

**S. 1197F NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014  
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS  
TITLE XI—CIVILIAN PERSONNEL MATTERS**

**SEC. 1108. COMPLIANCE WITH LAW REGARDING AVAILABILITY OF FUNDING  
FOR CIVILIAN PERSONNEL.**

*Compliance with law regarding availability of funding for civilian personnel (sec. 1108)*

*The House bill contained a provision (sec. 1108) that would require the Secretary of Defense to prescribe regulations, no later than 45 days after the enactment of this Act, implementing the authority provided in subsection (a) of section 1111 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).*

*The Senate committee-reported bill contained no similar provision.*

*The agreement includes this provision with an amendment that would require the Secretary of Defense to prescribe regulations, no later than 90 days after the enactment of this Act, implementing the authority provided in subsection (a) of section 1111 of the National Defense Authorization Act for Fiscal Year 2010.*

---

**SEC. 1108. COMPLIANCE WITH LAW REGARDING AVAILABILITY OF FUNDING  
FOR CIVILIAN PERSONNEL.**

- (a) REGULATIONS.—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations implementing the authority in subsection (a) of section 1111 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 1580 note prec.).
- (b) COORDINATION.—The Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness, shall be responsible for coordinating the preparation of the regulations required under subsection (a).
- (c) LIMITATIONS.—The regulations required under subsection (a) shall not be restricted by any civilian fulltime equivalent or end-strength limitation, nor shall such regulations require offsetting civilian pay funding, civilian full-time equivalents, or civilian end-strengths.

---

**PUBLIC LAW 111-84, FISCAL YEAR 2010 NDAA  
SEC 1111: AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN  
CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE**

- (a) AVAILABILITY OF FUNDS—Funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

- (b) **REGULATIONS**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations—
- (1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;
  - (2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and
  - (3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).
- (c) **ANNUAL REPORT**—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:
- (1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.
  - (2) The source or sources of the funds so used.
  - (3) The number of civilian employees employed through the use of such funds.
  - (4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.
- (d) **TEMPORARY AUTHORITY**—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense for fiscal years 2010 through 2019.