precedence for the Principal Deputy Under Secretaries of Defense.
Sec. 902. Update of statutory specification of functions of the Chairman of the Joint Chiefs Of Staff relating to doctrine, training, and education.
Sec. 903. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities.
Sec. 904. Transfer of administration of Ocean Research Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration.
Sec. 905. Change to reference to the major Department of Defense headquarters activities issuance.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

[reserved]

Subtitle B—Naval Vessels

- Sec. 1011. Repeal of policy relating to propulsion systems of any new class of major combatant vessels of the strike forces of the United States Navy.
Sec. 1012. Repeal of requirements relating to procurement of future surface combatants.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.

Subtitle D—Other Matters

- Sec. 1031. Management of Department of Defense installations.
Sec. 1032. Clarification of procedures for use of alternate members on military commissions.
Sec. 1033. Repeal and modification of reporting requirements.
Sec. 1034. Mt. Soledad Veterans Memorial transfer.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Expansion of protection of employees of nonappropriated fund instrumentalities from reprisals.
Sec. 1102. Extension of voluntary reduction-in-force authority for civilian employees of Department of Defense.
Sec. 1103. Flexibility in employment and compensation of civilian faculty at Defense Institute for Security Assistance Management and at Joint Special Operations University.
Sec. 1104. Extension of authority to make lump sum severance payments to Department of Defense employees.
Sec. 1105. Modernization of titles of nonappropriated fund instrumentalities for purposes of civil service laws.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction.
Sec. 1202. Authority to provide unreimbursed defense services in connection with the transfer of excess defense articles in Afghanistan.
Sec. 1203. Five-year extension of authorization for non-conventional assisted recovery capabilities.
Sec. 1204. Increase in annual limitation on transfer of excess defense articles.

- Sec. 1205. Revision of statutory references to former NATO support organizations and related NATO agreements.
- Sec. 1206. Five-year extension of the Iraqi special immigrant visa program.
- Sec. 1207. Five-year extension of the Afghan special immigrant visa program.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1301. Working capital funds.
- Sec. 1302. National Defense Sealift Fund.
- Sec. 1303. Joint Urgent Operational Needs Fund.
- Sec. 1304. Chemical Agents And Munitions Destruction, Defense.
- Sec. 1305. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1306. Defense Inspector General.
- Sec. 1307. Defense Health Program.

Subtitle B—National Defense Stockpile

- Sec. 1311. Authority to acquire additional materials for the National Defense Stockpile.

Subtitle C—Other Matters

- Sec. 1321. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1322. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XIV—UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AMENDMENTS

- Sec. 1401. Application specifications for voter registration and absentee ballot from absent uniformed services voters and overseas voters.
- Sec. 1402. Inclusion of Northern Mariana Islands in the definition of “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 1403. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY MILITARY CONSTRUCTION

[RESERVED]

TITLE XXII—NAVY MILITARY CONSTRUCTION

[RESERVED]

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

[RESERVED]

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

[RESERVED]

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY ASSISTANCE PROGRAM

[RESERVED]

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

[RESERVED]

TITLE XXVII— BASE REALIGNMENT AND CLOSURE ACTIVITIES

[RESERVED]

TITLE XXVIII— MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

- Sec. 2801. Revisions to minor military construction authorities.
- Sec. 2802. Change in authorities relating to unspecified minor construction.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Authority for acceptance of funds to cover administrative expenses associated with real property leases and easements.
- Sec. 2812. Application of cash payments received for utilities and services.
- Sec. 2813. Acquisition of real property at Naval Base Ventura County, California.
- Sec. 2814. Authority to plan, design, construct or lease shared medical facilities with Department of Veterans Affairs.
- Sec. 2815. Change from calendar year to fiscal year for annual report of Interagency Coordination Group of Inspectors General for Guam Realignment.

Subtitle C—Land Withdrawals

- Sec. 2821. Military land withdrawals and codification of statutory provisions relating to China Lake, Limestone Hills, Chocolate Mountain, and Twentynine Palms.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.
- Sec. 2902. The Commission.
- Sec. 2903. Procedure for making recommendations for base closures and realignments.
- Sec. 2904. Closure and realignment of military installations.
- Sec. 2905. Implementation.
- Sec. 2906. Department of Defense Base Closure Account 2013.
- Sec. 2907. Reports.
- Sec. 2908. Congressional consideration of commission report.
- Sec. 2909. Restriction on other base closure authority.
- Sec. 2910. Definitions.
- Sec. 2911. Treatment as a base closure law for purposes of other provisions of law.
- Sec. 2912. Conforming amendments.

1 **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

2 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2014 for procurement for the Army as follows:

(1) For aircraft, \$5,024,387,000.

(2) For missiles, \$1,334,083,000.

(3) For weapons and tracked combat vehicles, \$1,597,267,000.

(4) For ammunition, \$1,540,437,000.

(5) For other procurement, \$6,465,218,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) FISCAL YEAR 2014.—Funds are hereby authorized to be appropriated for fiscal year 2014 for procurement for the Navy and Marine Corps as follows:

(1) For aircraft, \$17,927,651,000.

(2) For weapons, including missiles and torpedoes, \$3,122,193,000.

(3) For shipbuilding and conversion, \$14,077,804,000.

(4) For other procurement, \$6,310,257,000.

(5) For procurement, Marine Corps, \$1,343,511,000.

(6) For ammunition procurement, Navy and Marine Corps, \$589,267,000.

(b) AUTHORIZATION OF ADVANCE APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2015 in the amount of \$952,739,000 for Shipbuilding and Conversion, Navy, for procurement of a Virginia class submarine.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2014 for procurement for the Air Force as follows:

- 1 (1) For aircraft, \$11,398,901,000.
- 2 (2) For ammunition, \$759,442,000.
- 3 (3) For missiles, \$5,343,286,000.
- 4 (4) For other procurement, \$16,760,581,000.

5 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

6 Funds are hereby authorized to be appropriated for fiscal year 2014 for Defense-wide
7 procurement in the amount of \$4,534,083,000.

8 **SEC. 105. DEFENSE PRODUCTION ACT PURCHASES.**

9 Funds are hereby authorized to be appropriated for fiscal year 2014 for purchases under
10 the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) in the amount of \$25,135,000.

11 **Subtitle B—Specific Programs**

12 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR E-2D AIRCRAFT**
13 **PROGRAM.**

14 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10,
15 United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts,
16 beginning with the fiscal year 2014 program year, for the procurement of E-2D aircraft for the
17 Department of the Navy.

18 (b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under
19 subsection (a) shall provide that any obligation of the United States to make a payment under the
20 contract for a fiscal year after fiscal year 2014 is subject to the availability of appropriations for
21 that purpose for such later fiscal year.

22 **SEC. 112. MODIFICATION TO COST CAP FOR CVN-78 AIRCRAFT CARRIER.**

1 (a) COST CAP BASELINE.—Subsection (a)(1) of section 122 of the John Warner National
2 Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is
3 amended by striking “\$10,500,000,000” and inserting “\$12,887,000,000”.

4 (b) ADDITIONAL FACTOR FOR ADJUSTMENT OF LIMITATION AMOUNT.—Subsection (b) of
5 such section is amended by adding at the end the following new paragraph:

6 “(7) The amounts of increases or decreases in costs of that ship that are
7 attributable to the shipboard test program.”.

8 (c) HULL NUMBER.—Such section is further amended by striking “CVN-21” in
9 subsections (a)(1), (a)(2), and (b) and in the section heading and inserting “CVN-78”.

10 **SEC. 113. CLARIFICATION OF LIMITATIONS ON RETIREMENT OF B-52**
11 **BOMBER AIRCRAFT.**

12 Section 131(a)(1) of the John Warner National Defense Authorization Act for Fiscal Year
13 2007 (Public Law 109-364; 120 Stat. 2111), as amended by section 137(a)(1) of the National
14 Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 32), is further
15 amended in subparagraph (C) by striking “in a common capability configuration”.

16 **SEC. 114. REPEAL OF LIMITATION ON RETIREMENT OF KC-135E AIRCRAFT.**

17 Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year
18 2007 (Public Law 109-364; 120 Stat. 2114), as amended by section 131 of the Duncan Hunter
19 National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4377),
20 is repealed.

21 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 Funds are hereby authorized to be appropriated for fiscal year 2014 for the use of the
24 Department of Defense for research, development, test, and evaluation as follows:

- 1 (1) For the Army, \$7,989,102,000.
- 2 (2) For the Navy, \$15,974,780,000.
- 3 (3) For the Air Force, \$25,702,946,000.
- 4 (4) For Defense-wide activities, \$17,667,108,000.
- 5 (5) For the Director of Operational Test and Evaluation, \$186,300,000.

6 **TITLE III—OPERATION AND MAINTENANCE**

7 **Subtitle A—Authorization of Appropriations**

8 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

9 Funds are hereby authorized to be appropriated for fiscal year 2014 for the use of the
10 Armed Forces and other activities and agencies of the Department of Defense for expenses, not
11 otherwise provided for, for operation and maintenance, in amounts as follows:

- 12 (1) For the Army, \$35,073,077,000.
- 13 (2) For the Navy, \$39,945,237,000.
- 14 (3) For the Marine Corps, \$6,254,650,000.
- 15 (4) For the Air Force, \$37,270,842,000.
- 16 (5) For Defense-wide activities, \$32,997,693,000.
- 17 (6) For the Army Reserve, \$3,095,036,000.
- 18 (7) For the Navy Reserve, \$1,197,752,000.
- 19 (8) For the Marine Corps Reserve, \$263,317,000.
- 20 (9) For the Air Force Reserve, \$3,164,607,000.
- 21 (10) For the Army National Guard, \$7,054,196,000.
- 22 (11) For the Air National Guard, \$6,566,004,000.
- 23 (12) For the United States Court of Appeals for the Armed Forces, \$13,606,000.

1 (13) For the Department of Defense Acquisition Workforce Development Fund,
2 \$256,031,000.

3 (14) For Environmental Restoration, Army, \$298,815,000.

4 (15) For Environmental Restoration, Navy, \$316,103,000.

5 (16) For Environmental Restoration, Air Force, \$439,820,000.

6 (17) For Environmental Restoration, Defense-wide, \$10,757,000.

7 (18) For Environmental Restoration, Formerly Used Defense Sites, \$237,443,000.

8 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs,
9 \$109,500,000.

10 (20) For Cooperative Threat Reduction programs, \$528,455,000.

11 (21) For Overseas Contingency Operations Transfer Fund, \$5,000,000.

12 **Subtitle B—Program Matters**

13 **SEC. 311. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION** 14 **TO ISSUE NON-PREMIUM AVIATION INSURANCE.**

15 Section 44310 of title 49, United States Code, is amended—

16 (1) by inserting “(a) IN GENERAL.—“ before “The authority”;

17 (2) by striking “this chapter” and inserting “any provision of this chapter other
18 than section 44305”: and

19 (3) by adding at the end the following new subsection:

20 “(b) INSURANCE OF UNITED STATES GOVERNMENT PROPERTY.—The authority of the
21 Secretary of Transportation to provide insurance and reinsurance for a department, agency, or
22 instrumentality of the United States Government under section 44305 is not effective after
23 December 31, 2018.”.

1 **SEC. 312. FIVE-YEAR REAUTHORIZATION OF VESSEL WAR RISK INSURANCE**
2 **PROGRAM.**

3 Section 53912 of title 46, United States Code, is amended by striking “December 31,
4 2015” and inserting “December 31, 2020”.

5 **SEC. 313. REPEAL OF PROVISION OF LAW RELATING TO ACQUISITION POLICY**
6 **WHEN DEPARTMENT OF DEFENSE IS OBTAINING CARRIAGE BY**
7 **VESSEL.**

8 Section 1017 of the John Warner National Defense Authorization Act for Fiscal Year
9 2007 (Public Law 109-364; 120 Stat. 2379) is repealed.

10 **SEC. 314. REVISION TO REQUIREMENT FOR ANNUAL SUBMISSION OF**
11 **INFORMATION REGARDING INFORMATION TECHNOLOGY**
12 **CAPITAL ASSETS.**

13 Section 351(a)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year
14 2003 (Public Law 107-314; 10 U.S.C. 221 note) is amended by striking “in excess of
15 \$30,000,000” and all that follows and inserting “(as computed in fiscal year 2000 constant
16 dollars) in excess of \$32,000,000 or an estimated total cost for the future-years defense program
17 for which the budget is submitted (as computed in fiscal year 2000 constant dollars) in excess of
18 \$378,000,000, for all expenditures, for all increments, regardless of the appropriation and fund
19 source, directly related to the assets definition, design, development, deployment, sustainment,
20 and disposal.”.

21 **SEC. 315. AUTHORIZED EXPENSES IN CONNECTION WITH HUMANITARIAN**
22 **AND CIVIC ASSISTANCE ACTIVITIES PROVIDED IN CONJUNCTION**
23 **WITH MILITARY OPERATIONS.**

1 (a) COVERAGE OF CERTAIN TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES.—

2 Section 401(c) of title 10, United States Code, is amended by inserting after paragraph (1) the
3 following new paragraph (2):

4 “(2) Expenses covered by paragraph (1) include travel, transportation, and subsistence
5 expenses of Department of Defense personnel for purposes of evaluating the scope of a
6 humanitarian or civic assistance activity under this section or conducting assessments of such
7 activities, except that the total value of such expenses incurred with respect to any activity may
8 not exceed 10 percent of the activity value.”.

9 (b) CLERICAL AMENDMENT.—Such section is further amended by redesignating
10 paragraph (4) as paragraph (3).

11 **SEC. 316. AUTHORITY TO UTILIZE CONCESSION CONTRACTS AT ARMY**

12 **NATIONAL CEMETERIES.**

13 (a) IN GENERAL.—Chapter 446 of title 10, United States Code, is amended by adding at the
14 end the following new section:

15 **“§ 4727. Cemetery concessions contracts**

16 “(a) IN GENERAL.—The Secretary of the Army may enter into concessions contracts at the
17 Cemeteries. Subject to this section, any such contract shall be consistent with the provisions of
18 chapter 137 of this title.

19 “(b) SPECIAL REQUIREMENTS.—All services and concessioner conduct provided pursuant to
20 a concessions contract under subsection (a) shall be performed in a manner and to standards that
21 fully honor the service and sacrifices of the deceased members of the armed forces. The
22 Secretary may establish such concessions contract requirements as the Secretary deems
23 necessary to ensure the protection, dignity, and solemnity of the Cemeteries.

24 “(c) TERM OF CONCESSIONS CONTRACTS.—

1 “(1) IN GENERAL.—A concessions contract entered into under subsection (a) may be
2 awarded for a term of up to 10 years. If the Secretary determines that the contract terms and
3 conditions, including any required construction of capital improvements, warrant a longer
4 term, the Secretary may award a contract for a term of up to 20 years.

5 “(2) TRANSPORTATION SERVICES.—Notwithstanding paragraph (1), a concessions
6 contract entered into pursuant to subsection (a) solely for the provision of transportation
7 services at the Cemeteries may provide for the contract to cover any period up to five years
8 and may extend the contract period for one or more successive periods pursuant to an option
9 provided in the contract or a modification of the contract. The total contract period as
10 extended may not exceed 10 years.

11 “(d) FRANCHISE FEES.—A concessions contract shall provide for payment to the
12 government of a franchise fee or such other monetary consideration as determined by the
13 Secretary. Generation of revenue for the United States shall be subordinate to the objectives of
14 honoring the service and sacrifices of the deceased members of the armed forces and of
15 providing necessary and appropriate services for visitors at reasonable rates.

16 “(e) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) under
17 subsection (d) paid to the United States pursuant to concessions contracts shall be deposited into
18 a special account established in the Treasury of the United States. The funds deposited in the
19 special account shall be available for expenditure by the Secretary, without further appropriation,
20 to support activities at the Cemeteries. The funds deposited into the special account shall remain
21 available until expended.

22 “(f) DEFINITIONS.—In this section:

23 “(1) The term ‘concessioner’ means a public or private entity, including a person,
24 corporation, or partnership, that is awarded a concessions contract under subsection (a).

1 “(2) The term ‘concessions contract’ means a contract for the provision of tour bus,
2 interpretative, and other necessary and appropriate services to visitors at the Cemeteries.”.

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
4 amended by adding at the end the following new item:

“4727. Cemetery concessions contracts.”.

5 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

6 **Subtitle A—Active Forces**

7 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

8 The Armed Forces are authorized strengths for active duty personnel as of September 30,
9 2014, as follows:

10 (1) The Army, 520,000.

11 (2) The Navy, 323,600.

12 (3) The Marine Corps, 190,200.

13 (4) The Air Force, 327,600.

14 **Subtitle B—Reserve Forces**

15 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

16 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve
17 personnel of the reserve components as of September 30, 2014, as follows:

18 (1) The Army National Guard of the United States, 354,200.

19 (2) The Army Reserve, 205,000.

20 (3) The Navy Reserve, 59,100.

21 (4) The Marine Corps Reserve, 39,600.

22 (5) The Air National Guard of the United States, 105,400.

23 (6) The Air Force Reserve, 70,400.

1 (7) The Coast Guard Reserve, 9,000.

2 (b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the
3 Selected Reserve of any reserve component shall be proportionately reduced by—

4 (1) the total authorized strength of units organized to serve as units of the Selected
5 Reserve of such component which are on active duty (other than for training) at the end
6 of the fiscal year; and

7 (2) the total number of individual members not in units organized to serve as units
8 of the Selected Reserve of such component who are on active duty (other than for
9 training or for unsatisfactory participation in training) without their consent at the end of
10 the fiscal year.

11 (c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected
12 Reserve for any reserve component are released from active duty during any fiscal year, the end
13 strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall
14 be increased proportionately by the total authorized strengths of such units and by the total
15 number of such individual members.

16 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
17 **THE RESERVES.**

18 Within the end strengths prescribed in section 411(a), the reserve components of the
19 Armed Forces are authorized, as of September 30, 2014, the following number of Reserves to be
20 serving on full-time active duty or full-time duty, in the case of members of the National Guard,
21 for the purpose of organizing, administering, recruiting, instructing, or training the reserve
22 components:

23 (1) The Army National Guard of the United States, 32,060.

24 (2) The Army Reserve, 16,261.

1 (3) The Navy Reserve, 10,159.

2 (4) The Marine Corps Reserve, 2,261.

3 (5) The Air National Guard of the United States, 14,734.

4 (6) The Air Force Reserve, 2,911.

5 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

6 The minimum number of military technicians (dual status) as of the last day of fiscal year
7 2014 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
8 title 10, United States Code) shall be the following:

9 (1) For the Army National Guard of the United States, 27,210.

10 (2) For the Army Reserve, 8,395.

11 (3) For the Air National Guard of the United States, 21,875.

12 (4) For the Air Force Reserve, 10,429.

13 **SEC. 414. FISCAL YEAR 2014 LIMITATION ON NUMBER OF NON-DUAL STATUS**
14 **TECHNICIANS.**

15 (a) LIMITATIONS.—

16 (1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of
17 title 10, United States Code, the number of non-dual status technicians employed by the
18 National Guard as of September 30, 2014, may not exceed the following:

19 (A) For the Army National Guard of the United States, 1,600.

20 (B) For the Air National Guard of the United States, 350.

21 (2) ARMY RESERVE.—The number of non-dual status technicians employed by the
22 Army Reserve as of September 30, 2014, may not exceed 595.

23 (3) AIR FORCE RESERVE.—The number of non-dual status technicians employed
24 by the Air Force Reserve as of September 30, 2014, may not exceed 90.

1 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status
2 technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

3 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
4 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

5 During fiscal year 2014, the maximum number of members of the reserve components of
6 the Armed Forces who may be serving at any time on full-time operational support duty under
7 section 115(b) of title 10, United States Code, is the following:

8 (1) The Army National Guard of the United States, 17,000.

9 (2) The Army Reserve, 13,000.

10 (3) The Navy Reserve, 6,200.

11 (4) The Marine Corps Reserve, 3,000.

12 (5) The Air National Guard of the United States, 16,000.

13 (6) The Air Force Reserve, 14,000.

14 **Subtitle C—Authorization of Appropriations**

15 **SEC. 421. MILITARY PERSONNEL.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated
17 for military personnel for fiscal year 2014 a total of \$130,399,881,000.

18 (b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in
19 subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for
20 such purpose for fiscal year 2014.

21 **TITLE V—MILITARY PERSONNEL AUTHORIZATIONS**

22 **Subtitle A—Officer Personnel Policy**

1 **SEC. 501. INFORMATION TO BE PROVIDED TO BOARDS CONSIDERING**
2 **OFFICERS FOR SELECTIVE EARLY REMOVAL FROM THE**
3 **RESERVE ACTIVE-STATUS LIST.**

4 Section 14704(a) of title 10, United States Code, is amended—

5 (1) by inserting “(1)” after “ACTIVE-STATUS LIST.—“;

6 (2) by striking “all”;

7 (3) by striking “, in the number specified by the Secretary by each grade and
8 competitive category”; and

9 (4) by adding at the end the following new paragraphs:

10 “(2) The Secretary of the military department concerned shall specify the number of
11 officers described in paragraph (1) that a selection board convened under section 14101(b) of this
12 title may recommend for removal from the reserve active-status list.

13 “(3) When the Secretary of the military department concerned submits a list of officers to
14 a selection board convened under section 14101(b) of this title to consider officers for selection
15 for removal from the reserve active-status list under this section, such list (except as provided in
16 paragraph (4)) shall include each officer on the reserve active-status list in the same grade and
17 competitive category whose position on the reserve active-status list is between that of the most
18 junior officer in that grade and competitive category whose name is submitted to the board and
19 that of the most senior officer in that grade and competitive category whose name is submitted to
20 the board.

21 “(4) A list under paragraph (3) may not include an officer in that grade and competitive
22 category who has been approved for voluntary retirement or who is to be involuntary retired
23 under any provision of law during the fiscal year in which the selection board is convened or
24 during the following fiscal year.”.

1 **Subtitle B—Reserve Component Management**

2 **SEC. 511. REMOVAL OF RESTRICTIONS ON THE TRANSFER OF OFFICERS TO**
3 **THE INACTIVE NATIONAL GUARD.**

4 (a) REMOVAL OF RESTRICTIONS.—Chapter 3 of title 32, United States Code, is amended
5 by adding at the end the following new section:

6 **“§ 311. Active and inactive National Guard; transfer of officers**

7 “During the period ending on December 31, 2016, nothing in this chapter shall prevent
8 any of the following:

9 “(1) An officer of the Army National Guard who fills a vacancy in a federally
10 recognized unit of the Army National Guard from being transferred from the active Army
11 National Guard to the inactive Army National Guard.

12 “(2) An officer of the Air National Guard who fills a vacancy in a federally
13 recognized unit of the Air National Guard from being transferred from the active Air
14 National Guard to the inactive Air National Guard.

15 “(3) An officer of the Army National Guard transferred to the inactive Army
16 National Guard from being transferred from the inactive Army National Guard to the
17 active Army National Guard to fill a vacancy in a federally recognized unit.

18 “(4) An officer of the Air National Guard transferred to the inactive Air National
19 Guard from being transferred from the inactive Air National Guard to the active Air
20 National Guard to fill a vacancy in a federally recognized unit.”.

21 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
22 amended by adding at the end the following new item:

“311 Active and inactive National Guard; transfer of officers.”.

1 **SEC. 512. PILOT PROGRAM TO ALLOW ESTABLISHMENT OF ACTIVE STATUS**
2 **AND INACTIVE STATUS LISTS OF MEMBERS IN THE INACTIVE**
3 **NATIONAL GUARD.**

4 (a) **AUTHORITY TO MAINTAIN ACTIVE AND INACTIVE STATUS LISTS IN THE INACTIVE**
5 **NATIONAL GUARD.**—Section 303 of title 32, United States Code, is amended by adding at the
6 end the following new subsection:

7 “(d)(1) The Secretary of the Army and the Secretary of the Air Force may maintain an
8 active status list and an inactive status list of members in the inactive Army National Guard and
9 the inactive Air National Guard, respectively.

10 “(2) The total number of Army National Guard and Air National Guard members,
11 combined, on the active status lists and the inactive status lists assigned to the inactive National
12 Guard may not exceed 10,000 during any period.

13 “(3) The total number of Army National Guard and Air National Guard members,
14 combined, on the active status lists of the inactive National Guard may not exceed 4,000 during
15 any period.

16 “(5) The authority under this subsection expires at the close of December 31, 2016.”.

17 (b) **TWO-WAY TRANSFERS OF MEMBERS FORMERLY ENLISTED IN INACTIVE NATIONAL**
18 **GUARD.**—Subsection (b) of such section is amended—

19 (1) by striking “Under such” at the beginning of the first sentence and inserting

20 “(1) Except as provided in paragraph (2) and under such”;

21 (2) by striking “Under such” at the beginning of the second sentence and inserting

22 “Except as provided in paragraph (2) and under such”; and

23 (3) by adding at the end the following new paragraph:

1 “(2) During the period beginning on the date of the enactment of this paragraph and
2 ending on December 31, 2016, an enlisted member of the active Army National Guard may be
3 transferred to the inactive Army National Guard without regard to whether the member was
4 formerly enlisted in the inactive Army National Guard and an enlisted member of the active Air
5 National Guard may be transferred to the inactive Air National Guard without regard to whether
6 the member was formerly enlisted in the inactive Air National Guard.”.

7 (c) DEFINITION OF “ACTIVE STATUS”.—Section 101(d)(4) of title 10, United States Code,
8 is amended by adding at the end the following new sentence: “However, in the case of members
9 of the Army National Guard of the United States during any period during which there is an
10 inactive status list for the inactive Army National Guard under section 303(d) of title 32, such
11 term means the status of such a member who is not assigned to the inactive status list of the
12 inactive Army National Guard, on another inactive status list, or in the Retired Reserve, and in
13 the case of members of the Air National Guard of the United States during any period during
14 which there is an inactive status list for the inactive Air National Guard under section 303(d) of
15 title 32, such term means the status of such a member who is not assigned to the inactive status
16 list of the inactive Air National Guard, on another inactive status list, or in the Retired Reserve.”.

17 (d) MEMBERS IN INACTIVE STATUS; TRAINING CATEGORIES.—Section 10141 of such title
18 is amended by adding at the end the following new subsection:

19 “(d)(1) During any period during which there is an inactive status list for the inactive
20 Army National Guard under section 303(d) of title 32—

21 “(A) the first sentence of subsection (b) shall apply only with respect to Reserves
22 assigned to the inactive Army National Guard who are assigned to the inactive status list;
23 and

1 “(B) the exclusion of the Army National Guard of the United States under the first
2 sentence of subsection (c) shall be inapplicable.

3 “(2) During any period during which there is an inactive status list for the inactive Air
4 National Guard under section 303(d) of title 32—

5 “(A) the first sentence of subsection (b) shall apply only with respect to Reserves
6 assigned to the inactive Air National Guard who are assigned to the inactive status list;
7 and

8 “(B) the exclusion of the Air National Guard of the United States under the first
9 sentence of subsection (c) shall be inapplicable.”.

10 (e) COMPUTATION OF YEARS OF SERVICE FOR ENTITLEMENT TO RETIRED PAY.—Paragraph
11 (3) of section 12732(b) of such title is amended to read as follows:

12 “(3) Service in the inactive National Guard (for any period other than a period
13 during which there is an inactive status list for the inactive National Guard under section
14 303(d) of title 32) and service while assigned to the inactive status list of the inactive
15 National Guard (for any period during which there is an inactive status list for the
16 inactive National Guard under section 303(d) of title 32).”.

17 (f) ELIGIBILITY FOR INACTIVE-DUTY TRAINING PAY.—Section 206(c) of title 37, United
18 States Code, is amended by adding at the end the following new sentence: “However, with
19 respect to any period during which there is an inactive status list for the inactive National Guard
20 under section 303(d) of title 32, the limitation in the preceding sentence shall be applicable to
21 persons assigned to the inactive status list of the inactive National Guard, rather than to persons
22 enlisted in the inactive National Guard.”.

23 (g) EVALUATION OF THE PILOT PROGRAM.—By the end of the pilot period, the
24 Department of Defense shall commission an independent study evaluating the effectiveness of

1 using the active status Inactive National Guard to improve the readiness of the Army National
2 Guard. The study should include, for each year of the pilot, information on 1) how many
3 personnel were transferred to the active status Inactive National Guard; 2) how many of these
4 vacancies were filled with personnel new to the Army National Guard; 3) the additional cost of
5 filling these positions; and 4) impact on drill and annual training participation rates. The study
6 also should assess the impact on medical readiness category 3B personnel transferred to the
7 active status Inactive National Guard, including how long it took them to complete the Integrated
8 Disability Evaluation System (IDES) process, and how satisfied they were with their unit's
9 management and collaboration during the IDES process.

10 **SEC. 513. FORUM FOR PROCESSING OF COMPLAINTS OF WRONGFUL**
11 **DISCRIMINATION BY NATIONAL GUARD MILITARY TECHNICIANS**
12 **(DUAL STATUS).**

13 (a) IN GENERAL—Section 709 of title 32, United States Code, is amended by adding at
14 the end the following new subsection:

15 “(j) A complaint of wrongful discrimination by a person employed under subsection (a)
16 who is a military technician (dual status) and otherwise subject to the requirements of subsection
17 (b) shall be considered a complaint of wrongful discrimination by a member of the armed
18 forces.”.

19 (b) EFFECTIVE DATE—The amendment made by subsection (a) shall apply with respect to
20 a complaint of wrongful discrimination initiated on or after the date of the enactment of this Act.

21 **Subtitle C—Education and Training**
22 **SEC. 521. EXTENSION OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE**
23 **SELECTIVE RESERVE WHO ARE INVOLUNTARILY SEPARATED.**

1 (a) PRESERVATION OF EDUCATIONAL ASSISTANCE ENTITLEMENT FOR CERTAIN FORMER
2 MEMBERS OF THE SELECTED RESERVE.—

3 (1) EXTENSION.—Paragraph (1)(B) of section 16133(b) of title 10, United States
4 Code, is amended by striking “September 30, 2014” and inserting “December 31, 2018”.

5 (2) CROSS-REFERENCE AMENDMENTS TO REFLECT PRIOR AMENDMENT.—Such
6 section is further amended by striking “clause (2) of” in paragraphs (1) and (4)(B).

7 (b) BASIC EDUCATIONAL ASSISTANCE ENTITLEMENT FOR SERVICE IN THE SELECTIVE
8 RESERVE.—Subparagraph (B)(iii) of section 3012(b)(1) of title 38, United States Code, is
9 amended by inserting “or the period beginning on October 1, 2013, and ending on December 31,
10 2018,” after “September 30, 1999,”.

11 **SEC. 522. AUTHORITY FOR JOINT PROFESSIONAL MILITARY EDUCATION**
12 **PHASE II INSTRUCTION AND CREDIT TO BE OFFERED AND**
13 **AWARDED THROUGH THE SENIOR LEVEL COURSE OF THE**
14 **SCHOOL OF ADVANCED MILITARY STUDIES OF THE UNITED**
15 **STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.**

16 Section 2151(b) of title 10, United States Code, is amended—

17 (1) by adding at the end of paragraph (1) the following new subparagraph:

18 “(E) The senior-level course of the School of Advanced Military Studies
19 of the United States Army Command and General Staff College.”; and

20 (2) in paragraph (2)(A), by inserting before the period at the end the following:

21 “(other than with respect to the course specified in paragraph (1)(E))”.

22 **Subtitle D—Administrative Procedure**

23 **SEC. 531. PROCEDURES FOR JUDICIAL REVIEW OF MILITARY PERSONNEL**
24 **DECISIONS RELATING TO CORRECTION OF MILITARY RECORDS.**

1 (a) JUDICIAL REVIEW.—

2 (1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by
3 adding at the end the following new section:

4 **“§ 1560. Judicial review of decisions relating to correction of military records**

5 “(a) AVAILABILITY OF JUDICIAL REVIEW.—

6 “(1) IN GENERAL.—Any person adversely affected by a records correction final
7 decision may obtain judicial review of the decision in a court with jurisdiction to hear the
8 matter.

9 “(2) RECORDS CORRECTION FINAL DECISION DEFINED.—In this section, the term
10 ‘records correction final decision’ means any of the following:

11 “(A) A final decision issued by the Secretary concerned pursuant to
12 section 1552 of this title.

13 “(B) A final decision issued by the Secretary of a military department or
14 the Secretary of Homeland Security pursuant to section 1034(f) of this title.

15 “(C) A final decision issued by the Secretary of Defense pursuant to
16 section 1034(g) of this title.

17 “(b) MATTERS MUST BE JUSTICIABLE.—Notwithstanding subsection (a), a court in which
18 judicial review of a records correction final decision is sought does not have jurisdiction to
19 review any matter or issue raised in a petition of review that is not justiciable.

20 “(c) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

21 “(1) GENERAL RULE.—Except as provided in paragraph (3), judicial review of a
22 matter that could be subject to correction under a provision of law specified in subsection
23 (a)(2) in a case arising after the date of the enactment of this section may not be obtained
24 under this section or any other provision of law unless—

1 “(A) the petitioner has requested a correction under section 1552 of this
2 title (including such a request in a matter arising under section 1034 of this title);
3 and

4 “(B) the Secretary concerned has rendered a final decision denying that
5 correction in whole or in part.

6 “(2) WHISTLEBLOWER CASES.—In a case arising after the date of the enactment of
7 this section in which the final decision of the Secretary concerned is subject to review by
8 the Secretary of Defense under section 1034(g) of this title, the petitioner is not required
9 to seek such review before obtaining judicial review, but if the petitioner seeks such
10 review, judicial review may not be sought until the Secretary of Defense has made a
11 decision in the matter or the end of the period specified in that section for the Secretary to
12 make such a decision, whichever occurs first.

13 “(3) CLASS ACTIONS.—In the case of a matter subject to correction under a
14 provision of law specified in subsection (a)(2) in a case arising after the date of the
15 enactment of this section in which judicial review is not precluded by reason of paragraph
16 (1) or (2), if judicial review of a records correction final decision of the matter is sought
17 and if the petitioner for judicial review also seeks to bring a class action with respect to a
18 matter for which the petitioner requested a correction under section 1552 of this title
19 (including such a request in a matter arising under section 1034 of this title) and if the
20 court issues an order certifying a class in the case, the limitations of paragraphs (1) and
21 (2) shall be inapplicable to any member of the class (other than the petitioner) with
22 respect to any matter covered by a claim for which the class is certified.

23 “(d) STATUTES OF LIMITATION.—

1 “(1) TWO YEARS FROM FINAL DECISION.—In the case of a records correction final
2 decision that is issued on or after the date of the enactment of this section, such decision
3 is not subject to judicial review under this section or otherwise subject to review in any
4 court unless petition for such review is filed in a court not later than two years after the
5 date of the final decision other than in a matter to which paragraph (2) applies.

6 “(2) SIX YEARS FOR CERTAIN CLAIMS THAT MAY RESULT IN PAYMENT OF MONEY.—

7 (A) In the case of a records correction final decision that is issued on or after the date of
8 the enactment of this section and which is described in subparagraph (B), such decision
9 (or the portion of such decision described in such subparagraph) is not subject to judicial
10 review under this section or otherwise subject to review in any court unless petition for
11 such review is filed in a court not later than six years after the date of discharge,
12 retirement, release from active duty, or death while on active duty of the person whose
13 military records are the subject of the correction request. There shall be excluded from
14 the computation of such six-year period the period (i) beginning on the date of the filing
15 with the Secretary of a request for correction of military records leading to the records
16 correction final decision, and (ii) ending on the date of such decision.

17 “(B) A records correction final decision is described in this subparagraph to the
18 extent that the decision, or portion of the decision, is a denial of a claim that, if relief
19 were to be granted by the court, would support, or result in, the payment of money, other
20 than payments made under chapter 73 of this title, either under a court order or under a
21 subsequent administrative determination.

22 “(e) SOLE BASIS FOR JUDICIAL REVIEW.—In the case of a cause of action arising after the
23 date of the enactment of this section, no court shall have jurisdiction to review any matter subject

1 to correction under a provision of law specified in subsection (a)(2) except as provided in this
2 section.

3 “(f) HABEAS CORPUS.—This section does not affect any cause of action arising under
4 chapter 153 of title 28.”.

5 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of such
6 chapter is amended by adding at the end the following new item:

“1560. Judicial review of decisions.”.

7 (b) EFFECT OF DENIAL OF REQUEST FOR CORRECTION OF RECORDS WHEN PROHIBITED
8 PERSONNEL ACTION ALLEGED.—

9 (1) NOTICE OF DENIAL; PROCEDURES FOR JUDICIAL REVIEW.—Subsection (f) of
10 section 1034 of such title is amended by adding at the end the following new paragraph:

11 “(7) In any case in which the final decision of the Secretary concerned results in denial,
12 in whole or in part, of any requested correction of the record of the member or former member,
13 the Secretary concerned shall provide the member or former member a concise written statement
14 of the basis for the decision and a notification of the availability of judicial review of the
15 decision pursuant to section 1560 of this title and the time for obtaining such review.”.

16 (2) SECRETARY OF DEFENSE REVIEW; NOTICE OF DENIAL.—Subsection (g) of such
17 section is amended—

18 (A) by inserting “(1)” before “Upon the completion of all”; and

19 (B) by adding at the end the following new paragraph:

20 “(2) The submittal of a matter to the Secretary of Defense by the member or former
21 member under paragraph (1) must be made within 90 days of the receipt by the member or
22 former member of the final decision of the Secretary of the military department concerned in the
23 matter. In any case in which the final decision of the Secretary of Defense results in denial, in

1 whole or in part, of any requested correction of the record of the member or former member, the
2 Secretary of Defense shall provide the member or former member a concise written statement of
3 the basis for the decision and a notification of the availability of judicial review of the decision
4 pursuant to section 1560 of this title and the time for obtaining such review.”.

5 (3) SOLE BASIS FOR JUDICIAL REVIEW.—Such section is further amended—

6 (A) by redesignating subsections (h) and (i) as subsections (i) and (j),
7 respectively; and

8 (B) by inserting after subsection (g) the following new subsection (h):

9 “(h) JUDICIAL REVIEW.—

10 “(1) A decision of the Secretary of Defense under subsection (g) shall be subject
11 to judicial review only as provided in section 1560 of this title.

12 “(2) In a case in which review by the Secretary of Defense under subsection (g)
13 was not sought, a decision of the Secretary of a military department under subsection (f)
14 shall be subject to judicial review only as provided in section 1560 of this title.

15 “(3) A decision by the Secretary of Homeland Security under subsection (f) shall
16 be subject to judicial review only as provided in section 1560 of this title.”.

17 (c) EFFECT OF DENIAL OF OTHER REQUESTS FOR CORRECTION OF MILITARY RECORDS.—

18 Section 1552 of such title is amended by adding at the end the following new subsections:

19 “(h) In any case in which the final decision of the Secretary concerned results in denial,
20 in whole or in part, of any requested correction, the Secretary concerned shall provide the
21 claimant a concise written statement of the basis for the decision and a notification of the
22 availability of judicial review of the decision pursuant to section 1560 of this title and the time
23 for obtaining such review.

1 “(i) A decision by the Secretary concerned under this section shall be subject to judicial
2 review only as provided in section 1560 of this title.”.

3 (d) EFFECTIVE DATE AND RETROACTIVE APPLICATION.—

4 (1) EFFECTIVE DATE.—The amendments made by this section shall take effect one
5 year after the date of the enactment of this Act.

6 (2) RETROACTIVE APPLICATION.—The amendments made by this section shall
7 apply to all final decisions of the Secretary of Defense under section 1034(g) of title 10,
8 United States Code, and of the Secretary of a military department and the Secretary of
9 Homeland Security under sections 1034(f) or 1552 of such title, whether rendered before,
10 on, or after the date of the enactment of this Act.

11 (3) TRANSITION.—During the period between the date of the enactment of this
12 Act and the effective date specified in paragraph (1), in any case in which the final
13 decision of the Secretary of Defense under section 1034(g) of title 10, United States
14 Code, or the Secretary concerned under sections 1034(f) or 1552 of title 10, United States
15 Code, results in denial, in whole or in part, of any requested correction of the record of a
16 member or former member of the Armed Forces or the record of a claimant under such
17 section 1552, the individual shall be informed in writing of the time for obtaining review
18 of the decision pursuant to section 1560 of such title, as added by subsection (a).

19 (e) IMPLEMENTATION.—The Secretaries concerned (as defined in section 101(a)(9) of title
20 10, United States Code) may prescribe appropriate regulations, and interim guidance before
21 prescribing such regulations, to implement the amendments made by this section. In the case of
22 the Secretary of a military department, such regulations may not take effect until approved by the
23 Secretary of Defense.

1 (f) CONSTRUCTION.—This section and the amendments made by this section do not affect
2 the authority of any court to exercise jurisdiction over any case that was properly before the court
3 before the effective date specified in subsection (d)(1).

4 **Subtitle E—Decorations and Awards**

5 **SEC. 541. REPEAL OF LIMITATION ON NUMBER OF MEDALS OF HONOR THAT** 6 **MAY BE AWARDED TO A MEMBER OF THE ARMED FORCES.**

7 (a) ARMY.—Section 3744 (a) of title 10, United States Code, is amended by striking "medal of
8 honor,".

9 (b) NAVY AND MARINE CORPS.—Section 6247 of title 10, United States Code, is amended by
10 striking "medal of honor,".

11 (c) AIR FORCE.—Section 8744(a) of title 10, United States Code, is amended by striking "medal
12 of honor,".

13 (d) COAST GUARD.—Section 494 of title 14, United States Code, is amended by striking "medal
14 of honor," both places it appears.

15 **SEC. 542. STANDARDIZATION OF TIME-LIMITS FOR RECOMMENDING AND** 16 **AWARDING A MEDAL OF HONOR, SERVICE CROSS, OR** 17 **DISTINGUISHED-SERVICE MEDAL ACROSS THE ARMED FORCES.**

18 (a) ARMY.—Section 3744(b) of title 10, United States Code, is amended—

19 (1) in paragraph (1), by striking "three years" and inserting "five years"; and

20 (2) in paragraph (2), by striking "two years " and inserting "three years".

21 (b) AIR FORCE.—Section 8744(b) of such title is amended—

22 (1) in paragraph (1), by striking "three years " and inserting "five years"; and

23 (2) in paragraph (2), by striking "two years " and inserting "three years".

1 **SEC. 543. RECODIFICATION AND REVISION OF ARMY, NAVY, AIR FORCE, AND**
2 **COAST GUARD MEDAL OF HONOR ROLL.**

3 (a) AUTOMATIC ENROLLMENT AND FURNISHING OF CERTIFICATE.—

4 (1) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by
5 adding at the end the following new section:

6 **“§ 1136. Army, Navy, Air Force, and Coast Guard Medal of Honor Roll**

7 “(a) ESTABLISHMENT.—There shall be in the Department of the Army, the Department of
8 the Navy, the Department of the Air Force, and the Department of Homeland Security,
9 respectively, a roll designated as the ‘Army, Navy, Air Force, and Coast Guard Medal of Honor
10 Roll’.

11 “(b) ENROLLMENT.—The Secretary concerned shall enter and record on such roll the
12 name of each person who has served on active duty in the armed forces and who has been
13 awarded a medal of honor pursuant to section 3741, 6241, or 8741 of this title or section 491 of
14 title 14.

15 “(c) CERTIFICATE.—

16 “(1) IN GENERAL.—Each living person whose name is entered on the Army,
17 Navy, Air Force, and Coast Guard Medal of Honor Roll shall be furnished a certificate of
18 enrollment on such roll.

19 “(2) ENTITLEMENT TO SPECIAL PENSION.—The Secretary concerned shall deliver
20 to the Secretary of Veterans Affairs a certified copy of each certificate of enrollment
21 issued under paragraph (1). Such copy shall authorize the Secretary of Veterans Affairs
22 to pay the special pension provided by section 1562 of title 38 to the person named in the
23 certificate.”.

24 (2) CLERICAL AMENDMENT.— The table of sections at the beginning of such

1 chapter of title 10 is amended by adding at the end the following new item:

“1136. Army, Navy, Air Force, and Coast Guard Medal of Honor Roll.”.

2 (b) SPECIAL PENSION.—

3 (1) AUTOMATIC ENTITLEMENT.—Section 1562(a) of title 38, United States Code,
4 is amended—

5 (A) by inserting “living” after “each”;

6 (B) by striking “subsection (c) of section 1561 of this title” and inserting
7 “subsection (c)(2) of section 1136 of title 10”; and

8 (C) by striking “application therefor under section 1560 of this title” and
9 inserting “such person's name is entered on the Army, Navy, Air Force, and Coast
10 Guard Medal of Honor Roll under section 1136(b) of title 10”.

11 (2) ELECTION TO DECLINE SPECIAL PENSION.—Section 1562 of such title is further
12 amended by adding at the end the following new subsection:

13 “(g)(1) A person who is entitled to a special pension under subsection (a) may elect not to
14 receive such special pension by notifying the Secretary of such election in writing.

15 “(2) The Secretary, upon receipt of such election, shall cease payments of the special
16 pension to such person.”.

17 (3) TECHNICAL AMENDMENT.—Section 1562(a) of such title is further amended by
18 striking “roll” and inserting “Roll”.

19 (c) CONFORMING AMENDMENTS.—

20 (1) REPEAL OF RECODIFIED PROVISIONS.— Sections 1560 and 1561 of title 38,
21 United States Code, are repealed.

22 (2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 15
23 of such title is amended, by striking the items relating to sections 1560 and 1561.

1 (d) EFFECTIVE DATE.—The amendments made by this section shall be effective with
2 respect to medals of honor awarded on or after the date of the enactment of this Act.

3 **Subtitle F—Other Matters**

4 **SEC. 551. AUTHORITY TO PROVIDE CERTAIN EXPENSES FOR CARE AND**
5 **DISPOSITION OF HUMAN REMAINS THAT WERE RETAINED BY**
6 **THE DEPARTMENT OF DEFENSE FOR FORENSIC PATHOLOGY**
7 **INVESTIGATION.**

8 (a) DISPOSITION OF REMAINS OF PERSONS WHOSE DEATH IS INVESTIGATED BY THE ARMED
9 FORCES MEDICAL EXAMINER.—

10 (1) COVERED DECEDENTS.—Section 1481(a) of title 10, United States Code, is
11 amended by adding at the end the following new paragraph:

12 “(10) To the extent authorized under section 1482(g) of this title, any person not
13 otherwise covered by the preceding paragraphs whose remains (or partial remains) have
14 been retained by the Secretary concerned for purposes of a forensic pathology
15 investigation by the Armed Forces Medical Examiner under section 1471 of this title.”.

16 (2) AUTHORIZED EXPENSES RELATING TO CARE AND DISPOSITION OF REMAINS.—
17 Section 1482 of such title is amended by adding at the end the following new subsection:

18 “(g)(1) The payment of expenses incident to the recovery, care, and disposition of the
19 remains of a decedent covered by section 1481(a)(10) of this title is limited to those expenses
20 that, as determined under regulations prescribed by the Secretary of Defense, would not have
21 been incurred but for the retention of those remains for purposes of a forensic pathology
22 investigation by the Armed Forces Medical Examiner under section 1471 of this title. The
23 Secretary concerned shall pay all other expenses authorized to be paid under this section only on
24 a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection

1 shall be credited to appropriations available at the time of reimbursement for the payment of
2 such expenses.

3 “(2) In a case covered by paragraph (1), if the person designated under subsection (c) to
4 direct disposition of the remains of a decedent does not direct disposition of the remains that
5 were retained for the forensic pathology investigation, the Secretary may pay for the
6 transportation of those remains to, and interment or inurnment of those remains in, an
7 appropriate place selected by the Secretary, in lieu of the transportation authorized to be paid
8 under paragraph (8) of subsection (a).

9 “(3) In a case covered by paragraph (1), expenses that may be paid do not include
10 expenses with respect to an escort under paragraph (8) of subsection (a), whether or not on a
11 reimbursable basis.”.

12 (b) CLARIFICATION OF COVERAGE OF INURNMENT.—Section 1482(a)(9) of such title is
13 amended by inserting “or inurnment” after “interment”.

14 (c) TECHNICAL AMENDMENT.—Section 1482(f) of such title is amended in the third
15 sentence by striking “subsection” and inserting “section”.

16 **SEC. 552. EXPANSION OF PRIVILEGED INFORMATION PROVISION TO**
17 **DEBRIEFING REPORTS OF CERTAIN RECOVERED PERSONS WHO**
18 **WERE NEVER PLACED IN A MISSING STATUS.**

19 (a) PERSONNEL FILES.—Section 1506 of title 10, United States Code is amended—

20 (1) in subsection (d)—

21 (A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4),
22 respectively; and

23 (B) by inserting after paragraph (1) the following new paragraph (2):

1 “(2) The Secretary concerned shall withhold from personnel files under this section, as
2 privileged information, any survival, evasion, resistance and escape debriefing report provided
3 by a person described in section 1501(c) of this title who is returned to United States control
4 which is obtained under a promise of confidentiality made for the purpose of ensuring the fullest
5 possible disclosure of information.”; and

6 (2) in subsection (f), by striking “paragraphs (2) and (3)” and inserting
7 “paragraphs (3) and (4)”.

8 (b) DEFINITION.—Section 1513 of such title is amended by adding at the end the
9 following new paragraph:

10 “(9) The term ‘survival, evasion, resistance, and escape debrief’ means an
11 interview conducted with a person described in section 1501(c) of this title who is
12 returned to United States control in order to record the person’s experiences while
13 surviving, evading, resisting interrogation or exploitation, or escaping.”.

14 **SEC. 553. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF**
15 **THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN**
16 **EMPLOYEES LISTED AS MISSING.**

17 Section 1501(a)(1) of title 10, United States Code, is amended—

18 (1) by striking “and” at the end of subparagraph (B);

19 (2) by striking the period at the end of subparagraph (C) and inserting “; and”; and

20 (3) by adding at the end the following new subparagraph:

21 “(D) coordination of periodic briefing of families of missing persons about the
22 efforts of the Department of Defense to account for those persons.”.

23 **SEC. 554. FAMILY SUPPORT PROGRAMS FOR IMMEDIATE FAMILY MEMBERS**
24 **OF SPECIAL OPERATIONS FORCES MEMBERS.**

1 (a) CHAPLAIN-LED PROGRAMS.—The Commander of the United States Special
2 Operations Command may provide support services described in section 1789(b) of title 10,
3 United States Code, to support the immediate family members (as defined in section 1789(c) of
4 such title) of members of the Armed Forces assigned to special operations forces (as defined in
5 section 167(i) of such title) if the Commander determines—

6 (1) that there is a direct and concrete relationship between—

7 (A) chaplain-led programs authorized in section 1789 of such title, and

8 (B) the readiness of special operations forces; and

9 (2) that such support is not being provided to those family members by the
10 Secretary of a military department.

11 (b) ADDITIONAL AUTHORITY.—The Commander of the United States Special Operations
12 Command may expend up to \$10,000,000 during any fiscal year during which this subsection is
13 in effect to provide support services described in section 1789(b) of title 10, United States Code,
14 to support family programs directed by medical personnel, behavior health professionals, and
15 family readiness professionals of the Department of Defense to build and maintain the resiliency
16 of members of the Armed Forces assigned to special operations forces (as defined in section
17 167(i) of such title) and their immediate family members (as defined in section 1789(c) of such
18 title).

19 (c) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of
20 fiscal years 2014 through 2016.

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

22 **Subtitle A—Pay and Allowances**

23 **SEC. 601. INCREASE IN MILITARY BASIC PAY FOR FISCAL YEAR 2014.**

1 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during
2 fiscal year 2014 required by section 1009 of title 37, United States Code, in the rates of monthly
3 basic pay authorized members of the uniformed services shall not be made.

4 (b) INCREASE IN BASIC PAY.—Effective on January 1, 2014, the rates of monthly basic
5 pay for members of the uniformed services are increased by 1.0 percent.

6 **SEC. 602. EXTENSION OF TEMPORARY ARMY AUTHORITY TO PROVIDE**
7 **ADDITIONAL RECRUITMENT INCENTIVES.**

8 Subsection (i)(1) of section 681 of the National Defense Authorization Act for Fiscal
9 Year 2006 (Public Law 109-163; 10 U.S.C. 503 note) is amended by striking “December 31,
10 2012” and inserting “December 31, 2015”.

11 **Subtitle B—Bonuses and Special and Incentive Pays**

12 [reserved]

13 **Subtitle C—Disability, Retired Pay, and Survivor Benefits**

14 **SEC. 621. OVERPAYMENTS OF DIVISION OF PAY AS A RESULT OF**
15 **RETROACTIVE CHANGE IN DISPOSABLE RETIRED PAY.**

16 (a) AMENDMENT.—Section 1414(d) of title 10, United States Code, is amended by adding
17 at the end the following new paragraph:

18 “(3)(A) An election by a member to change from receipt of retired pay in accordance
19 with this section to receipt of special compensation in accordance with section 1413a of this title
20 pursuant to paragraph (2), shall not affect payments made before the date of such election to the
21 member’s spouse or former spouse pursuant to section 1408 of this title, of disposable retired pay
22 that a court treated as property for the purpose of issuing a final decree of divorce, dissolution,
23 annulment, or legal separation, including a court ordered, ratified, or approved property
24 settlement incident to such decree.

1 “(B) In this paragraph:

2 “(i) The term ‘court’ has the meaning given such term in section 1408(a)(1) of
3 this title.

4 “(ii) The term ‘disposable retired pay’ has the meaning given such term in section
5 1408(a)(4) of this title.

6 “(iii) The term ‘final decree’ has the meaning given such term in section
7 1408(a)(3) of this title.

8 “(iv) The term ‘member’ has the meaning given such term in section 1408(a)(5)
9 of this title.

10 “(v) The term ‘spouse or former spouse’ has the meaning given such term in
11 section 1408(a)(6) of this title.”.

12 (b) APPLICABILITY.—Paragraph (3) of section 1414(d) of title 10, United States Code, as
13 added by subsection (a), shall apply with respect to payments made under section 1408 of title
14 10, United States Code, on or after the date of the enactment of this Act.

15 **TITLE VII—HEALTH CARE PROVISIONS**

16 **SEC. 701. REVISIONS TO TRICARE COST SHARING REQUIREMENTS.**

17 (a) TRICARE PRIME ENROLLMENT FEES.—Section 1097 of title 10, United States Code, is
18 amended—

19 (1) in subsection (e)—

20 (A) by striking “(1)” before “The Secretary”; and

21 (2) by striking paragraph (2); and

22 (2) by adding at the end the following new subsection:

23 “(f) ENROLLMENT FEES.—

1 “(1) AMOUNT.—Beginning January 1, 2014, the enrollment fee described in
 2 subsection (e) for a covered beneficiary shall be an amount (rounded to the nearest dollar)
 3 equal to the applicable percentage (specified in paragraph (2)) of the retired pay of the
 4 member or former member upon whom the covered beneficiary’s eligibility is based,
 5 except that the amount of such enrollment fee shall not be in excess of the applicable
 6 maximum enrollment fee nor less than the applicable minimum enrollment fee specified
 7 in paragraph (3).

8 “(2) PERCENTAGE OF RETIRED PAY.—The applicable percentage of retired pay
 9 shall be determined in accordance with the following table:

For:	The applicable percentage for a family group of two or more persons is:	The applicable percentage for an individual is:
2014	2.95%	1.475%
2015	3.30%	1.650%
2016	3.65%	1.825%
2017 and after	4.00%	2.000%

10 “(3) MAXIMUM AND MINIMUM ENROLLMENT FEES.—

11 “(A) BEFORE 2018.—

12 “(i) FAMILY GROUPS.—For the years 2014 through 2017, the
 13 applicable maximum and minimum enrollment fees for a family group of
 14 two or more persons shall be determined in accordance with the following
 15 table:

For	The applicable minimum enrollment fee is:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is:

2014	\$548	\$900	\$750
2015	\$558	\$1,200	\$900
2016	\$569	\$1,500	\$1,050
2017	\$581	\$1,800	\$1,200

1 “(i) INDIVIDUALS.—The applicable maximum and minimum
2 enrollment fees for an individual shall be one-half the corresponding
3 maximum and minimum enrollment fees for a family group of two or
4 more persons (as specified in clause (i)).

5 “(B) AFTER 2017.—For any year after 2017, the applicable maximum and
6 minimum enrollment fees shall be equal to the maximum and minimum
7 enrollment fees for the previous year increased by the percentage by which retired
8 pay is increased under section 1401a of this title for such calendar year.

9 “(4) EXCLUSION.—Notwithstanding paragraph (1), the enrollment fee described
10 in subsection (e) for a dependent of a member of the uniformed services who dies while
11 on active duty, a member retired under chapter 61 of this title, or for a dependent of such
12 a member shall not exceed the amount of any such enrollment fee for 2013.”.

13 (b) TRICARE STANDARD ENROLLMENT FEES AND COST SHARING.—Section 1086(b) of
14 such title is amended to read as follows:

15 “(b) For a person covered by this section, any plan contracted for under section 1079(a)
16 of this title shall contain the following provisions for payment by the patient:

17 “(1) An annual enrollment fee. The amount of such annual enrollment fee for a
18 year is—

19 “(A) for 2014, \$70 for an individual or \$140 for a family group of two or
20 more persons;

21 “(B) for 2015, \$85 for an individual or \$170 for a family group of two or
22 more persons;

1 “(C) for 2016, \$100 for an individual or \$200 for a family group of two or
2 more persons;

3 “(D) for 2017, \$115 for an individual or \$230 for a family group of two or
4 more persons;

5 “(E) for 2018, \$125 for an individual or \$250 for a family group of two or
6 more persons; and

7 “(F) for any year after 2018, the amount of the applicable enrollment fee
8 for the previous year increased by the percentage by which retired pay is
9 increased under section 1401a of this title for such year.

10 “(2) An annual deductible of the charges in a year for all types of care authorized
11 by this section and received while in an outpatient status and 25 percent of all subsequent
12 charges for such care during a year. The amount of such annual deductible for a year is—

13 “(A) for 2014, \$160 for an individual or \$320 for a family group of two or
14 more persons;

15 “(B) for 2015, \$200 for an individual or \$400 for a family group of two or
16 more persons;

17 “(C) for 2016, \$230 for an individual or \$460 for a family group of two or
18 more persons;

19 “(D) for 2017, \$260 for an individual or \$520 for a family group for a
20 family group of two or more persons;

21 “(E) for 2018, \$290 for an individual or \$580 for a family group of two or
22 more persons; and

1 “(F) for any year after 2018, the amount of the applicable deductible for
2 the previous year increased by the percentage by which retired pay is increased
3 under section 1401a of this title for such year.

4 “(3) 25 percent of the charges for inpatient care. The Secretary of Defense may
5 exempt a patient from paying such charges if the hospital to which the patient is admitted
6 does not impose a legal obligation on any of its patients to pay for inpatient care.

7 “(4) A person covered by this section may not be required to pay a total in excess
8 of a catastrophic cap, excluding the amount of any annual enrollment fee under paragraph
9 (1), for health care received during any year under a plan contracted for under section
10 1079(a) of this title. The amount of such catastrophic cap for a year is—

11 “(A) for 2013, \$3,000; and

12 “(B) for any year after 2013, the amount of the catastrophic cap for the
13 previous year increased by the percentage by which retired pay is increased under
14 section 1401a of this title for such year.

15 “(5) Notwithstanding paragraphs (1), (2), and (4), for a dependent of a member of
16 the uniformed services who dies while on active duty, a member retired under chapter 61
17 of this title, or a dependent of such a member—

18 “(A) there is no annual enrollment fee;

19 “(B) the annual deductible referred to in paragraph (2) for a year is \$150
20 for an individual or \$300 for a family group of two or more persons; and

21 “(C) the catastrophic cap for a year is \$3,000.”.

22 (c) TRICARE FOR LIFE ENROLLMENT FEES.—Section 1086(d)(3) of such title is amended
23 by adding at the end the following new subparagraph:

1 “(D)(i) Beginning January 1, 2014, a person described in paragraph (2) (except as
 2 provided in clauses (vi) and (vii)), shall pay an annual enrollment fee as a condition of
 3 eligibility for health care benefits under this section. Such enrollment fee shall be an
 4 amount (rounded to the nearest dollar) equal to the applicable percentage (specified in
 5 clause (ii)) of the retired pay of the member or former member upon whom the covered
 6 beneficiary’s eligibility is based, except that the amount of such enrollment fee shall not
 7 be in excess of the applicable maximum enrollment fee (specified in clause (iii)).

8 “(ii) The applicable percentage of retired pay shall be determined in accordance
 9 with the following table:

For:	The applicable percentage for a family group of two or more persons is:	The applicable percentage for an individual is:
2014	0.50%	0.25%
2015	1.00%	0.50%
2016	1.50%	0.75%
2017 and after	2.00%	1.00%

10 “(iii) For any year 2014 through 2017, the applicable maximum enrollment fees
 11 for a family group of two or more persons shall be determined in accordance with the
 12 following table:

For:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is:
2014	\$200	\$150
2015	\$400	\$300
2016	\$600	\$450
2017	\$800	\$600

1 “(iv) For any year after 2017, the applicable maximum enrollment fee shall be
2 equal to the maximum enrollment fee for the previous year increased by the percentage
3 by which retired pay is increased under section 1401a of this title for such year.

4 “(v) The applicable maximum enrollment fee for an individual shall be one-half
5 the corresponding maximum fee for a family group of two or more persons (as
6 determined under clauses (iii) and (iv)).

7 “(vi) Clause (i) shall not apply to a dependent of a member of the uniformed
8 services who dies while on active duty, a member retired under chapter 61 of this title, or
9 a dependent of such a member.

10 “(vii) Clause (i) also shall not apply to a person who, prior to the date of the
11 enactment of this subparagraph, met the conditions described in paragraph (2)(A) and
12 (B).”.

13 (d) TRICARE PHARMACY PROGRAM REQUIREMENTS.—

14 (1) AVAILABILITY OF PHARMACEUTICAL AGENTS THROUGH NATIONAL MAIL-ORDER
15 PHARMACY PROGRAM.—Section 1074g(a)(5) of such title is amended—

16 (A) by striking “at least one of the means described in paragraph (2)(E)”
17 and inserting “the national mail-order pharmacy program”; and

18 (B) by striking “may include” and all that follows through the end of the
19 paragraph and inserting “shall include cost sharing by the eligible covered
20 beneficiary as specified in paragraph (6).”.

21 (2) COST SHARING AMOUNTS.—Section 1074g(a)(6) of such title is amended to
22 read as follows:

23 “(6)(A) In the case of any of the years 2014 through 2023, the cost sharing amounts
24 referred to in paragraph (5) shall be determined in accordance with the following table:

For:	The cost sharing amount for 30-day supply of a retail generic is:	The cost sharing amount for 30-day supply of a retail formulary is:	The cost sharing amount for a 90-day supply of a mail order generic is:	The cost sharing amount for a 90-day supply of a mail order formulary is:	The cost amount for a 90-day supply of a mail order non-formulary is:
2014	\$5	\$26	\$0	\$26	\$51
2015	\$6	\$28	\$0	\$28	\$54
2016	\$7	\$30	\$0	\$30	\$58
2017	\$8	\$32	\$0	\$32	\$62
2018	\$9	\$34	\$9	\$34	\$66
2019	\$10	\$36	\$10	\$36	\$70
2020	\$11	\$38	\$11	\$38	\$75
2021	\$12	\$40	\$12	\$40	\$80
2022	\$13	\$43	\$13	\$43	\$85
2023	\$14	\$45	\$14	\$45	\$90

1 “(B) For any year after 2023, the cost sharing amounts referred to in paragraph (5) shall
2 be equal to the cost sharing amounts for the previous year, adjusted by an amount, if any, as
3 determined by the Secretary to reflect changes in the costs of pharmaceutical agents and
4 prescription dispensing, rounded to the nearest dollar.

5 “(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts referred to in
6 paragraph (5) for any year for a dependent of a member of the uniformed services who dies
7 while on active duty, a member retired under chapter 61 of this title, or a dependent of such a
8 member shall be equal to the cost sharing amounts, if any, for fiscal year 2013.”.

9 (3) REFILLS OF PRESCRIPTION MAINTENANCE MEDICATIONS THROUGH THE
10 NATIONAL MAIL ORDER PHARMACY PROGRAM.—

11 (A) IN GENERAL.—Such section 1074g is further amended by adding at the
12 end the following new subsection:

13 “(i) REFILLS OF PRESCRIPTION MAINTENANCE MEDICATIONS THROUGH THE NATIONAL
14 MAIL ORDER PHARMACY PROGRAM.—

1 “(1) IN GENERAL.—The pharmacy benefits program shall require eligible covered
2 beneficiaries to refill non-generic prescription maintenance medications through military
3 treatment facility pharmacies or the national mail-order pharmacy program.

4 “(2) MEDICATIONS COVERED.—

5 “(A) DETERMINATION.—The Secretary shall determine the maintenance
6 medications subject to the requirement under paragraph (1).

7 “(B) SUPPLY.—In carrying out the requirement under paragraph (1), the
8 Secretary shall ensure that the medications subject to the requirement under
9 paragraph (1) are—

10 “(i) generally available to eligible covered beneficiaries through
11 retail pharmacies only for an initial filling of a 30-day or less supply; and

12 “(ii) any refills of such medications are obtained through a military
13 treatment facility pharmacy or the national mail-order pharmacy program.

14 “(C) EXEMPTION.—The Secretary may exempt the following prescription
15 maintenance medications from the requirements in subparagraph (B):

16 “(i) Medications that are for acute care needs.

17 “(ii) Such other medications as the Secretary determines
18 appropriate.”.

19 “(B) CONFORMING AMENDMENT.—Section 716 of the National Defense
20 Authorization Act for Fiscal Year 2013 (Public Law 112-239; 125 Stat. 1804) is
21 repealed.

22 (e) ADDITIONAL REALIGNMENT OF TRICARE HEALTH BENEFIT YEARS FROM FISCAL
23 YEAR TO CALENDAR YEAR BASIS.—

1 (1) TRICARE STANDARD.—Section 1079(b) of such title 10 is amended by
2 striking “fiscal” each place it appears.

3 (2) TRANSITION PERIOD.—The Secretary of Defense shall prescribe regulations to
4 transition TRICARE health plan benefit years from a fiscal-year basis to a calendar-year
5 basis pursuant to the amendments made by this subsection.

6 (3) CONFORMING AND TECHNICAL AMENDMENTS.—Section 724 of the National
7 Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073
8 note) is amended—

9 (A) in subsection (b)—

10 (i) by striking “For each fiscal year beginning after September 30,
11 1997, the” and inserting “The”;

12 (ii) by inserting “during any year” after “by designated providers”;

13 and

14 (iii) by striking “fiscal year.” and inserting “year.”; and

15 (B) in subsection (d)(2)(B)—

16 (i) by striking “For each fiscal year beginning after September 30,
17 2003, the” and inserting “The”;

18 (ii) by striking “during such fiscal year” the first place it appears
19 and inserting “during any year”; and

20 (iii) by striking “fiscal year.” and inserting “year.”.

21 (f) AUTHORITY TO ADJUST PAYMENTS INTO THE MEDICARE-ELIGIBLE RETIREE HEALTH
22 CARE FUND.—Section 1116 of such title is amended by adding at the end the following new
23 subsection:

1 “(e)(1) During any fiscal year, if the Secretary of Defense determines that the amount
2 certified under subsection (c) is no longer accurate because of a significant change in
3 circumstances or law, the Secretary of Defense may, if appropriate, certify a revised amount
4 determined in accordance with subsection (b)(2) to the Secretary of the Treasury.

5 “(2) If the Secretary of Defense makes a certification under paragraph (1), each other
6 administering Secretary shall make and advise the Secretary of the Treasury of a revised
7 determination, consistent with section 1111(c) of this title.

8 “(3) If a certification and determination are made under paragraphs (1) and (2), the
9 Secretary of the Treasury shall promptly pay into or recoup from the Fund the difference
10 between the amount paid into the Fund under subsection (a) and the amount certified or
11 determined by the administering Secretary under paragraph (1) or (2).”.

12 **SEC. 702. REQUIREMENT FOR MEDICARE PARTICIPATING PHYSICIAN OR**
13 **SUPPLIER TO ACCEPT TRICARE AND VETERANS AFFAIRS**
14 **PARTICIPATING RATES.**

15 Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended by
16 adding at the end the following new sentence: “Any physician or supplier who voluntarily enters
17 into an agreement with the Secretary to become a participating physician or supplier shall be
18 deemed to have agreed to be a participating provider of medical care or services under any health
19 plan contracted for under section 1079 or 1086 of title 10, United States Code, or under section
20 1781 of title 38, United States Code, in accordance with the payment methodology and amounts
21 prescribed under joint regulations prescribed by the Secretary, the Secretary of Defense, and the
22 Secretary of Homeland Security pursuant to sections 1079 and 1086 of title 10, United States
23 Code.”.

1 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
2 **AND RELATED MATTERS**

3 **SEC. 801. CLARIFICATION OF SCOPE OF SUPPLIES COVERED BY STATUTORY**
4 **RAPID ACQUISITION AUTHORITY.**

5 Section 806(g) of the Bob Stump National Defense Authorization Act for Fiscal Year
6 2003 (Public Law 107-314; 10 U.S.C. 2302 note) is amended—

7 (1) by striking “ASSOCIATED SUPPORT SERVICES DEFINED.—In the section, the
8 term” and inserting “DEFINITIONS.—In this section:

9 “(1) ASSOCIATED SUPPORT SERVICES.—The term”; and

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

11 “(2) SUPPLIES.—The term ‘supplies’ means all property except land or interest in
12 land.”.

13 **SEC. 802. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR THE**
14 **DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS**
15 **AND SPACE ADMINISTRATION.**

16 (a) PURPOSE.—The purpose of this section is to provide the Secretary of Defense and the
17 Administrator of the National Aeronautics and Space Administration with an effective
18 administrative remedy to obtain recompense for the Department of Defense and the National
19 Aeronautics and Space Administration for losses resulting from the submission to the
20 Department or the Administration, respectively, of false, fictitious, or fraudulent claims and
21 statements.

22 (b) PROGRAM FRAUD CIVIL REMEDIES.—

23 (1) IN GENERAL.—Chapter IV of subtitle A of title 10, United States Code, is
24 amended by inserting after chapter 163 the following new chapter:

1 purchase of such property or services; or

2 “(ii) for the payment of money (including money representing
3 grants, loans, insurance, or benefits) if the United States—

4 “(I) provided any portion of the money requested or
5 demanded; or

6 “(II) will reimburse such recipient or party for any portion
7 of the money paid on such request or demand; or

8 “(C) made to the head of an agency which has the effect of decreasing an
9 obligation to pay or account for property, services, or money.

10 “(3) KNOWS OR HAS REASON TO KNOW.—The term ‘knows or has reason to know’,
11 for purposes of establishing liability under section 2752 of this title, means that a person,
12 with respect to a claim or statement—

13 “(A) has actual knowledge that the claim or statement is false, fictitious, or
14 fraudulent;

15 “(B) acts in deliberate ignorance of the truth or falsity of the claim or
16 statement; or

17 “(C) acts in reckless disregard of the truth or falsity of the claim or
18 statement, and no proof of specific intent to defraud is required.

19 “(4) RESPONSIBLE OFFICIAL.—The term ‘responsible official’ means a designated
20 debarring and suspending official of the agency named in subsection (a).

21 “(5) RESPONDENT.—The term ‘respondent’ means a person who has received
22 notice from a responsible official asserting liability under section 2752 of this title.

23 “(6) STATEMENT.—The term ‘statement’ means any representation, certification,
24 affirmation, document, record, or an accounting or bookkeeping entry made—

1 “(A) with respect to a claim or to obtain the approval or payment of a claim
2 (including relating to eligibility to make a claim); or

3 “(B) with respect to (including relating to eligibility for)—

4 “(i) a contract with, or a bid or proposal for a contract with the head
5 of an agency; or

6 “(ii) a grant, loan, or benefit from the head of an agency.

7 “(c) CLAIMS.—For purposes of paragraph (2) of subsection (b)—

8 “(1) each voucher, invoice, claim form, or other individual request or demand for
9 property, services, or money constitutes a separate claim;

10 “(2) each claim for property, services, or money is subject to this chapter regardless
11 of whether such property, services, or money is actually delivered or paid; and

12 “(3) a claim shall be considered made, presented, or submitted to the head of an
13 agency, recipient, or party when such claim is actually made to an agent, fiscal
14 intermediary, or other entity acting for or on behalf of such authority, recipient, or party.

15 “(d) STATEMENTS.—For purposes of paragraph (6) of subsection (b)—

16 “(1) each written representation, certification, or affirmation constitutes a separate
17 statement; and

18 “(2) a statement shall be considered made, presented, or submitted to the head of an
19 agency when such statement is actually made to an agent, fiscal intermediary, or other
20 entity acting for or on behalf of such authority.

21 **“§ 2752. False claims and statements; liability**

22 “(a) FALSE CLAIMS.—Any person who makes, presents, or submits, or causes to be made,
23 presented, or submitted, to the head of an agency a claim that the person knows or has reason to
24 know—

1 “(1) is false, fictitious, or fraudulent;

2 “(2) includes or is supported by any written statement which asserts a material fact
3 this is false, fictitious, or fraudulent;

4 “(3) includes or is supported by any written statement that—

5 “(A) omits a material fact;

6 “(B) is false, fictitious, or fraudulent as a result of such omission; and

7 “(C) the person making, presenting, or submitting such statement has a
8 duty to include such material fact; or

9 “(4) is for payment for the provision of property or services which the person has
10 not provided as claimed,

11 shall, in addition to any other remedy that may be prescribed by law, be subject to a civil penalty
12 of not more than \$5,000 for each such claim. Such person shall also be subject to an assessment
13 of not more than twice the amount of such claim, or the portion of such claim which is
14 determined by the responsible official to be in violation of the preceding sentence.

15 “(b) FALSE STATEMENTS.—Any person who makes, presents, submits, or causes to be
16 made, presented, or submitted, a written statement in conjunction with a procurement program or
17 acquisition of the an agency named in section 2751(a) of this title that—

18 “(1) the person knows or has reason to know—

19 “(A) asserts a material fact that is false, fictitious, or fraudulent; or

20 “(B)(i) omits a material fact; and

21 “(ii) is false, fictitious, or fraudulent as a result of such omission;

22 “(2) in the case of a statement described in subparagraph (B) of paragraph (1), is a
23 statement in which the person making, presenting, or submitting such statement has a
24 duty to include such material fact; and

1 “(3) contains or is accompanied by an express certification or affirmation of the
2 truthfulness and accuracy of the contents of the statement,
3 shall be subject to, in addition to any other remedy that may be prescribed by law, a civil
4 penalty of not more than \$5,000 for each such statement.

5 **“§ 2753. Hearing and determinations**

6 “(a) TRANSMITTAL OF NOTICE TO ATTORNEY GENERAL.—If a responsible official
7 determines that there is adequate evidence to believe that a person is liable under section 2752 of
8 this title, the responsible official shall transmit to the Attorney General, or any other officer or
9 employee of the Department of Justice designated by the Attorney General, a written notice of
10 the intention of such official to initiate an action under this section. The notice shall include the
11 following:

12 “(1) A statement of the reasons for initiating an action under this section.

13 “(2) A statement specifying the evidence which supports liability under section
14 2752 of this title.

15 “(3) A description of the claims or statements for which liability under section
16 2752 of this title is alleged.

17 “(4) An estimate of the penalties and assessments that will be demanded under
18 section 2752 of this title.

19 “(5) A statement of any exculpatory or mitigating circumstances which may
20 relate to such claims or statements.

21 “(b) STATEMENT FROM ATTORNEY GENERAL.

22 “(1) Within 90 days after receipt of a notice from a responsible official under
23 subsection (a), the Attorney General, or any other officer or employee of the Department
24 of Justice designated by the Attorney General, shall transmit a written statement to the

1 responsible official which specifies—

2 “(A) that the Attorney General, or any other officer or employee of the
3 Department of Justice designated by the Attorney General, approves or
4 disapproves initiating an action under this section based on the allegations of
5 liability stated in such notice; and

6 “(B) in any case in which the initiation of an action under this section is
7 disapproved, the reasons for such disapproval.

8 “(2) If at any time after the initiation of an action under this section the Attorney
9 General, or any other officer or employee of the Department of Justice designated by the
10 Attorney General, transmits to a responsible official a written determination that the
11 continuation of any action under this section may adversely affect any pending or
12 potential criminal or civil action, such action shall be immediately stayed and may be
13 resumed only upon written authorization from the Attorney General, or any other officer
14 or employee of the Department of Justice designated by the Attorney General.

15 “(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY BE PURSUED UNDER THIS SECTION.—

16 No action shall be initiated under this section, nor shall any assessment be imposed under this
17 section, if the total amount of the claim determined by the responsible official to violate section
18 2752(a) of this title exceeds \$500,000. The \$500,000 threshold does not include penalties or any
19 assessment permitted under 2752(a) of this title greater than the amount of the claim determined
20 by the responsible official to violate such section.

21 “(d) PROCEDURES FOR RESOLVING CLAIMS.—(1) Upon receiving approval under
22 subsection (b) to initiate an action under this section, the responsible official shall mail, by
23 registered or certified mail, or other similar commercial means, or shall deliver, a notice to the
24 person alleged to be liable under section 2752 of this title. Such notice shall specify the

1 allegations of liability against such person, specify the total amount of penalties and assessments
2 sought by the United States, advise the person of the opportunity to submit facts and arguments
3 in opposition to the allegations set forth in the notice, advise the person of the opportunity to
4 submit offers of settlement or proposals of adjustment, and advise the person of the procedures
5 of the agency named in section 2751(a) of this title governing the resolution of actions initiated
6 under this section.

7 “(2) Within 30 days after receiving a notice under paragraph (1), or any additional period
8 of time granted by the responsible official, the respondent may submit in person, in writing, or
9 through a representative, facts and arguments in opposition to the allegations set forth in the
10 notice, including any additional information that raises a genuine dispute of material fact.

11 “(3) If the respondent fails to respond within 30 days, or any additional time granted by
12 the responsible official, the responsible official may issue a written decision disposing of the
13 matters raised in the notice. Such decision shall be based on the record before the responsible
14 official. If the responsible official concludes that the respondent is liable under section 2752 of
15 this title, the decision shall include the findings of fact and conclusions of law which the
16 responsible official relied upon in determining that the respondent is liable, and the amount of
17 any penalty and/or assessment to be imposed on the respondent. Any such determination shall be
18 based on a preponderance of the evidence. The responsible official shall promptly send to the
19 respondent a copy of the decision by registered or certified mail, or other similar commercial
20 means, or shall hand deliver a copy of the decision.

21 “(4) If the respondent makes a timely submission, and the responsible official determines
22 that the respondent has not raised any genuine dispute of material fact, the responsible official
23 may issue a written decision disposing of the matters raised in the notice. Such decision shall be
24 based on the record before the responsible official. If the responsible official concludes that the

1 respondent is liable under section 2752 of this title, the decision shall include the findings of fact
2 and conclusions of law which the responsible official relied upon in determining that the
3 respondent is liable, and the amount of any penalty or assessment to be imposed on the
4 respondent. Any such determination shall be based on a preponderance of the evidence. The
5 responsible official shall promptly send to the respondent a copy of the decision by registered or
6 certified mail, or other similar commercial means, or shall hand deliver a copy of the decision.

7 “(5) If the respondent makes a timely submission, and the responsible official determines
8 that the respondent has raised a genuine dispute of material fact, the responsible official shall
9 commence a hearing to resolve the genuinely disputed material facts by mailing by registered or
10 certified mail, or other similar commercial means, or by hand delivery of, a notice informing the
11 respondent of —

12 “(A) the time, place, and nature of the hearing;

13 “(B) the legal authority under which the hearing is to be held;

14 “(C) the material facts determined by the responsible official to be genuinely in
15 dispute that will be the subject of the hearing; and

16 “(D) a description of the procedures for the conduct of the hearing.

17 “(6) The responsible official and any person against whom liability is asserted under this
18 chapter may agree to a compromise or settle an action at any time. Any compromise or
19 settlement must be in writing.

20 “(e) RESPONDENT ENTITLED TO COPY OF THE RECORD.—At any time after receiving a
21 notice under paragraph (1) of subsection (d), the respondent shall be entitled to a copy of the
22 entire record before the responsible official.

23 “(f) HEARINGS.—Any hearing commenced under this section shall be conducted by the
24 responsible official, or a fact-finder designated by the responsible official, solely to resolve

1 genuinely disputed material facts identified by the responsible official and set forth in the notice
2 to the respondent.

3 “(g) PROCEDURES FOR HEARINGS.—(1) Each hearing shall be conducted under procedures
4 prescribed by the head of the agency. Such procedures shall include the following:

5 “(A) The provision of written notice of the hearing to the respondent, including
6 written notice of—

7 “(i) the time, place, and nature of the hearing;

8 “(ii) the legal authority under which the hearing is to be held;

9 “(iii) the material facts determined by the responsible official to be
10 genuinely in dispute that will be the subject of the hearing; and

11 “(iv) a description of the procedures for the conduct of the hearing.

12 “(B) The opportunity for the respondent to present facts and arguments through
13 oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-
14 examination as may be required to resolve any genuinely disputed material facts
15 identified by the responsible official.

16 “(C) The opportunity for the respondent to be accompanied, represented, and
17 advised by counsel or such other qualified representative as the Secretary may specify in
18 such regulations.

19 “(2) For the purpose of conducting hearings under this section, the responsible official is
20 authorized to administer oaths or affirmations.

21 “(3) Hearings shall be held at the responsible official’s office, or at such other place as
22 may be agreed upon by the respondent and the responsible official.

23 “(h) DECISION FOLLOWING HEARING.—The responsible official shall issue a written
24 decision within 60 days after the conclusion of the hearing. That decision shall set forth specific

1 findings of fact resolving the genuinely disputed material facts that were the subject of the
2 hearing. The written decision shall also dispose of the matters raised in the notice required under
3 paragraph (1) of subsection (d). If the responsible official concludes that the respondent is liable
4 under section 2752 of this title, the decision shall include the findings of fact and conclusions of
5 law which the responsible official relied upon in determining that the respondent is liable, and
6 the amount of any penalty or assessment to be imposed on the respondent. Any decisions issued
7 under this subparagraph shall be based on the record before the responsible official and shall be
8 supported by a preponderance of the evidence. The responsible official shall promptly send to
9 the respondent a copy of the decision by registered or certified mail, or other similar commercial
10 means, or shall hand deliver a copy of the decision.

11 **“§ 2754. Payment; interest on late payments**

12 “(a) PAYMENT OF ASSESSMENTS AND PENALTIES.—A respondent shall render payment of
13 any assessment and penalty imposed by a responsible official, or any amount otherwise agreed to
14 as part of a settlement or adjustment, not later than the date—

15 “(1) that is 30 days after the date of the receipt by the respondent of the
16 responsible official’s decision; or

17 “(2) as otherwise agreed to by the respondent and the responsible official.

18 “(b) INTEREST.—If there is an unpaid balance as of the date determined under paragraph
19 (1), interest shall accrue from that date on any unpaid balance. The rate of interest charged shall
20 be the rate in effect as of that date that is published by the Secretary of the Treasury under
21 section 3717 of title 31.

22 “(c) TREATMENT OF RECEIPTS.—All penalties, assessments, or interest paid, collected, or
23 otherwise recovered under this chapter shall be deposited into the Treasury as miscellaneous
24 receipts as provided in section 3302 of title 31.

1 **“§ 2755. Judicial review**

2 “A decision by a responsible official under section 2753(d) or 2753(h) of this title shall
3 be final. Any such final decision is subject to judicial review only under chapter 7 of title 5.

4 **“§ 2756. Collection of civil penalties and assessments**

5 “(a) JUDICIAL ENFORCEMENT OF CIVIL PENALTIES AND ASSESSMENTS.—The Attorney
6 General shall be responsible for judicial enforcement of any civil penalty or assessment imposed
7 under this chapter.

8 “(b) CIVIL ACTIONS FOR RECOVERY.—Any penalty or assessment imposed in a decision
9 by a responsible official, or amounts otherwise agreed to as part of a settlement or adjustment,
10 along with any accrued interest, may be recovered in a civil action brought by the Attorney
11 General. In any such action, no matter that was raised or that could have been raised in a
12 proceeding under this chapter or pursuant to judicial review under section 2755 of this title may
13 be raised as a defense, and the determination of liability and the determination of amounts of
14 penalties and assessments shall not be subject to review.

15 “(c) JURISDICTION OF UNITED STATES DISTRICT COURTS.—The district courts of the
16 United States shall have jurisdiction of any action commenced by the United States under
17 subsection (b).

18 “(d) JOINING AND CONSOLIDATING ACTIONS.—Any action under subsection (b) may,
19 without regard to venue requirements, be joined and consolidated with or asserted as a
20 counterclaim, cross-claim, or setoff by the United States in any other civil action which includes
21 as parties the United States, and the person against whom such action may be brought.

22 “(e) JURISDICTION OF UNITED STATES COURT OF FEDERAL CLAIMS. —The United States
23 Court of Federal Claims shall have jurisdiction of any action under subsection (b) to recover any
24 penalty or assessment, or amounts otherwise agreed to as part of a settlement or adjustment,

1 along with any accrued interest, if the cause of action is asserted by the United States as a
2 counterclaim in a matter pending in such court. The counterclaim need not relate to the subject
3 matter of the underlying claim.

4 **“§ 2757. Right to administrative offset**

5 “The amount of any penalty or assessment that has been imposed by a responsible
6 official, or any amount agreed upon in a settlement or compromise, along with any accrued
7 interest, may be collected by administrative offset.

8 **“§ 2758. Limitations**

9 “(a) LIMITATION ON PERIOD FOR INITIATION OF ADMINISTRATIVE ACTION.—An action
10 under section 2752 of this title with respect to a claim or statement shall be commenced within
11 six years after the date on which such claim or statement is made, presented, or submitted.

12 “(b) LIMITATION PERIOD FOR INITIATION OF CIVIL ACTION FOR RECOVERY OF
13 ADMINISTRATIVE PENALTY OR ASSESSMENT.—A civil action to recover a penalty or assessment
14 under section 2756 of this title shall be commenced within three years after the date of the
15 decision of the responsible official imposing the penalty or assessment.

16 **“§ 2759. Effect on other laws**

17 “(a) RELATIONSHIP TO TITLE 44 AUTHORITIES.—This chapter does not diminish the
18 responsibility of the head of an agency to comply with the provisions of chapter 35 of title 44,
19 relating to coordination of Federal information policy.

20 “(b) RELATIONSHIP TO TITLE 31 AUTHORITIES.—The procedures set forth in this chapter
21 apply to the agencies named in section 2751(a) of this title in lieu of the procedures under
22 chapter 38 of title 31, relating to administrative remedies for false claims and statements.

23 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Any action, inaction, or decision under this
24 chapter shall be based solely upon the information before the responsible official and shall not

1 limit or restrict any agency of the Government from instituting any other action arising outside
2 this chapter, including suspension or debarment, based upon the same information. Any action,
3 inaction or decision under this chapter shall not restrict the ability of the Attorney General to
4 bring judicial action, based upon the same information as long as such action is not otherwise
5 prohibited by law.”.

6 (2) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle
7 A, and at the beginning of part IV of subtitle A, of such title are each amended by
8 inserting after the item relating to chapter 163 the following new item:

“164. Administrative Remedies for False Claims and Statements.....2751”.

9 (c) CONFORMING AMENDMENTS.—Section 3801(a)(1) of title 31, United States Code, is
10 amended—

11 (1) by inserting “(other than the Department of Defense)” in subparagraph (A)
12 after “executive department”;

13 (2) by striking subparagraph (B);

14 (3) by redesignating subparagraph (C) as subparagraph (B) and by inserting
15 “(other than the National Aeronautics and Space Administration)” in that subparagraph
16 after “not an executive department”; and

17 (4) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D),
18 and (E), respectively.

19 (d) EFFECTIVE DATE.—Chapter 164 of title 10, United States Code, as added by
20 subsection (b), and the amendments made by subsection (c), shall apply to any claim or
21 statement made, presented, or submitted on or after the date of the enactment of this Act.

22 **SEC. 803. REDUCTION IN COSTS TO REPORT CRITICAL CHANGES TO MAJOR**
23 **AUTOMATED INFORMATION SYSTEM PROGRAMS.**

1 (a) EXTENSION OF A PROGRAM DEFINED.—Section 2445a of title 10, United States Code,
2 is amended adding at the end the following new subsection:

3 “(g) EXTENSION OF A PROGRAM.— In this chapter, the term ‘extension of a program’
4 means, with respect to a major automated information system program or other major
5 information technology investment program, the further deployment or planned deployment to
6 additional users of the system which has already been found operationally effective and suitable
7 by an independent test agency or the Director of Operational Test and Evaluation, beyond the
8 scope planned in the original estimate or information originally submitted on the program.”.

9 (b) REPORTS ON CRITICAL CHANGES IN MAIS PROGRAMS.—Subsection (d) of section
10 2445c of such title is amended—

11 (1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

12 (2) by redesignating paragraph (2) as paragraph (3); and

13 (3) by inserting after paragraph (1) the following new paragraph (2):

14 “(2) NOTIFICATION WHEN VARIANCE DUE TO CONGRESSIONAL ACTION OR
15 EXTENSION OF PROGRAM.— If a senior Department of Defense official who, following
16 receipt of a quarterly report described in paragraph (1) and making a determination
17 described in paragraph (3), also determines that the circumstances resulting in the
18 determination described in paragraph (3) either (A) are primarily the result of
19 congressional action, or (B) are primarily due to an extension of a program, the official
20 may, in lieu of carrying out an evaluation and submitting a report in accordance with
21 paragraph (1), submit to the congressional defense committees, within 45 days after
22 receiving the quarterly report, a notification that the official has made those
23 determinations. If such a notification is submitted, the limitation in subsection (g)(1) does
24 not apply with respect to that determination under paragraph (3).”.

1 (c) CONFORMING CROSS-REFERENCE AMENDMENT.—Subsection (g)(1) of such section is
2 amended by striking “subsection (d)(2)” and inserting “subsection (d)(3)”.

3 (d) TOTAL ACQUISITION COST INFORMATION.—

4 (1) Section 2445b(b)(3) of title 10, United States Code, is amended by striking
5 “development costs” and inserting “total acquisition costs”.

6 (2) Section 2445c of such title is amended—

7 (A) in subparagraph (B) of subsection (c)(2), by striking “program
8 development cost” and inserting “total acquisition cost”; and

9 (B) in subparagraph (C) of subsection (d)(3) (as redesignated by
10 subsection (b)(2)), by striking “program development cost” and inserting “total
11 acquisition cost”.

12 (e) CLARIFICATION OF CROSS-REFERENCE.—Section 2445c(g)(2) of such title is amended
13 by striking “in compliance with the requirements of subsection (d)(2)” and inserting “under
14 subsection (d)(1)(B)”.

15 **SEC. 804. MODIFICATION OF REPORTING REQUIREMENT FOR DEPARTMENT**
16 **OF DEFENSE BUSINESS SYSTEM ACQUISITION PROGRAMS WHEN**
17 **INITIAL OPERATING CAPABILITY IS NOT ACHIEVED WITHIN FIVE**
18 **YEARS OF MILESTONE A APPROVAL.**

19 (a) SUBMISSION TO PRE-CERTIFICATION AUTHORITY.—Subsection (b) of section 811 of
20 the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364;
21 120 Stat. 2316) is amended by striking “the system shall be deemed to have undergone” and all
22 that follows through the period and inserting “the appropriate official shall report such failure,
23 along with the facts and circumstances surrounding the failure, to the appropriate pre-
24 certification authority for that system under section 2222 of title 10, United States Code, and the

1 information so reported shall be considered by the pre-certification authority in the decision
2 whether to recommend certification of obligations under that section.”.

3 (b) COVERED SYSTEMS.—Subsection (c) of such section is amended—

4 (1) by striking “3542(b)(2) of title 44” and inserting “section 2222(j)(2) of title
5 10”; and

6 (2) by inserting “, and that is not designated in section 2445a of title 10, United
7 States Code, as a ‘major automated information system program’ or an ‘other major
8 information technology investment program’ ” before the period at the end.

9 (c) UPDATED REFERENCES TO DOD ISSUANCES.—Subsection (d) of such section is
10 amended—

11 (1) in paragraph (1), by striking “Department of Defense Instruction 5000.2” and
12 inserting “Department of Defense Directive 5000.01”; and

13 (2) in paragraph (2), by striking “Department of Defense Instruction 5000.2, dated
14 May 12, 2003” and inserting “Department of Defense Instruction 5000.02, dated
15 December 3, 2008”.

16 **SEC. 805. TIMELINESS RULES FOR FILING BID PROTESTS AT THE UNITED**
17 **STATES COURT OF FEDERAL CLAIMS.**

18 (a) JURISDICTION.—Paragraph (1) of section 1491(b) of title 28, United States Code, is
19 amended—

20 (1) in the first sentence, by striking “Both the” and all that follows through “shall
21 have” and inserting “The United States Court of Federal Claims shall have”; and

22 (2) in the second sentence—

23 (A) by striking “Both the” and all that follows through “shall have” and
24 inserting “The United States Court of Federal Claims shall have”; and

1 (B) by striking “is awarded.” and inserting “is awarded, but such
2 jurisdiction is subject to time limits as follows:

3 “(A) A protest based upon alleged improprieties in a solicitation that are apparent
4 before bid opening or the time set for receipt of initial proposals shall be filed before bid
5 opening or the time set for receipt of initial proposals. In the case of a procurement where
6 proposals are requested, alleged improprieties that do not exist in the initial solicitation
7 but that are subsequently incorporated into the solicitation shall be protested not later
8 than the next closing time for receipt of proposals following the incorporation. A protest
9 that meets these time limitations that was previously filed with the Comptroller General
10 may not be reviewed.

11 “(B) A protest other than one covered by subparagraph (A) shall be filed not later
12 than 10 days after the basis of the protest is known or should have been known
13 (whichever is earlier), with the exception of a protest challenging a procurement
14 conducted on the basis of competitive proposals under which a debriefing is requested
15 and, when requested, is required. In such a case, with respect to any protest the basis of
16 which is known or should have been known either before or as a result of the debriefing,
17 the initial protest shall not be filed before the debriefing date offered to the protester, but
18 shall be filed not later than 10 days after the date on which the debriefing is held.

19 “(C) If a timely agency-level protest was previously filed, any subsequent protest
20 to the United States Court of Federal Claims that is filed within 10 days of actual or
21 constructive knowledge of initial adverse agency action shall be considered, if the
22 agency-level protest was filed in accordance with subparagraphs (A) and (B), unless the
23 contracting agency imposes a more stringent time for filing the protest, in which case the
24 agency's time for filing shall control. In a case where an alleged impropriety in a

1 solicitation is timely protested to a contracting agency, any subsequent protest to the
2 United States Court of Federal Claims shall be considered timely if filed within the 10-
3 day period provided by this subparagraph, even if filed after bid opening or the closing
4 time for receipt of proposals.

5 “(D) A protest untimely on its face shall be dismissed. A protester shall include in
6 its protest all information establishing the timeliness of the protest; a protester shall not
7 be permitted to introduce for the first time in a motion for reconsideration information
8 necessary to establish that the protest was timely. Under no circumstances may the
9 United States Court of Federal Claims consider a protest that is untimely because it was
10 first filed with the Government Accountability Office.”.

11 (b) AVAILABLE RELIEF.—Paragraph (2) of such section is amended by inserting
12 “monetary relief shall not be available if injunctive relief is or has been granted, and” after “except
13 that.”

14 (c) AGENCY DECISIONS OVERRIDING STAY OF CONTRACT AWARD OR PERFORMANCE.—
15 Such section is further amended—

16 (1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7),
17 respectively; and

18 (2) by inserting after paragraph (4) the following new paragraph (5):

19 “(5) The United States Court of Federal Claims shall have jurisdiction to render judgment
20 on an action by an interested party challenging an agency’s decision to override a stay of contract
21 award or contract performance that would otherwise be required by section 3553 of title 31.”.

22 (d) EFFECTIVE DATE.—The amendments made by this section shall apply to any cause of
23 action filed 180 days or more after the date of the enactment of this Act.

1 **SEC. 806. EXCEPTION TO INTERNAL CONTROLS FOR PROCUREMENT OF**
2 **NECESSARY PROPERTY AND SERVICES BY THE DEPARTMENT OF**
3 **DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS**
4 **INTERAGENCY PROGRAM OFFICE.**

5 (a) IN GENERAL.—Subparagraph (A) of section 801(b)(2) of the National Defense
6 Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 202; 10 U. S. C. 2304
7 note) is amended to read as follows:

8 “(A) IN GENERAL.—The limitation in paragraph (1) shall not apply to the
9 procurement of property and services on behalf of—

10 “(i) the Department of Defense by a non-defense agency during
11 any fiscal year for which there is in effect a written determination of the
12 Under Secretary of Defense for Acquisition, Technology, and Logistics
13 that it is necessary in the interest of the Department of Defense to procure
14 property and services through the non-defense agency during such fiscal
15 year; or

16 “(ii) the Department of Defense and Department of Veterans
17 Affairs interagency program office established under section 1635 of this
18 Act.”.

19 (b) CONFORMING AMENDMENT.—Subparagraph (B) of such section is amended by
20 inserting “(i)” after “subparagraph (A)”.

21 **SEC. 807. ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT**
22 **DEPARTMENT OF DEFENSE LABORATORIES.**

23 (a) DEFINITIONS.—As used in this section:

1 (1) The terms "department" and "military department" have the meaning given
2 those terms in section 101 of title 10, United States Code.

3 (2) The term "DoD laboratory" or "laboratory" means any facility or group of
4 facilities that—

5 (A) is owned, leased, operated, or otherwise used by the Department of
6 Defense; and

7 (B) meets the definition of "laboratory" as provided in subsection (d)(2) of
8 section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15
9 U.S.C. 3710a).

10 (b) AUTHORITY.—

11 (1) IN GENERAL.—The Secretary of Defense and the Secretaries of the military
12 departments each may authorize the heads of DoD laboratories to grant nonexclusive,
13 exclusive, or partially exclusive licenses, royalty free or for royalties or for rights to other
14 intellectual property, for computer software and its related documentation developed at a
15 DoD laboratory, but only if—

16 (A) the computer software and related documentation would be a trade
17 secret under the meaning of section 552(b)(4) of title 5, United States Code, if the
18 information had been obtained from a non-Federal party;

19 (B) the public is notified of the availability of the software and related
20 documentation for licensing and interested parties have a fair opportunity to
21 submit applications for licensing;

22 (C) such licensing activities and licenses shall comply with the
23 requirements under section 209 of title 35, United States Code; and

1 (D) the software originally was developed to meet the military needs of
2 the Department of Defense.

3 (2) PROTECTIONS AGAINST UNAUTHORIZED DISCLOSURE.—The Secretary of
4 Defense and the Secretaries of the military departments each shall provide appropriate
5 precautions against the unauthorized disclosure of any computer software or
6 documentation covered by paragraph (1)(A), including exemption from section 552 of
7 title 5, United States Code, for a period of up to 5 years after the development of the
8 computer software by the DoD laboratory.

9 (c) ROYALTIES.—

10 (1) USE OF ROYALTIES.—Except as provided in paragraph (2), any royalties or
11 other payments received by the department from licensing computer software or
12 documentation under paragraph (b)(1) shall be retained by the department and shall be
13 disposed of as follows:

14 (A)(i) The department shall pay each year the first \$2,000, and thereafter
15 at least 15 percent, of the royalties or other payments to be divided among the
16 employees who developed the computer software.

17 (ii) The department may provide appropriate lesser incentives, from
18 royalties or other payments, to laboratory employees who are not developers of
19 such computer software but who substantially increased the technical value of the
20 software.

21 (iii) The department shall retain the royalties and other payments received
22 until it makes payments to employees of a DoD laboratory under clause (i) or (ii).

23 (iv) The department may retain an amount reasonably necessary to pay
24 expenses incidental to the administration and distribution of royalties or other

1 payments under this section by an organizational unit of the department other than
2 its laboratories.

3 (B) The balance of the royalties or other payments shall be transferred by
4 the department to its laboratories, with the majority share of the royalties or other
5 payments going to the laboratory where the development occurred. The royalties
6 or other payments so transferred to any DoD laboratory may be used or obligated
7 by that laboratory during the fiscal year in which they are received or during the 2
8 succeeding fiscal years—

9 (i) to reward scientific, engineering, and technical employees of
10 the DoD laboratory, including developers of sensitive or classified
11 technology, regardless of whether the technology has commercial
12 applications;

13 (ii) to further scientific exchange among the laboratories of the
14 agency;

15 (iii) for education and training of employees consistent with the
16 research and development missions and objectives of the department or
17 DoD laboratory , and for other activities that increase the potential for
18 transfer of the technology of the laboratories;

19 (iv) for payment of expenses incidental to the administration and
20 licensing of computer software or other intellectual property made at that
21 DoD laboratory, including the fees or other costs for the services of other
22 agencies, persons, or organizations for intellectual property management
23 and licensing services; or

1 (v) for scientific research and development consistent with the
2 research and development missions and objectives of the DoD laboratory.

3 (C) All royalties or other payments retained by the department or DoD
4 laboratory after payments have been made pursuant to subparagraphs (A) and (B)
5 that are unobligated and unexpended at the end of the second fiscal year
6 succeeding the fiscal year in which the royalties and other payments were
7 received shall be paid into the Treasury.

8 (2) EXCEPTION.—If, after payments under paragraph (1)(A), the balance of the
9 royalties or other payments received by the department in any fiscal year exceed 5
10 percent of the funds received for use by the DoD laboratory for research, development,
11 engineering, testing and evaluation or other related administrative, processing or value-
12 added activities for that year, 75 percent of such excess shall be paid to the Treasury of
13 the United States and the remaining 25 percent may be used or obligated under paragraph
14 (1)(B). Any funds not so used or obligated shall be paid into the Treasury of the United
15 States.

16 (3) STATUS OF PAYMENTS TO EMPLOYEES.—Any payment made to an employee
17 under this section shall be in addition to the regular pay of the employee and to any other
18 awards made to the employee, and shall not affect the entitlement of the employee to any
19 regular pay, annuity, or award to which the employee is otherwise entitled or for which
20 the employee is otherwise eligible or limit the amount thereof except that the monetary
21 value of an award for the same project or effort shall be deducted from the amount
22 otherwise available under this paragraph. Payments, determined under the terms of this
23 paragraph and made to an employee developer as such, may continue after the developer
24 leaves the DoD laboratory or department. Payments made under this section shall not

1 exceed \$75,000 per year to any one person, unless the President approves a larger award
2 (with the excess over \$75,000 being treated as a Presidential award under section 4504 of
3 title 5).

4 (d) INFORMATION IN REPORT.—The report required by section 2515(d) of title 10, United
5 States Code, shall include information regarding the implementation and effectiveness of this
6 section.

7 (e) EXPIRATION.—The authority provided in this section shall expire on December 31,
8 2018.

9 **SEC. 808. EXTENSION OF AUTHORITY FOR PROGRAM TO AWARD PRIZES FOR**
10 **ADVANCED TECHNOLOGY ACHIEVEMENTS.**

11 Section 2374a of title 10, United States Code, is amended by striking “September 30,
12 2013” in subsection (f) and inserting “September 30, 2017”.

13 **SEC. 809. REVISIONS TO ELIGIBILITY FOR, AND AMOUNT OF, FINANCIAL**
14 **ASSISTANCE UNDER DEPARTMENT OF DEFENSE SCIENCE,**
15 **MATHEMATICS, AND RESEARCH FOR TRANSFORMATION**
16 **PROGRAM.**

17 (a) ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—Paragraph (1) of section 2192a(b) of
18 title 10, United States Code, is amended—

19 (1) by striking subparagraph (A); and

20 (2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B),
21 respectively.

22 (b) AMOUNT OF EDUCATIONAL ASSISTANCE.—Paragraph (2) of such section is amended
23 by striking “the amount determined” and all that follows through “room and board” and inserting
24 “an amount determined by the Secretary of Defense”.

1 (c) CONCURRENCE OF SECRETARY OF STATE FOR AWARDS TO NON-CITIZENS.—Such
2 section is further amended by adding at the end the following new paragraph:

3 “(4) For the purposes of paragraph (1), a scholarship or fellowship awarded to a person
4 who is not a citizen of the United States may only be awarded with the concurrence of the
5 Secretary of State.”.

6 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
7 **MANAGEMENT**

8 **SEC. 901. CLARIFICATION OF THE ORDER OF PRECEDENCE FOR THE**
9 **PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.**

10 Subsection (d) of section 137a of title 10, United States Code, is amended by striking “and
11 the Deputy Chief Management Officer of the Department of Defense.” and inserting “the Deputy
12 Chief Management Officer of the Department of Defense, and the officials serving in positions
13 specified in section 131(b)(4) of this title.”.

14 **SEC. 902. UPDATE OF STATUTORY SPECIFICATION OF FUNCTIONS OF THE**
15 **CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO**
16 **DOCTRINE, TRAINING, AND EDUCATION.**

17 Paragraph (5) of section 153(a) of title 10, United States Code, is amended—

18 (1) in the paragraph heading, by striking “DOCTRINE, TRAINING, AND EDUCATION”
19 and inserting “JOINT FORCE DEVELOPMENT ACTIVITIES”;

20 (2) in subparagraph (B), by inserting “and technical standards, and executing
21 actions” after “policies”;

22 (3) in subparagraph (C), by striking “and training”; and

23 (4) by adding at the end the following new subparagraphs:

1 “(D) Formulating policies for concept development and experimentation for the
2 joint employment of the armed forces.

3 “(E) Formulating policies for gathering, developing, and disseminating joint
4 lessons learned for the armed forces.”.

5 **SEC. 903. REVISION OF SECRETARY OF DEFENSE AUTHORITY TO ENGAGE IN**
6 **COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE**
7 **COLLECTION ACTIVITIES.**

8 (a) PERIOD FOR REQUIRED AUDITS.—Section 432(b)(2) of such title is amended by
9 striking “annually” in the first sentence and inserting “biennially”.

10 (b) REPEAL OF DESIGNATION OF DEFENSE INTELLIGENCE AGENCY AS REQUIRED
11 OVERSIGHT AUTHORITY WITHIN DEPARTMENT OF DEFENSE.—Section 436(4) of such title is
12 amended—

13 (1) by striking “within the Defense Intelligence Agency” and inserting “within the
14 Department of Defense”; and

15 (2) by striking “management and supervision” and inserting “oversight”.

16 (c) TECHNICAL AMENDMENTS.—

17 (1) DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—Section 437 of
18 such title is amended—

19 (A) in subsections (a) and (b), by inserting “congressional” before

20 “intelligence committees”; and

21 (B) by adding at the end the following new subsection:

22 “(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term
23 ‘congressional intelligence committees’ has the meaning given that term in section 3 of the
24 National Security Act of 1947 (50 U.S.C. 401a).”.

1 (2) CONFORMING AMENDMENTS.—The second sentence of section 432(b)(2)
2 of such title is amended—

3 (A) by inserting “congressional” before “intelligence committees”;

4 and

5 (B) by striking “section 437(d)” and inserting “section 437(c)”.

6 **SEC. 904. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH ADVISORY**
7 **PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL**
8 **OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

9 (a) AUTHORITY FOR OCEAN RESEARCH ADVISORY PANEL.—Subsection (a) of section
10 7903 of title 10, United States Code, is amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by inserting “, through the Administrator of the National Oceanic and
13 Atmospheric Administration,” after “The Council”;

14 (B) by striking “Panel consisting” and inserting “Panel. The Panel shall
15 consist”; and

16 (C) by striking “chairman” and inserting “Administrator of the National
17 Oceanic and Atmospheric Administration, on behalf of the Council”;

18 (2) in paragraph (1), by striking “National Academy of Science” and inserting
19 “National Academies”; and

20 (3) by striking paragraphs (2) and (3) and redesignating paragraphs (4) and (5) as
21 paragraphs (2) and (3), respectively.

22 (b) RESPONSIBILITIES OF PANEL.—Subsection (b) of such section is amended—

23 (1) by inserting “, through the Administrator of the National Oceanic and
24 Atmospheric Administration,” after “The Council”;

1 (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5),
2 respectively; and

3 (3) by striking paragraph (2) and inserting the following new paragraphs (2) and
4 (3):

5 “(2) To advise the Council on the determination of scientific priorities and needs.

6 “(3) To provide the Council strategic advice regarding national ocean program
7 execution and collaboration.”.

8 (c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—Subsection (c) of such section is
9 amended by striking “Secretary of the Navy” and inserting “Secretary of Commerce”.

10 **SEC. 905. CHANGE TO REFERENCE TO THE MAJOR DEPARTMENT OF DEFENSE**
11 **HEADQUARTERS ACTIVITIES ISSUANCE.**

12 Section 194(f) of title 10, United States Code, is amended by striking “Directive
13 5100.73” and all that follows and inserting “Instruction 5100.73, entitled ‘Major DoD
14 Headquarters Activities’.”

15 **TITLE X—GENERAL PROVISIONS**

16 **Subtitle A—Financial Matters**

17 **[reserved]**

18 **Subtitle B—Naval Vessels**

19 **SEC. 1011. REPEAL OF POLICY RELATING TO PROPULSION SYSTEMS OF ANY**
20 **NEW CLASS OF MAJOR COMBATANT VESSELS OF THE STRIKE**
21 **FORCES OF THE UNITED STATES NAVY.**

22 Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public
23 Law 110-181; 122 Stat. 303), as most recently amended by section 1013 of the National Defense
24 Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1908), is repealed.

1 **SEC. 1012. REPEAL OF REQUIREMENTS RELATING TO PROCUREMENT OF**
2 **FUTURE SURFACE COMBATANTS.**

3 Section 125 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law
4 111-84; 123 Stat 2214) is repealed.

5 **Subtitle C—Counter-Drug Activities**

6 **SEC. 1021. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG**
7 **AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND OF**
8 **NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES**
9 **PERSONNEL IN COLOMBIA.**

10 Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal
11 Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1010 of
12 the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat.
13 1907), is further amended—

14 (1) in subsection (a)(1), by striking “In fiscal years 2005 through 2013” and
15 inserting “During the period ending on December 31, 2016”; and

16 (2) in subsection (c), by striking “in fiscal years 2005 through 2013” and inserting
17 “during the period ending on December 31, 2016.”.

18 **Subtitle D—Other Matters**

19 **SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE INSTALLATIONS.**

20 (a) SECRETARY OF DEFENSE AUTHORITY. —Chapter 159 of title 10, United States Code,
21 is amended by inserting after section 2671 the following new section:

22 **“§ 2672. Protection of property**

1 “(a) IN GENERAL.—The Secretary of Defense shall protect the buildings, grounds, and
2 property that are under the jurisdiction, custody, or control of the Department of Defense and the
3 persons on that property.

4 “(b) OFFICERS AND AGENTS.—

5 “(1) DESIGNATION. —(A) The Secretary may designate military or civilian
6 personnel of the Department of Defense as officers and agents to perform the functions of
7 the Secretary under subsection (a), including, with regard to civilian officers and agents,
8 duty in areas outside the property specified in that subsection to the extent necessary to
9 protect that property and persons on that property.

10 “(B) A designation under subparagraph (A) may be made by individual, by
11 position, by installation, or by such other category of personnel as the Secretary
12 determines appropriate.

13 “(C) In making a designation under subparagraph (A) with respect to any category
14 of personnel, the Secretary shall specify each of the following:

15 “(i) The personnel or positions to be included in the category.

16 “(ii) Which authorities provided for in paragraph (2) may be exercised by
17 personnel in that category.

18 “(iii) In the case of civilian personnel in that category—

19 “(I) which authorities provided for in paragraph (2), if any, are
20 authorized to be exercised outside the property specified in subsection (a);

21 and

22 “(II) with respect to the exercise of any such authorities outside
23 the property specified in subsection (a), the circumstances under which

1 coordination with law enforcement officials outside of the Department of
2 Defense should be sought in advance.

3 “(D) The Secretary may make a designation under subparagraph (A) only if the
4 Secretary determines, with respect to the category of personnel to be covered by that
5 designation, that—

6 “(i) the exercise of each specific authority provided for in paragraph (2) to
7 be delegated to that category of personnel is necessary for the performance of the
8 duties of the personnel in that category and such duties cannot be performed as
9 effectively without such authorities; and

10 “(ii) the necessary and proper training for the authorities to be exercised is
11 available to the personnel in that category.

12 “(2) POWERS.—Subject to subsection (h) and to the extent specifically authorized
13 by the Secretary, while engaged in the performance of official duties pursuant to this
14 section, an officer or agent designated under this subsection may—

15 “(A) enforce Federal laws and regulations for the protection of persons
16 and property;

17 “(B) carry firearms;

18 “(C) make arrests—

19 “(i) without a warrant for any offense against the United States
20 committed in the presence of the officer or agent; or

21 “(ii) for any felony cognizable under the laws of the United States
22 if the officer or agent has reasonable grounds to believe that the person to
23 be arrested has committed or is committing a felony;

1 “(D) serve warrants and subpoenas issued under the authority of the
2 United States; and

3 “(E) conduct investigations, on and off the property in question, of
4 offenses that may have been committed against property under the jurisdiction,
5 custody, or control of the Department of Defense or persons on such property.

6 “(c) REGULATIONS.—

7 “(1) IN GENERAL.—The Secretary may prescribe regulations, including traffic
8 regulations, necessary for the protection and administration of property under the
9 jurisdiction, custody, or control of the Department of Defense and persons on that
10 property. The regulations may include reasonable penalties, within the limits prescribed
11 in paragraph (2), for violations of the regulations. The regulations shall be posted and
12 remain posted in a conspicuous place on the property to which they apply.

13 “(2) PENALTIES. —A person violating a regulation prescribed under this
14 subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

15 “(d) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of
16 Defense under subsections (b) and (c) may be exercised only by the Secretary or Deputy
17 Secretary of Defense.

18 “(e) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to
19 authority exercised under subsection (b) may not be held in a military confinement facility, other
20 than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of
21 Military Justice).

22 “(f) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when
23 the Secretary determines it to be economical and in the public interest, the Secretary may utilize
24 the facilities and services of Federal, State, tribal, and local law enforcement agencies, with the

1 consent of those agencies, and may reimburse those agencies for the use of their facilities and
2 services.

3 “(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the
4 jurisdiction, custody, or control of the Department of Defense and persons on that property, the
5 Secretary may enter into agreements with Federal agencies and with State, tribal, and local
6 governments to obtain authority for civilian officers and agents designated under this section to
7 enforce Federal laws and State, tribal, and local laws concurrently with other Federal law
8 enforcement officers and with State, tribal, and local law enforcement officers.

9 “(h) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (b)(2)
10 to officers and agents designated under subsection (b)(1) shall be exercised in accordance with
11 guidelines approved by the Attorney General.

12 “(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be
13 construed—

14 “(1) to preclude or limit the authority of any Federal law enforcement agency;

15 “(2) to restrict the authority of the Secretary of Homeland Security or of the
16 Administrator of General Services to promulgate regulations affecting property under the
17 custody and control of that Secretary or the Administrator, respectively;

18 “(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C.
19 797);

20 “(4) to affect chapter 47 of this title; or

21 “(5) to restrict any other authority of the Secretary of Defense or the Secretary of
22 a military department.”.

23 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
24 amended by inserting after the item relating to section 2671 the following new item:

“2672. Protection of property.”

1 **SEC. 1032. CLARIFICATION OF PROCEDURES FOR USE OF ALTERNATE**
2 **MEMBERS ON MILITARY COMMISSIONS.**

3 (a) PRIMARY AND ALTERNATE MEMBERS.—

4 (1) NUMBER OF MEMBERS.—Subsection (a) of section 948m of title 10, United
5 States Code, is amended—

6 (A) in paragraph (1)—

7 (i) by striking “at least five members” and inserting “at least five
8 primary members and as many alternate members as the convening
9 authority shall detail”; and

10 (ii) by adding at the end the following new sentence: “Alternate
11 members shall be designated in the order in which they will replace an
12 excused primary member.” and

13 (B) in paragraph (2), by inserting “primary” after “the number of”.

14 (2) GENERAL RULES.—Such section is further amended—

15 (A) by redesignating subsection (b) and (c) as subsections (d) and (e),
16 respectively; and

17 (B) by inserting after subsection (a) the following new subsections (b) and

18 (c):

19 “(b) PRIMARY MEMBERS.—Primary members of a military commission under this chapter
20 are voting members.

21 “(c) ALTERNATE MEMBERS.—(1) A military commission may include alternate members
22 to replace primary members who are excused from service on the commission.

1 “(2) Whenever a primary member is excused from service on the commission, an
2 alternate member, if available, shall replace the excused primary member and the trial may
3 proceed.”.

4 (3) EXCUSE OF MEMBERS.—Subsection (d) of such section, as redesignated by
5 paragraph (2)(A), is amended—

6 (A) in the matter before paragraph (1), by inserting “primary or alternate”
7 before “member”;

8 (B) by striking “or” at the end of paragraph (2),

9 (C) by striking the period at the end of paragraph (3) and inserting “; or”;

10 and

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

12 “(4) in the case of an alternate member, in order to reduce the number of alternate
13 members required for service on the commission, as determined by the convening
14 authority.”.

15 (4) ABSENT AND ADDITIONAL MEMBERS.—Subsection (e) of such section, as
16 redesignated by paragraph (2)(A), is amended—

17 (A) in the first sentence—

18 (i) by inserting “the number of primary members of” after
19 “Whenever”;

20 (ii) by inserting “primary” before “members required by”; and

21 (iii) by inserting “and there are no remaining alternate members to
22 replace the excused primary members” after “subsection (a)”; and

1 (B) by adding at the end the following new sentence: “An alternate
2 member who was present for the introduction of all evidence shall not be
3 considered to be a new or additional member.”.

4 (b) CHALLENGES.—Section 949f of such title is amended—

5 (1) in subsection (a), by inserting “primary or alternate” before “member”; and

6 (2) by adding at the end of subsection (b) the following new sentence: “Nothing in
7 this section prohibits the military judge from awarding to each party such additional
8 peremptory challenges as may be required in the interests of justice.”.

9 (c) NUMBER OF VOTES REQUIRED.—Section 949m of such title is amended—

10 (1) by inserting “primary” before “members” each place it appears; and

11 (2) by adding at the end of subsection (b) the following new paragraph:

12 “(4) The primary members present for a vote on a sentence need not be the same primary
13 members who voted on the conviction if the requirements of section 948m(d) of this title are
14 met.”.

15 **SEC. 1033. REPEAL AND MODIFICATION OF REPORTING REQUIREMENTS.**

16 (a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as
17 follows:

18 (1) Section 113 is amended by striking subsection (m).

19 (2) Section 117 is amended by striking subsection (e).

20 (3) Section 127 is amended by striking subsection (d).

21 (4) Section 129 is amended by striking subsection (f).

22 (5) Section 153 is amended by striking subsection (c).

23 (6)(A) Section 229 is repealed.

- 1 (B) The table of sections at the beginning of chapter 9 is amended by striking the
2 item relating to section 229.
- 3 (7)(A) Section 483 is repealed.
- 4 (B) The table of sections at the beginning of chapter 23 is amended by striking the
5 item relating to section 483.
- 6 (8)(A) Section 489 is repealed.
- 7 (B) The table of sections at the beginning of chapter 23 is amended by striking the
8 item relating to section 489.
- 9 (9) Section 1130 by striking subsection (b).
- 10 (10) Section 1557 is amended by striking subsection (e).
- 11 (11)(A) Section 1563 is repealed.
- 12 (B) The table of sections at the beginning of chapter 80 is amended by striking the
13 item relating to section 1563.
- 14 (12) Section 1781b is amended by striking subsection (d).
- 15 (13) Section 2216 is amended by striking subsection (i).
- 16 (14) Section 2244a(c) is amended by striking the second sentence.
- 17 (15) Section 2350b is amended by striking subsection (d).
- 18 (16) Section 2350j is amended by striking subsection (e).
- 19 (17) Section 2350m is amended by striking subsection (e).
- 20 (18)(A) Section 2352 is repealed.
- 21 (B) The table of sections at the beginning of chapter 139 is amended by striking
22 the item relating to section 2352.
- 23 (19) Section 2410i(c) is amended by striking the last sentence.
- 24 (20)(A) Section 2475 is repealed.

1 (B) The table of sections at the beginning of chapter 146 is amended by striking
2 the item relating to section 2475.

3 (21)(A) Section 2504 is repealed.

4 (B) The table of sections at the beginning of subchapter II of chapter 148 is
5 amended by striking the item relating to section 2504.

6 (22)(A) Section 2536(b) is amended by striking paragraph (2).

7 (B) Such section is further amended—

8 (i) by striking “(1)” after “AUTHORITY.—”;

9 (ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2),
10 respectively; and

11 (iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B),
12 respectively.

13 (23) Section 2804(b) is amended by striking the last sentence.

14 (24) Section 2827 is amended—

15 (A) by striking “(a) Subject to subsection (b), the Secretary” and inserting
16 “The Secretary”; and

17 (B) by striking subsection (b).

18 (25) Section 2828 is amended by striking subsection (f).

19 (26) Section 2835 is amended—

20 (A) in subsection (a), by striking “Subject to subsection (b), the Secretary”
21 and inserting “The Secretary”;

22 (B) by striking subsection (b); and

23 (C) by striking subsection (g).

24 (27) Section 2837 is amended—

1 (A) in subsection (c)—
2 (i) by striking "(1)" after "OPPORTUNITIES.—"; and
3 (ii) by striking paragraph (2); and
4 (B) by striking subsection (f).
5 (28) Section 2854a is amended by striking subsection (c).
6 (29) Section 2861 is amended by striking subsections (c) and (d).
7 (30) Section 2866(c) is amended—
8 (A) by striking "(1)" before "The Secretary"; and
9 (B) by striking paragraph (2).
10 (31) Section 2875 is amended by striking subsection (e).
11 (32)(A) Section 2884 is amended—
12 (i) by striking subsection (b); and
13 (ii) in subsection (a)—
14 (I) by striking "PROJECT REPORTS.—(1)" and inserting
15 "REPORTS.—";
16 (II) by redesignating subparagraphs (A) and (B) as paragraphs (1)
17 and (2), respectively; and
18 (III) by striking "(2) For each" and inserting "(b) CONTENT OF
19 REPORTS.—(1) For each".
20 (B) Such section is further amended—
21 (i) by redesignating paragraphs (3) and (4) of subsection (b) of such
22 section (as designated by subparagraph (A)(ii)(III)) as paragraphs (2) and (3),
23 respectively; and

1 (ii) in paragraph (2) of subsection (b), as so redesignated, by striking
2 “contract described in paragraph (1)” and inserting “contract described in
3 subsection (a)”.

4 (C)(i) The heading of such section is amended to read as follows:

5 “§ 2884. Project reports”.

6 (ii) The item relating to that section in the table of sections at the beginning of
7 subchapter IV of chapter 169 is amended to read as follows:

“2884. Project reports.”.

8 (33) Section 2885(a)(3) is amended by striking “If a project” and inserting “In the
9 case of a project for new construction, if the project”.

10 (34) Section 2916 is amended by striking subsection (c).

11 (b) ANNUAL NATIONAL DEFENSE AUTHORIZATION ACTS.—

12 (1) FISCAL YEAR 2011.—Section 892 of The Ike Skelton National Defense
13 Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2306a note) is
14 amended by striking subsection (b).

15 (2) FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act
16 for Fiscal Year 2009 (Public Law 110-417) is amended as follows:

17 (A) Section 354 (10 U.S.C. 221 note) is repealed.

18 (B) Section 903(b)(5) (10 U.S.C. 2228 note) is amended to read as
19 follows:

20 “(5) Not later than December 31 each year, the corrosion control and prevention
21 executive of a military department shall submit to the Secretary of Defense a report containing
22 recommendations pertaining to the corrosion control and prevention program of the military

1 department. The report each year shall include recommendations for the funding levels necessary
2 for the executive to carry out the duties of the executive under this section.”.

3 (C) Section 1047(d) (10 U.S.C. 2366b note) is amended—

4 (i) by striking "REQUIREMENTS.—" and all that follows through
5 "The Secretary" and inserting "REQUIREMENTS.—The Secretary";

6 (ii) by striking paragraph (2); and

7 (iii) by redesignating subparagraphs (A) and (B) as paragraphs (1)
8 and (2), respectively.

9 (3) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year
10 2008 (Public Law 110-181) is amended as follows:

11 (A) Section 911 (10 U.S.C. 2271 note) is amended by striking paragraph
12 (2) of subsection (f).

13 (B) Section 1074(b)(6) (10 U.S.C. 113 note) is amended—

14 (i) in subparagraph (A), by striking “The Secretary” and inserting
15 “Except as provided in subparagraph (D), the Secretary”; and

16 (ii) by adding at the end the following new subparagraph:

17 “(D) EXCEPTIONS.—Subparagraph (A) does not apply in the case of—

18 “(i) an individual described in paragraph (2)(C) who is otherwise
19 sponsored by the Secretary of Defense, the Deputy Secretary of Defense,
20 the Chairman of the Joint Chiefs of Staff, or the Vice Chairman of the
21 Joint Chiefs of Staff; or

22 “(ii) an individual described in paragraph (2)(E).”.

23 (C) Section 2864 (10 U.S.C. 2911 note) is repealed.

1 (4) FISCAL YEAR 2007.—The John Warner National Defense Authorization Act
2 for Fiscal Year 2007 (Public Law 109-364) is amended as follows:

3 (A) Section 226 (120 Stat. 2131) is repealed.

4 (B) Section 323 (10 U.S.C. 229 note) is amended by striking subsection
5 (c).

6 (5) FISCAL YEAR 2003.—Section 817 of the Bob Stump National Defense
7 Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2306a note) is
8 amended by striking subsections (d) and (e)(2).

9 (6) FISCAL YEAR 2000.—Section 1409 of the National Defense Authorization Act
10 for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 2778 note) is amended by striking
11 subsection (b).

12 (7) FISCAL YEAR 1999.—Section 1101 of the Strom Thurmond National Defense
13 Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) is
14 amended by striking subsection (g).

15 (8) FISCAL YEAR 1991.—Section 4004(d) of the National Defense Authorization
16 Act for Fiscal Year 1991 10 U.S.C. 2391) is amended—

17 (A) by inserting “and” at the end of paragraph (1);

18 (B) by striking “; and” at the end of paragraph (2) and inserting a period;

19 and

20 (C) by striking paragraph (3).

21 (c) DEFENSE ACQUISITION IMPROVEMENT ACT OF 1986.—Section 908 of the Defense
22 Acquisition Improvement Act of 1986 (as contained in section 101(c) of Public Law 99-500 and
23 identically enacted in section 101(c) of Public Law 99-591 and title IX of Public Law 99-661)
24 (10 U.S.C. 2326 note) is amended by striking subsection (b).

1 (d) FOREIGN ASSISTANCE ACT OF 1961.—The Foreign Assistance Act of 1961 is amended
2 as follows:

3 (1) Section 516(f)(1) (22 U.S.C. 2321j(f)(1)) is amended by striking “excess
4 defense articles that are significant military equipment (as defined in section 47(9) of the
5 Arms Export Control Act) or”.

6 (2) Section 656 (22 U.S.C. 2416) is repealed.

7 (e) ARMS EXPORT CONTROL ACT.—Section 36(a) of the Arms Export Control Act (22
8 U.S.C. 2776(a)) is amended—

9 (1) by striking “end of each quarter” in the matter preceding paragraph (1) and
10 inserting “end of each fiscal year”;

11 (2) by striking “during the fiscal year in which” in paragraphs (2) and (3) and
12 inserting “during the fiscal year for which”;

13 (3) by striking “in the quarter of the fiscal year immediately following the
14 quarter” in paragraph (5) and inserting “in the fiscal year ”;

15 (4) by striking paragraph (6); and

16 (5) by striking “quarter” each place it appears in paragraphs (8), (9), and (10) and
17 inserting “fiscal year”.

18 (f) SECURITY REPORTS.—

19 (1) Section 3151 of the Department of Energy Facilities Safeguards, Security, and
20 Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law
21 106-65; 42 U.S.C. 7383e) is repealed.

22 (2) Section 4507 of the Atomic Energy Defense Act (50 U.S.C. 2658) is repealed.

23 (3) Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is repealed.

1 (g) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 3002(c)
2 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435c(c)) is
3 amended by striking paragraph (4).

4 (h) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—Section 105A(b) of
5 the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is
6 amended—

7 (1) in the subsection heading, by striking “ANNUAL REPORT” and inserting
8 “BIENNIAL REPORT”;

9 (2) in the matter preceding paragraph (1)—

10 (A) by striking “March 31 of each year” and inserting “September 30 of
11 each odd-numbered year”; and

12 (B) by striking “the following information” and inserting “the following
13 information with respect to the Federal election held during the preceding
14 calendar year”; and

15 (3) in paragraph (3), by striking “In the case of” and all that follows through “a
16 description” and inserting “A description”.

17 (i) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002.—Section 8159(c) of the
18 Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat.
19 2284), is amended by striking paragraph (7).

20 **SEC. 1034. MT. SOLEDAD VETERANS MEMORIAL TRANSFER.**

21 (a) AUTHORITY TO CONVEY MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO,
22 CALIFORNIA.—Subject to subsection (b), the Secretary of Defense may convey all right, title, and
23 interest of the United States in and to the Mt. Soledad Veterans Memorial (in this section
24 referred to as the “Memorial”) to an eligible entity as provided in this section.

1 (b) LIMITATIONS.—

2 (1) PRICE.—The Secretary shall select by public bid the eligible entity to which
3 the Memorial is to be conveyed under subsection (a). The Secretary may accept a price
4 for the conveyance of the Memorial in accordance with the public bid process without
5 regard to its fair market value.

6 (2) CONDITIONS ON CONVEYANCE.—The conveyance of the Memorial under
7 subsection (a) shall be subject to the following conditions:

8 (A) That the eligible entity to which the Memorial is conveyed accepts
9 the Memorial in its condition at the time of the conveyance, commonly known as
10 conveyance “as is”, and agrees to indemnify and hold the United States harmless
11 from any liability resulting from the period of ownership of the Memorial by the
12 United States.

13 (B) That the Memorial shall be maintained and used as a veterans
14 memorial in perpetuity.

15 (C) That if the Memorial is ever put to a use other than as a veterans
16 memorial, the United States shall have the right, at its election, to take back all
17 right, title, and interest in and to the Memorial without any right of compensation
18 to the owner or any other person.

19 (3) LAND EXCHANGE.—Notwithstanding paragraph (1), if no eligible entity makes
20 an acceptable bid for the Memorial or the Secretary determines, in the Secretary’s sole
21 discretion, that a land exchange would be more beneficial to the United States, the
22 Secretary may convey the Memorial to an eligible entity in exchange for real property of
23 at least equal value if the real property offered in exchange is located adjacent to other
24 real property of the United States and the Federal agency exercising administrative

1 jurisdiction over that other real property agrees to accept administrative jurisdiction over
2 the real property offered in exchange.

3 (c) TREATMENT OF AMOUNTS RECEIVED.—

4 (1) REIMBURSEMENT OF COSTS OF CONVEYANCE.—The Secretary shall use any
5 funds received from the conveyance under subsection (a) to reimburse the Secretary for
6 costs incurred by the Secretary to carry out the conveyance, including survey costs, costs
7 for environmental documentation, and any other administrative costs related to the
8 conveyance. Amounts to reimburse those costs from funds so received shall be credited
9 to the fund or account that was used to cover those costs. Amounts so credited shall be
10 merged with amounts in such fund or account and shall be available for the same
11 purposes, and subject to the same conditions and limitations, as amounts in such fund or
12 account.

13 (2) DEPOSIT OF BALANCE.—The remainder of such funds, if any, shall be
14 deposited into the account used to pay for the acquisition of the Memorial by the United
15 States.

16 (d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property
17 to be conveyed under subsection (a), and, in the case of a land exchange under subsection (b)(3),
18 the real property offered in exchange, shall be determined by a survey satisfactory to the
19 Secretary.

20 (e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional
21 terms and conditions in connection with the conveyance under subsection (a) as the Secretary
22 considers appropriate to protect the interests of the United States.

23 (f) EXCLUSIONS.—

1 (1) HISTORIC PRESERVATION.—Sections 106 and 110 of the National Historic
2 Preservation Act (16 U.S.C. 470f, 470h-2) shall not apply to a conveyance under
3 subsection (a).

4 (2) PRIOR MT. SOLEDAD LEGISLATION.—Section 2(c) of the Act of August 14,
5 2006, entitled “An Act to preserve the Mt. Soledad Veterans Memorial in San Diego,
6 California, by providing for the immediate acquisition of the memorial by the United
7 States” (Public Law 109-272; 120 Stat. 770) and section 116(a) of division J of the
8 Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3346; 16 U.S.C.
9 431 note) shall not apply to a conveyance under subsection (a).

10 (g) DEFINITIONS.—In this section:

11 (1) ELIGIBLE ENTITY.—The term “eligible entity” means a non-governmental
12 entity that has a history of involvement in veterans affairs and has demonstrated to the
13 Secretary, in the Secretary’s sole discretion, that the entity has the capability to operate
14 and maintain the Memorial in accordance with this section.

15 (2) MT. SOLEDAD VETERANS MEMORIAL.—The term “Mt. Soledad Veterans
16 Memorial” means the memorial in San Diego, California, acquired by the United States
17 pursuant to Public Law 109-272.

18 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

19 **SEC. 1101. EXPANSION OF PROTECTION OF EMPLOYEES OF**

20 **NONAPPROPRIATED FUND INSTRUMENTALITIES FROM**

21 **REPRISALS.**

22 Section 1587(b) of title 10, United States Code, is amended by inserting “, threaten to
23 take,” after “take” the third place it appears.

1 **SEC. 1102. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY**
2 **FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.**

3 Section 3502(f)(5) of title 5, United States Code, is amended by striking “September 30,
4 2014” and inserting “September 30, 2018”.

5 **SEC. 1103. FLEXIBILITY IN EMPLOYMENT AND COMPENSATION OF CIVILIAN**
6 **FACULTY AT DEFENSE INSTITUTE FOR SECURITY ASSISTANCE**
7 **MANAGEMENT AND AT JOINT SPECIAL OPERATIONS**
8 **UNIVERSITY.**

9 Section 1595(c) of title 10, United States Code, is amended by adding at the end the
10 following new paragraphs:

11 “(5) The Defense Institute for Security Assistance Management.

12 “(6) The Joint Special Operations University.”.

13 **SEC. 1104. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE**
14 **PAYMENTS TO DEPARTMENT OF DEFENSE EMPLOYEES.**

15 Section 5595(i)(4) of title 5, United States Code, is amended by striking “October 1,
16 2014” and inserting “October 1, 2018”.

17 **SEC. 1105. MODERNIZATION OF TITLES OF NONAPPROPRIATED FUND**
18 **INSTRUMENTALITIES FOR PURPOSES OF CIVIL SERVICE LAWS.**

19 Section 2105(c) of title 5, United States Code, is amended by striking “Army and Air
20 Force Motion Picture Service, Navy Ship’s Stores Ashore” in the matter preceding paragraph (1)
21 and inserting “Navy Ships Stores Program”.

22 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

1 **SEC. 1201. AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE THE**
2 **CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO**
3 **INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.**

4 (a) **AUTHORITY.**—The Secretary of Defense, with the concurrence of the Secretary of
5 State, and in consultation with the Department of Justice and Department of Homeland Security,
6 may provide assistance to the military and civilian first responders of a foreign country in order
7 for that country to respond effectively to incidents involving weapons of mass destruction.

8 (b) **AUTHORIZED ELEMENTS.**—Assistance provided under this section may include
9 training, equipment, and supplies.

10 (c) **AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.**—Amounts available
11 for any fiscal year for the provision of assistance under the authority in subsection (a) may be
12 used for an activity to provide such assistance that begins in that fiscal year but ends in the next
13 fiscal year.

14 (d) **INTERAGENCY COORDINATION.**—In carrying out this section, the Secretary of Defense
15 shall comply with any otherwise-applicable requirement for coordination or consultation within
16 the executive branch.

17 **SEC. 1202. AUTHORITY TO PROVIDE UNREIMBURSED DEFENSE SERVICES IN**
18 **CONNECTION WITH THE TRANSFER OF EXCESS DEFENSE**
19 **ARTICLES IN AFGHANISTAN.**

20 (a) **AUTHORITY TO PROVIDE UNREIMBURSED DEFENSE SERVICES.**—The Secretary of
21 Defense may, with the concurrence of the Secretary of State, provide defense services without
22 reimbursement from the government of the recipient country—

23 (1) in connection with the transfer of excess defense articles under section 516 of
24 the Foreign Assistance Act of 1961 (22 U.S.C. 2321j); and

1 (2) in connection with the transfer under chapter 7 of title 40, United States Code,
2 of personal property that—

3 (A) is foreign excess property for purposes of such chapter; and

4 (B) is categorized under regulations of the Department of Defense as
5 foreign excess personal property.

6 (b) LIMITATIONS.—

7 (1) VALUE.—The aggregate value of all defense services provided under
8 subsection (a) in any fiscal year may not exceed \$100,000,000.

9 (2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may
10 only be used in connection with defense articles and personal property present in
11 Afghanistan as of the date of the enactment of this Act.

12 (c) EXEMPTION.— The provision of defense services under subsection (a)(1) shall not be
13 subject to the limitations applicable to the transfer of excess defense articles under section 516 of
14 the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) contained in subsections (b)(1)(B) and (e)
15 of such section.

16 (d) EXPIRATION.—The authority provided in subsection (a) may not be exercised after
17 December 31, 2014.

18 (e) DEFINITION.—In this section, the term “defense services” has the meaning given that
19 term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

20 (f) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign
21 Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code,
22 construction equipment from the stocks of the Department of Defense located in Afghanistan as
23 of the date of the enactment of this Act may be transferred as an excess defense article to the
24 Government of Afghanistan under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C.

1 2321j).

2 **SEC. 1203. FIVE-YEAR EXTENSION OF AUTHORIZATION FOR NON-**
3 **CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

4 Subsection (h) of section 943 of the Duncan Hunter National Defense Authorization Act
5 for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4579), as amended by section 1205(g) of
6 the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat.
7 1624), is further amended by striking “2013” and inserting “2018”.

8 **SEC. 1204. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS**
9 **DEFENSE ARTICLES.**

10 Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is
11 amended by striking “\$425,000,000” and inserting “\$500,000,000”.

12 **SEC. 1205. REVISION OF STATUTORY REFERENCES TO FORMER NATO**
13 **SUPPORT ORGANIZATIONS AND RELATED NATO AGREEMENTS.**

14 (a) TITLE 10, UNITED STATES CODE.—Section 2350d of title 10, United States Code, is
15 amended—

16 (1) by striking “NATO Maintenance and Supply Organization” each place it
17 appears and inserting “NATO Support Organization and its executive agencies”;

18 (2) by striking “Weapon System Partnership Agreement” each place it appears
19 and inserting “Support Partnership Agreement”; and

20 (3) by striking “a specific weapon system” in subsection (a)(1)(B) and inserting
21 “activities”.

22 (b) ARMS EXPORT CONTROL ACT.—Section 21(e)(3) of the Arms Export Control Act (22
23 U.S.C. 2761(e)(3)) is amended—

1 (1) by striking “Maintenance and Supply Agency of the North Atlantic Treaty
2 Organization” in subparagraphs (A) and (C)(i) and inserting “North Atlantic Treaty
3 Organization (NATO) Support Organization and its executive agencies”;

4 (2) by striking “weapon system partnership agreement” in subparagraph (A)(i)
5 and inserting “support partnership agreement”; and

6 (3) by striking “a specific weapon system” in subparagraph (C)(i)(II) and
7 inserting “activities”.

8 **SEC. 1206. FIVE-YEAR EXTENSION OF THE IRAQI SPECIAL IMMIGRANT VISA**
9 **PROGRAM.**

10 Section 1244(c)(3) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of
11 Public Law 110-181; 8 U.S.C. 1157 note) is amended by adding at the end the following new
12 subparagraph:

13 “(C) ADDITIONAL FISCAL YEARS.—Notwithstanding subparagraphs (A)
14 and (B), and consistent with subsection (b), any unused balance of the total
15 number of principal aliens who may be provided special immigrant status under
16 this subsection in fiscal years 2008 through 2012 may be carried forward and
17 provided through the end of fiscal year 2018, except that—

18 “(i) the one-year period during which a principal alien must have
19 been employed in accordance with subsection (b)(1) shall be entirely
20 during the period from March 20, 2003 through September 30, 2013; and

21 “(ii) a principal alien seeking special immigrant status under this
22 subparagraph shall apply to the Chief of Mission in accordance with
23 subsection (b)(4) no later than September 30, 2017.”.

1 **SEC. 1207. FIVE-YEAR EXTENSION OF THE AFGHAN SPECIAL IMMIGRANT VISA**
2 **PROGRAM.**

3 Section 602(b)(3) of the Afghan Allies Protection Act of 2009 (title VI of Public Law
4 111-8; 8 U.S.C. 1101 note) is amended by adding at the end the following new subparagraph:

5 “(D) ADDITIONAL FISCAL YEARS.—Notwithstanding subparagraph (C), for
6 each of the fiscal years 2014 through 2018, the total number of principal aliens
7 who may be provided special immigrant status under this section may not exceed
8 3,000 per year, except that any unused balance of the total number of principal
9 aliens who may be provided special immigrant status in fiscal years 2014 through
10 2018, in addition to any unused balance of the total number of principal aliens
11 who may be provided special immigrant status under subparagraph (A) in fiscal
12 years 2009 through 2013, may be carried forward and provided through the end of
13 fiscal year 2019, except that—

14 “(i) the one-year period during which a principal alien must have
15 been employed in accordance with paragraph (2)(A)(ii) shall be entirely
16 during the period from October 7, 2001 through December 31, 2014; and

17 “(ii) a principal alien seeking special immigrant status under this
18 subparagraph shall apply to the Chief of Mission in accordance with
19 paragraph (2)(D) no later than September 30, 2015.”.

20 **TITLE XIII—OTHER AUTHORIZATIONS**

21 **Subtitle A—Military Programs**

22 **SEC. 1301. WORKING CAPITAL FUNDS.**

1 Funds are hereby authorized to be appropriated for fiscal year 2014 for the use of the
2 Armed Forces and other activities and agencies of the Department of Defense for providing
3 capital for Defense Working Capital Funds in the amount of \$1,545,827,000.

4 **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

5 Funds are hereby authorized to be appropriated for fiscal year 2014 for the National
6 Defense Sealift Fund in the amount of \$730,700,000.

7 **SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.**

8 Funds are hereby authorized to be appropriated for fiscal year 2014 for the Joint Urgent
9 Operational Needs Fund in the amount of \$98,800,000.

10 **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
12 appropriated for the Department of Defense for fiscal year 2014 for expenses, not otherwise
13 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
14 \$1,057,123,000, of which—

- 15 (1) \$451,572,000 is for Operation and Maintenance;
16 (2) \$604,183,000 is for Research, Development, Test, and Evaluation; and
17 (3) \$1,368,000 is for Procurement.

18 (b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized
19 for—

- 20 (1) the destruction of lethal chemical agents and munitions in accordance with
21 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521);
22 and

- 23 (2) the destruction of chemical warfare materiel of the United States that is not
24 covered by section 1412 of such Act.

1 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
2 **WIDE.**

3 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
4 year 2014 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
5 Activities, Defense-wide, in the amount of \$938,545,000.

6 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

7 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
8 year 2014 for expenses, not otherwise provided for, for the Office of the Inspector General of the
9 Department of Defense, in the amount of \$312,131,000, of which—

10 (1) \$311,131,000 is for Operation and Maintenance; and

11 (2) \$1,000,000 is for Procurement.

12 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

13 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
14 year 2014 for expenses, not otherwise provided for, for the Defense Health Program, in the
15 amount of \$33,351,528,000, of which—

16 (1) \$31,950,734,000 is for Operation and Maintenance;

17 (2) \$729,613,000 is for Research, Development, Test, and Evaluation; and

18 (3) \$671,181,000 is for Procurement.

19 **Subtitle B—National Defense Stockpile**

20 **SEC. 1311. AUTHORITY TO ACQUIRE ADDITIONAL MATERIALS FOR THE**
21 **NATIONAL DEFENSE STOCKPILE.**

22 Section 1411 of the National Defense Authorization Act for Fiscal Year 2012 (Public
23 Law 112-81; 125 Stat. 1654), is amended—

24 (1) by redesignating subsection (c) as subsection (d); and

1 (2) by inserting after subsection (b) the following new subsection (c):

2 “(c) ACQUISITION AUTHORITY.—(1) Using funds available in the National Defense
3 Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following
4 materials determined to be strategic and critical materials required to meet the defense,
5 industrial, and essential civilian needs of the United States:

6 “(A) Ferroniobium.

7 “(B) Dysprosium Metal.

8 “(C) Yttrium Oxide.

9 “(2) The National Defense Stockpile Manager may use up to \$22,000,000 of the
10 National Stockpile Transaction Fund for acquisition of the materials specified in paragraph (1).

11 “(3) The authority under this subsection is available for purchases during fiscal year 2014
12 through fiscal year 2019.”.

13 **Subtitle C—Other Matters**

14 **SEC. 1321. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**
15 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**
16 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**
17 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

18 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated
19 for section 507 and available for the Defense Health Program for operation and maintenance,
20 \$143,087,000 may be transferred by the Secretary of Defense to the Joint Department of
21 Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by
22 subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010
23 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any

1 funds so transferred shall be treated as amounts authorized and appropriated specifically for the
2 purpose of such a transfer.

3 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section
4 1704, facility operations for which funds transferred under subsection (a) may be used are
5 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North
6 Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting
7 facilities designated as a combined Federal medical facility under an operational agreement
8 covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal
9 Year 2009 (Public Law 110-417; 122 Stat. 4500).

10 **SEC. 1322. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**
11 **RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fiscal year 2014 from the Armed Forces
13 Retirement Home Trust Fund the sum of \$67,800,000 for the operation of the Armed Forces
14 Retirement Home.

15 **TITLE XIV—UNIFORMED AND OVERSEAS CITIZENS ABSENTEE**
16 **VOTING ACT AMENDMENTS**

17 **SEC. 1401. APPLICATION SPECIFICATIONS FOR VOTER REGISTRATION AND**
18 **ABSENTEE BALLOT FROM ABSENT UNIFORMED SERVICES**
19 **VOTERS AND OVERSEAS VOTERS.**

20 (a) TREATMENT OF BALLOT REQUESTS.—Section 104 of the Uniformed and Overseas
21 Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

22 (1) by inserting “(a) PROHIBITION OF APPLICATION ON GROUNDS OF EARLY
23 SUBMISSION.—” before “A State may not”;

24 (2) by inserting “or overseas voter” after “absent uniformed services voter”;

1 (3) by inserting after “members of the uniformed services” the following: “or
2 who do not reside outside the United States.”; and.

3 (4) by adding at the end the following new subsections:

4 “(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

5 “(1) IN GENERAL.—If a State accepts and processes an application for an absentee
6 ballot by an absent uniformed services voter or overseas voter and the voter requests that
7 the application be considered an application for an absentee ballot for each subsequent
8 election for Federal office held in the State through the next regularly scheduled general
9 election for Federal office (including any runoff elections which may occur as a result of
10 the outcome of such general election), and any special elections for Federal office held in
11 the State through the calendar year following such general election, the State shall
12 provide an absentee ballot to the voter for each such subsequent election.

13 “(2) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Paragraph (1) shall not
14 apply with respect to a voter registered to vote in a State for any election held after the
15 voter notifies the State that the voter no longer wishes to be registered to vote in the State
16 or after the State determines that the voter has registered to vote in another State.

17 “(c) OFFICIAL POST CARD FORM.—The Presidential designee shall ensure that the official
18 postcard form (prescribed under section 101) enables a voter using the form to—

19 “(1) request an absentee ballot for—

20 “(A) each election for Federal office held in a State through the next
21 regularly scheduled general election for Federal office (including any runoff
22 election which may occur as a result of the outcome of such general election); and

23 “(B) any special election for Federal office held in the State through the
24 calendar year following such general election; or

1 “(2) request an absentee ballot for a specific election or elections for Federal office
2 held in a State during the period described in paragraph (1).”.

3 (b) CONFORMING AMENDMENT.—The heading of such section is amended to read as
4 follows:

5 “**SEC. 104. TREATMENT OF BALLOT REQUESTS.**”.

6 **SEC. 1402. INCLUSION OF NORTHERN MARIANA ISLANDS IN THE DEFINITION**
7 **OF “STATE” FOR PURPOSES OF THE UNIFORMED AND OVERSEAS**
8 **CITIZENS ABSENTEE VOTING ACT.**

9 Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee
10 Voting Act (42 U.S.C. 1973ff-6) are each amended by striking “and American Samoa” and
11 inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

12 **SEC. 1403. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT**
13 **ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF**
14 **THE FEDERAL VOTING ASSISTANCE PROGRAM.**

15 (a) ELIMINATION OF REPORTS FOR NON-ELECTION YEARS.—Section 105A(b) of the
16 Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is amended—

17 (1) by striking “March 31 of each year” and inserting “June 30 of each odd-
18 numbered year”; and

19 (2) by striking “the following information” and inserting “the following
20 information with respect to the Federal elections held during the preceding calendar
21 year”.

22 (b) CONFORMING AMENDMENTS.—Such section is further amended—

23 (1) by striking “ANNUAL REPORT” in the subsection heading and inserting
24 “BIENNIAL REPORT”; and

1 (2) by striking “In the case of” in paragraph (3) and all that follows through “a
2 description” and inserting “A description”.

3 **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construction Authorization Act for Fiscal
6 Year 2014”.

7 **TITLE XXI—ARMY MILITARY CONSTRUCTION**

8 **[RESERVED]**

9 **TITLE XXII—NAVY MILITARY CONSTRUCTION**

10 **[RESERVED]**

11 **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

12 **[RESERVED]**

13 **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

14 **[RESERVED]**

15 **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION**

16 **SECURITY ASSISTANCE PROGRAM**

17 **[RESERVED]**

18 **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

19 **[RESERVED]**

20 **TITLE XXVII— BASE REALIGNMENT AND CLOSURE ACTIVITIES**

21 **[RESERVED]**

22 **TITLE XXVIII— MILITARY CONSTRUCTION GENERAL PROVISIONS**

1 **Subtitle A—Military Construction Program Changes**

2 **SEC. 2801. REVISIONS TO MINOR MILITARY CONSTRUCTION AUTHORITIES.**

3 (a) ESTABLISHMENT OF MINOR MILITARY CONSTRUCTION EXCEPTION THRESHOLD.—

4 Subsection (a) of section 2805 of title 10, United States Code, is amended by adding at the end
5 the following new paragraph:

6 “(3) For purposes of this section, the minor military construction exception
7 threshold is \$4,000,000.”.

8 (b) INCREASE IN DOLLAR THRESHOLDS FOR CERTAIN AUTHORITIES RELATING TO
9 UNSPECIFIED MINOR MILITARY CONSTRUCTION.—

10 (1) MAXIMUM AMOUNT FOR PROJECTS TO CORRECT DEFICIENCIES THAT ARE LIFE-,
11 HEALTH-, OR SAFETY-THREATENING.—Subsection (a)(2) of such section is amended by
12 striking “\$3,000,000” in the second sentence and inserting “the minor military
13 construction exception threshold”.

14 (2) MAXIMUM AMOUNT FOR GENERAL RULE FOR PROJECTS FOR WHICH O&M FUNDS
15 MAY BE USED.—Subsection (c) of such section is amended by striking “\$750,000” and
16 inserting “\$1,000,000”.

17 (c) MINIMUM AMOUNT FOR PROJECTS SUBJECT TO SECRETARIAL APPROVAL AND
18 CONGRESSIONAL NOTICE-AND-WAIT.—Subsection (b)(1) of such section is amended by striking
19 “\$750,000” and inserting “the amount specified in subsection (c)”.

20 (d) MODIFICATION AND EXTENSION OF AUTHORITY FOR LABORATORY REVITALIZATION
21 PROJECTS.—

22 (1) MODIFICATION.—Subsection (d) of such section is amended—

23 (A) in paragraph (1)(A), by striking “not more than \$2,000,000” and
24 inserting “not more than \$4,000,000, notwithstanding subsection (c)”; and

1 (B) in paragraph (2), by striking “(2)” and inserting “(2) For purposes of
2 this subsection, an unspecified minor military construction project is a military
3 construction project that (notwithstanding subsection (a)) has an approved cost
4 equal to or less than \$4,000,000.”.

5 (2) EFFECTIVE DATE.—The amendments made by paragraph (1) do not apply to
6 any laboratory revitalization project for which the design phase has been completed as of
7 the date of the enactment of this Act.

8 **SEC. 2802. CHANGE IN AUTHORITIES RELATING TO UNSPECIFIED MINOR**
9 **CONSTRUCTION.**

10 Section 2805 of title 10, United States Code, is amended by adding at the end the
11 following new subsection:

12 “(f) ADJUSTMENTS FOR LOCATION. —The dollar limitations specified in subsections (a)
13 through (d) shall be adjusted to reflect the appropriate area construction cost index for military
14 construction projects published by the Department of Defense. The appropriate cost index shall
15 be the factor published during the prior fiscal year that applies to the location of the project.”.

16 **Subtitle B—Real Property and Facilities Administration**

17 **SEC. 2811. AUTHORITY FOR ACCEPTANCE OF FUNDS TO COVER**
18 **ADMINISTRATIVE EXPENSES ASSOCIATED WITH REAL**
19 **PROPERTY LEASES AND EASEMENTS.**

20 (a) AUTHORITY.—Subsection (e)(1)(C) of section 2667 of title 10, United States Code, is
21 amended by adding at the end the following new clause:

22 “(vi) Amounts as the Secretary considers necessary to cover program expenses
23 incurred by the Secretary under this section and for easements under section 2668 of this
24 title.”.

1 (b) PROGRAM EXPENSES DEFINED.—Subsection (i) of such section is amended—

2 (1) by redesignating paragraph (4) as paragraph (5); and

3 (2) by inserting after paragraph (3) the following new paragraph (4):

4 “(4) The term ‘program expenses’ includes expenses related to developing,
5 assessing, negotiating, executing, and managing lease and easement transactions, but
6 does not include Government personnel costs.”.

7 **SEC. 2812. APPLICATION OF CASH PAYMENTS RECEIVED FOR UTILITIES AND**
8 **SERVICES.**

9 Section 2872a(c)(2) of title 10, United States Code, is amended by striking “from which
10 the cost of furnishing the utilities or services concerned was paid” and inserting “currently
11 available for the purpose of furnishing utilities or services under subsection (a)” .

12 **SEC. 2813. ACQUISITION OF REAL PROPERTY AT NAVAL BASE VENTURA**
13 **COUNTY, CALIFORNIA.**

14 (a) AUTHORITY.—The Secretary of the Navy may acquire all right, title, and interest to
15 property and improvements at Naval Base Ventura County, California, constructed pursuant to
16 section 801 of Public Law 98-115.

17 (b) USE.—Upon acquiring the real property under subsection (a), the Secretary may use
18 the improvements as provided in sections 2835 and 2835a of title 10, United States Code.

19 **SEC. 2814. AUTHORITY TO PLAN, DESIGN, CONSTRUCT OR LEASE SHARED**
20 **MEDICAL FACILITIES WITH DEPARTMENT OF VETERANS**
21 **AFFAIRS.**

22 (a) AUTHORITY TO PLAN, DESIGN, AND CONSTRUCT OR LEASE A SHARED MEDICAL
23 FACILITY.

1 (1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by
2 inserting after section 1104 the following new section:

3 **“§ 1104a. Shared medical facilities with Department of Veterans Affairs**

4 “(a) AGREEMENTS.—The Secretary of Defense may enter into agreements with the
5 Secretary of Veterans Affairs for the planning, design, and construction, or leasing, of facilities
6 to be operated as shared medical facilities.

7 “(b) TRANSFER OF FUNDS BY THE SECRETARY OF DEFENSE.—(1) The Secretary of Defense
8 may transfer to the Secretary of Veterans Affairs amounts as follows:

9 “(A) Amounts, not in excess of the amount authorized by law for an unspecified
10 minor military construction project, for a project for the construction of or for a shared
11 medical facility if the amount of the share of the Department of Defense for the estimated
12 cost of the project does not exceed the amount authorized under section 2805 of this title
13 and if the other requirements of such section have been met with respect to funds
14 identified for transfer.

15 “(B) Amounts appropriated for the Defense Health Program for the purpose of
16 construction, planning, and design, or the leasing of space, for a shared medical facility.

17 “(2) The authority to transfer funds under this section is in addition to any other authority
18 to transfer available to the Secretary of Defense.

19 “(3) Section 2215 of this title does not apply to a transfer under this subsection.

20 “(c) TRANSFER OF FUNDS TO THE SECRETARY OF DEFENSE.—

21 “(1) Any amount transferred under section 8111B of title 38 to the Secretary of
22 Defense by the Secretary of Veterans Affairs for the necessary expenses of a construction
23 project for a shared medical facility, where the amount of the share of the Department of
24 Defense for the cost of such project does not exceed the amount specified in section

1 2805(a)(2) of this title, may be credited to accounts of the Department of Defense
2 available for the construction of or for a shared medical facility.

3 “(2) Amounts transferred under section 8111B of title 38 to the Secretary of
4 Defense by the Secretary of Veterans Affairs for the purpose of planning, and design, or
5 the leasing of space, of or for a shared medical facility may be credited to accounts of the
6 Department of Defense available for such purposes, and used of such purposes.

7 “(3) Using accounts credited with transfers from the Secretary of Veterans Affairs
8 under paragraph (1), the Secretary of Defense may carry out unspecified minor military
9 construction projects that have an approved cost not more than \$12,000,000, so long as
10 the share of the Department of Defense for the cost of such project does not exceed the
11 amount specified in section 2805(a)(2) of this title.

12 “(d) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred to the Secretary of
13 Veterans Affairs pursuant to subsection (b), and any amount transferred to the Secretary of
14 Defense as described in subsection (c), shall be merged with, and be available for the same
15 purposes and the same time period as, the appropriation or fund to which transferred.

16 “(e) DEFINITION.—In this section, the term ‘shared medical facility’ means a building or
17 buildings, or a campus, intended to be used by both the Department of Defense and the
18 Department of Veterans Affairs for the provision of health-care services, whether under the
19 jurisdiction of the Secretary of Defense or the Secretary of Veterans Affairs, and whether or not
20 located on a military installation or on real property under the jurisdiction of the Secretary of
21 Veterans Affairs. Such term includes any necessary building and auxiliary structure, garage,
22 parking facility, mechanical equipment, abutting sidewalks, and accommodations for attending
23 personnel.”.

1 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of such
2 chapter is amended by inserting after the item relating to section 1104 the following new
3 item:

“1104a. Shared medical facilities with Department of Veterans Affairs.”.

4 (b) CONFORMING AMENDMENT.—Section 2801 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a), by inserting “or property under the control of the Secretary
7 of Veterans Affairs for shared medical facilities,” after “with respect to a military
8 installation,”; and

9 (2) in subsection (b), by inserting “, including a shared medical facility with the
10 Department of Veterans Affairs pursuant to section 1104a of this title and section 8111B
11 of title 38,” after “existing facility”.

12 **SEC. 2815. CHANGE FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL**
13 **REPORT OF INTERAGENCY COORDINATION GROUP OF**
14 **INSPECTORS GENERAL FOR GUAM REALIGNMENT.**

15 Section 2835(e)(1) of the National Defense Authorization Act for Fiscal Year 2010
16 (Public Law 111-84; 123 Stat. 2674; 10 U.S.C. 2687 note) is amended by striking “calendar
17 year” and inserting “fiscal year”.

18 **Subtitle C—Land Withdrawals**

19 **SEC. 2821. MILITARY LAND WITHDRAWALS AND CODIFICATION OF**
20 **STATUTORY PROVISIONS RELATING TO CHINA LAKE,**
21 **LIMESTONE HILLS, CHOCOLATE MOUNTAIN, AND TWENTYNINE**
22 **PALMS.**

1 (a) MILITARY LAND WITHDRAWALS AND CREATION OF NEW CHAPTER.—Subtitle A of
2 title 10, United States Code, is amended by inserting after chapter 173 the following new
3 chapter:

4 **“CHAPTER 174—LAND WITHDRAWALS**

“Subchapter	Sec.
“I. General Provisions	2931
“II. China Lake, California	2955
“III. Limestone Hills, Montana	2957
“IV. Chocolate Mountain, California	2959
“V. Twentynine Palms, California	2961

5 **“SUBCHAPTER I—GENERAL PROVISIONS**

- “Sec.
- “2931. General applicability; definition.
- “2932. Maps and legal descriptions.
- “2933. Access restrictions.
- “2934. Changes in use.
- “2935. Authorizations for nondefense-related uses.
- “2936. Brush and fire prevention and suppression.
- “2937. On-going decontamination.
- “2938. Water rights.
- “2939. Hunting, fishing, and trapping.
- “2940. Limitations on extensions and withdrawals.
- “2941. Application for renewal of a withdrawal and reservation.
- “2942. Limitation on subsequent availability of lands for appropriation.
- “2943. Relinquishment.
- “2944. Interchanges and transfers of Federal lands.
- “2945. Delegability by the Secretary of the Interior.
- “2946. Land withdrawals; immunity of United States.

6 **“§ 2931. General applicability; definition**

7 “(a) APPLICABILITY OF SUBCHAPTER.—The provisions of this subchapter apply to any
8 withdrawal made by this chapter.

9 “(b) RULES OF CONSTRUCTION.—(1) Except as may be provided pursuant to section 2944
10 of this title, nothing in this chapter shall be construed as assigning management of real property
11 under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

1 “(2) The terms ‘manage’ and ‘management’, when used in reference to lands withdrawn
2 and reserved by this chapter, include the authority to exercise jurisdiction, custody, and control
3 over those lands in accordance with this title, except that those terms do not include authority for
4 land disposal.

5 “(c) DEFINITION.—In this chapter, the term ‘Indian tribe’ has the meaning given such
6 term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

7 **“§ 2932. Maps and legal descriptions**

8 “(a) PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the
9 date of the enactment of a subchapter of this chapter, the Secretary of the Interior shall—

10 “(1) publish in the Federal Register a notice containing the legal description of the
11 lands withdrawn and reserved by such subchapter; and

12 “(2) file a map or maps and legal description of the lands withdrawn and reserved
13 by such subchapter with the Committee on Armed Services and the Committee on
14 Energy and Natural Resources of the Senate and the Committee on Armed Services and
15 the Committee on Natural Resources of the House of Representatives.

16 “(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and
17 effect as if they were included in this chapter, except that the Secretary of the Interior may
18 correct clerical and typographical errors in such maps and legal descriptions.

19 “(c) AVAILABILITY.—Copies of such maps and legal descriptions shall be available for
20 public inspection—

21 “(1) in the appropriate offices of the Bureau of Land Management;

22 “(2) in the office of the commanding officer of the military installation at which
23 the lands are withdrawn; and

1 “(3) if the military installation is under the management of the National Guard, in
2 the office of the Adjutant General of the State in which the installation is located.

3 “(d) COSTS.—The Secretary concerned shall reimburse the Secretary of the Interior for
4 the costs incurred by the Secretary of the Interior in implementing this section.

5 “§ 2933. Access restrictions

6 “(a) IN GENERAL.—If the Secretary concerned determines that military operations, public
7 safety, or national security require the closure to the public of any road, trail, or other portion of
8 the lands withdrawn and reserved by a subchapter of this chapter, the Secretary may take such
9 action as the Secretary determines necessary or desirable to effect and maintain such closure.

10 “(b) LIMITATION.—Any closure under subsection (a) shall be limited to the minimum
11 areas and periods that the Secretary concerned determines are required for the purposes specified
12 in such subsection.

13 “(c) CONSULTATION.—(1) Before a closure under this section is implemented, the
14 Secretary concerned shall consult with the Secretary of the Interior.

15 “(2) In a case in which such a closure may affect access to or use of sacred sites or
16 resources considered important by an Indian tribe, the Secretary concerned shall consult, at the
17 earliest practicable time, with that tribe.

18 “(3) No consultation is required under paragraph (1) or (2)—

19 “(A) if the closure is already provided for in an integrated natural resources
20 management plan, an installation cultural resources management plan, or a land use
21 management plan; or

22 “(B) in the case of an emergency, as determined by the Secretary concerned.

1 “(d) NOTICE.—Immediately preceding and during any closure under subsection (a), the
2 Secretary concerned shall post appropriate warning notices and take other steps, as necessary, to
3 notify the public of the closure.

4 **“§ 2934. Changes in use**

5 “(a) OTHER USES AUTHORIZED.—The Secretary concerned may authorize the use of lands
6 withdrawn and reserved by a subchapter of this chapter for defense-related purposes in addition
7 to the purposes specified in such subchapter.

8 “(b) NOTICE TO SECRETARY OF THE INTERIOR.—The Secretary concerned shall promptly
9 notify the Secretary of the Interior in the event that the lands withdrawn and reserved by a
10 subchapter of this chapter will be used for additional defense-related purposes. Such notification
11 shall indicate—

12 “(1) the additional use or uses involved;

13 “(2) the planned duration of such additional uses; and

14 “(3) the extent to which such additional uses will require that additional or more
15 stringent conditions or restrictions be imposed on otherwise-permitted non-defense-
16 related uses of the withdrawn and reserved lands or portions thereof.

17 **“§ 2935. Authorizations for nondefense-related uses**

18 “(a) AUTHORIZATIONS BY THE SECRETARY OF THE INTERIOR.—Subject to the applicable
19 withdrawals contained in each subchapter of this chapter, with the consent of the Secretary
20 concerned, the Secretary of the Interior may authorize the use, occupancy, or development of the
21 lands withdrawn and reserved by this chapter.

22 “(b) AUTHORIZATIONS BY THE SECRETARY CONCERNED.—The Secretary concerned may
23 authorize the use, occupancy, or development of the lands withdrawn and reserved by this
24 chapter—

1 “(1) for a defense-related purpose; or

2 “(2) subject to the consent of the Secretary of the Interior, for a non-defense-
3 related purpose.

4 “(c) FORM OF AUTHORIZATION.—An authorization under this section may be provided by
5 lease, easement, right-of-way, permit, license, or other instrument authorized by law.

6 “(d) PREVENTION OF DRAINAGE OF OIL OR GAS RESOURCES.—For the purpose of
7 preventing drainage of oil or gas resources, the Secretary of the Interior may lease lands
8 otherwise withdrawn from operation of the mineral leasing laws and reserved for defense-related
9 purposes under this chapter, under such terms and conditions as the Secretary considers
10 appropriate. No surface occupancy may be approved by the Secretary of the Interior without the
11 consent of the Secretary concerned. The Secretary of the Interior may unitize or consent to
12 communitization of such lands. The Secretary of the Interior may promulgate regulations to
13 implement this subsection.

14 **“§ 2936. Brush and range fire prevention and suppression**

15 “(a) REQUIRED ACTIVITIES.—The Secretary concerned shall, consistent with any
16 applicable land management plan, take necessary precautions to prevent, and actions to suppress,
17 brush and range fires occurring as a result of military activities on the lands withdrawn and
18 reserved by this chapter, including fires outside those lands that spread from the withdrawn and
19 reserved lands and which occurred as a result of such activities.

20 “(b) COOPERATION OF SECRETARY OF THE INTERIOR.—At the request of the Secretary
21 concerned, the Secretary of the Interior shall provide assistance in the suppression of such fires
22 and shall be reimbursed for such assistance by the Secretary concerned. Notwithstanding section
23 2215 of this title, the Secretary concerned may transfer to the Secretary of the Interior, in

1 advance, funds to reimburse the costs of the Department of the Interior in providing such
2 assistance.

3 **“§ 2937. On-going decontamination**

4 “Throughout the duration of a withdrawal and reservation of lands under this chapter, the
5 Secretary concerned shall maintain, to the extent funds are available for such purpose, a program
6 of decontamination of contamination caused by defense-related uses on such lands consistent
7 with applicable Federal and State law. The Secretary of Defense shall include a description of
8 such decontamination activities in the annual report required by section 2711 of this title.

9 **“§ 2938. Water rights**

10 “(a) NO RESERVATION CREATED.—Nothing in this chapter shall be construed—

11 “(1) to establish a reservation in favor of the United States with respect to any
12 water or water right on the lands withdrawn and reserved by this chapter; or

13 “(2) to authorize the appropriation of water on such lands except in accordance
14 with applicable State law.

15 “(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section
16 shall not be construed to affect any water rights acquired or reserved by the United States before
17 the date of the enactment of the applicable subchapter of this chapter, and the Secretary
18 concerned may exercise any such previously acquired or reserved water rights.

19 **“§ 2939. Hunting, fishing, and trapping**

20 “Section 2671 of this title shall apply to all hunting, fishing, and trapping on the lands
21 withdrawn and reserved by this chapter and for which management has been assigned to the
22 Secretary concerned.

23 **“§ 2940. Limitation on extensions and renewals**

1 “The withdrawals and reservations established by this chapter may not be extended or
2 renewed except by a law enacted by Congress.

3 **“§ 2941. Application for renewal of a withdrawal and reservation**

4 “(a) NOTICE.—To the extent practicable, no later than five years before the termination of
5 a withdrawal and reservation established by a subchapter of this chapter, the Secretary concerned
6 shall notify the Secretary of the Interior as to whether or not the Secretary concerned will have a
7 continuing defense-related need for any of the lands withdrawn and reserved by such subchapter
8 after the termination date of such withdrawal and reservation. The Secretary concerned shall
9 provide a copy of the notice to the Committee on Armed Services and the Committee on Energy
10 and Natural Resources of the Senate and the Committee on Armed Services and the Committee
11 on Natural Resources of the House of Representatives.

12 “(b) FILING FOR EXTENSION.—If the Secretary concerned concludes that there will be a
13 continuing defense-related need for any of such lands after the termination date, the Secretary
14 shall file an application for extension of the withdrawal and reservation of such needed lands in
15 accordance with the regulations and procedures of the Department of the Interior applicable to
16 the extension of withdrawals.

17 **“§ 2942. Limitation on subsequent availability of lands for appropriation**

18 ““At the time of termination of a withdrawal and reservation made by a subchapter of this
19 chapter, the previously withdrawn lands shall not be open to any form of appropriation under the
20 public land laws, including the mining laws and the mineral leasing and geothermal leasing laws,
21 until the Secretary of the Interior publishes in the Federal Register an appropriate order
22 specifying the date upon which such lands shall be restored to the public domain and opened for
23 such purposes.

24 **“§ 2943. Relinquishment**

1 “(a) NOTICE OF INTENTION TO RELINQUISH.—If, during the period of withdrawal and
2 reservation, the Secretary concerned decides to relinquish any or all of the lands withdrawn and
3 reserved by a subchapter of this chapter, the Secretary concerned shall file a notice of intention
4 to relinquish with the Secretary of the Interior.

5 “(b) DETERMINATION OF CONTAMINATION.—As a part of the notice under subsection (a),
6 the Secretary concerned shall include a written determination concerning whether and to what
7 extent the lands that are to be relinquished are contaminated with explosive materials or toxic or
8 hazardous substances.

9 “(c) PUBLIC NOTICE.—The Secretary of the Interior shall publish in the Federal Register
10 the notice of intention to relinquish, including the determination concerning the contaminated
11 state of the lands.

12 “(d) DECONTAMINATION OF LANDS TO BE RELINQUISHED.—

13 “(1) DECONTAMINATION REQUIRED.—If land subject of a notice of intention to
14 relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in
15 consultation with the Secretary concerned, determines that decontamination is practicable
16 and economically feasible (taking into consideration the potential future use and value of
17 the land) and that, upon decontamination, the land could be opened to operation of some
18 or all of the public land laws, including the mining laws and the mineral leasing and
19 geothermal leasing laws, the Secretary concerned shall decontaminate the land to the
20 extent that funds are appropriated for such purpose.

21 “(2) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the
22 Secretary concerned, concludes that decontamination of land subject of a notice of
23 intention to relinquish pursuant to subsection (a) is not practicable or economically
24 feasible, or that the land cannot be decontaminated sufficiently to be opened to operation

1 of some or all of the public land laws, or if Congress does not appropriate sufficient funds
2 for the decontamination of such land, the Secretary of the Interior shall not be required to
3 accept the land proposed for relinquishment.

4 “(3) STATUS OF CONTAMINATED LANDS UPON TERMINATION.—If, because of their
5 contaminated state, the Secretary of the Interior declines to accept the lands withdrawn
6 and reserved by a subchapter of this chapter which have been proposed for
7 relinquishment, or if at the expiration of the withdrawal and reservation made by such
8 subchapter the Secretary of the Interior determines that some of the lands withdrawn and
9 reserved by such subchapter are contaminated to an extent which prevents opening such
10 contaminated lands to operation of the public land laws—

11 “(A) the Secretary concerned shall take appropriate steps to warn the
12 public of the contaminated state of such lands and any risks associated with entry
13 onto such lands;

14 “(B) after the expiration of the withdrawal and reservation, the Secretary
15 concerned shall undertake no activities on such lands except in connection with
16 decontamination of such lands; and

17 “(C) the Secretary concerned shall report to the Secretary of the Interior
18 and to the Congress concerning the status of such lands and all actions taken in
19 furtherance of this paragraph.

20 “(e) REVOCATION AUTHORITY.—Upon deciding that it is in the public interest to accept
21 the lands proposed for relinquishment pursuant to subsection (a), the Secretary of the Interior
22 may order the revocation of a withdrawal and reservation established by a subchapter of this
23 chapter as it applies to such lands. The Secretary of the Interior shall publish in the Federal
24 Register the revocation order, which shall—

1 “(1) terminate the withdrawal and reservation;

2 “(2) constitute official acceptance of the lands by the Secretary of the Interior; and

3 “(3) state the date upon which the lands will be opened to the operation of some
4 or all of the public land laws, including the mining laws.

5 “(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—Nothing in this section shall be
6 construed to require the Secretary of the Interior to accept the lands proposed for relinquishment
7 if the Secretary determines that such lands are not suitable for return to the public domain. If the
8 Secretary makes such a determination, the Secretary shall provide notice of the determination to
9 Congress.

10 **“§ 2944. Interchanges and transfers of Federal lands**

11 “(a) AUTHORITY.—The Secretary of the Interior and the Secretary concerned may
12 interchange or transfer between each other parcels of Federal land under their jurisdiction. A
13 parcel may include multiple non-contiguous pieces of Federal lands.

14 “(b) CONDITIONS.—Any interchange or transfer of land under this section is subject to the
15 following conditions:

16 “(1) The Secretary of the Interior and the Secretary concerned must each
17 determine that the interchange or transfer is to the benefit of their respective department
18 and in the public interest.

19 “(2) Both parcels of land to be interchanged must, before the interchange, be
20 located on the same military installation.

21 “(3) Both parcels of land to be interchanged must be of approximately the same
22 acreage.

23 “(4) The parcel to be transferred must be located on the military installation to
24 which it is transferred.

1 “(5) The parcel interchanged or transferred by the Secretary of the Interior must
2 be part of the lands withdrawn and reserved by this chapter.

3 “(6) The parcel interchanged or transferred by the Secretary concerned must be
4 under the administrative jurisdiction of the Secretary concerned and excess to the needs
5 of the Department of Defense.

6 “(7) During the term of a withdrawal, no more than 5,000 acres may be
7 transferred under this section by one Secretary to the other on any one military
8 installation.

9 “(c) STATUS OF FEDERAL LAND AFTER INTERCHANGE.—Upon completion of an
10 interchange or transfer under this section—

11 “(1) at the discretion of the Secretary of the Interior, a parcel received by the
12 Secretary of the Interior may—

13 “(A) become withdrawn and reserved lands under the provisions of this
14 chapter; or

15 “(B) be managed as public lands under the provisions of the Federal Land
16 Policy and Management Act (43 U.S.C. 1701 et seq.) and other applicable law;
17 and

18 “(2) a parcel received by the Secretary concerned shall—

19 “(A) cease to be part of the public lands and lands withdrawn and reserved
20 by this chapter; and

21 “(B) be treated as property under section 102(9) of title 40 under the
22 administrative jurisdiction of the Secretary concerned.

1 “(d) EQUALIZATION PAYMENTS.—Neither the Secretary of the Interior nor the Secretary
2 concerned may make an equalization payment to further a land interchange or transfer under this
3 section.

4 **“§ 2945. Delegability by the Secretary of the Interior**

5 “The Secretary of the Interior may delegate the Secretary’s functions under this chapter,
6 except that an order pursuant to section 2942 of this title and a revocation order pursuant to
7 section 2943(e) of this title may be approved and signed only by individuals in the Office of the
8 Secretary who have been appointed by the President, by and with the advice and consent of the
9 Senate.

10 **“§ 2946. Land withdrawals; immunity of the United States**

11 “The United States and all departments and agencies thereof, and their officers and
12 employees, shall be held harmless and shall not be liable for any injuries or damages to persons
13 or property suffered in the course of any mining or mineral or geothermal leasing activity or
14 other authorized non-defense-related activity conducted on lands withdrawn and reserved by this
15 chapter.

16 “SUBCHAPTER II—CHINA LAKE, CALIFORNIA

“Sec.

“2955a. Withdrawal and reservation.

“2955b. Management of withdrawn and reserved lands.

“2955c. Duration of withdrawal and reservation.

17 **“§ 2955a. Withdrawal and reservation**

18 “(a) WITHDRAWAL.—(1) Subject to valid existing rights and except as otherwise
19 provided in this subchapter, the public lands and interests in lands described in subsection (c),
20 and all other areas within the boundary of such lands as depicted on the map provided for by
21 section 2932 of this title which may become subject to the operation of the public land laws, are

1 hereby withdrawn from all forms of appropriation under the public land laws, including the
2 mining laws and the mineral leasing laws.

3 “(b) RESERVATION.—The lands withdrawn by subsection (a) are reserved for use by the
4 Secretary of the Navy for the following purposes:

5 “(1) Use as a research, development, test, and evaluation laboratory.

6 “(2) Use as a range for air warfare weapons and weapon systems.

7 “(3) Use as a high hazard testing and training area for aerial gunnery, rocketry,
8 electronic warfare and countermeasures, tactical maneuvering and air support, and
9 directed energy and unmanned aerial systems.

10 “(4) Geothermal leasing, development, and related power production activities.

11 “(5) Other defense-related purposes consistent with the purposes specified in the
12 preceding paragraphs and authorized pursuant to section 2934 of this title.

13 “(c) LAND DESCRIPTION.—The public lands and interests in lands referred to in
14 subsection (a) are the Federal lands located within the boundaries of the Naval Air Weapons
15 Station China Lake, comprising approximately 1,030,000 acres in Inyo, Kern, and San
16 Bernardino Counties, California, as generally depicted on a map entitled “Naval Air Weapons
17 Station China Lake Withdrawal—Renewal”, dated XX, xx, 2012, and filed in accordance with
18 section 2932 of this title.

19 **“§ 2955b. Management of withdrawn and reserved lands**

20 “(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in
21 subsection (b), during the period of the withdrawal and reservation of lands by this subchapter,
22 the Secretary of the Interior shall manage the lands withdrawn and reserved by section 2955a of
23 this title in accordance with this chapter, the Federal Land Policy and Management Act of 1976
24 (43 U.S.C. 1701 et seq.), and other applicable law.

1 “(2) To the extent consistent with applicable law and Executive orders, the lands
2 withdrawn by section 2955a of this title may be managed in a manner permitting the following
3 activities:

4 “(A) Grazing.

5 “(B) Protection of wildlife and wildlife habitat.

6 “(C) Preservation of cultural properties.

7 “(D) Control of predatory and other animals.

8 “(E) Recreation and education.

9 “(F) Prevention and appropriate suppression of brush and range fires resulting
10 from non-military activities.

11 “(G) Geothermal leasing and development and related power production
12 activities.

13 “(3) All non-defense-related uses of such lands, including the uses described in paragraph
14 (2), shall be subject to such conditions and restrictions as may be necessary to permit the
15 defense-related use of such lands for the purposes specified in or authorized pursuant to this
16 chapter.

17 “(b) ASSIGNMENT OF MANAGEMENT.—(1) The Secretary of the Interior may assign the
18 management responsibility, in whole or in part, for the lands withdrawn and reserved by section
19 2955a of this title to the Secretary of the Navy who, if so assigned, shall manage such lands in
20 accordance with this title, title I of the Sikes Act (16 U.S.C. 670a et seq.), the Federal Land
21 Policy and Management Act of 1976, and cooperative management arrangements between the
22 Secretary of the Interior and the Secretary of the Navy. Nothing in this subsection or section
23 2935 of this title shall affect geothermal leases issued by the Secretary of the Interior before the
24 date of the enactment of this subchapter, or the responsibility of the Secretary of the Interior to

1 administer and manage such leases, consistent with the provisions of this section.

2 “(2) The Secretary of the Interior shall be responsible for the issuance of any lease,
3 easement, right-of-way, permit, license, or other instrument authorized by law with respect to
4 any activity which involves both the lands withdrawn and reserved by section 2955a of this title
5 and any other lands not under the administrative jurisdiction of the Secretary of the Navy. Any
6 such authorization shall be issued only with the consent of the Secretary of the Navy and shall be
7 subject to such conditions as the Secretary of the Navy may prescribe with regard to those lands
8 withdrawn and reserved by section 2955a of this title.

9 “(3) Neither this chapter nor any other provision of law shall be construed to prohibit the
10 Secretary of the Interior from issuing and administering any lease pursuant to the Geothermal
11 Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law for the development and
12 utilization of geothermal steam and associated geothermal resources on the lands withdrawn and
13 reserved by section 2955a of this title, but such a lease may not be issued without the
14 concurrence of the Secretary of the Navy.

15 “(4) This chapter shall not affect the geothermal exploration and development authority
16 of the Secretary of the Navy under section 2917 of this title with respect to the lands withdrawn
17 and reserved by section 2955a, except that the Secretary of the Navy shall obtain the concurrence
18 of the Secretary of the Interior before taking action under section 2917.

19 “(5) Upon the expiration of the withdrawal and reservation or upon the relinquishment of
20 the lands withdrawn and reserved by section 2955a of this title, Navy contracts for the
21 development of geothermal resources at Naval Air Weapons Station China Lake then in effect
22 (as amended or renewed by the Navy after the date of the enactment of this subchapter) shall
23 remain in effect, except that the Secretary of the Interior, with the consent of the Secretary of the
24 Navy, may offer to substitute a standard geothermal lease for any such contract.

1 “(6) Any lease made pursuant to section 2935(d) of this title of lands withdrawn and
2 reserved by section 2955a of this title shall require the concurrence of the Secretary of the Navy
3 if the Secretary determines that the proposed lease may interfere with geothermal resources on
4 those lands.

5 “(7) The Secretary of the Navy shall be responsible for the management of wild horses
6 and burros located on the lands withdrawn and reserved by section 2955a of this title and may
7 use helicopters and motorized vehicles for such purpose. Such management shall be conducted in
8 accordance with laws applicable to such management on public lands. The Secretary of the
9 Interior and the Secretary of the Navy shall enter into an agreement for implementation of such
10 management.

11 “(c) CONTINUATION OF EXISTING AGREEMENT.—The agreement between the Secretary of
12 the Interior and the Secretary of the Navy entered into before the date of the enactment of this
13 subchapter pursuant to section 805 of the California Military Lands Withdrawal and Overflights
14 Act of 1994 shall continue in effect until the earlier of—

- 15 (1) the date on which the Secretaries enter into a new agreement; or
16 (2) the date that is one year after the date of the enactment of this subchapter.

17 “(d) COOPERATION IN DEVELOPMENT OF MANAGEMENT PLAN.—(1) The Secretary of the
18 Navy and the Secretary of the Interior shall update and maintain cooperative arrangements
19 concerning land resources and land uses on the lands withdrawn and reserved by section 2955a
20 of this title.

21 “(2) Cooperative arrangements under paragraph (1) shall focus on and apply to
22 sustainable management and protection of the natural and cultural resources and environmental
23 values found on such withdrawn and reserved lands, consistent with the defense-related purposes
24 for which those lands are withdrawn and reserved.

1 “(3) Each cooperative arrangement under paragraph (1) shall include a comprehensive
2 land use management plan which shall integrate and be consistent with all applicable law,
3 including the requirements of title I of the Sikes Act and the Federal Land Policy and
4 Management Act of 1976. Each such management plan shall be reviewed annually and shall be
5 updated, as needed, in response to evolving management requirements and to complement the
6 updates of other applicable land use and resource management and planning.

7 “(e) IMPLEMENTING AGREEMENT.—(1) The Secretary of the Interior and the Secretary of
8 the Navy may enter into a written agreement to implement the comprehensive land use
9 management plan developed under subsection (d).

10 “(2) An agreement under paragraph (1) shall include a provision for periodic review of
11 the agreement for its adequacy, effectiveness, and need for revision.

12 “(3) The duration of an agreement under paragraph (1) shall be the same as the period of
13 the withdrawal and reservation of lands under this subchapter, but may be amended from time to
14 time.

15 **“§ 2955c. Duration of withdrawal and reservation**

16 “The withdrawal and reservation made by this subchapter shall terminate on March 31,
17 2039.

18 **“SUBCHAPTER III—LIMESTONE HILLS, MONTANA**

“Sec.

“2957a. Withdrawal and reservation.

“2957b. Management of withdrawn and reserved lands.

“2957c. Duration of withdrawal and reservation.

“2957d. Special rules governing minerals management.

“2957e. Grazing.

19 **“§ 2957a. Withdrawal and reservation**

20 “(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in
21 this subchapter, the public lands and interests in lands described in subsection (c), and all other

1 areas within the boundary of such lands as depicted on the map provided for by section 2932 of
2 this title which may become subject to the operation of the public land laws, are hereby
3 withdrawn from all forms of appropriation under the public land laws, including the mining laws
4 and the mineral leasing and geothermal leasing laws.

5 “(b) RESERVATION.—The lands withdrawn by subsection (a) are reserved for use by the
6 Secretary of the Army for the following purposes:

7 “(1) The conduct of training for active and reserve components of the armed
8 forces.

9 “(2) The conduct of training by the Montana Department of Military Affairs; any
10 such use may not interfere with purposes specified in paragraphs (1) and (3).

11 “(3) The construction, operation, and maintenance of organizational support and
12 maintenance facilities for component units conducting training.

13 “(4) Other defense-related purposes consistent with the purposes specified in the
14 preceding paragraphs and authorized pursuant to section 2934 of this title.

15 “(5) The conduct of training by State and local law enforcement agencies, civil
16 defense organizations, and public education institutions; any such use may not interfere
17 with military training activities.

18 “(c) LAND DESCRIPTION.—The public lands and interests in lands referred to in
19 subsection (a) are the Federal lands comprising approximately 18,644 acres in Broadwater
20 County, Montana, as generally depicted as “Proposed Land Withdrawal” on the map entitled
21 “Limestone Hills Training Area Land Withdrawal” dated , and filed in accordance with
22 section 2932 of this title.

23 “(d) INDIAN TRIBES.—Nothing in this subchapter shall be construed as altering any rights
24 reserved for an Indian tribe for tribal use by treaty or Federal law. Subject to section 2933 of this

1 title, the Secretary of the Army shall consult with any Indian tribe in the vicinity of the lands
2 withdrawn and reserved by this section before taking action affecting tribal rights or cultural
3 resources protected by treaty or Federal law.

4 **“§ 2957b. Management of withdrawn and reserved lands**

5 “During the period of the withdrawal and reservation made by this subchapter, the
6 Secretary of the Army shall manage the lands withdrawn and reserved by this subchapter for the
7 purposes specified in section 2957a of this title.

8 **“§ 2957c. Duration of withdrawal and reservation**

9 “(a) TERM.—The withdrawal and reservation made by this subchapter shall terminate on
10 March 31, 2039.

11 “(b) EXTENSION OF TERM.—Notwithstanding section 2940 of this title, in accordance
12 with section 2 of the Act of February 28, 1958, Public Law 85-337 (72 STAT. 27), commonly
13 known as the ‘Engle Act’ (43 U.S.C. 156), if an application is filed by the Secretary of the Army
14 in accordance with section 2941 of this title, the Secretary of the Interior may use the authority
15 and procedures under section 204 of the Federal Land Policy and Management Act of 1976 (43
16 U.S.C. 1714) to extend the withdrawal and reservation made by this subchapter for an additional
17 term not to exceed 20 years in accordance with that section and other applicable law.

18 **“§ 2957d. Special rules governing minerals management**

19 “(a) INDIAN CREEK MINE.—Locatable mineral activities in the approved Indian Creek
20 Mine, plan of operations MTM-78300, shall be regulated pursuant to subparts 3715 and 3809 of
21 title 43, Code of Federal Regulations. Notwithstanding section 2935 of this title, the Secretary of
22 the Army shall make no determination that the disposition of or exploration for minerals as
23 provided for in the approved plan of operations is inconsistent with the military uses of such
24 lands. The coordination of such disposition of and exploration for minerals with military uses of

1 such lands shall be determined pursuant to procedures in an agreement provided for under
2 subsection (d).

3 “(b) REMOVAL OF UNEXPLODED ORDNANCE ON LANDS TO BE MINED.—The Secretary of
4 the Army shall request funding for and, subject to the availability of such funds, shall remove
5 unexploded ordnance on lands withdrawn and reserved by this subchapter which are subject to
6 mining under subsection (a), consistent with applicable Federal and State law. The Secretary of
7 the Army may engage in such removal of unexploded ordnance in phases to accommodate the
8 development of the Indian Creek mine pursuant to subsection (a).

9 “(c) REPORT ON REMOVAL ACTIVITIES.—The Secretary of the Army shall annually
10 submit to the Secretary of the Interior a report regarding the unexploded ordnance removal
11 activities for the previous fiscal year performed pursuant to subsection (b). The report shall
12 include the amounts of funding expended for unexploded ordnance removal on such lands.

13 “(d) IMPLEMENTATION AGREEMENT FOR MINING ACTIVITIES.—(1) The Secretary of the
14 Interior and the Secretary of the Army shall enter into an agreement to implement this section
15 with regard to coordination of defense-related uses and mining and the ongoing removal of
16 unexploded ordnance. The agreement shall provide the following:

17 “(A) Procedures that will be used to facilitate day-to-day joint-use of the
18 Limestone Hills Training Area.

19 “(B) Procedures for access through mining operations covered by this section to
20 training areas within the boundaries of the Limestone Hills Training Area.

21 “(C) Procedures for scheduling of the removal of unexploded ordnance.

22 “(2) The Secretary of the Interior and the Secretary of the Army shall invite
23 Graymont Western US. Inc., or any successor or assign of the approved Indian Creek
24 Mine mining plan of operations, MTM-78300, to be a party to the agreement.

1 **“§ 2957e. Grazing**

2 “(a) ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.—The issuance and
3 administration of grazing permits and leases, including their renewal, on the lands withdrawn
4 and reserved by this subchapter shall be managed by the Secretary of the Interior consistent with
5 all applicable laws, regulations, and policies of the Secretary of the Interior relating to such
6 permits and leases.

7 “(b) SAFETY REQUIREMENTS.—With respect to any grazing permit or lease issued after
8 the date of enactment of this subchapter for lands withdrawn and reserved by this subchapter,
9 the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that
10 are consistent with Department of the Army explosive and range safety standards and that
11 provide for the safe use of any such lands.

12 “(c) ASSIGNMENT.—The Secretary of the Interior may, with the agreement of the
13 Secretary of the Army, assign the authority to issue and to administer grazing permits and leases
14 to the Secretary of the Army, except that such an assignment may not include the authority to
15 discontinue grazing on the lands withdrawn and reserved by this subchapter.

16 **“SUBCHAPTER IV—CHOCOLATE MOUNTAIN, CALIFORNIA**

“Sec.

“2959a. Withdrawal and reservation.

“2959b. Management of withdrawn and reserved lands.

“2959c. Duration of withdrawal and reservation.

“2959d. Access.

17 **“§ 2959a. Withdrawal and reservation**

18 “(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in
19 this subchapter, the public lands and interests in lands described in subsection (c), and all other
20 areas within the boundary of such lands as depicted on the map provided for by section 2932 of
21 this title which may become subject to the operation of the public land laws, are hereby

1 withdrawn from all forms of appropriation under the public land laws, including the mining laws
2 and the mineral leasing and geothermal leasing laws.

3 “(b) RESERVATION.—The lands withdrawn by subsection (a) are reserved for use by the
4 Secretary of the Navy for the following purposes:

5 “(1) Testing and training for aerial bombing, missile firing, tactical maneuvering,
6 and air support.

7 “(2) Small unit ground forces training, including artillery firing, demolition
8 activities, and small arms field training.

9 “(3) Other defense-related purposes consistent with the purposes specified in the
10 preceding paragraphs and authorized pursuant to section 2934 of this title.

11 “(c) LAND DESCRIPTION.—The public lands and interests in lands referred to in
12 subsection (a) are the Federal lands comprising approximately 228,325 acres in Imperial and
13 Riverside Counties, California, as generally depicted on a map entitled “Chocolate Mountain
14 Aerial Gunnery Range Proposed—Withdrawal”, said map originally dated 1987, with revised
15 dating to July 1993, prepared by Department of the Navy, Naval Facilities Engineering
16 Command, identified as WESTDIV Drawing No. C-102370, on file with the Department of
17 Interior, Bureau of Land Management, California State Office, and filed in accordance with
18 section 2932 of this title.

19 **“§ 2959b. Management of withdrawn and reserved lands**

20 “(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—Except as provided in
21 subsection (b), during the period of the withdrawal and reservation of lands by this subchapter,
22 the Secretary of the Interior shall manage the lands withdrawn and reserved by section 2959a of
23 this title in accordance with this chapter, the Federal Land Policy and Management Act of 1976
24 (43 U.S.C. 1701 et seq.), and other applicable law.

1 “(b) ASSIGNMENT OF MANAGEMENT TO THE SECRETARY OF THE NAVY.—The Secretary of
2 the Interior may assign the management responsibility, in whole or in part, for the lands
3 withdrawn and reserved by section 2959a of this title to the Secretary of the Navy. If the
4 Secretary of the Navy accepts such assignment, that Secretary shall manage such lands in
5 accordance with this title, title I of the Sikes Act (16 U.S.C. 670a et seq.), and other applicable
6 law.

7 “(c) IMPLEMENTING AGREEMENT.—(1) The Secretary of the Interior and the Secretary of
8 the Navy may enter into a written agreement to implement the assignment of management
9 responsibility pursuant to subsection (b).

10 “(2) An agreement under paragraph (1) shall include a provision for periodic review of
11 the agreement for its adequacy, effectiveness, and need for revision.

12 “(3) The duration of an agreement under paragraph (1) shall be the same as the period of
13 the withdrawal and reservation of lands under this subchapter, but may be amended from time to
14 time.

15 “(d) ACCESS AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy
16 may enter into a written agreement to address access to and maintenance of Bureau of
17 Reclamation facilities located within the boundary of the Chocolate Mountains Aerial Gunnery
18 Range.

19 “**§ 2959c. Duration of withdrawal and reservation**

20 “The withdrawal and reservation made by this subchapter shall terminate on March 31,
21 2039.

22 “**§ 2959d. Access**

23 “Notwithstanding section 2933 of this title, the lands withdrawn and reserved by section
24 2959a of this title, other than those constituting the Bradshaw Trail, are closed to the public and

1 all uses, other than those authorized by section 2959a(b) of this title or pursuant to section 2934
2 of this title, shall be subject to such conditions and restrictions as may be necessary to prevent
3 any interference with the uses authorized by section 2959a(b) of this title or pursuant to section
4 2934 of this title.

5 “SUBCHAPTER V—TWENTYNINE PALMS, CALIFORNIA

“Sec.

“2961a. Withdrawal and reservation.

“2961b. Management of withdrawn and reserved lands.

“2961c. Duration of withdrawal and reservation.

6 “§ 2961a. **Withdrawal and reservation**

7 “(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in
8 this subchapter, the public lands and interests in lands described in subsection (d), and all other
9 areas within the boundary of such lands as depicted on the map provided for by section 2932 of
10 this title which may become subject to the operation of the public land laws, are hereby
11 withdrawn from all forms of appropriation under the public land laws, including the mining laws
12 and the mineral leasing and geothermal leasing laws.

13 “(b) RESERVATION FOR SECRETARY OF THE NAVY.—The lands withdrawn by subsection
14 (a) constituting the Exclusive Military Use Area are reserved for use by the Secretary of the
15 Navy for the following purposes:

16 “(1) Sustained, combined arms, live-fire, and maneuver field training for large-
17 scale Marine air ground task forces.

18 “(2) Individual and unit live-fire training ranges.

19 “(3) Equipment and tactics development.

20 “(4) Other defense-related purposes consistent with the purposes specified in the
21 preceding paragraphs and authorized pursuant to section 2934 of this title.

1 “(c) RESERVATION FOR SECRETARY OF THE INTERIOR.—The lands withdrawn by
2 subsection (a) constituting the Shared Use Area are reserved for use by the Secretary of the Navy
3 for the purposes specified in subsection (b) and for the Secretary of the Interior for the following
4 purposes:

5 “(1) Public recreation when not used for military training and having been
6 determined as suitable for public use.

7 “(2) Natural resources conservation.

8 “(d) LAND DESCRIPTION.—The public lands and interests in lands referred to in
9 subsection (a) are the Federal lands comprising approximately 154,663 acres in San Bernardino
10 County, California, as generally depicted on a map entitled [REDACTED], dated [REDACTED], and filed in
11 accordance with section 2932 of this title. Such lands are divided into two areas, as follows:

12 “(1) The Exclusive Military Use Area, divided into four areas, consisting of one
13 area to the west of the Marine Corps Air Ground Combat Center of approximately
14 103,618 acres, one area south of the Marine Corps Air Ground Combat Center of
15 approximately 21,304 acres, and two other areas, each measuring approximately 300
16 meters square, located inside the boundaries of the Shared Use Area.

17 “(2) The Shared Use Area, consisting of approximately 36,755 acres.

18 **“§ 2961b. Management of withdrawn and reserved lands**

19 “(a) MANAGEMENT BY THE SECRETARY OF THE NAVY.—During the period of withdrawal
20 and reservation of lands by this subchapter, the Secretary of the Navy shall, subject to subsection
21 (b), manage the lands withdrawn and reserved by section 2961a of this title for the purposes
22 specified in such section pursuant to—

23 “(1) an integrated natural resources management plan prepared and implemented
24 pursuant to title I of the Sikes Act (16 U.S.C. 670 et seq.);

1 “(2) this title; and

2 “(3) a programmatic agreement between the United States Marine Corps and the
3 California State Historic Preservation Officer regarding operation, maintenance, training,
4 and construction at the United States Marine Air Ground Task Force Training Command,
5 Marine Corps Air Ground Combat Center, Twentynine Palms, California.

6 “(b) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) During the period of
7 withdrawal and reservation of lands by this subchapter, the Secretary of the Interior shall manage
8 the Shared Use Area except for two 30-day periods each year when such lands are exclusively
9 used by the Secretary of the Navy for military training purposes, during which time the Secretary
10 of the Navy shall manage such lands.

11 “(2) The Secretary of the Interior, during the period of the Secretary’s management
12 pursuant to paragraph (1), shall manage the Shared Use Area for the purposes specified in
13 section 2961a(c) of this title in accordance with—

14 “(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et
15 seq.); and

16 “(B) any other applicable law and regulations.

17 “(3) The Secretary of the Navy, during the period of the Secretary’s management
18 pursuant to paragraph (1), shall manage the Shared Use Area for the purposes specified in
19 section 2961a(b) of this title in accordance with—

20 “(A) an integrated natural resources management plan prepared and implemented
21 in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

22 “(B) this title; and

23 “(C) the programmatic agreement referred to in subsection (a)(3).

1 “(c) PUBLIC ACCESS.—(1) Notwithstanding section 2933 of this title, the Exclusive
2 Military Use Area shall be closed to all public access unless otherwise authorized by the
3 Secretary of the Navy.

4 “(2) The Shared Use Area shall be open to public recreational use during the period it is
5 under the management of the Secretary of the Interior, but only after being determined as
6 suitable for public use by the Secretary of the Navy. Any such determination shall not be
7 unreasonably withheld.

8 “(3)(A) The Secretary of the Navy and the Secretary of the Interior, by agreement, shall
9 establish a Resource Management Group comprised of representatives of the Departments of the
10 Interior and Navy.

11 “(B) The Group shall—

12 “(i) develop and implement a public outreach plan to inform the public of the land
13 uses changes and safety restrictions affecting the withdrawn lands; and

14 “(ii) advise the Secretaries of the Interior and Navy as to all issues associated with
15 the multiple uses of the Shared Use Area.

16 “(C) The Group shall meet at least once a year and shall seek information from relevant
17 California State agencies, private off-highway vehicle interest groups, event managers,
18 environmental advocacy groups, and others relating to the management and facilitation of
19 recreational use within the Shared Use Area.

20 “(4) Military training within the Shared Use Area shall not be conditioned on, nor shall
21 such training be precluded by—

22 “(A) the lack of a Department of the Interior developed and implemented
23 recreation management plan or land use management plan for the Shared Use Area; or

1 “(B) any legal or administrative challenge to any such recreation management
2 plan or land use plan document.

3 “(5) The Shared Use Area shall be managed so as not to compromise the ability of the
4 Department of the Navy to conduct military training in the Area.

5 “(d) IMPLEMENTATION AGREEMENT.—The Secretary of the Interior and the Secretary of
6 the Navy shall enter into a written agreement to implement the management responsibility
7 relating to the Shared Use Area. The agreement—

8 “(1) shall include a provision for periodic review of the agreement for its
9 adequacy, effectiveness, and need for revision;

10 “(2) shall have a duration which shall be the same as the period of the withdrawal
11 and reservation of lands under this subchapter, but may be amended from time to time;

12 “(3) may provide for the integration of the management plans required of the
13 Secretaries of the Interior and Navy by this chapter;

14 “(4) may provide for delegation to civilian law enforcement personnel of the
15 Department of the Navy of the authority of the Secretary of the Interior to enforce the
16 laws relating to protection of natural and cultural resources and of fish and wildlife; and

17 “(5) may provide for the Secretaries of the Interior and Navy to share resources in
18 order to most efficiently and effectively manage the Shared Use Area.

19 “(e) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

20 “(1) DESIGNATION.—Approximately 45,000 acres (as depicted on the map
21 referred to in section 2961a of this title) of the existing Bureau of Land Management-
22 designated Johnson Valley Off-Highway Vehicle Area that are not withdrawn and
23 reserved for defense-related uses by this subchapter, together with the Shared Use Area,
24 are hereby designated as the ‘Johnson Valley Off-Highway Vehicle Recreation Area’.

1 “(2) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal
2 law and regulations and this chapter, any authorized recreation activities and use
3 designation in effect on the date of the enactment of this subchapter and applicable to the
4 Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual
5 off-highway vehicular use, racing, competitive events, rock crawling, training, and other
6 forms of off-highway recreation.

7 “(3) ADMINISTRATION.—The Secretary of the Interior shall administer the
8 Johnson Valley Off-Highway Vehicle Recreation Area (other than that portion consisting
9 of the Shared Use Area the management of which is addressed elsewhere in this section)
10 in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C.
11 1701 et seq.) and other applicable laws and regulations.

12 “(4) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of
13 the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle
14 Recreation Area for defense-related purposes supporting military training (including
15 military range management and management of exercise activities) conducted on the
16 lands withdrawn and reserved by this subchapter.

17 **“§ 2961c. Duration of withdrawal and reservation**

18 “The withdrawal and reservation made by this subchapter shall terminate on March 31,
19 2039.”.

20 (b) COMPENSATION TO BROADWATER COUNTY, MONTANA.—The Secretary of the Army
21 may pay Broadwater County, Montana, a one-time lump sum payment of \$1,000,000 to offset
22 the 25-year loss of payments in lieu of taxes provided to the County by the Federal Government
23 for lands withdrawn and reserved by subchapter III of chapter 174 of title 10, United States
24 Code, as added by subsection (a).

1 (c) TERMINATION OF PRIOR WITHDRAWALS.— The withdrawal and reservation contained
2 in section 803(a) of the California Military Lands Withdrawal and Overflights Act of 1994 is
3 hereby terminated. Notwithstanding such termination, all rules, regulations, orders, permits, and
4 other privileges issued or granted by the Secretary of the Interior or a Secretary concerned with
5 respect to the lands withdrawn and reserved under such section, unless inconsistent with the
6 provisions of chapter 174 of title 10, United States Code, as added by subsection (a), shall
7 remain in force until modified, suspended, overruled, or otherwise changed by that Secretary, by
8 a court of competent jurisdiction, or by operation of law.

9 (d) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle A of such
10 title and at the beginning of part IV of such subtitle are each amended by inserting after the item
11 relating to chapter 173 the following new item:

“174. Land Withdrawals..... 2931”.

12 **Sec. 2822. Fort Bliss military land withdrawal.**

13 (a) REVOCATION OF WITHDRAWAL; RETURN OF ADMINISTRATION.— Effective on the date
14 of the enactment of this Act—

15 (1) Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822), is revoked
16 as to the approximately 2,050 acres of lands generally depicted as “Parcel 1” on the map
17 titled “Doña Ana County Land Transfer and Withdrawal”, dated April 20, 2011 (referred
18 to in this section as the “map”);

19 (2) administration of the lands is returned from the Secretary of the Army to the
20 Secretary of the Interior, acting through the Director of the Bureau of Land Management;
21 and

1 (3) the lands shall be managed as public lands in accordance with the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and any other applicable
3 laws.

4 (b) WITHDRAWAL.—

5 (1) IN GENERAL.—Subject to valid existing rights and the limitations in paragraph (2),
6 the parcels of Federal land generally depicted on the map as “Parcel 2” and “Parcel 3”,
7 consisting of approximately 35,550 acres, and any land or interest in land that is acquired
8 by the United States within the boundaries of those parcels, are withdrawn from all forms
9 of location, entry, appropriation, and disposal under the public land laws, including the
10 mineral leasing laws, the mining laws, the mineral materials laws, and the geothermal
11 leasing laws.

12 (2) LIMITATION.—Notwithstanding paragraph (1), Parcel 3 is not withdrawn for
13 purposes of the issuance of oil and gas pipeline rights-of-way.

14 (c) MAPS AND LEGAL DESCRIPTION.—

15 (1) PUBLICATION AND FILING.— As soon as practicable after the date of the enactment
16 of this Act, the Secretary of the Interior shall—

17 (A) publish in the Federal Register a legal description of the parcels of Federal
18 land returned by subsection (a) and withdrawn by subsection (b); and

19 (B) file copies of the map described in subsection (a) and the legal description of
20 the parcels with the Committee on Armed Services and the Committee on Energy and
21 Natural Resources of the Senate and the Committee on Armed Services and the
22 Committee on Natural Resources of the House of Representatives,

23 (2) FORCE OF LAW.—The map and legal descriptions filed under paragraph (1)—

1 (A) shall have the same force and effect as if included in this Act, except that
2 the Secretary of the Interior may correct errors in the map and legal descriptions;
3 and

4 (B) shall be on file and available for public inspection in the appropriate
5 offices of the Bureau of Land Management.

6 **TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT**

7 **SEC. 2901. SHORT TITLE AND PURPOSE.**

8 (a) SHORT TITLE.—This title may be cited as the “Defense Base Closure and Realignment
9 Act of 2013”.

10 (b) PURPOSE.—The purpose of this title is to provide a fair process that will result in the
11 timely closure and realignment of military installations inside the United States.

12 **SEC. 2902. THE COMMISSION.**

13 (a) ESTABLISHMENT.—There is established an independent commission to be known as
14 the “Defense Base Closure and Realignment Commission”.

15 (b) DUTIES.—The Commission shall carry out the duties specified for it in this title.

16 (c) APPOINTMENT.—(1)(A) The Commission shall be composed of nine members
17 appointed by the President, by and with the advice and consent of the Senate.

18 (B) Subject to the certifications required under section 2903(b), the President may
19 commence a round for the selection of military installations for closure and realignment under
20 this title in 2015 by transmitting to the Senate, not later than March 1, 2015 nominations for
21 appointment to the Commission.

22 (C) If the President does not transmit to Congress the nominations for appointment to the
23 Commission on or before the date specified, the process by which military installations may be
24 selected for closure or realignment under this title with respect to that year shall be terminated.

1 (2) In selecting individuals for nominations for appointments to the Commission, the
2 President should consult with—

3 (A) the Speaker of the House of Representatives concerning the appointment of
4 two members;

5 (B) the majority leader of the Senate concerning the appointment of two
6 members;

7 (C) the minority leader of the House of Representatives concerning the
8 appointment of one member; and

9 (D) the minority leader of the Senate concerning the appointment of one member.

10 (3) At the time the President nominates individuals for appointment to the Commission
11 for each session of Congress referred to in paragraph (1)(B), the President shall designate one
12 such individual who shall serve as Chairman of the Commission.

13 (d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission
14 shall serve until the adjournment of Congress sine die for the session during which the member
15 was appointed to the Commission.

16 (2) The Chairman of the Commission shall serve until the confirmation of a successor.

17 (e) MEETINGS.—(1) The Commission shall meet only during calendar year 2015.

18 (2)(A) Each meeting of the Commission, other than meetings in which classified
19 information is to be discussed, shall be open to the public.

20 (B) All the proceedings, information, and deliberations of the Commission shall be open,
21 upon request, to the following:

22 (i) The Chairman and the ranking minority party member of the Subcommittee on
23 Readiness and Management Support of the Committee on Armed Services of the Senate,
24 or such other members of the Subcommittee designated by such Chairman or ranking

1 minority party member.

2 (ii) The Chairman and the ranking minority party member of the Subcommittee
3 on Readiness of the Committee on Armed Services of the House of Representatives, or
4 such other members of the Subcommittee designated by such Chairman or ranking
5 minority party member.

6 (iii) The Chairmen and ranking minority party members of the subcommittees
7 with jurisdiction for military construction of the Committees on Appropriations of the
8 Senate and of the House of Representatives, or such other members of the subcommittees
9 designated by such Chairmen or ranking minority party members.

10 (f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the
11 original appointment, but the individual appointed to fill the vacancy shall serve only for the
12 unexpired portion of the term for which the individual's predecessor was appointed.

13 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall
14 be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable
15 for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each
16 day (including travel time) during which the member is engaged in the actual performance of
17 duties vested in the Commission.

18 (B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate
19 equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the
20 Executive Schedule under section 5314, of title 5, United States Code.

21 (2) Members shall receive travel expenses, including per diem in lieu of subsistence, in
22 accordance with sections 5702 and 5703 of title 5, United States Code.

23 (h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311 of
24 title 5, United States Code, appoint a Director who has not served on active duty in the Armed

1 Forces or as a civilian employee of the Department of Defense during the one-year period
2 preceding the date of such appointment.

3 (2) The Director shall be paid at the rate of basic pay payable for level IV of the
4 Executive Schedule under section 5315 of title 5, United States Code.

5 (i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the
6 Commission, may appoint and fix the pay of additional personnel.

7 (2) The Director may make such appointments without regard to the provisions of title 5,
8 United States Code, governing appointments in the competitive service, and any personnel so
9 appointed may be paid without regard to the provisions of chapter 51 and subchapter III of
10 chapter 53 of that title relating to classification and General Schedule pay rates, except that an
11 individual so appointed may not receive pay in excess of the annual rate of basic pay payable for
12 GS-15 of the General Schedule.

13 (3)(A) Not more than one-third of the personnel employed by or detailed to the
14 Commission may be on detail from the Department of Defense.

15 (B)(i) Not more than one-fifth of the professional analysts of the Commission staff may
16 be persons detailed from the Department of Defense to the Commission.

17 (ii) No person detailed from the Department of Defense to the Commission may be
18 assigned as the lead professional analyst with respect to a military department or defense agency.

19 (C) A person may not be detailed from the Department of Defense to the Commission if,
20 within 12 months before the detail is to begin, that person participated personally and
21 substantially in any matter within the Department of Defense concerning the preparation of
22 recommendations for closures or realignments of military installations.

23 (D) No member of the Armed Forces, and no officer or employee of the Department of
24 Defense, may—

1 (i) prepare any report concerning the effectiveness, fitness, or efficiency of the
2 performance on the staff of the Commission of any person detailed from the Department
3 of Defense to that staff;

4 (ii) review the preparation of such a report; or

5 (iii) approve or disapprove such a report.

6 (4) Upon request of the Director, the head of any Federal department or agency may
7 detail any of the personnel of that department or agency to the Commission to assist the
8 Commission in carrying out its duties under this title.

9 (5) The Comptroller General of the United States shall provide assistance, including the
10 detailing of employees, to the Commission in accordance with an agreement entered into with
11 the Commission.

12 (6) The following restrictions relating to the personnel of the Commission shall apply
13 during the period beginning January 1, 2016 and ending April 15, 2016:

14 (A) There may not be more than 15 persons on the staff at any one time.

15 (B) The staff may perform only such functions as are necessary to prepare for the
16 transition to new membership on the Commission in the following year.

17 (C) No member of the Armed Forces and no employee of the Department of
18 Defense may serve on the staff.

19 (j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent
20 funds are available, the temporary or intermittent services of experts or consultants pursuant to
21 section 3109 of title 5, United States Code.

22 (2) The Commission may lease space and acquire personal property to the extent funds
23 are available.

24 (k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds

1 as are necessary to carry out its duties under this title. Such funds shall remain available until
2 expended.

3 (2) If no funds are appropriated to the Commission by the end of the second session of
4 the 113th Congress, the Secretary of Defense may transfer to the Commission for purposes of its
5 activities under this title in that year such funds as the Commission may require to carry out such
6 activities. The Secretary may transfer funds under the preceding sentence from any funds
7 available to the Secretary. Funds so transferred shall remain available to the Commission for
8 such purposes until expended.

9 (l) TERMINATION.—The Commission shall terminate on April 15, 2016.

10 (m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10,
11 United States Code, shall apply with respect to communications with the Commission.

12 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE**
13 **CLOSURES AND REALIGNMENTS.**

14 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—

15 (1) PREPARATION AND SUBMISSION.—As part of the budget justification
16 documents submitted to Congress in support of the budget for the Department of Defense
17 for fiscal year 2015, the Secretary shall submit to Congress the following:

18 (A) A force-structure plan for the Armed Forces based on an assessment
19 by the Secretary of the probable threats to the national security during the 20-year
20 period beginning with that fiscal year, the probable end-strength levels and major
21 military force units (including land force divisions, carrier and other major
22 combatant vessels, air wings, and other comparable units) needed to meet these
23 threats, and the anticipated levels of funding that will be available for national
24 defense purposes during such period.

1 (B) A comprehensive inventory of military installations world-wide for
2 each military department, with specifications of the number and type of facilities
3 in the active and reserve forces of each military department.

4 (2) RELATIONSHIP OF PLAN AND INVENTORY.—Using the force-structure plan and
5 infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and
6 include as part of the submission of such plan and inventory) the following:

7 (A) A description of the infrastructure necessary to support the force
8 structure described in the force-structure plan.

9 (B) A discussion of categories of excess infrastructure and infrastructure
10 capacity.

11 (C) An economic analysis of the effect of the closure or realignment of
12 military installations to reduce excess infrastructure.

13 (3) SPECIAL CONSIDERATIONS.—In determining the level of necessary versus
14 excess infrastructure under paragraph (2), the Secretary shall consider the following:

15 (A) The anticipated continuing need for and availability of military
16 installations outside the United States, taking into account current restrictions on
17 the use of military installations outside the United States and the potential for
18 future prohibitions or restrictions on the use of such military installations.

19 (B) Any efficiencies that may be gained from joint tenancy by more than
20 one branch of the Armed Forces at a military installation.

21 (4) REVISION.—The Secretary may revise the force-structure plan and
22 infrastructure inventory; If the Secretary makes such a revision, the Secretary shall
23 submit the revised plan or inventory to Congress not later than March 15th of the year
24 following the year in which such plan was first submitted. For purposes of selecting

1 military installations for closure or realignment under this title in the year in which a
2 revision is submitted, no revision of the force-structure plan or infrastructure inventory is
3 authorized after that date.

4 (b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

5 (1) CERTIFICATION REQUIRED—On the basis of the force-structure plan and
6 infrastructure inventory prepared under subsection (a) and the descriptions and economic
7 analysis prepared under such subsection, the Secretary shall include as part of the
8 submission of the plan and inventory—

9 (A) a certification regarding whether the need exists for the closure or
10 realignment of additional military installations; and

11 (B) if such need exists, a certification that the additional round of closures
12 and realignments would result in annual net savings for each of the military de-
13 partments beginning not later than six years following the commencement of such
14 closures and realignments.

15 (2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the
16 certifications referred to in paragraph (1), the President may not commence a round for
17 the selection of military installations for closure and realignment under this title in the
18 year following submission of the force-structure plan and infrastructure inventory.

19 (c) COMPTROLLER GENERAL EVALUATION.—

20 (1) EVALUATION REQUIRED.—If the certification is provided under subsection (b),
21 the Comptroller General shall prepare an evaluation of the following:

22 (A) The force-structure plan and infrastructure inventory prepared under
23 subsection (a) and the final selection criteria specified in paragraph (d), including
24 an evaluation of the accuracy and analytical sufficiency of such plan, inventory,

1 and criteria.

2 (B) The need for the closure or realignment of additional military
3 installations.

4 (2) SUBMISSION.—The Comptroller General shall submit the evaluation to
5 Congress not later than 60 days after the date on which the force-structure plan and infra-
6 structure inventory are submitted to Congress.

7 (d) FINAL SELECTION CRITERIA.—

8 (1) IN GENERAL.—The final criteria to be used by the Secretary in making
9 recommendations for the closure or realignment of military installations inside the United
10 States under this title in 2015 shall be the military value and other criteria specified in
11 paragraphs (2) and (3).

12 (2) MILITARY VALUE CRITERIA.—The military value criteria are as follows:

13 (A) The current and future mission capabilities and the impact on
14 operational readiness of the total force of the Department of Defense, including
15 the impact on joint warfighting, training, and readiness.

16 (B) The availability and condition of land, facilities, and associated
17 airspace (including training areas suitable for maneuver by ground, naval, or air
18 forces throughout a diversity of climate and terrain areas and staging areas for the
19 use of the Armed Forces in homeland defense missions) at both existing and
20 potential receiving locations.

21 (C) The ability to accommodate contingency, mobilization, surge, and
22 future total force requirements at both existing and potential receiving locations to
23 support operations and training.

24 (D) The cost of operations and the manpower implications.

1 (3) OTHER CRITERIA.—The other criteria that the Secretary shall use in making
2 recommendations for the closure or realignment of military installations inside the United
3 States under this title in 2015 are as follows:

4 (A) The extent and timing of potential costs and savings, including the
5 number of years, beginning with the date of completion of the closure or
6 realignment, for the savings to exceed the costs.

7 (B) The economic impact on existing communities in the vicinity of
8 military installations.

9 (C) The ability of the infrastructure of both the existing and potential
10 receiving communities to support forces, missions, and personnel.

11 (D) The environmental impact, including the impact of costs related to
12 potential environmental restoration, waste management, and environmental
13 compliance activities.

14 (e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority
15 consideration to the military value criteria specified in subsection (d)(2) in the making of
16 recommendations for the closure or realignment of military installations.

17 (f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—The selection criteria relating
18 to the cost savings or return on investment from the proposed closure or realignment of military
19 installations shall take into account the effect of the proposed closure or realignment on the costs
20 of any other activity of the Department of Defense or any other Federal agency that may be
21 required to assume responsibility for activities at the military installations.

22 (g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in this
23 section shall be the only criteria to be used, along with the force-structure plan and infrastructure
24 inventory referred to in subsection (a), in making recommendations for the closure or

1 realignment of military installations inside the United States under this title in 2015.

2 (h) DOD RECOMMENDATIONS.—(1) If the Secretary makes the certifications required
3 under subsection (b), the Secretary shall, by no later than May 15, 2015, publish in the Federal
4 Register and transmit to the congressional defense committees and to the Commission a list of
5 the military installations inside the United States that the Secretary recommends for closure or
6 realignment on the basis of the force-structure plan and infrastructure inventory prepared by the
7 Secretary under subsection (a) and the final selection criteria specified in subsection (d) that are
8 applicable to the year concerned.

9 (2) The Secretary shall include, with the list of recommendations published and
10 transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the
11 recommendation for each installation, including a justification for each recommendation. The
12 Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days
13 after the date of the transmittal to the congressional defense committees and the Commission of
14 the list referred to in paragraph (1).

15 (3)(A) In considering military installations for closure or realignment, the Secretary shall
16 consider all military installations inside the United States equally without regard to whether the
17 installation has been previously considered or proposed for closure or realignment by the
18 Department.

19 (B) In considering military installations for closure or realignment, the Secretary may not
20 take into account for any purpose any advance conversion planning undertaken by an affected
21 community with respect to the anticipated closure or realignment of an installation.

22 (C) For purposes of subparagraph (B), in the case of a community anticipating the
23 economic effects of a closure or realignment of a military installation, advance conversion
24 planning—

1 (i) shall include community adjustment and economic diversification planning
2 undertaken by the community before an anticipated selection of a military installation in
3 or near the community for closure or realignment; and

4 (ii) may include the development of contingency redevelopment plans, plans for
5 economic development and diversification, and plans for the joint use (including civilian
6 and military use, public and private use, civilian dual use, and civilian shared use) of the
7 property or facilities of the installation after the anticipated closure or realignment.

8 (D) In making recommendations to the Commission, the Secretary shall consider any
9 notice received from a local government in the vicinity of a military installation that the
10 government would approve of the closure or realignment of the installation,

11 (E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the
12 recommendations referred to in that subparagraph based on the force-structure plan,
13 infrastructure inventory, and final selection criteria otherwise applicable to such
14 recommendations.

15 (F) The recommendations shall include a statement of the result of the consideration of
16 any notice described in subparagraph (D) that is received with respect to a military installation
17 covered by such recommendations. The statement shall set forth the reasons for the result.

18 (4) In addition to making all information used by the Secretary to prepare the
19 recommendations under this subsection available to Congress (including any committee or
20 member of Congress), the Secretary shall also make such information available to the
21 Commission and the Comptroller General of the United States.

22 (5)(A) Each person referred to in subparagraph (B), when submitting information to the
23 Secretary of Defense or the Commission concerning the closure or realignment of a military
24 installation, shall certify that such information is accurate and complete to the best of that

1 persons knowledge and belief.

2 (B) Subparagraph (A) applies to the following persons:

3 (i) The Secretaries of the military departments.

4 (ii) The heads of the Defense Agencies.

5 (iii) Each person who is in a position the duties of which include personal and
6 substantial involvement in the preparation and submission of information and
7 recommendations concerning the closure or realignment of military installations, as
8 designated in regulations which the Secretary of Defense shall prescribe, regulations
9 which the Secretary of each military department shall prescribe for personnel within that
10 military department, or regulations which the head of each Defense Agency shall
11 prescribe for personnel within that Defense Agency.

12 (6) Any information provided to the Commission by a person described in paragraph

13 (5)(B) shall also be submitted to the Senate and the House of Representatives to be made
14 available to the Members of the House concerned in accordance with the rules of that House.

15 The information shall be submitted to the Senate and House of Representatives within 48 hours
16 after the submission of the information to the Commission.

17 (i) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the
18 recommendations from the Secretary pursuant to subsection (h) for any year, the Commission
19 shall conduct public hearings on the recommendations. All testimony before the Commission at a
20 public hearing conducted under this paragraph shall be presented under oath.

21 (2)(A) The Commission shall, by no later than October 1 of each year in which the
22 Secretary transmits recommendations to it pursuant to subsection (h), transmit to the President a
23 report containing the Commission's findings and conclusions based on a review and analysis of
24 the recommendations made by the Secretary, together with the Commission's recommendations

1 for closures and realignments of military installations inside the United States.

2 (B) Subject to subparagraphs (C) and (E), in making its recommendations, the
3 Commission may make changes in any of the recommendations made by the Secretary if the
4 Commission determines that the Secretary deviated substantially from the force-structure plan
5 and final criteria referred to in subsection (d)(1) in making recommendations.

6 (C) In the case of a change described in subparagraph (D) in the recommendations made
7 by the Secretary, the Commission may make the change only if—

8 (i) the Commission—

9 (I) makes the determination required by subparagraph (B);

10 (II) determines that the change is consistent with the force-structure plan
11 and final criteria referred to in subsection (d)(1);

12 (III) publishes a notice of the proposed change in the *Federal Register* not
13 less than 45 days before transmitting its recommendations to the President
14 pursuant to subparagraph (A); and

15 (IV) conducts public hearings on the proposed change;

16 (ii) at least two members of the Commission visit the military installation before
17 the date of the transmittal of the report; and

18 (iii) the decision of the Commission to make the change is supported by at least
19 seven members of the Commission.

20 (D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's
21 recommendations that would—

22 (i) add a military installation to the list of military installations recommended by
23 the Secretary for closure;

24 (ii) add a military installation to the list of military installations recommended by

1 the Secretary for realignment; or

2 (iii) increase the extent of a realignment of a particular military installation
3 recommended by the Secretary.

4 (E) The Commission may not consider making a change in the recommendations of the
5 Secretary that would add a military installation to the Secretary's list of installations
6 recommended for closure or realignment unless, in addition to the requirements of subparagraph

7 (C)—

8 (i) the Commission provides the Secretary with at least a 15-day period, before
9 making the change, in which to submit an explanation of the reasons why the installation
10 was not included on the closure or realignment list by the Secretary; and

11 (ii) the decision to add the installation for Commission consideration is supported
12 by at least seven members of the Commission.

13 (F) In making recommendations under this paragraph, the Commission may not take into
14 account for any purpose any advance conversion planning undertaken by an affected community
15 with respect to the anticipated closure or realignment of a military installation.

16 (3) The Commission shall explain and justify in its report submitted to the President
17 pursuant to paragraph (2) any recommendation made by the Commission that is different from
18 the recommendations made by the Secretary pursuant to subsection (h). The Commission shall
19 transmit a copy of such report to the congressional defense committees on the same date on
20 which it transmits its recommendations to the President under paragraph (2).

21 (4) After October 1 of each year in which the Commission transmits recommendations to
22 the President under this subsection, the Commission shall promptly provide, upon request, to any
23 Member of Congress information used by the Commission in making its recommendations.

24 (5) The Comptroller General of the United States shall—

1 (A) assist the Commission, to the extent requested, in the Commission's review
2 and analysis of the recommendations made by the Secretary pursuant to subsection (h);
3 and

4 (B) by no later than July 1 of each year in which the Secretary makes such
5 recommendations, transmit to the Congress and to the Commission a report containing a
6 detailed analysis of the Secretary's recommendations and selection process.

7 (j) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than October 15 of
8 each year in which the Commission makes recommendations under subsection (i), transmit to the
9 Commission and to the Congress a report containing the President's approval or disapproval of
10 the Commission's recommendations.

11 (2) If the President approves all the recommendations of the Commission, the President
12 shall transmit a copy of such recommendations to the Congress, together with a certification of
13 such approval.

14 (3) If the President disapproves the recommendations of the Commission, in whole or in
15 part, the President shall transmit to the Commission and the Congress the reasons for that
16 disapproval. The Commission shall then transmit to the President, by no later than November 18
17 of the year concerned, a revised list of recommendations for the closure and realignment of
18 military installations.

19 (4) If the President approves all of the revised recommendations of the Commission
20 transmitted to the President under paragraph (3), the President shall transmit a copy of such
21 revised recommendations to the Congress, together with a certification of such approval.

22 (5) If the President does not transmit to the Congress an approval and certification
23 described in paragraph (2) or (4) by December 2 of any year in which the Commission has
24 transmitted recommendations to the President under this title, the process by which military

1 installations may be selected for closure or realignment under this title with respect to that year
2 shall be terminated.

3 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**

4 (a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

5 (1) close all military installations recommended for closure by the Commission in
6 each report transmitted to the Congress by the President pursuant to section 2903(j);

7 (2) realign all military installations recommended for realignment by such
8 Commission in each such report;

9 (3) carry out the privatization in place of a military installation recommended for
10 closure or realignment by the Commission only if privatization in place is a method of
11 closure or realignment of the military installation specified in the recommendations of the
12 Commission in such report and is determined by the Commission to be the most cost-
13 effective method of implementation of the recommendation;

14 (4) initiate all such closures and realignments no later than two years after the date
15 on which the President transmits a report to the Congress pursuant to section 2903(j)
16 containing the recommendations for such closures or realignments; and

17 (5) complete all such closures and realignments no later than the end of the six-
18 year period beginning on the date on which the President transmits the report pursuant to
19 section 2903(j) containing the recommendations for such closures or realignments.

20 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or
21 realignment recommended by the Commission in a report transmitted from the President
22 pursuant to section 2903(j) if a joint resolution is enacted, in accordance with the provisions of
23 section 2908, disapproving such recommendations of the Commission before the earlier of—

24 (A) the end of the 45-day period beginning on the date on which the President

1 transmits such report; or

2 (B) the adjournment of Congress sine die for the session during which such report
3 is transmitted.

4 (2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section
5 2908, the days on which either House of Congress is not in session because of adjournment of
6 more than three days to a day certain shall be excluded in the computation of a period.

7 **SEC. 2905. IMPLEMENTATION.**

8 (a) IN GENERAL.—(1) In closing or realigning any military installation under this title, the
9 Secretary may—

10 (A) take such actions as may be necessary to close or realign any military
11 installation, including the acquisition of such land, the construction of such replacement
12 facilities, the performance of such activities, and the conduct of such advance planning
13 and design as may be required to transfer functions from a military installation being
14 closed or realigned to another military installation, and may use for such purpose funds in
15 the Account or funds appropriated to the Department of Defense for use in planning and
16 design, minor construction, or operation and maintenance;

17 (B) provide—

18 (i) economic adjustment assistance to any community located near a
19 military installation being closed or realigned, and

20 (ii) community planning assistance to any community located near a
21 military installation to which functions will be transferred as a result of the
22 closure or realignment of a military installation,

23 if the Secretary of Defense determines that the financial resources available to the
24 community (by grant or otherwise) for such purposes are inadequate, and may use for

1 such purposes funds in the Account or funds appropriated to the Department of Defense
2 for economic adjustment assistance or community planning assistance;

3 (C) carry out activities for the purposes of environmental restoration and
4 mitigation at any such installation, and shall use for such purposes funds in the Account.

5 (D) provide outplacement assistance to civilian employees employed by the
6 Department of Defense at military installations being closed or realigned, and may use
7 for such purpose funds in the Account or funds appropriated to the Department of
8 Defense for outplacement assistance to employees; and

9 (E) reimburse other Federal agencies for actions performed at the request of the
10 Secretary with respect to any such closure or realignment, and may use for such purpose
11 funds in the Account or funds appropriated to the Department of Defense and available
12 for such purpose.

13 (2) In carrying out any closure or realignment under this title, the Secretary shall ensure
14 that environmental restoration of any property made excess to the needs of the Department of
15 Defense as a result of such closure or realignment be carried out as soon as possible with funds
16 available for such purpose.

17 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General
18 Services shall delegate to the Secretary of Defense, with respect to excess and surplus real
19 property, facilities, and personal property located at a military installation closed or realigned
20 under this title—

21 (A) the authority of the Administrator to utilize excess property under subchapter
22 II of chapter 5 of title 40, United States Code;

23 (B) the authority of the Administrator to dispose of surplus property under
24 subchapter III of chapter 5 of title 40, United States Code;

1 (C) the authority to dispose of surplus property for public airports under sections
2 47151 through 47153 of title 49, United States Code; and

3 (D) the authority of the Administrator to determine the availability of excess or
4 surplus real property for wildlife conservation purposes in accordance with the Act of
5 May 19, 1948 (16 U.S.C. 667b).

6 (2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of
7 Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in
8 accordance with—

9 (i) all regulations governing the utilization of excess property and the disposal of
10 surplus property under subtitle I of title 40, United States Code; and

11 (ii) all regulations governing the conveyance and disposal of property under
12 section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

13 (B) The Secretary may, with the concurrence of the Administrator of General Services—

14 (i) prescribe general policies and methods for utilizing excess property and
15 disposing of surplus property pursuant to the authority delegated under paragraph (1); and

16 (ii) issue regulations relating to such policies and methods, which shall supersede
17 the regulations referred to in subparagraph (A) with respect to that authority.

18 (C) The Secretary of Defense may transfer real property or facilities located at a military
19 installation to be closed or realigned under this title, with or without reimbursement, to a military
20 department or other entity (including a nonappropriated fund instrumentality) within the
21 Department of Defense or the Coast Guard.

22 (D) Before any action may be taken with respect to the disposal of any surplus real
23 property or facility located at any military installation to be closed or realigned under this title,
24 the Secretary of Defense shall consult with the Governor of the State and the heads of the local

1 governments concerned for the purpose of considering any plan for the use of such property by
2 the local community concerned.

3 (E) If a military installation to be closed, realigned, or placed in an inactive status under
4 this title includes a road used for public access through, into, or around the installation, the
5 Secretary of Defense shall consult with the Governor of the State and the heads of the local
6 governments concerned or the purpose of considering the continued availability of the road for
7 public use after the installation is closed, realigned, or placed in an inactive status.

8 (3)(A) Not later than 6 months after the date of approval of the closure or realignment of
9 a military installation under this title, the Secretary, in consultation with the redevelopment
10 authority with respect to the installation, shall—

11 (i) inventory the personal property located at the installation; and

12 (ii) identify the items (or categories of items) of such personal property that the
13 Secretary determines to be related to real property and anticipates will support the
14 implementation of the redevelopment plan with respect to the installation.

15 (B) If no redevelopment authority referred to in subparagraph (A) exists with respect to
16 an installation, the Secretary shall consult with—

17 (i) the local government in whose jurisdiction the installation is wholly located; or

18 (ii) a local government agency or State government agency designated for the
19 purpose of such consultation by the chief executive officer of the State in which the
20 installation is located.

21 (C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out
22 any of the activities referred to in clause (ii) with respect to an installation referred to in that
23 clause until the earlier of—

24 (I) one week after the date on which the redevelopment plan for the

1 installation is submitted to the Secretary;

2 (II) the date on which the redevelopment authority notifies the Secretary
3 that it will not submit such a plan;

4 (III) twenty-four months after the date of approval of the closure or
5 realignment of the installation; or

6 (IV) ninety days before the date of the closure or realignment of the
7 installation.

8 (ii) The activities referred to in clause (i) are activities relating to the closure or
9 realignment of an installation to be closed or realigned under this title as follows:

10 (I) The transfer from the installation of items of personal property at the
11 installation identified in accordance with subparagraph (A).

12 (II) The reduction in maintenance and repair of facilities or equipment located at
13 the installation below the minimum levels required to support the use of such facilities or
14 equipment for nonmilitary purposes.

15 (D) Except as provided in paragraph (4), the Secretary may not transfer items of personal
16 property located at an installation to be closed or realigned under this title to another installation,
17 or dispose of such items, if such items are identified in the redevelopment plan for the
18 installation as items essential to the reuse or redevelopment of the installation. In connection
19 with the development of the redevelopment plan for the installation, the Secretary shall consult
20 with the entity responsible for developing the redevelopment plan to identify the items of
21 personal property located at the installation, if any, that the entity desires to be retained at the
22 installation for reuse or redevelopment of the installation.

23 (E) This paragraph shall not apply to any personal property located at an installation to be
24 closed or realigned under this title if the property—

1 (i) is required for the operation of a unit, function, component, weapon, or
2 weapons system at another installation;

3 (ii) is uniquely military in character, and is likely to have no civilian use (other
4 than use for its material content or as a source of commonly used components);

5 (iii) is not required for the reutilization or redevelopment of the installation (as
6 jointly determined by the Secretary and the redevelopment authority);

7 (iv) is stored at the installation for purposes of distribution (including spare parts
8 or stock items); or

9 (v)(I) meets known requirements of an authorized program of another Federal
10 department or agency for which expenditures for similar property would be necessary,
11 and (II) is the subject of a written request by the head of the department or agency.

12 (F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any
13 activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out
14 of such activity is in the national security interest of the United States.

15 (4)(A) The Secretary may transfer real property and personal property located at a
16 military installation to be closed or realigned under this title to the redevelopment authority with
17 respect to the installation for purposes of job generation on the installation.

18 (B) The transfer of property located at a military installation under subparagraph (A) may
19 be for consideration at or below the estimated fair market value or without consideration. The
20 determination of such consideration may account for the economic conditions of the local
21 affected community and the estimated costs to redevelop the property. The Secretary may accept,
22 as consideration, a share of the revenues that the redevelopment authority receives from third-
23 party buyers or lessees from sales and long-term leases of the conveyed property, consideration
24 in kind (including goods and services), real property and improvements, or such other

1 consideration as the Secretary considers appropriate. The transfer of property located at a
2 military installation under subparagraph (A) may be made for consideration below the estimated
3 fair market value or without consideration only if the redevelopment authority with respect to the
4 installation—

5 (i) agrees that the proceeds from any sale or lease of the property (or any portion
6 thereof) received by the redevelopment authority during at least the first seven years after
7 the date of the initial transfer of property under subparagraph (A) shall be used to support
8 the economic redevelopment of, or related to, the installation; and

9 (ii) executes the agreement for transfer of the property and accepts control of the
10 property within a reasonable time after the date of the property disposal record of
11 decision or finding of no significant impact under the National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321 et seq.).

13 (C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease
14 described in such subparagraph to pay for, or offset the costs of, public investment on or related
15 to the installation for any of the following purposes shall be considered a use to support the
16 economic redevelopment of, or related to, the installation:

17 (i) Road construction.

18 (ii) Transportation management facilities.

19 (iii) Storm and sanitary sewer construction.

20 (iv) Police and fire protection facilities and other public facilities.

21 (v) Utility construction.

22 (vi) Building rehabilitation.

23 (vii) Historic property preservation.

24 (viii) Pollution prevention equipment or facilities.

1 (ix) Demolition.

2 (x) Disposal of hazardous materials generated by demolition.

3 (xi) Landscaping, grading, and other site or public improvements.

4 (xii) Planning for or the marketing of the development and reuse of the
5 installation.

6 (D) The Secretary may recoup from a redevelopment authority such portion of the
7 proceeds from a sale or lease described in subparagraph (B) as the Secretary determines
8 appropriate if the redevelopment authority does not use the proceeds to support economic
9 redevelopment of, or related to, the installation for the period specified in subparagraph (B).

10 (E)(i) The Secretary may transfer real property at an installation approved for closure or
11 realignment under this title (including property at an installation approved for realignment which
12 will be retained by the Department of Defense or another Federal agency after realignment) to
13 the redevelopment authority for the installation if the redevelopment authority agrees to lease,
14 directly upon transfer, one or more portions of the property transferred under this subparagraph
15 to the Secretary or to the head of another department or agency of the Federal Government.
16 Subparagraph (B) shall apply to a transfer under this subparagraph.

17 (ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide
18 for options for renewal or extension of the term by the department or agency concerned.

19 (iii) A lease under clause (i) may not require rental payments by the United States.

20 (iv) A lease under clause (i) shall include a provision specifying that if the department or
21 agency concerned ceases requiring the use of the leased property before the expiration of the
22 term of the lease, the remainder of the lease term may be satisfied by the same or another
23 department or agency of the Federal Government using the property for a use similar to the use
24 under the lease. Exercise of the authority provided by this clause shall be made in consultation

1 with the redevelopment authority concerned.

2 (v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion
3 of the installation, the department or agency concerned may obtain facility services for the leased
4 property and common area maintenance from the redevelopment authority or the redevelopment
5 authority's assignee as a provision of the lease. The facility services and common area
6 maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of
7 the transferred property. Facility services and common area maintenance covered by the lease
8 shall not include—

9 (I) municipal services that a State or local government is required by law to
10 provide to all landowners in its jurisdiction without direct charge; or

11 (II) firefighting or security-guard functions.

12 (F) The transfer of personal property under subparagraph (A) shall not be subject to the
13 provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary
14 determines that the transfer of such property is necessary for the effective implementation of a
15 redevelopment plan with respect to the installation at which such property is located.

16 (G) The provisions of section 120(h) of the Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real
18 property under this paragraph.

19 (H) The Secretary may require any additional terms and conditions in connection with a
20 transfer under this paragraph as such Secretary considers appropriate to protect the interests of
21 the United States.

22 (5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such
23 actions as the Secretary determines necessary to ensure that final determinations under paragraph
24 (1) regarding whether another department or agency of the Federal Government has identified a

1 use for any portion of a military installation to be closed or realigned under this title, or will
2 accept transfer of any portion of such installation, are made not later than 6 months after the date
3 of approval of closure or realignment of that installation.

4 (B) The Secretary may, in consultation with the redevelopment authority with respect to
5 an installation, postpone making the final determinations referred to in subparagraph (A) with
6 respect to the installation for such period as the Secretary determines appropriate if the Secretary
7 determines that such postponement is in the best interests of the communities affected by the
8 closure or realignment of the installation.

9 (C)(i) Before acquiring non-Federal real property as the location for a new or
10 replacement Federal facility of any type, the head of the Federal agency acquiring the property
11 shall consult with the Secretary regarding the feasibility and cost advantages of using Federal
12 property or facilities at a military installation closed or realigned or to be closed or realigned
13 under this title as the location for the new or replacement facility. In considering the availability
14 and suitability of a specific military installation, the Secretary and the head of the Federal agency
15 involved shall obtain the concurrence of the redevelopment authority with respect to the
16 installation and comply with the redevelopment plan for the installation.

17 (ii) Not later than 30 days after acquiring non-Federal real property as the location for a
18 new or replacement Federal facility, the head of the Federal agency acquiring the property shall
19 submit to Congress a report containing the results of the consultation under clause (i) and the
20 reasons why military installations referred to in such clause that are located within the area to be
21 served by the new or replacement Federal facility or within a 200-mile radius of the new or
22 replacement facility, whichever area is greater, were considered to be unsuitable or unavailable
23 for the site of the new or replacement facility.

24 (6)(A) The disposal of buildings and property located at installations approved for closure

1 or realignment under this title shall be carried out in accordance with this paragraph.

2 (B)(i) Not later than the date on which the Secretary of Defense completes the final
3 determinations referred to in paragraph (5) relating to the use or transferability of any portion of
4 an installation covered by this paragraph, the Secretary shall—

5 (I) identify the buildings and property at the installation for which the Department
6 of Defense has a use, for which another department or agency of the Federal Government
7 has identified a use, or of which another department or agency will accept a transfer;

8 (II) take such actions as are necessary to identify any building or property at the
9 installation not identified under subclause (I) that is excess property or surplus property;

10 (III) submit to the Secretary of Housing and Urban Development and to the
11 redevelopment authority for the installation (or the chief executive officer of the State in
12 which the installation is located if there is no redevelopment authority for the installation
13 at the completion of the determination described in the stem of this sentence) information
14 on any building or property that is identified under subclause (II); and

15 (IV) publish in the Federal Register and in a newspaper of general circulation in
16 the communities in the vicinity of the installation information on the buildings and
17 property identified under subclause (II).

18 (ii) Upon the recognition of a redevelopment authority for an installation covered by this
19 paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of
20 general circulation in the communities in the vicinity of the installation information on the
21 redevelopment authority.

22 (C)(i) State and local governments, representatives of the homeless, and other interested
23 parties located in the communities in the vicinity of an installation covered by this paragraph
24 shall submit to the redevelopment authority for the installation a notice of the interest, if any, of

1 such governments, representatives, and parties in the buildings or property, or any portion
2 thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest
3 under this clause shall describe the need of the government, representative, or party concerned
4 for the buildings or property covered by the notice.

5 (ii) The redevelopment authority for an installation shall assist the governments,
6 representatives, and parties referred to in clause (i) in evaluating buildings and property at the
7 installation for purposes of this subparagraph.

8 (iii) In providing assistance under clause (ii), a redevelopment authority shall—

9 (I) consult with representatives of the homeless in the communities in the vicinity
10 of the installation concerned; and

11 (II) undertake outreach efforts to provide information on the buildings and
12 property to representatives of the homeless, and to other persons or entities interested in
13 assisting the homeless, in such communities.

14 (iv) It is the sense of Congress that redevelopment authorities should begin to conduct
15 outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after
16 the date of approval of closure or realignment of the installation.

17 (D)(i) State and local governments, representatives of the homeless, and other interested
18 parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not
19 later than the date specified for such notice by the redevelopment authority.

20 (ii) The date specified under clause (i) shall be-

21 (I) in the case of an installation for which a redevelopment authority has been
22 recognized as of the date of the completion of the determinations referred to in paragraph
23 (5), not earlier than 3 months and not later than 6 months after the date of publication of
24 such determination in a newspaper of general circulation in the communities in the

1 vicinity of the installation under subparagraph (B)(i)(IV); and

2 (II) in the case of an installation for which a redevelopment authority is not
3 recognized as of such date, not earlier than 3 months and not later than 6 months after the
4 date of the recognition of a redevelopment authority for the installation.

5 (iii) Upon specifying a date for an installation under this subparagraph, the
6 redevelopment authority for the installation shall—

7 (I) publish the date specified in a newspaper of general circulation in the
8 communities in the vicinity of the installation concerned; and

9 (II) notify the Secretary of Defense of the date.

10 (E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of
11 interest in the use of buildings or property at an installation to assist the homeless, a
12 representative of the homeless shall submit the following:

13 (I) A description of the homeless assistance program that the representative
14 proposes to carry out at the installation.

15 (II) An assessment of the need for the program.

16 (III) A description of the extent to which the program is or will be coordinated
17 with other homeless assistance programs in the communities in the vicinity of the
18 installation.

19 (IV) A description of the buildings and property at the installation that are
20 necessary in order to carry out the program.

21 (V) A description of the financial plan, the organization, and the organizational
22 capacity of the representative to carry out the program.

23 (VI) An assessment of the time required in order to commence carrying out the
24 program.

1 (ii) A redevelopment authority may not release to the public any information submitted to
2 the redevelopment authority under clause (i)(V) without the consent of the representative of the
3 homeless concerned unless such release is authorized under Federal law and under the law of the
4 State and communities in which the installation concerned is located.

5 (F)(i) The redevelopment authority for each installation covered by this paragraph shall
6 prepare a redevelopment plan for the installation. The redevelopment authority shall, in
7 preparing the plan, consider the interests in the use to assist the homeless of the buildings and
8 property at the installation that are expressed in the notices submitted to the redevelopment
9 authority under subparagraph (C).

10 (ii)(I) In connection with a redevelopment plan for an installation, a redevelopment
11 authority and representatives of the homeless shall prepare legally binding agreements that
12 provide for the use to assist the homeless of buildings and property, resources, and assistance on
13 or off the installation. The implementation of such agreements shall be contingent upon the
14 decision regarding the disposal of the buildings and property covered by the agreements by the
15 Secretary of Defense under subparagraph (K) or (L).

16 (II) Agreements under this clause shall provide for the reversion to the redevelopment
17 authority concerned, or to such other entity or entities as the agreements shall provide, of
18 buildings and property that are made available under this paragraph for use to assist the homeless
19 in the event that such buildings and property cease being used for that purpose.

20 (iii) A redevelopment authority shall provide opportunity for public comment on a
21 redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary
22 of Housing and Urban Development under subparagraph (G).

23 (iv) A redevelopment authority shall complete preparation of a redevelopment plan for an
24 installation and submit the plan under subparagraph (G) not later than 9 months after the date

1 specified by the redevelopment authority for the installation under subparagraph (D).

2 (G)(i) Upon completion of a redevelopment plan under subparagraph (F), a
3 redevelopment authority shall submit an application containing the plan to the Secretary of
4 Defense and to the Secretary of Housing and Urban Development.

5 (ii) A redevelopment authority shall include in an application under clause (i) the
6 following:

7 (I) A copy of the redevelopment plan, including a summary of any public
8 comments on the plan received by the redevelopment authority under subparagraph
9 (F)(iii).

10 (II) A copy of each notice of interest of use of buildings and property to assist the
11 homeless that was submitted to the redevelopment authority under subparagraph (C),
12 together with a description of the manner, if any, in which the plan addresses the interest
13 expressed in each such notice and, if the plan does not address such an interest, an
14 explanation why the plan does not address the interest.

15 (III) A summary of the outreach undertaken by the redevelopment authority under
16 subparagraph (C)(iii)(II) in preparing the plan.

17 (IV) A statement identifying the representatives of the homeless and the homeless
18 assistance planning boards, if any, with which the redevelopment authority consulted in
19 preparing the plan, and the results of such consultations.

20 (V) An assessment of the manner in which the redevelopment plan balances the
21 expressed needs of the homeless and the need of the communities in the vicinity of the
22 installation for economic redevelopment and other development.

23 (VI) Copies of the agreements that the redevelopment authority proposes to enter
24 into under subparagraph (F)(ii).

1 (H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph
2 (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The
3 purpose of the review is to determine whether the plan, with respect to the expressed interest and
4 requests of representatives of the homeless—

5 (I) takes into consideration the size and nature of the homeless population in the
6 communities in the vicinity of the installation, the availability of existing services in such
7 communities to meet the needs of the homeless in such communities, and the suitability
8 of the buildings and property covered by the plan for the use and needs of the homeless in
9 such communities;

10 (II) takes into consideration any economic impact of the homeless assistance
11 under the plan on the communities in the vicinity of the installation;

12 (III) balances in an appropriate manner the needs of the communities in the
13 vicinity of the installation for economic redevelopment and other development with the
14 needs of the homeless in such communities;

15 (IV) was developed in consultation with representatives of the homeless and the
16 homeless assistance planning boards, if any, in the communities in the vicinity of the
17 installation; and

18 (V) specifies the manner in which buildings and property, resources, and
19 assistance on or off the installation will be made available for homeless assistance
20 purposes.

21 (ii) It is the sense of Congress that the Secretary of Housing and Urban Development
22 shall, in completing the review of a plan under this subparagraph, take into consideration and be
23 receptive to the predominant views on the plan of the communities in the vicinity of the
24 installation covered by the plan.

1 (iii) The Secretary of Housing and Urban Development may engage in negotiations and
2 consultations with a redevelopment authority before or during the course of a review under
3 clause (i) with a view toward resolving any preliminary determination of the Secretary that a
4 redevelopment plan does not meet a requirement set forth in that clause. The redevelopment
5 authority may modify the redevelopment plan as a result of such negotiations and consultations.

6 (iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary
7 of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment
8 authority concerned of the determination of the Secretary of Housing and Urban Development
9 under that clause.

10 (v) If the Secretary of Housing and Urban Development determines as a result of such a
11 review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice
12 under clause (iv) shall include—

13 (I) an explanation of that determination; and

14 (II) a statement of the actions that the redevelopment authority must undertake in
15 order to address that determination.

16 (I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a
17 redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a
18 redevelopment authority shall have the opportunity to—

19 (I) revise the plan in order to address the determination; and

20 (II) submit the revised plan to the Secretary of Defense and the Secretary of
21 Housing and Urban Development.

22 (ii) A redevelopment authority shall submit a revised plan under this subparagraph to
23 such Secretaries, if at all, not later than 90 days after the date on which the redevelopment
24 authority receives the notice referred to in clause (i).

1 (J)(i) Not later than 30 days after receiving a revised redevelopment plan under
2 subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan
3 and determine if the plan meets the requirements set forth in subparagraph (H)(i).

4 (ii) The Secretary of Housing and Urban Development shall notify the Secretary of
5 Defense and the redevelopment authority concerned of the determination of the Secretary of
6 Housing and Urban Development under this subparagraph.

7 (K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination
8 of the Secretary of Housing and Urban Development that a redevelopment plan for an
9 installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense
10 shall dispose of the buildings and property at the installation.

11 (ii) For purposes of carrying out an environmental assessment of the closure or
12 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the
13 installation (including the aspects of the plan providing for disposal to State or local
14 governments, representatives of the homeless, and other interested parties) as part of the
15 proposed Federal action for the installation.

16 (iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in
17 accordance with the record of decision or other decision document prepared by the Secretary in
18 accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
19 preparing the record of decision or other decision document, the Secretary shall give substantial
20 deference to the redevelopment plan concerned.

21 (iv) The disposal under clause (i) of buildings and property to assist the homeless shall be
22 without consideration.

23 (v) In the case of a request for a conveyance under clause (i) of buildings and property for
24 public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153

1 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set
2 forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case
3 may be) to determine the eligibility of the applicant and use proposed in the request for the
4 public benefit conveyance. The determination of such eligibility should be made before
5 submission of the redevelopment plan concerned under subparagraph (G).

6 (L)(i) If the Secretary of Housing and Urban Development determines under
7 subparagraph (J) that a revised redevelopment plan for an installation does not meet the
8 requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary
9 shall—

10 (I) review the original redevelopment plan submitted to that Secretary under
11 subparagraph (G), including the notice or notices of representatives of the homeless
12 referred to in clause (ii)(II) of that subparagraph;

13 (II) consult with the representatives referred to in subclause (I), if any, for
14 purposes of evaluating the continuing interest of such representatives in the use of
15 buildings or property at the installation to assist the homeless;

16 (III) request that each such representative submit to that Secretary the items
17 described in clause (ii); and

18 (IV) based on the actions of that Secretary under subclauses (I) and (II), and on
19 any information obtained by that Secretary as a result of such actions, indicate to the
20 Secretary of Defense the buildings and property at the installation that meet the
21 requirements set forth in subparagraph (H)(i).

22 (ii) The Secretary of Housing and Urban Development may request under clause (i)(III)
23 that a representative of the homeless submit to that Secretary the following:

24 (I) A description of the program of such representative to assist the homeless.

1 (II) A description of the manner in which the buildings and property that the
2 representative proposes to use for such purpose will assist the homeless.

3 (III) Such information as that Secretary requires in order to determine the
4 financial capacity of the representative to carry out the program and to ensure that the
5 program will be carried out in compliance with Federal environmental law and Federal
6 law against discrimination.

7 (IV) A certification that police services, fire protection services, and water and
8 sewer services available in the communities in the vicinity of the installation concerned
9 are adequate for the program.

10 (iii) Not later than 90 days after the date of the receipt of a revised plan for an installation
11 under subparagraph (J), the Secretary of Housing and Urban Development shall—

12 (I) notify the Secretary of Defense and the redevelopment authority concerned of
13 the buildings and property at an installation under clause (i)(IV) that the Secretary of
14 Housing and Urban Development determines are suitable for use to assist the homeless;
15 and

16 (II) notify the Secretary of Defense of the extent to which the revised plan meets
17 the criteria set forth in subparagraph (H)(i).

18 (iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect
19 to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and
20 property at the installation in consultation with the Secretary of Housing and Urban
21 Development and the redevelopment authority concerned.

22 (II) For purposes of carrying out an environmental assessment of the closure or
23 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan
24 submitted by the redevelopment authority for the installation (including the aspects of the plan

1 providing for disposal to State or local governments, representatives of the homeless, and other
2 interested parties) as part of the proposed Federal action for the installation. The Secretary of
3 Defense shall incorporate the notification of the Secretary of Housing and Urban Development
4 under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if
5 any, that the Secretary of Defense considers such incorporation to be appropriate and consistent
6 with the best and highest use of the installation as a whole, taking into consideration the
7 redevelopment plan submitted by the redevelopment authority.

8 (III) The Secretary of Defense shall dispose of buildings and property under subclause (I)
9 in accordance with the record of decision or other decision document prepared by the Secretary
10 in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
11 preparing the record of decision or other decision document, the Secretary shall give deference to
12 the redevelopment plan submitted by the redevelopment authority for the installation.

13 (IV) The disposal under subclause (I) of buildings and property to assist the homeless
14 shall be without consideration.

15 (V) In the case of a request for a conveyance under subclause (I) of buildings and
16 property for public benefit under section 550 of title 40, United States Code, or sections 47151
17 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the
18 eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United
19 States Code (as the case may be) to determine the eligibility of the applicant and use proposed in
20 the request for the public benefit conveyance. The determination of such eligibility should be
21 made before submission of the redevelopment plan concerned under subparagraph (G).

22 (M)(i) In the event of the disposal of buildings and property of an installation pursuant to
23 subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for
24 the implementation of and compliance with agreements under the redevelopment plan described

1 in that subparagraph for the installation.

2 (ii) If a building or property reverts to a redevelopment authority under such an
3 agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum
4 extent practicable, the utilization of the building or property by other homeless representatives to
5 assist the homeless. A redevelopment authority may not be required to utilize the building or
6 property to assist the homeless.

7 (N) The Secretary of Defense may postpone or extend any deadline provided for under
8 this paragraph in the case of an installation covered by this paragraph for such period as the
9 Secretary considers appropriate if the Secretary determines that such postponement is in the
10 interests of the communities affected by the closure or realignment of the installation. The
11 Secretary shall make such determinations in consultation with the redevelopment authority
12 concerned and, in the case of deadlines provided for under this paragraph with respect to the
13 Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and
14 Urban Development.

15 (O) For purposes of this paragraph, the term “communities in the vicinity of the
16 installation”, in the case of an installation, means the communities that constitute the political
17 jurisdictions (other than the State in which the installation is located) that comprise the
18 redevelopment authority for the installation.

19 (P) For purposes of this paragraph, the term “other interested parties”, in the case of an
20 installation, includes any parties eligible for the conveyance of property of the installation under
21 section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United
22 States Code, whether or not the parties assist the homeless.

23 (7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including
24 contracts, cooperative agreements, or other arrangements for reimbursement) with local

1 governments for the provision of police or security services, fire protection services, airfield
2 operation services, or other community services by such governments at military installations to
3 be closed under this title, or at facilities not yet transferred or otherwise disposed of in the case of
4 installations closed under this title, if the Secretary determines that the provision of such services
5 under such agreements is in the best interests of the Department of Defense.

6 (B) The Secretary may exercise the authority provided under this paragraph without
7 regard to the provisions of chapter 146 of title 10, United States Code.

8 (C) The Secretary may not exercise the authority under subparagraph (A) with respect to
9 an installation earlier than 180 days before the date on which the installation is to be closed.

10 (D) The Secretary shall include in a contract for services entered into with a local
11 government under this paragraph a clause that requires the use of professionals to furnish the
12 services to the extent that professionals are available in the area under the jurisdiction of such
13 government.

14 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The
15 provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not
16 apply to the actions of the President, the Commission, and, except as provided in paragraph (2),
17 the Department of Defense in carrying out this title.

18 (2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to
19 actions of the Department of Defense under this title (i) during the process of property disposal,
20 and (ii) during the process of relocating functions from a military installation being closed or
21 realigned to another military installation after the receiving installation has been selected but
22 before the functions are relocated.

23 (B) In applying the provisions of the National Environmental Policy Act of 1969 to the
24 processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the

1 military departments concerned shall not have to consider—

2 (i) the need for closing or realigning the military installation which has been
3 recommended for closure or realignment by the Commission;

4 (ii) the need for transferring functions to any military installation which has been
5 selected as the receiving installation; or

6 (iii) military installations alternative to those recommended or selected.

7 (3) A civil action for judicial review, with respect to any requirement of the National
8 Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of
9 any act or failure to act by the Department of Defense during the closing, realigning, or
10 relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought
11 more than 60 days after the date of such act or failure to act.

12 (d) WAIVER.—The Secretary of Defense may close or realign military installations under
13 this title without regard to—

14 (1) any provision of law restricting the use of funds for closing or realigning
15 military installations included in any appropriations or authorization Act; and

16 (2) sections 2662 and 2687 of title 10, United States Code.

17 (e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL
18 REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of
19 the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42
20 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or
21 facilities referred to in subparagraph (B) with any person who agrees to perform all
22 environmental restoration, waste management, and environmental compliance activities that are
23 required for the property or facilities under Federal and State laws, administrative decisions,
24 agreements (including schedules and milestones), and concurrences.

1 (B) The real property and facilities referred to in subparagraph (A) are the real property
2 and facilities located at an installation closed or to be closed, or realigned or to be realigned,
3 under this title that are available exclusively for the use, or expression of an interest in a use, of a
4 redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or
5 expression of interest in use, under that subsection. The real property and facilities referred to in
6 subparagraph (A) are also the real property and facilities located at an installation approved for
7 closure or realignment under this title after 2001 that are available for purposes other than to
8 assist the homeless.

9 (C) The Secretary may require any additional terms and conditions in connection with an
10 agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the
11 interests of the United States.

12 (2) A transfer of real property or facilities may be made under paragraph (1) only if the
13 Secretary certifies to Congress that—

14 (A) the costs of all environmental restoration, waste management, and
15 environmental compliance activities otherwise to be paid by the Secretary with respect to
16 the property or facilities are equal to or greater than the fair market value of the property
17 or facilities to be transferred, as determined by the Secretary; or

18 (B) if such costs are lower than the fair market value of the property or facilities,
19 the recipient of the property or facilities agrees to pay the difference between the fair
20 market value and such costs.

21 (3) In the case of property or facilities covered by a certification under paragraph (2)(A),
22 the Secretary may pay the recipient of such property or facilities an amount equal to the lesser
23 of—

24 (A) the amount by which the costs incurred by the recipient of such property or

1 facilities for all environmental restoration, waste, management, and environmental
2 compliance activities with respect to such property or facilities exceed the fair market
3 value of such property or facilities as specified in such certification; or

4 (B) the amount by which the costs (as determined by the Secretary) that would
5 otherwise have been incurred by the Secretary for such restoration, management, and
6 activities with respect to such property or facilities exceed the fair market value of such
7 property or facilities as so specified

8 (4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person
9 to whom the property or facilities will be transferred any information of the Secretary regarding
10 the environmental restoration, waste management, and environmental compliance activities
11 described in paragraph (1) that relate to the property or facilities. The Secretary shall provide
12 such information before entering into the agreement.

13 (5) Nothing in this subsection shall be construed to modify, alter, or amend the
14 Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.
15 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

16 (6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public
17 Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to
18 persons or entities described in subsection (a)(2) of such section 330, except in the case of
19 releases or threatened releases not disclosed pursuant to paragraph (4).

20 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2013.**

21 (a) IN GENERAL.—(1) If the Secretary makes the certifications required under section
22 2903(b), there shall be established on the books of the Treasury an account to be known as the
23 “Department of Defense Base Closure Account 2013” (in this section referred to as the
24 “Account”). The Account shall be administered by the Secretary as a single account.

1 (2) There shall be deposited into the Account—

2 (A) funds authorized for and appropriated to the Account;

3 (B) any funds that the Secretary may, subject to approval in an appropriation Act,
4 transfer to the Account from funds appropriated to the Department of Defense for any
5 purpose, except that such funds may be transferred only after the date on which the
6 Secretary transmits written notice of, and justification for, such transfer to the con-
7 gressional defense committees; and

8 (C) except as provided in subsection (d), proceeds received from the lease,
9 transfer, or disposal of any property at a military installation that is closed or realigned
10 under this title.

11 (3) The Account shall be closed at the time and in the manner provided for appropriation
12 accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in
13 the Account upon closure shall be held by the Secretary of the Treasury until transferred by law
14 after the congressional defense committees receive the final report transmitted under subsection
15 (c)(2),

16 (b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the
17 purposes described in section 2905 with respect to military installations approved for closure or
18 realignment under this title.

19 (2) When a decision is made to use funds in the Account to carry out a construction
20 project under section 2905(a) and the cost of the project will exceed the maximum amount au-
21 thorized by law for a minor military construction project, the Secretary shall notify in writing the
22 congressional defense committees of the nature of, and justification for, the project and the
23 amount of expenditures for such project. Any such construction project may be carried out
24 without regard to section 2802(a) of title 10, United States Code.

1 (c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the
2 Secretary carries out activities under this title using amounts in the Account, the Secretary shall
3 transmit a report to the congressional defense committees of—

4 (i) the amount and nature of the deposits into, and the expenditures from, the
5 Account during such fiscal year;

6 (ii) the amount and nature of other expenditures made pursuant to section 2905(a)
7 during such fiscal year;

8 (iii) the amount and nature of anticipated deposits to be made into, and the
9 anticipated expenditures to be made from, the Account during the first fiscal year
10 commencing after the submission of the report; and

11 (iv) the amount and nature of anticipated expenditures to be made pursuant to
12 section 2905(a) during the first fiscal year commencing after the submission of the report.

13 (B) The report for a fiscal year shall include the following:

14 (i) The obligations and expenditures from the Account during the fiscal year,
15 identified by subaccount and installation, for each military department and Defense
16 Agency.

17 (ii) The fiscal year in which appropriations for such expenditures were made and
18 the fiscal year in which funds were obligated for such expenditures.

19 (iii) Each military construction project for which such obligations and
20 expenditures were made, identified by installation and project title.

21 (iv) A description and explanation of the extent, if any, to which expenditures for
22 military construction projects for the fiscal year differed from proposals for projects and
23 funding levels that were included in the justification transmitted to Congress under
24 section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal

1 year, including an explanation of—

2 (I) any failure to carry out military construction projects that were so
3 proposed; and

4 (II) any expenditures for military construction projects that were not so
5 proposed.

6 (v) An estimate of the net revenues to be received from property disposals to be
7 completed during the first fiscal year commencing after the submission of the report at
8 military installations approved for closure or realignment under this title.

9 (2) No later than 60 days after the closure of the Account under subsection (a)(3), the
10 Secretary shall transmit to the congressional defense committees a report containing an ac-
11 counting of—

12 (A) all the funds deposited into and expended from the Account or otherwise
13 expended under this title with respect to such installations; and

14 (B) any amount remaining in the Account.

15 (d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH
16 NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or
17 improved (in whole or in part) with commissary store funds or nonappropriated funds is
18 transferred or disposed of in connection with the closure or realignment of a military installation
19 under this title, a portion of the proceeds of the transfer or other disposal of property on that
20 installation shall be deposited in the reserve account established under section 204(b)(7)(C) of
21 the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687
22 note).

23 (2) The amount so deposited shall be equal to the depreciated value of the investment
24 made with such funds in the acquisition, construction, or improvement of that particular real

1 property or facility. The depreciated value of the investment shall be computed in accordance
2 with regulations prescribed by the Secretary.

3 (3) The Secretary may use amounts in the reserve account, without further appropriation,
4 for the purpose of acquiring, constructing, and improving—

5 (A) commissary stores; and

6 (B) real property and facilities for nonappropriated fund instrumentalities.

7 (4) As used in this subsection:

8 (A) The term “commissary store funds” means funds received from the
9 adjustment of, or surcharge on, selling prices at commissary stores fixed under section
10 2685 of title 10, United States Code.

11 (B) The term “nonappropriated funds” means funds received from a
12 nonappropriated fund instrumentality.

13 (C) The term “nonappropriated fund instrumentality” means an instrumentality of
14 the United States under the jurisdiction of the Armed Forces (including the Army and Air
15 Force Exchange Service, the Navy Resale and Services Support Office, and the Marine
16 Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical
17 or mental improvement of members of the Armed Forces.

18 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION
19 PROJECTS.—Except for funds deposited into the Account under subsection (a), funds
20 appropriated to the Department of Defense may not be used for purposes described in section
21 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account
22 under subsection (a)(3).

23 (f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2)
24 and (3), the cost authorized for a military construction project or military family housing project

1 to be carried out using funds in the Account may not be increased or reduced by more than 20
2 percent or \$ 2,000,000, whichever is less, of the amount specified for the project in the
3 conference report to accompany the Military Construction Authorization Act authorizing the
4 project. The scope of work for such a project may not be reduced by more than 25 percent from
5 the scope specified in the most recent budget documents for the projects listed in such
6 conference report.

7 (2) Paragraph (1) shall not apply to a military construction project or military family
8 housing project to be carried out using funds in the Account with an estimated cost of less than
9 \$5,000,000, unless the project has not been previously identified in any budget submission for
10 the Account and exceeds the applicable minor construction threshold under section 2805 of title
11 10, United States Code.

12 (3) The limitation on cost or scope variation in paragraph (1) shall not apply if the
13 Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in
14 the scope of work for a military construction project or military family housing project to be
15 carried out using funds in the Account needs to be made for the sole purpose of meeting unusual
16 variations in cost or scope. If the Secretary makes such a determination, the Secretary shall
17 notify the congressional defense committees of the variation in cost or scope not later than 21
18 days before the date on which the variation is made in connection with the project or, if the
19 notification is provided in an electronic medium pursuant to section 480 of title 10, United States
20 Code, not later than 14 days before the date on which the variation is made. The Secretary shall
21 include the reasons for the variation in the notification.

22 **SEC. 2907. REPORTS.**

23 (a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2017 and for
24 each fiscal year thereafter through fiscal year 2028 for the Department of Defense, the Secretary

1 shall transmit to the congressional defense committees—

2 (1) a schedule of the closure actions to be carried out under this title in the fiscal
3 year for which the request is made and an estimate of the total expenditures required and
4 cost savings to be achieved by each such closure and of the time period in which these
5 savings are to be achieved in each case, together with the Secretary's assessment of the
6 environmental effects of such actions;

7 (2) a description of the military installations, including those under construction
8 and those planned for construction, to which functions are to be transferred as a result of
9 such closures, together with the Secretary's assessment of the environmental effects of
10 such transfers;

11 (3) a description of the closure actions already carried out at each military
12 installation since the date of the installation's approval for closure under this title and the
13 current status of the closure of the installation, including whether—

14 (A) a redevelopment authority has been recognized by the Secretary for
15 the installation;

16 (B) the screening of property at the installation for other Federal use has
17 been completed; and

18 (C) a redevelopment plan has been agreed to by the redevelopment
19 authority for the installation;

20 (4) a description of redevelopment plans for military installations approved for
21 closure under this title, the quantity of property remaining to be disposed of at each
22 installation as part of its closure, and the quantity of property already disposed of at each
23 installation;

24 (5) a list of the Federal agencies that have requested property during the screening

1 process for each military installation approved for closure under this title, including the
2 date of transfer or anticipated transfer of the property to such agencies, the acreage
3 involved in such transfers, and an explanation for any delays in such transfers;

4 (6) a list of known environmental remediation issues at each military installation
5 approved for closure under this title, including the acreage affected by these issues, an
6 estimate of the cost to complete such environmental remediation, and the plans (and
7 timelines) to address such environmental remediation; and

8 (7) an estimate of the date for the completion of all closure actions at each
9 military installation approved for closure or realignment under this title.

10 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.**

11 (a) TERMS OF THE RESOLUTION.—For purposes of section 2904(b), the term “joint
12 resolution” means only a joint resolution which is introduced within the 10-day period beginning
13 on the date on which the President transmits the report to the Congress under section 2903(j),
14 and—

15 (1) which does not have a preamble;

16 (2) the matter after the resolving clause of which is as follows: “That Congress
17 disapproves the recommendations of the Defense Base Closure and Realignment
18 Commission as submitted by the President on “, the blank space being filled in
19 with the appropriate date; and

20 (3) the title of which is as follows: “Joint resolution disapproving the
21 recommendations of the Defense Base Closure and Realignment Commission.”.

22 (b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House
23 of Representatives shall be referred to the Committee on Armed Services of the House of
24 Representatives. A resolution described in subsection (a) introduced in the Senate shall be

1 referred to the Committee on Armed Services of the Senate.

2 (c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is
3 referred has not reported such a resolution (or an identical resolution) by the end of the 20-day
4 period beginning on the date on which the President transmits the report to the Congress under
5 section 2903(j), such committee shall be, at the end of such period, discharged from further
6 consideration of such resolution, and such resolution shall be placed on the appropriate calendar
7 of the House involved.

8 (d) CONSIDERATION.—(1) On or after the third day after the date on which the committee
9 to which such a resolution is referred has reported, or has been discharged (under subsection (c))
10 from further consideration of, such a resolution, it is in order (even though a previous motion to
11 the same effect has been disagreed to) for any Member of the respective House to move to
12 proceed to the consideration of the resolution. A member may make the motion only on the day
13 after the calendar day on which the Member announces to the House concerned the Member's
14 intention to make the motion, except that, in the case of the House of Representatives, the motion
15 may be made without such prior announcement if the motion is made by direction of the
16 committee to which the resolution was referred. All points of order against the resolution
17 (and against consideration of the resolution) are waived. The motion is highly privileged in the
18 House of Representatives and is privileged in the Senate and is not debatable. The motion is not
19 subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration
20 of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed
21 to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to,
22 the respective House shall immediately proceed to consideration of the joint resolution without
23 intervening motion, order, or other business, and the resolution shall remain the unfinished
24 business of the respective House until disposed of.

1 (2) Debate on the resolution, and on all debatable motions and appeals in connection
2 therewith, shall be limited to not more than 2 hours, which shall be divided equally between
3 those favoring and those opposing the resolution. An amendment to the resolution is not in order.
4 A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion
5 to proceed to the consideration of other business, or a motion to recommit the resolution is not in
6 order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not
7 in order.

8 (3) Immediately following the conclusion of the debate on a resolution described in
9 subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance
10 with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

11 (4) Appeals from the decisions of the Chair relating to the application of the rules of the
12 Senate or the House of Representatives, as the case may be, to the procedure relating to a
13 resolution described in subsection (a) shall be decided without debate.

14 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a
15 resolution of that House described in subsection (a), that House receives from the other House a
16 resolution described in subsection (a), then the following procedures shall apply:

17 (A) The resolution of the other House shall not be referred to a committee and
18 may not be considered in the House receiving it except in the case of final passage as
19 provided in subparagraph (B)(ii).

20 (B) With respect to a resolution described in subsection (a) of the House receiving
21 the resolution—

22 (i) the procedure in that House shall be the same as if no resolution had
23 been received from the other House; but

24 (ii) the vote on final passage shall be on the resolution of the other House.

1 (2) Upon disposition of the resolution received from the other House, it shall no longer be
2 in order to consider the resolution that originated in the receiving House.

3 (f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

4 (1) as an exercise of the rulemaking power of the Senate and House of
5 Representatives, respectively, and as such it is deemed a part of the rules of each House,
6 respectively, but applicable only with respect to the procedure to be followed in that
7 House in the case of a resolution described in subsection (a), and it supersedes other rules
8 only to the extent that it is inconsistent with such rules; and

9 (2) with full recognition of the constitutional right of either House to change the
10 rules (so far as relating to the procedure of that House) at any time, in the same manner,
11 and to the same extent as in the case of any other rule of that House.

12 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.**

13 (a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on
14 the date of the enactment of this Act, and ending on April 15, 2016, this title shall be the
15 exclusive authority for selecting for closure or realignment, or for carrying out any closure or
16 realignment of, a military installation inside the United States.

17 (b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to
18 the Department of Defense may be used, other than under this title, during the period specified in
19 subsection (a)—

20 (1) to identify, through any transmittal to the Congress or through any other
21 public announcement or notification, any military installation inside the United States as
22 an installation to be closed or realigned or as an installation under consideration for
23 closure or realignment; or

24 (2) to carry out any closure or realignment of a military installation inside the

1 United States.

2 (c) EXCEPTION.—Nothing in this title affects the authority of the Secretary to carry out
3 closures and realignments to which section 2687 of title 10, United States Code, is not
4 applicable, including closures and realignments carried out for reasons of national security or a
5 military emergency referred to in subsection (c) of such section.

6 **SEC. 2910. DEFINITIONS.**

7 As used in this title:

8 (1) The term “Account” means the Department of Defense Base Closure Account
9 established by section 2906(a)(1).

10 (2) The term “congressional defense committees” means the Committee on
11 Armed Services and the Committee on Appropriations of the Senate and the Committee
12 on Armed Services and the Committee on Appropriations of the House of
13 Representatives.

14 (3) The term “Commission” means the Commission established by section 2902.

15 (4) The term “military installation” means a base, camp, post, station, yard,
16 center, homeport facility for any ship, or other activity under the jurisdiction of the
17 Department of Defense, including any leased facility. Such term does not include any
18 facility used primarily for civil works, rivers and harbors projects, flood control, or other
19 projects not under the primary jurisdiction or control of the Department of Defense.

20 (5) The term “realignment” includes any action which both reduces and relocates
21 functions and civilian personnel positions but does not include a reduction in force
22 resulting from workload adjustments, reduced personnel or funding levels, or skill
23 imbalances.

24 (6) The term “Secretary” means the Secretary of Defense.

1 (7) The term “United States” means the 50 States, the District of Columbia, the
2 Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any
3 other commonwealth, territory, or possession of the United States.

4 (8) The term “date of approval”, with respect to a closure or realignment of an
5 installation, means the date on which the authority of Congress to disapprove a
6 recommendation of closure or realignment, as the case may be, of such installation under
7 this title expires.

8 (9) The term “redevelopment authority”, in the case of an installation to be closed
9 or realigned under this title, means any entity (including an entity established by a State
10 or local government) recognized by the Secretary of Defense as the entity responsible for
11 developing the redevelopment plan with respect to the installation or for directing the
12 implementation of such plan.

13 (10) The term “redevelopment plan” in the case of an installation to be closed or
14 realigned under this title, means a plan that—

15 (A) is agreed to by the local redevelopment authority with respect to the
16 installation; and

17 (B) provides for the reuse or redevelopment of the real property and
18 personal property of the installation that is available for such reuse and
19 redevelopment as a result of the closure or realignment of the installation.

20 (11) The term “representative of the homeless” has the meaning given such term
21 in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.
22 11411(i)(4)).

23 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER**
24 **PROVISIONS OF LAW.**

1 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE 10.—Section 101(a)(17) of title 10,
2 United States Code, is amended by adding at the end the following new subparagraph:

3 “(D) The Defense Base Closure and Realignment Act of 2013.”.

4 (b) DEFINITION OF “BASE CLOSURE LAW” IN OTHER LAWS.—

5 (1) Section 131(b) of Public Law 107-249 (10 U.S.C. 221 note) is amended by
6 striking “means” and all that follows and inserting “has the meaning given the term ‘base
7 closure law’ in section 101(a)(17) of title 10, United States Code.”.

8 (2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year
9 1994 (Public Law 103-160; 10 U.S.C. 2701 note) is amended by adding at the end the
10 following new subparagraph:

11 “(C) The Defense Base Closure and Realignment Act of 2013.”.

12 (3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year
13 1994 (Public Law 103-160; 10 U.S.C. 2687 note) is amended by adding at the end the
14 following new subparagraph:

15 “(C) The Defense Base Closure and Realignment Act of 2013.”.

16 **SEC. 2912. CONFORMING AMENDMENTS.**

17 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States
18 Code, is amended—

19 (1) in paragraph (5), by striking “on or after January 1, 2005,” and inserting “from
20 January 1, 2005 through December 31, 2005,”; and

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

22 “(6) Money rentals received by the United States from a lease under subsection (g) at a
23 military installation approved for closure or realignment under a base closure law on or after
24 January 1, 2006, shall be deposited into the account established under section 2906 of the

1 Defense Base Closure and Realignment Act of 2013.”.

2 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY FOR PUBLIC AIRPORTS.—Section
3 47151(g) of title 49, United States Code, is amended by striking “section 2687 of title 10, section
4 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10
5 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990
6 (10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is defined in section
7 101(a)(17) of title 10,”.

8 (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended
9 by striking “the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of
10 Public Law 101–510; 10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is
11 defined in section 101(a)(17) of title 10,”.