

**H.R. 4310—FY13 NATIONAL DEFENSE
AUTHORIZATION BILL**

**SUBCOMMITTEE ON EMERGING THREATS AND
CAPABILITIES**

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

LEGISLATIVE PROVISIONS

SUBTITLE D—REPORTS

Section 242—National Research Council Review of Defense Scientific and Technical Graduate Education Needs

This section would require the Secretary of Defense to enter into an arrangement with the National Research Council to review Department of Defense specialized degree-granting graduate programs in engineering, applied sciences, and management.

Section 243—Report on Three-Dimensional Integrated Circuit Manufacturing Capabilities

This section would require the Secretary of Defense to provide a comprehensive assessment regarding three-dimensional integrated circuits manufacturing capacity to serve the U.S. military and other national security interests, and to provide a report on the findings to the Senate Committee on Armed Services and the House Committee on Armed Services within 90 days after the date of the enactment of this Act.

SUBTITLE E—OTHER MATTERS

Section 252—Eligibility for Department of Defense Laboratories To Enter into Educational Partnerships with Educational Institutions in Territories and Possessions of the United States

This section would amend section 2194f of title 10, United States Code, to authorize the directors of the Department of Defense laboratories to enter into education partnership agreements with educational institutions in U.S. territories and possessions.

Section 253—Regional Advanced Technology Clusters

This section would allow the Secretary of Defense to use the research and engineering network of the Department of Defense to support regional advanced technology clusters established by the Secretary of Commerce to encourage the development of innovative advanced technologies. This section would also designate

an office within the Department of Defense with the lead responsibility for enhancing the Department's use of regional advanced technology clusters.

TITLE III—OPERATION AND MAINTENANCE

LEGISLATIVE PROVISIONS

SUBTITLE F—LIMITATIONS AND EXTENSIONS OF AUTHORITY

Section 351—Repeal of Authority To Provide Certain Military Equipment and Facilities To Support Civilian Law Enforcement and Emergency Response

This section would amend section 372 of title 10, United States Code, to ensure Department of Defense support to a Federal, State, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents, is consistent with the national preparedness system and other statutory changes made since the creation of the Department of Homeland Security.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

SUBTITLE A—DEPARTMENT OF DEFENSE MANAGEMENT

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

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

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

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

SUBTITLE E—CYBERSPACE-RELATED MATTERS

Section 942—Quarterly Cyber Operations Briefings

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

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE D—COUNTERTERRORISM

Section 1034—Extension of Authority To Make Rewards for Combating Terrorism

This section would extend the authority for the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or Government personnel of Allied Forces participating in a combined operation with U.S. Armed Forces through fiscal year 2014 and require a report that outlines future requirements of the authority.

Section 1036—Report on Counterproliferation Capabilities and Limitations

This section would require the Secretary of Defense to provide a report to the congressional defense committees by March 1, 2013, outlining operational capabilities, limitations, and shortfalls within the Department of Defense with respect to counterproliferation and combating weapons of mass destruction involving special operations forces and key enabling forces.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

LEGISLATIVE PROVISIONS

SUBTITLE D—REPORTS AND OTHER MATTERS

Section 1237—NATO Special Operations Headquarters

This section would authorize appropriations for the North Atlantic Treaty Organization Special Operations Headquarters (NSHQ) through fiscal year 2013. This section would also limit the obligation or expenditure of funds for fiscal year 2013 to not more than 50 percent until the Secretary of Defense finalizes and formalizes the establishment of an executive agent and lead component for NSHQ.

BILL LANGUAGE

Titles 2, 3, 9, 10, & 12

1 **SEC. 242 [Log #24640]. NATIONAL RESEARCH COUNCIL RE-**
2 **VIEW OF DEFENSE SCIENCE AND TECHNICAL**
3 **GRADUATE EDUCATION NEEDS.**

4 (a) REVIEW.—The Secretary of Defense shall enter
5 into an agreement with the National Research Council to
6 conduct a review of specialized degree-granting graduate
7 programs of the Department of Defense in engineering,
8 applied sciences, and management.

9 (b) MATTERS INCLUDED.—At a minimum, the review
10 under subsection (a) shall address—

11 (1) the need by the Department of Defense and
12 the military departments for military and civilian
13 personnel with advanced degrees in engineering, ap-
14 plied sciences, and management, including a list of
15 the numbers of such personnel needed by discipline;

16 (2) an analysis of the sources by which the De-
17 partment of Defense and the military departments
18 obtain military and civilian personnel with such ad-
19 vanced degrees;

20 (3) the need for educational institutions under
21 the Department of Defense to meet the needs identi-
22 fied in paragraph (1);

23 (4) the costs and benefits of maintaining such
24 educational institutions, including costs relating to
25 directed research;

1 (5) the ability of private institutions or dis-
2 tance-learning programs to meet the needs identified
3 in paragraph (1);

4 (6) existing organizational structures, including
5 reporting chains, within the military departments to
6 manage the graduate education needs of the Depart-
7 ment of Defense and the military departments; and

8 (7) recommendations for improving the ability
9 of the Department of Defense to identify, manage,
10 and source the graduate education needs of the De-
11 partment.

12 (c) REPORT.—Not later than 30 days after the date
13 on which the review under subsection (a) is completed, the
14 Secretary shall submit to the congressional defense com-
15 mittees a report on the results of such review.

1SEC. 243 _____ [Log #33232]. REPORT ON THREE-DIMENSIONAL

2 **INTEGRATED CIRCUIT MANUFACTURING CA-**
3 **PABILITIES.**

4 (a) ASSESSMENT.—The Secretary of Defense shall
5 conduct a comprehensive assessment regarding the manu-
6 facturing capability of the United States to produce three-
7 dimensional integrated circuits to serve the national de-
8 fense interests of the United States.

9 (b) ELEMENTS.—The assessment under subsection
10 (a) shall include—

11 (1) an assessment of the military requirements
12 for using three-dimensional integrated circuits in fu-
13 ture microelectronic systems;

14 (2) an assessment of the current domestic com-
15 mercial capability to develop and manufacture three-
16 dimensional integrated circuits for use in military
17 systems, including a plan for alternative sources to
18 supply such circuits in case of shortages in the do-
19 mestic supply; and

20 (3) an assessment of the feasibility, as well as
21 planning and design requirements, for the develop-
22 ment of a domestic manufacturing capability for
23 three-dimensional integrated circuits.

1 (c) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the congressional defense committees a report on the
4 assessment under subsection (a).

5 (d) FORM.—The report under subsection (c) shall be
6 submitted in unclassified form, but may include a classi-
7 fied annex.

1 **SEC. 252 [Log #14208]. ELIGIBILITY FOR DEPARTMENT OF**
2 **DEFENSE LABORATORIES TO ENTER INTO**
3 **EDUCATIONAL PARTNERSHIPS WITH EDU-**
4 **CATIONAL INSTITUTIONS IN TERRITORIES**
5 **AND POSSESSIONS OF THE UNITED STATES.**

6 (a) **ELIGIBILITY OF INSTITUTIONS IN TERRITORIES**
7 **AND POSSESSIONS.**—Section 2194(f) of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(3) The term ‘United States’ includes the
11 Commonwealth of Puerto Rico, the Commonwealth
12 of the Northern Mariana Islands, and any other ter-
13 ritory or possession of the United States.”.

14 (b) **TECHNICAL AMENDMENT.**—Paragraph (2) of
15 such section is amended by inserting “(20 U.S.C. 7801)”
16 before the period.

1 **SEC. 253 [Log #24635]. REGIONAL ADVANCED TECHNOLOGY**
2 **CLUSTERS.**

3 (a) DEVELOPMENT OF INNOVATIVE ADVANCED
4 TECHNOLOGIES.—The Secretary of Defense may use the
5 research and engineering network of the Department of
6 Defense, including the organic industrial base, to support
7 regional advanced technology clusters established by the
8 Secretary of Commerce to encourage the development of
9 innovative advanced technologies, including advanced ro-
10 botics, advanced defense systems, power and energy inno-
11 vations, cybersecurity and applied lightweight materials,
12 to address national security and homeland defense chal-
13 lenges.

14 (b) DESIGNATION OF LEAD OFFICE.—Not later than
15 60 days after the date of the enactment of this Act, the
16 Under Secretary of Defense for Acquisition, Technology,
17 and Logistics shall—

18 (1) designate an office within the Department
19 of Defense with the lead responsibility for enhancing
20 the use of regional advanced technology clusters by
21 the Department; and

22 (2) notify the appropriate congressional com-
23 mittees of such designation.

24 (c) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Under Secretary shall

1 submit to the appropriate congressional committees a re-
2 port describing—

3 (1) the participation of the Department of De-
4 fense in regional advanced technology clusters;

5 (2) implementation by the Department of proc-
6 esses and tools to facilitate collaboration with the
7 clusters; and

8 (3) agreements established by the Department
9 with the Department of Commerce to jointly support
10 the continued growth of the clusters.

11 (d) COLLABORATION.—The Secretary of Defense
12 may meet, collaborate, and share resources with other
13 Federal agencies for purposes of assisting in the expansion
14 of regional advanced technology clusters under this sec-
15 tion.

16 (e) DEFINITIONS.—In this section:

17 (1) The term “appropriate congressional com-
18 mittees” means—

19 (A) the congressional defense committees;

20 (B) the Committee on Commerce, Science,
21 and Transportation of the Senate; and

22 (C) the Committee on Energy and Com-
23 merce of the House of Representatives.

24 (2) The term “regional advanced technology
25 clusters” means geographic centers focused on build-

- 1 ing science and technology-based innovation capacity
- 2 in areas of local and regional strength to foster eco-
- 3 nomic growth and improve quality of life.

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

3 **SEC. 351. [LOG ID 26346]REPEAL OF AUTHORITY TO PRO-**
4 **VIDE CERTAIN MILITARY EQUIPMENT AND**
5 **FACILITIES TO SUPPORT CIVILIAN LAW EN-**
6 **FORCEMENT AND EMERGENCY RESPONSE.**

7 Section 372 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a), by striking “(a) IN GEN-
10 ERAL.—The Secretary” and inserting “The Sec-
11 retary”; and

12 (2) by striking subsection (b).

1 **SEC. 903 [Log 25464]. DESIGNATION OF DEPARTMENT OF**
2 **DEFENSE SENIOR OFFICIAL FOR ENTER-**
3 **PRISE RESOURCE PLANNING SYSTEM DATA**
4 **CONVERSION.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall—

7 (1) designate a senior official of the Depart-
8 ment of Defense as the official with principal re-
9 sponsibility for coordination and management over-
10 sight of data conversion for all enterprise resource
11 planning systems of the Department; and

12 (2) set forth the responsibilities of that senior
13 official with respect to such data conversion.

1 **SEC. 904 [Log 28241]. ADDITIONAL RESPONSIBILITIES AND**
2 **RESOURCES FOR DEPUTY ASSISTANT SEC-**
3 **RETARY OF DEFENSE FOR DEVELOPMENTAL**
4 **TEST AND EVALUATION.**

5 (a) SUPERVISION.—Section 139b(a)(3) of title 10,
6 United States Code, is amended by striking “to the Under
7 Secretary” before the period and inserting “directly to the
8 Under Secretary, without the interposition of any other
9 supervising official”.

10 (b) CONCURRENT SERVICE.—Section 139b(a)(7) of
11 such title is amended by striking “may” and inserting
12 “shall”.

13 (c) RESOURCES.—Section 139b(a) of such title is
14 amended by adding at the end the following new para-
15 graph:

16 “(8) RESOURCES.—

17 “(A) The President shall include in the
18 budget transmitted to Congress, pursuant to
19 section 1105 of title 31, for each fiscal year, a
20 separate statement of estimated expenditures
21 and proposed appropriations for the fiscal year
22 for the activities of the Deputy Assistant Sec-
23 retary of Defense for Developmental Test and
24 Evaluation in carrying out the duties and re-
25 sponsibilities of the Deputy Assistant Secretary
26 under this section.

1 “(B) The Deputy Assistant Secretary of
2 Defense for Developmental Test and Evaluation
3 shall have sufficient professional staff of mili-
4 tary and civilian personnel to enable the Deputy
5 Assistant Secretary to carry out the duties and
6 responsibilities prescribed by law. The resources
7 for the Deputy Assistant Secretary shall be
8 comparable to the resources, including Senior
9 Executive Service positions, other civilian posi-
10 tions, and military positions, available to the
11 Director of Operational Test and Evaluation.”.

12 (d) ANNUAL REPORT.—Section 139b(d) of such title
13 is amended—

14 (1) in the subsection heading, by striking
15 “JOINT”;

16 (2) by redesignating paragraphs (1), (2), (3),
17 and (4) as subparagraphs (A), (B), (C), and (D), re-
18 spectively;

19 (3) by inserting “(1)” before “Not later than
20 March 31”;

21 (4) in the matter appearing before subpara-
22 graph (A), as so redesignated, by striking “jointly”
23 and inserting “each”; and

24 (5) by adding at the end the following new
25 paragraph:

1 “(2) With respect to the report required under para-
2 graph (1) by the Deputy Assistant Secretary of Defense
3 for Developmental Test and Evaluation—

4 “(A) the report shall include a separate section
5 that covers the activities of the Department of De-
6 fense Test Resource Management Center (estab-
7 lished under section 196 of this title) during the pre-
8 ceding year; and

9 “(B) the report shall be transmitted to the
10 Under Secretary of Defense for Acquisition, Tech-
11 nology, and Logistics at the same time it is sub-
12 mitted to the congressional defense committees.”.

1 **SEC. 942 [Log # 26340]. QUARTERLY CYBER OPERATIONS**
2 **BRIEFINGS.**

3 (a) BRIEFINGS.—Chapter 23 of title 10, United
4 States Code, is amended by inserting after section 483 the
5 following new section:

6 **“§ 484. Quarterly cyber operations briefings**

7 “The Secretary of Defense shall provide to the Com-
8 mittees on Armed Services of the House of Representa-
9 tives and the Senate quarterly briefings on all offensive
10 and significant defensive military operations in cyberspace
11 carried out by the Department of Defense during the im-
12 mediately preceding quarter.”.

13 (b) INITIAL BRIEFING.—The first briefing required
14 under section 484 of title 10, United States Code, as
15 added by subsection (a), shall be provided not later than
16 March 1, 2013.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 23 of title 10, United States
19 Code, is amended by inserting after the item relating to
20 section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

1 **SEC. 1034 [Log 14203]. EXTENSION OF AUTHORITY TO MAKE**
2 **REWARDS FOR COMBATING TERRORISM.**

3 (a) EXTENSION.—Section 127b(c)(3)(C) of title 10,
4 United States Code, is amended by striking “September
5 30, 2013” and inserting “September 30, 2014”.

6 (b) REPORT TO CONGRESS.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees a report that outlines the future requirements and
10 authorities to make rewards for combating terrorism. The
11 report shall include—

12 (1) an analysis of future requirements under
13 section 127b of title 10, United States Code;

14 (2) a detailed description of requirements for
15 rewards in support of operations with allied forces;
16 and

17 (3) an overview of geographic combatant com-
18 mander requirements through September 30, 2014.

1 **SEC. [1036 /Log #15183]. REPORT ON COUNTERPROLIFERA-**
2 **TION CAPABILITIES AND LIMITATIONS.**

3 (a) REPORT REQUIRED.—Not later than March 1,
4 2013, the Secretary of Defense shall provide to the con-
5 gressional defense committees a report outlining oper-
6 ational capabilities, limitations, and shortfalls within the
7 Department of Defense with respect to counterprolifera-
8 tion and combating weapons of mass destruction involving
9 special operations forces and key enabling forces.

10 (b) ELEMENTS.—The report required under sub-
11 section (a) shall include each of the following elements:

12 (1) An overview of current capabilities and limi-
13 tations.

14 (2) An overview and assessment of current and
15 future training requirements and gaps.

16 (3) An assessment of technical capability gaps.

17 (4) An assessment of interagency coordination
18 capabilities and gaps.

19 (5) An outline of current and future prolifera-
20 tion and weapons of mass destruction threats, in-
21 cluding critical intelligence gaps.

22 (6) An assessment of current international bi-
23 lateral and multilateral partnerships and the limita-
24 tions of such partnerships, including an assessment

1 of existing authorities to build partnership capacity
2 in this area.

3 (7) A description of efforts to address the limi-
4 tations and gaps referred to in paragraphs (1)
5 through (6), including timelines and requirements to
6 address such limitations and such gaps.

7 (8) Any other matters the Secretary considered
8 appropriate.

1 **SEC. 1237. [LOG #14687] NATO SPECIAL OPERATIONS HEAD-**
2 **QUARTERS.**

3 (a) IN GENERAL.—Section 1244(a) of the National
4 Defense Authorization Act for Fiscal Year 2010 (Public
5 Law 111–84; 123 Stat. 2541), as amended by section
6 1242 of the Ike Skelton National Defense Authorization
7 Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.
8 4405), is further amended by striking “fiscal year 2011”
9 and inserting “fiscal year 2013”.

10 (b) LIMITATION.—Of the funds authorized to be ap-
11 propriated by this Act or otherwise made available for fis-
12 cal year 2013 for the NATO Special Operations Head-
13 quarters, not more than 50 percent may be obligated or
14 expended until the date that is 30 days after the date on
15 which the Secretary of Defense finalizes and formalizes
16 U.S. Special Operations Command as the executive agent
17 and lead component for the NATO Special Operations
18 Headquarters.



SUMMARY OF DIRECTIVE REPORT LANGUAGE

Titles 2, 7, 9, 10, & 12

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RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Items of Special Interest

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RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

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DIRECTIVE REPORT LANGUAGE

Titles 2, 7, 9, 10, & 12

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

Items of Special Interest

Naval use of non-lethal systems

The committee is aware that the Navy has explored the use of non-lethal systems to protect naval vessels, such as using laser dazzlers or high-frequency acoustic hailing devices. The committee has approved previous requests by the Navy to reprogram funds to support urgent operation needs for non-lethal systems. The committee also notes that the President's budget requested \$177.1 million for Navy physical security equipment procurement, which includes acoustic hailing devices and laser dazzlers. The committee is concerned, though, that satisfying specific needs through urgent operational needs and reprogramming of funds does not indicate a systematic or Navy-wide view of the needs or requirements for non-lethal systems.

Therefore, the committee directs the Secretary of the Navy to submit a report to the congressional defense committees within 90 days after the date of the enactment of this Act on the total requirement for non-lethal systems for naval vessels, as well as a plan to meet this requirement.

Utilization of Navy airship for airborne test and evaluation

The committee is aware that the Navy possesses a manned, lighter-than-air vehicle, designated the MZ-3A, that has been utilized by several agencies in recent years for airborne testing of sensors, communications equipment, and other electronic devices. The committee believes that lighter-than-air systems like the MZ-3A have the potential to provide low-cost, persistent airborne platforms for sensor testing.

The committee is concerned that the Navy has not fully exploited the benefits and availability of the MZ-3A versus other Navy platforms performing airborne sensor testing and evaluation programs and may be utilizing higher-cost platforms instead. The committee believes that the Navy should maintain a full accounting of its test platforms to ensure that it maximizes its test and evaluation resources.

Therefore, the committee directs the Secretary of the Navy, in coordination with the Director of the Test Resource Management Center of the Department of Defense, to conduct an analysis of the usage of the MZ-3A for test and evaluation purposes and submit a report on the results of the analysis to the House Committee

on Armed Services within 90 days after the date of the enactment of this Act. The analysis should examine the following:

- (1) An analysis of all of the test platforms used in the past two fiscal years, or planned for use in the upcoming two fiscal years;
- (2) Costs for maintaining these platforms, and any limitations requiring the use of specific platforms (such as availability or payload constraints); and
- (3) Description of the process for managing the selection of platforms for system testing and evaluation.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Items of Special Interest

Realignment of airbase technologies division

The committee notes that the Air Force Research Laboratory (AFRL) maintains an Airbase Technologies Division to research challenges associated with deploying and maintaining expeditionary airfields. The committee is aware that the Air Force is significantly reducing its investment in this area and ultimately plans to divest itself of this research program. The committee is concerned that there are 23 civilian billets associated with the Airbase Technologies Division, but that there is no plan for the disposition of that workforce. The committee recognizes that with the uncertainty over the future status of this workforce, the Air Force risks losing important skills and expertise as civilian scientists and engineers leave AFRL employment to pursue opportunities elsewhere. Therefore, the committee directs the Secretary of the Air Force to submit a report to the congressional defense committees within 90 days after the date of the date of enactment of this Act on the disposition plans for that workforce. The report should address the Air Force's plan for reassigning, realigning, or eliminating the residual workforce from the Airbase Technologies Division. It should also address how the Air Force will meet future civil engineering resourcing and research and development requirements to ensure a viable, long term program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

Items of Special Interest

Chemical Demilitarization and Assembled Chemical Weapons Alternatives program

The committee notes that the Department of Defense recently approved and announced revised cost and schedule estimates for the final two U.S. chemical weapons destruction plants. The committee understands that the Assembled Chemical Weapons Alternatives (ACWA) program's life-cycle costs are now estimated at \$10.6 billion, with destruction completion estimates for the chemical weapons stockpiles located at Pueblo Chemical Depot, Colorado, adjusted to 2019

and at the Blue Grass Army Depot, Kentucky, to 2023. The committee further understands that this adds about \$2 billion and 2 years to a previous program estimate to allow additional time and resources if necessary.

The committee is also aware that the Department of Defense is considering a legislative proposal that would authorize ACWA to consider use of Explosive Destruction Technologies, and other technologies for the treatment and disposal of agent or energetic hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.

The committee is concerned that these proposals have not been properly coordinated with the congressional defense committees and that this issue warrants further review. Additionally, the committee is concerned that the revised cost and schedule estimates for the final two U.S. chemical weapons destruction plants may not accurately reflect potential costs out to the adjusted timelines of 2019 and 2023.

Therefore, the committee directs the Secretary of Defense to brief the congressional defense committees within 90 days after the date of the enactment of this Act on the recently approved revised cost and schedule estimates for the ACWA program and any legislative proposals or changes being considered by the Department of Defense in support of the Chemical Demilitarization and ACWA programs.

Counterterrorism and irregular warfare capabilities

The budget request contained \$77.1 million in PE 63122D for activities in the Combating Terrorism Technical Support Office (CTTSO). The budget request also contained \$26.3 million in PE 63121D for activities in Special Operations/Low-Intensity Conflict Advanced Development. Of the amount, \$7.5 million was requested for the Explosive Ordnance Disposal/Low-Intensity Conflict (EOD/LIC) program, \$13.0 million was for the Irregular Warfare Support (IWS) program, and \$1.9 million was for Information Dissemination Concepts.

The committee notes that according to the Department of Defense (DOD) new strategic guidance released in January 2012, “counter terrorism and irregular warfare” will remain primary DOD missions and, furthermore, that the Department “will continue to build and sustain tailored capabilities appropriate for counter terrorism and irregular warfare.” The committee believes that irregular warfare (IW) will be the likely form of warfare confronting the United States, and that developing and institutionalizing IW capability across the military services is critical to military success.

The committee notes that CTTSO plays a unique role in front-end research, development, test, and evaluation (RDT&E) to help warfighters rapidly acquire “tailored capabilities” for counterterrorism and IW. Under the authority of the Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict (ASD SO/LIC), CTTSO works with interagency and international partners to identify combating terrorism capability requirements; select promising proposals for advanced technology development; and rapidly deliver capability to the warfighter

through RDT&E support. The committee has consistently recognized the value CTTSO adds to rapid acquisition of IW capabilities through its business process for evaluating proposals; experience interacting with numerous interagency and international partners; and expertise in advanced development prototyping. Specifically, the committee report (H. Rept. 111-491) accompanying the National Defense Authorization Act of Fiscal Year 2011, praised the Irregular Warfare Support (IWS) Legacy program for being “immediately effective in disrupting terrorist network activities, saving lives, and building a leave-behind indigenous capability.” The committee noted that the Legacy program is one of many CTTSO programs that develop innovative, non-materiel, and multi-disciplinary methodologies and strategies for disrupting irregular and asymmetric threats and also directed the Secretary of Defense to assess the program’s applicability against other network-based threats.

The committee has expressed concerns regarding CTTSO’s location under ASD SO/LIC and the limited funding it receives compared to the emphasis on IW within DOD strategies. In the conference report (H. Rept. 111-288) accompanying the National Defense Authorization Act for Fiscal Year 2010, the conferees expressed concern that, “(1) this small program office in the Office of the Secretary of Defense appears to be the only entity in the Department, and perhaps in the executive branch, engaged in these types of activities; and (2) that so little funding is requested each year to sustain such activities and to scale up those that prove to be successful.”

The committee notes that CTTSO has program management authority for three sub-organizations: the Technical Support Working Group (TSWG), the EOD/LIC program, and the IWS program. The committee is concerned that projected funding for IWS, EOD/LIC, and Information Dissemination Concepts (IDC) are reduced across the Future Years Defense Program (FYDP) before being eliminated in fiscal year 2016.

Given the Department’s guidance to “build and sustain tailored capabilities” for IW missions, the likelihood that future challenges will be irregular in nature, and the enduring need to maintain a robust RDT&E and flexible procurement and acquisition capabilities to support IW requirements, the committee urges the Secretary of Defense to reexamine the funding reductions to IWS, EOD/LIC, and IDC through fiscal year 2016.

The committee directs the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the Director of the Office of Secretary of Defense for Cost Assessment and Program Evaluation and other relevant offices, to include those within the Under Secretary of Defense for Intelligence, to brief the congressional defense committees within 90 days after the date of the enactment of this Act on CTTSO funding changes over the FYDP and present options for fulfilling IW rapid capability development gaps if funding is eliminated for the IWS program, EOD/LIC, and IDC.

The committee recommends \$102.1 million, an increase of \$25.0 million, in PE 63122D for activities in the Combating Terrorism Technical Support Office (CTTSO).

Design research to improve safety of health information technology

The committee is aware that the Department of Defense has made substantial investments in sustaining the current generation of health information technology (IT) systems, and working with the Department of Veterans Affairs to develop the next generation of electronic health records. However, the committee is concerned that the Department has not focused sufficient resources on research to improve design usability of the human-machine interface for these systems prior to entering system development. The committee notes that a recent study by the National Academies Institute of Medicine titled, “Health IT and Patient Safety: Building Safer Systems for Better Care” linked patient safety to sound design and development. As the report stated, research is needed to identify characteristics of safe systems and additional research is needed specifically about the impact of design deficiencies on patient impact.

Therefore, the committee directs the Assistant Secretary of Defense for Research and Engineering, in coordination with the Assistant Secretary of Defense for Health Affairs and the Deputy Chief Management Officer, to brief the House Committee on Armed Services within 90 days after the date of the enactment of this Act on research being conducted within the Department of Defense related to human-machine interfaces for design usability of health IT systems. Areas of supporting research may include:

- (1) User-centered design and human factors applied to health IT;
- (2) Safe implementation and use of health IT by all users;
- (3) Socio-technical systems associated with health IT; and
- (4) Impact of policy decisions on health IT use in clinical practice.

The briefing should also address how the research is being integrated into current health IT programs, as well as identify any gaps where additional research should be initiated.

Medical countermeasures advanced development and manufacturing

The committee is aware that the Department of Defense (DOD) is pursuing a medical countermeasure capability to rapidly counter known and unknown chemical, biological, radiological, and nuclear threats, including novel and previously unrecognized, naturally occurring infectious diseases. The committee understands that this program will provide a dedicated, flexible, adaptive, and scalable advanced development manufacturing Center of Excellence to meet DOD requirements in this critical area.

While aware of the unique requirements for the Department and the need to have a program serving those distinct requirements, the committee remains concerned that costly duplication and inefficiencies exist in the area of bio-defense

across Federal agencies, as detailed in the recent Government Accountability Office (GAO) report (GAO-11-318SP) "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue," which noted that Federal agencies are unable to account for bio-defense spending across the entire Federal Government.

The committee encourages continual and effective interagency coordination, in particular between the Department of Defense and the Department of Health and Human Services, and the continued utilization of the "Integrated Portfolio for Chemical, Biological, Radiological and Nuclear Medical Countermeasures" as a forum to reduce duplication, realize efficiencies, and save tax dollars. The committee also encourages close integration and coordination between the medical countermeasure enterprise and the broader Joint Program Office for Chemical-Biological Defense to ensure efficiencies are realized, requirements are properly identified, and capabilities are rapidly fielded in the area of medical countermeasures, including the potential merging of Joint Program Management offices dealing with Transformational Medical Technologies, and Chemical, Biological Medical Systems.

In addition, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 90 days after the date of the enactment of this Act, outlining efforts to implement a strategic plan for all Departmental medical countermeasures activities, including Advanced Development and Manufacturing, Transformational Medical Technologies Initiative, the Medical Countermeasure Initiative, and similar activities designed to produce a medical countermeasure capability that will rapidly counter known and unknown chemical, biological, radiological and nuclear threats. The briefing should also include an overview of how these medical efforts and initiatives will be managed and balanced within the broader Chemical-Biological Defense Program to ensure that all Joint Service requirements are met including chemical and other non-medical programs.

Potential threats posed by open source publication of medical research

The committee believes that advanced scientific research on extremely dangerous pathogens and toxins, such as Avian influenza virus, anthrax, and Ebola virus, is vital to the ongoing study of these agents' nature and how to safeguard military and civilian populations from them. The committee also understands that the complex nature of this research requires the scientific community to share its findings and research as widely as possible in a collaborative environment that includes public and private entities in order to maximize the potential for scientific advancements. However, the committee is concerned that in the hands of malignant actors, this research combined with readily available commercial, scientific, and medical technology, could be used to produce biological weapons for use against the very populations the research was intended to protect.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the congressional defense committees within 180 days after the date of the enactment of this Act that describes the potential threats posed by the open publication of this advanced research, and steps that the Department could take to assist the interagency effort to mitigate these threats.

Risk mitigation for enterprise resource planning systems

The committee is aware of the challenges associated with implementing enterprise resource planning (ERP) systems. The committee is concerned that delays in implementing ERP systems places a significant financial burden on the Department of Defense and could jeopardize achievement of financial auditability goals. The Panel on Defense Financial Management and Auditability Reform also expressed concern that some ERPs do not function as intended, forcing the Department and the military services to rely on sustaining costly legacy systems and manual processes. Consequently, the committee believes that the Department should establish risk mitigation plans to address actual and potential deficiencies associated with the development, implementation, or utilization of its ERP systems that could affect the achievement of Financial Improvement and Audit Readiness (FIAR) goals.

Therefore, the committee directs the Secretary of Defense to submit a report to the congressional defense committees within 120 days after the date of the enactment of this Act that includes a risk mitigation plan for each ERP being developed by the Department of Defense and the military services, including how best to integrate the experience and expertise of the industry product provider at each stage of implementation and mitigation. At a minimum, each risk mitigation plan should:

- (1) Identify measures for resolving any such weaknesses or deficiencies;
- (2) Assign responsibilities within the Department to implement such measures;
- (3) Specify implementation steps for such measures;
- (4) Provide timeframes for implementing such measures; and
- (5) Identify any alternative arrangements outside of the ERP environment that may be necessary for meeting FIAR objectives.

OPERATIONAL TEST AND EVALUATION, DEFENSE

Items of Special Interest

Testing of information system controls

The committee is aware of the problems challenging many enterprise resource planning (ERP) systems. The committee's Panel on Defense Financial Management and Auditability Reform noted that a common problem for these programs was that testing for logical security controls, which should occur early in

the developmental process, was typically prioritized after functionality testing, and tended only to occur at the end of the developmental process. The committee believes that the Department of Defense (DOD) should continue to subject its systems, whether legacy systems or ERPs, to information system controls testing. The committee also believes that the Department should place priority on this testing and ensure that sufficient numbers of appropriately skilled personnel exist within the test and evaluation community.

Therefore, the committee directs the Deputy Chief Management Officer for the Department of Defense, in coordination with the Director for Operational Test and Evaluation and the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services within 120 days after the date of the enactment of this Act that assesses the information system control testing needs for all ERPs being developed by the Department of Defense. The briefing should also determine whether appropriate workforce levels and corresponding skill sets exist within the Department's developmental and operational test communities, and how best to integrate the experience and expertise of the industry product provider during testing and implementation. The briefing should also describe what actions the Department is taking to address any identified shortfalls.

TITLE VII—HEALTH CARE PROVISIONS

ITEMS OF SPECIAL INTEREST

Use of Simulation Technology in Medical Training

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

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

this progression in other areas of medical training. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services within 90 days after the date of the enactment of this Act that outlines a strategy for the development of future technology to refine, reduce, and when appropriate, replace the use of live animals in medical education and training.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

ITEMS OF SPECIAL INTEREST

Assessment of Legal Authorities for Cyberspace Operations

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

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

- (1) A description of the legal authorities underpinning the ability of the Department of Defense to conduct full spectrum cyberspace operations;
- (2) A description of the risk management process for the Department, including how the Department assesses and mitigates risks related to the international ramifications of proposed cyberspace operations;
- (3) A description of the policy framework affecting the ability of the Department to conduct cyberspace operations, including who manages specified policy processes and who determines when and how changes may be made to policy authorities;
- (4) A description of how procedures governing Defense Support of Civil Authorities are applied to cyberspace operations;
- (5) An analysis of any shortcomings in the legal and policy framework governing cyberspace operations by the Department of Defense;
- (6) Any recommendations of the Secretary for changes to such legal and policy framework; and
- (7) Any other matters the Secretary considers appropriate.

The Role of National Guard Cyber Defense Units

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

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

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

OTHER MATTERS

Global Rebalancing of U.S. Special Operations Forces

The committee is aware of an ongoing effort within U.S. Special Operations Command (USSOCOM) to comprehensively review its present force structure to facilitate the accomplishment of special operations activities as defined in section 167 of title 10, United States Code. The committee understands that USSOCOM is coordinating the review with the respective staffs of the geographic combatant commands, the Joint Chiefs of Staff, and the Office of the Secretary of Defense. The committee further understands that these initiatives are focused in several areas, including enabling and resourcing of the Theater Special Operations Commands (TSOCs), the development of a USSOCOM force management directorate, the improvement of USSOCOM's interagency coordination and presence, and the strengthening of global special operations forces (SOF) relationships through the establishment of regional SOF coordination centers. The committee understands that the proposed changes in USSOCOM authorities pertain to command authorities primarily identified within the Unified Command Plan and that the changes being considered would reflect USSOCOM's global area of operations and emphasize trans-regional roles and responsibilities.

On balance, the committee supports this ongoing review of U.S. Special Operations Forces and USSOCOM's coordination within the Department of Defense. In particular, the committee is encouraged by the potential establishment of a force development directorate within USSOCOM that would consolidate force development and management functions and ensure a unified approach to training, education, and management of the force. The committee expects such an initiative

to greatly improve deployment predictability and ultimately enhance operational flexibility of the force. The committee encourages USSOCOM to consider incorporating more formalized degree and non-degree educational programs for officer and enlisted personnel and to leverage existing programs and resources such as those within the National Defense University's College of International Security Affairs, Naval Postgraduate School, and the Joint Special Operations University.

While the committee supports efforts to establish additional regional coordination centers similar to North Atlantic Treaty Organization Special Operations Headquarters, the committee encourages USSOCOM to conduct a comprehensive review of requirements in this area to include geographic prioritization and resourcing and also additive funds through Major Force Programs 2, 10, and 11. Additionally, the committee encourages a concomitant review of existing statutory authorities to support SOF security force assistance, training, and advising to improve regional security and support geographic combatant commander requirements. Such a review should include potential modifications to current statutory authorities presently being utilized with the goal of making these existing authorities flexible enough to support SOF activities.

While the committee is supportive of additional interagency coordination efforts, the committee expresses concern at the potential redundant costs associated with the establishment of interagency coordination centers within the National Capitol Region, associated infrastructure costs, information technology, and how these potentially duplicative centers may be rendering previous multi-million dollar investments such as USSOCOM's Interagency Task Force redundant or obsolete. The committee expects these interagency initiatives to be resource-neutral. The committee further expects to be kept fully and currently informed of these interagency initiatives.

Therefore, the committee directs the Commander, U.S. Special Operations Command, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, to brief the congressional defense within 90 days after the date of the enactment of this Act providing an update on these initiatives and all efforts to globally rebalance U.S. Special Operations Forces.

Humanitarian Mine Action and Security Force Assistance

The committee is aware that the Department of Defense Humanitarian Mine Action (HMA) program is a key component of U.S. security force assistance activities and programs. The committee understands that the program advances geographic combatant commander's (GCC) Theater Security Cooperation Programs, strategies, and objectives by training host-nation personnel in landmine and other explosive remnants of war clearance, mine risk education, and victims' assistance. The committee is aware the program is overseen by the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and that the Defense Security Cooperation Agency performs financial management, including allocation of funds to the geographic combatant commands.

The committee has supported the Department's HMA program and the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) expanded the definition of humanitarian demining assistance to also include stockpiled conventional munitions assistance so that the Department could implement more holistic programs with host-nation partners. The committee looks forward to reports from the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict on this program and further understanding how the inclusion of stockpiled conventional munitions assistance will contribute to the overall program and specifically minimize threats posed by dangerous stockpiles subject to proliferation. The committee believes that in addition to generating good will within the host-nation and the region, HMA programs aid in the development of host-nation leadership and organizational skills, provide access to geographical areas otherwise not easily available to U.S. forces, and improves highly perishable U.S. skills in such critical areas as language, cultural, and foreign internal defense.

However, the committee remains concerned that the Department's HMA program is under-utilized and under-resourced given the present limited geographic scope of only 12 countries and total investment of \$2.6 million for fiscal year 2011, and that research, development, testing and evaluation efforts have been similarly under-resourced. Because of these shortfalls, the committee is concerned that the potential for HMA programs and projects to contribute to GCC Theater Security Cooperation and security force assistance strategies is not being realized. Further, the committee believes that HMA programs are not globally prioritized properly in order to target specific countries with the greatest strategic results in line with larger U.S. Government security force assistance and national security goals.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the congressional defense committees within 90 days after the date of the enactment of this Act that outlines the strategic value of a global HMA program as a part of broader security force assistance strategies to include a multi-year outlook. The briefing should also include efforts to improve research, development, test, and evaluation in this area, and ways to ensure coordination mechanisms exist to determine whether counter improvised explosive device technology could be applicable to HMA. In addition, the briefing should outline ways to improve interagency coordination with similar programs underway in the Department of State and the U.S. Agency for International Development. Finally, the briefing should include a review of Active Duty and Reserve Component resourcing requirements for global HMA to include the potential inclusion of U.S. Special Operations Forces as previously codified in section 167 of title 10, United States Code.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

ITEMS OF SPECIAL INTEREST

Funding Source for the Authority for Support of Special Operations to Combat Terrorism

The committee has supported the judicial and prudent use of the Authority for Support of Special Operations to Combat Terrorism, known as “1208” authority, from section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). The committee is aware that this authority has been critical in providing support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by U.S. Special Operations Forces to combat terrorism. The committee notes that since its inception, funding for this authority has been taken from base budget funds for operation and maintenance rather than from a distinct funding line within Major Force Program 11 (MFP-11) up to the present authorized level of \$50.0 million per year.

Considering the future of the authority and the need to provide program consistency and agility, the committee directs the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with the Commander, U.S. Special Operations Command, to provide a report to the House Committee on Armed Services within 120 days after the date of enactment of this Act, that analyzes the feasibility of creating a distinct MFP-11 funding line in the budget to support "1208" activities rather than using base budget funds made available for operations and maintenance. The report may be submitted in classified or unclassified formats, as required.